



**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. 28/15**

**Date to Members: 10/07/15**

**Member's Deadline: 16/07/15 (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 - 10 July 2015

ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
1	PK15/0009/F	Approve with Conditions	Coldharbour Farm Cold Harbour Farm Lane Wick South Gloucestershire BS30 5RJ	Boyd Valley	Wick And Abson Parish Council
2	PK15/0525/F	Approve with Conditions	95 Cock Road Kingswood South Gloucestershire BS15 9SF	Woodstock	Oldland Parish Council
3	PK15/0970/RV	Split decision See D/N	Land At The South Of Redford Lane Pucklechurch South Gloucestershire BS16 9NS	Boyd Valley	Pucklechurch Parish Council
4	PK15/1288/F	Approve with Conditions	Great Western Business Park Armstrong Way Yate South Gloucestershire BS37 5NG	Ladden Brook	Iron Acton Parish Council
5	PK15/1298/F	Approve with Conditions	254 Badminton Road Downend South Gloucestershire BS16 6NS	Emersons	Emersons Green Town Council
6	PK15/1404/RM	Approve with Conditions	Commercial Land At Emersons Green Urban Village Emersons Green South Gloucestershire BS16 7FQ	Boyd Valley	Pucklechurch Parish Council
7	PK15/1449/F	Approve with Conditions	Cherry Wood Oldland Common South Gloucestershire BS30 6PQ	Bitton	Bitton Parish Council
8	PK15/1674/F	Approve with Conditions	Land At Poplar Road Warmley South Gloucestershire BS30 5JS	Oldland	Bitton Parish Council
9	PK15/1819/F	Approve with Conditions	46 The Meadows Hanham South Gloucestershire BS15 3PA	Hanham	Hanham Abbots Parish Council
10	PK15/2265/AD	Approve	Warmley Service Station Deanery Road Kingswood South Gloucestershire BS15 9JB	Siston	None
11	PK15/2267/CLP	Approve with Conditions	40 Croomes Hill Downend South Gloucestershire BS16 5EH	Downend	Downend And Bromley Heath Parish Council
12	PK15/2269/F	Approve with Conditions	3 Yate Rocks Yate South Gloucestershire BS37 7BT	Yate North	Yate Town
13	PK15/2329/CLP	Approve with Conditions	50 Willis Road Kingswood South Gloucestershire BS15 4SS	Rodway	None
14	PK15/2376/TRE	Approve with Conditions	Bristol Fire Westleigh Close Yate South Gloucestershire BS37 4PR	Yate Central	Yate Town
15	PK15/2411/F	Approve with Conditions	25 Bampton Close Emersons Green South Gloucestershire BS16 7QZ	Emersons	Emersons Green Town Council
16	PT15/1482/F	Approve with Conditions	110 Down Road Winterbourne Down South Gloucestershire BS36 1DG	Winterbourne	Winterbourne Parish Council
17	PT15/1889/F	Approve with Conditions	36 South View Crescent Coalpit Heath South Gloucestershire BS36 2LP	Westerleigh	Westerleigh Parish Council
18	PT15/2193/F	Approve with Conditions	155 Church Road Frampton Cotterell South Gloucestershire BS36 2JX	Frampton Cotterell	Frampton Cotterell Parish Council
19	PT15/2338/CLP	Approve with Conditions	12 Beach Avenue Severn Beach South Gloucestershire BS35 4PB	Pilning And Severn Beach	Pilning And Severn Beach Parish Council

**CIRCULATED SCHEDULE NO. 28/15 – 10 JULY 2015**

<b>App No.:</b>	PK15/0009/F	<b>Applicant:</b>	Mr And Mrs Best
<b>Site:</b>	Coldharbour Farm Cold Harbour Farm Lane Wick South Gloucestershire BS30 5RJ	<b>Date Reg:</b>	9th January 2015
<b>Proposal:</b>	Demolition of existing stables and erection of replacement stable building, erection of horse walker and extension to existing all-weather outdoor riding arena.	<b>Parish:</b>	Wick And Abson Parish Council
<b>Map Ref:</b>	370527 171751	<b>Ward:</b>	Boyd Valley
<b>Application Category:</b>	Minor	<b>Target Date:</b>	4th March 2015



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100023410, 2008. **N.T.S.** **PK15/0009/F**

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

This application is to appear on Circulated Schedule due to the receipt of an objection from Wick and Abson Parish Council, which is contrary to the Officer's recommendation for approval.

### **1. THE PROPOSAL**

- 1.1 This application seeks planning permission for the demolition of existing stables and erection of replacement stable building, erection of horse walker and extension to existing all-weather outdoor riding arena.
- 1.2 Coldharbour Farm extends some 47ha (117 acres) and is located south of Wick. The property consists of a large farmhouse located to the east of the various outbuildings, including stables, storage and tack/feed rooms and a large barn used for keeping horses, feed, bedding and machinery. To the west (rear) of the large barn is an outdoor riding area which measures 40m x 20m.
- 1.3 The site is surrounded by fields which have equestrian and agricultural uses. There is an existing Certificate of Lawfulness for the use of the land and buildings for the keeping of horses (Ref. PK14/3308/CLE) relating to 27 acres immediately surrounding the farm.
- 1.4 The application site is situated outside of the settlement boundary of Wick and is within the Bristol and Bath Green Belt, an Area of Outstanding Natural Beauty and the Golden Valley Landscape Character Area. There is a public right of way which runs along the south of the existing large barn and cuts through the end of the outdoor riding arena. It is proposed that the applicants will formally apply to officially divert the public right of way.
- 1.5 The daughter of the applicant is a competition horse rider. The applicant breeds and trains competition horses to a high standard. Currently 4 brood mares and their progeny (foals and young stock) occupy the large barns on site, with direct access to the paddocks. It is the young horses produced from these mares that will begin training for eventing at the ages of 3 years onwards, and will therefore need a stable in order to be produced to a high level. It is intended that there will be nine horses in training this year and at least 12 next year.
- 1.6 Following a site meeting with the applicant and their agents, revised proposed plans, landscaping plans and information on the proposed public right of way diversion have been submitted for further consideration.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
National Planning Policy Framework March 2012  
Planning Policy Guidance 2014

## 2.2 Development Plans

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

CS1 High Quality Design  
CS5 Location of Development  
CS9 Managing the Environment and Heritage  
CS34 Rural Areas

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

L1 Landscape Protection and Enhancement  
L2 Cotswolds Area of Outstanding Natural Beauty (AONB)  
L9 Species Protection  
L11 Archaeology  
E10 Horse Related Development  
T12 Transportation Development Control Policy for New Development

## 2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist SPD (Adopted) 2007  
Development in the Green Belt SPD (Adopted) 2007

## 3. **RELEVANT PLANNING HISTORY**

- |     |              |                                                                                                                                           |
|-----|--------------|-------------------------------------------------------------------------------------------------------------------------------------------|
| 3.1 | PK14/3308CLE | Certificate of Lawfulness for the existing use of the land and buildings for the keeping of horses (Sui generis)<br>Approved October 2014 |
| 3.2 | P84/2045     | Erection of agricultural building to house beef Cattle<br>Approved 05.09.84                                                               |
| 3.3 | N903         | Conversion of existing barn to provide agricultural workers dwelling<br>Refused 09.01.75                                                  |

## 4. **CONSULTATION RESPONSES**

- 4.1 Wick and Abson Parish Council  
Object due to out of character building and concerns over scale, also out of proportion to green belt.
- 4.2 Archaeology  
This application is within an area of archaeological potential, with Roman buildings including a villa, a long barrow and a core historic settlement. Whilst still debated the name Coldharbour is often found in association with Roman settlement.

I am primarily concerned here with the extension to the outdoor riding arena which will result in ground disturbance which may impact on any buried archaeological deposits.

Despite the archaeological potential of the site I feel that pre-determination work would be unnecessary here and instead the archaeology could be mitigated by way of a condition.

As such a HC13 condition for a programme of archaeological work shall be applied to any consent granted. This will involve the monitoring of ALL ground works, including any preparatory works or initial soil stripping by a professionally qualified archaeologist, with particular emphasis on the outdoor riding arena.

4.3 Bitton Parish Council

No comments received.

4.4 British Horse Society

No comments received.

4.5 Ecology

There are no ecological constraints to granting planning permission. Should the application be approved, the following Condition should be attached:

Suggested condition

The development will proceed in accordance with the mitigation proposals contained in Section 4.4 (Bat and Barn Owl Mitigation) of the Bat and Barn Owl Survey Report (CSM Ecology, dated December 2014). In addition, at least two bird nestboxes/cups for house sparrow and swallow will be erected on the new building. Confirmation of the procedures used and the erection of the barn owl box and other bird boxes will be submitted to the LPA (L9).

4.6 Environmental Protection

No objection.

4.7 Highway Drainage

No objection as we believe there will be no significant change to the existing surface.

4.8 Highway Structures

No comment.

4.9 Landscape

There is no landscape objection to the proposals, however to ensure sufficient landscape mitigation is achieved in accordance with the planting proposals agreed, the following conditions should be applied to the planning approval:-

- Prior to the commencement of development an ecological and landscape management plan shall be drawn up and agreed with the Council. The plan should include details of all semi-natural habitats, future management and enhancement to provide increased biodiversity across the site. All works are to be carried out in accordance with said plan.

Reason: To promote an increase in the biodiversity of the site and provide appropriate long-term management for the site in accordance with Core Strategy policy CS1 and retained policy L1 of the South Gloucestershire Local Plan.

- All proposed planting shall be carried out within the first planting season following completion of the building. All works are to be carried out in accordance with the approved planting plan.

Reason: To ensure compliance with the approved landscape plans and provide acceptable mitigation for the development, to accord with retained policy L1 of the Local Plan.

Conditions should also be applied regarding the use of floodlighting jumps/horseboxes etc.

4.10 Open Spaces Society  
No comments received.

4.11 Public Rights of Way  
Using data from an infrastructure survey carried out in 2010, one can see that the gate is not on the definitive route of LWA14; however this is where the previous owner installed the gate to replace an old, unsafe stile.

Irrespective of the position of the gate, the western end of this proposal conflicts with the definitive lines of LWA14 and 17, and as such would create an unlawful obstruction should the plan be approved. However, I have no objection in principle to this application subject to the successful diversion of footpaths LWA14 and 17 under S257 of the Town and Country Planning Act 1990.

4.12 Sustainable Transport  
According to the information provided by the applicant, the new riding facility is solely for the private use of the owner of Cold Harbour Farm with the existing access to be continued as present. In this context therefore, the proposal is unlikely to result in any additional traffic movements at this location compared to the extant use.

In view of this therefore, there is no highway objection to this application

### **Other Representations**

4.13 Local Residents  
No comments received.

## **5. ANALYSIS OF PROPOSAL**

5.1 Principle of Development  
Saved policy E10 refers to horse related development and is permissive of proposals subject to considerations of design, residential amenity and highway safety.



The size and design of the building should also have proper regard to issues of horse welfare whilst there should be no existing under-used buildings that are suitable of conversion.

#### 5.2 Impact on the Openness of the Green Belt

The site is located in the open countryside of the Cotswolds AONB and within the Bristol and Bath Green Belt and the Golden Valley Landscape Character Area. The application site occupies a prominent plateau of land to the south of the farmhouse. There are open views of the site from the surrounding network of public footpaths. The site is also visible in longer views from the Forest of Avon viewing point on Lansdown Lane to the south of the site.

#### 5.3 The National Planning Policy Framework (2012) states “A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt”. Exceptions to this include:

- *provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it;*
- *the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;*
- *limited infilling or the partial or complete redevelopment or previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.*

#### 5.4 The application seeks permission for the demolition of an existing stable block and shelter to facilitate the erection of a replacement stable building, new light-weight horse walker and extension to an existing all-weather outdoor riding arena. The existing stable building includes 7no. boxes, but the building is very damp and is without sufficient airflow. The proposed replacement stable would be of high modern standards and would include 14no. stables for in-training and competition horses. The extended outdoor arena will provide a level, all-weather outdoor training area for the horses and riders. The horse walker will be situated next to the replacement proposed stable building and will enable horses to be exercised by leading them around a 12m diameter circle for warming up/cooling down a horse before and after exercise and helping bring back a horse into training after injury.

#### 5.5 It is considered that the proposed replacement stable building and horse walker structure meets the exceptions included in paragraph 89 of the NPPF, set out in paragraph 5.3 of this report. The proposal involves the replacement of a modest stable building with one of a similar size and scale. The replacement stables would remain in the same use as existing and would be only slightly materially larger than the existing. The existing building is incapable of habitation and works to modernise the building would not be cost efficient. The addition of a modest-sized horse walker structure, next to the stables and within the yard, and extension of the outdoor riding arena are considered to be appropriate and acceptable additions given the existing use of the site.

The built-form would largely be contained within the existing yard in the same location as the existing stable building, having limited impact on the wider public realm and landscape. The outdoor arena would remain in the same location, but would be lowered into the ground with additional significant landscaping around the application site. As such, the proposal is considered to have very limited impact on the openness of the green belt and the proposed replacement stable building is considered a proportionate replacement building. The scheme is considered appropriate in respect of green belt policy CS5 of the adopted Core Strategy and paragraph 89 of the NPPF.

5.6 Given the above considerations the proposed development is considered acceptable in principle. Consideration of siting/design, visual amenity/landscape, residential amenity, transportation, archaeology, ecology and Public Rights of Way are assessed below.

5.7 Siting/Design

The application site is 0.59ha in size and is authorised for equestrian use. The application now seeks to demolish a modest stable building and replace with a slightly larger stable block, with an associated horse walker structure and extension of the existing outdoor riding arena. The new stable building will also incorporate an area where there is an existing lean-to shelters/pigsty. In terms of ridge height the stable building would be approximately 5.2m; the existing building measures only 5.4m. The agent states that the existing stables are too small, old and are no longer fit for purpose to keep competition horses (a structural survey has been provided by DJP Consulting Engineers). The materials and colours chosen will minimise the visual impact by using timber and brick, as opposed to the existing white rendered building which does stand out within the landscape.

5.8 The proposed stable building would be situated behind an existing natural stone wall to the south. The replacement building is not considered to appear out of keeping in terms of design and siting. The stable building would be located within the existing yard area and would retain a close physical relationship with the existing outbuildings and barn. The siting of the new stable building and horse walker would be well screened by the existing boundary wall and additional proposed planting.

5.9 Part of the proposal includes the extension of the all-weather outdoor riding arena at the rear of the large barn building on the west side of the yard. The outdoor riding arena is currently enclosed by wooden fencing, including kick boards. It has been agreed with the agent that as the ground will be engineered as part of the proposed works, the level will be sunk slightly and the proposed fencing will be removed and replaced with planting. The black rubber flooring material will be replaced with a brown version to further integrate the arena extension into the landscape. The third element of the proposal includes the erection of a horse walker which would largely appear as a light-weight, galvanised mesh structure with a discreet roof to provide cover in bad weather. This would be located within the yard, directly next to the existing stable building. Overall, the proposal is considered to be acceptable in siting, materials and design terms, integrating well within the existing complex of outbuildings, yard area and wider landscape.

The proposal is therefore considered acceptable in terms of design policies CS1 and CS9 of the adopted Core Strategy and saved policy L1 of the adopted Local Plan.

5.10 Visual Amenity/Landscape

The site lies to the south of Wick village and forms part of the existing Coldharbour Farm complex, consisting of a number of large outbuildings, including an open sided hay barn and existing white washed stable block and riding arena. The farm buildings and yard lie to the immediate south of the farmhouse, opening onto open fields to the south and west. Sites which lie in the Cotswolds AONB require a higher level of design, to accord with the landscape designation afforded to the area and for development to be carefully sited with landscape protection and enhancement.

5.11 The Landscape Officer expressed initial concern over the extent of the extension to the outdoor riding arena, as it is more than twice the size of the existing footprint and sited on a raised plateau of land, extending it to 60 x 30m in total (increase of 1000m<sup>2</sup>) and requiring considerable earth modelling. The DAS also states that the riding arena needs to be of sufficient size to accommodate jumps, which is concerning in respect of potential visual 'clutter', especially ahead of the hedgerow establishing sufficiently to provide a screen. However, there is no intention to light the arena. The Landscape Officer has suggested that both of these of these elements could be controlled via a planning condition; however it would not be acceptable to locate any jumps within more publicly visible locations.

5.12 Revised plans and sections, including detailed planting proposals have been submitted; the proposals are considered acceptable and as agreed on site, providing a good level of mitigation and landscape screening for the development. Planting includes a new native hedgerow to the perimeter of the riding arena and new hedge, tree and copse planting within the southern fields to mitigate views within the wider landscape. Wireframe illustrations have also been submitted to demonstrate the visual impact of the development in views from the south, compared to the existing.

5.13 The Landscape Officer has no objections to the proposal as a whole, given the improvements to the proposed landscaping scheme. In the short term, prior to the hedge, tree and copse planting becoming established, the development would be visible within the landscape. However, it is considered, based on the evidence submitted to support the proposal, that the visual impact will be reduced as the planting develops over time around the outdoor riding arena. Suggested conditions to ensure sufficient landscape mitigation is achieved in accordance with the planting proposals have been put forward by the Landscape Officer, subject to the proposal being approved.

5.14 Transportation

The application site is accessed from Coldharbour Lane. This access serves the dwellinghouse and the equestrian/agricultural buildings at present. There are no proposed changes to the existing access or off-street parking provision as part of this application.

The Transportation Officer has assessed the proposal. The proposal being solely for the private use of the applicants and the existing access to be continued to be used, the proposal is unlikely to result in any additional traffic movements compared to the extant use. There are no objections in terms of transportation or highway safety concerns.

5.15 Residential Amenity

The site is located within the open countryside and is not considered to affect the businesses or residents locally. The nearest neighbouring occupiers in Westbarn are located over 130 metres from the existing large barn building. It is considered that the proposed development, by virtue of the nature of the existing use, would not give rise to any unacceptable environmental effects.

5.16 Archaeology

This application is within an area of archaeology potential, with Roman buildings including a villa, a long barrow and a core historic settlement. Whilst still debated the name Coldharbour is often found in association with Roman settlement. The primary concern of the Archaeology Officer is the extension of the outdoor riding arena, which will result in ground disturbance which may impact on any buried archaeology deposits. Despite the archaeology potential of the site, the Archaeology considers pre-determination work to be unnecessary and a condition could be attached requiring a programme of archaeological work, subject to permission being granted.

5.17 Ecology

The site is not subject to any nature conservation designations. A Bat and Barn Owl Survey Report have been provided. The Ecology Officer considers there to be no ecological constraints on site and has suggested a condition for mitigating measures as contained in the provided report in respect of the replacement stable building only. As the Officer is not recommending the approval of the replacement stable building, it is not considered necessary or relevant to condition the erection of bird nestboxes/cups on the new building, as suggested by the Ecology Officer.

5.18 Public Rights of Way

The PROW Officer has not objected to the proposal. However, the Council's survey data shows that the western end of this proposal (the outdoor riding arena) conflicts with the definitive lines of public footpaths LWA14 and LWA17, and as such would create an unlawful obstruction. The agents have confirmed that they will be applying to formally divert these footpaths further west of the outdoor riding arena extension in due course.

## 6. CONCLUSION

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

- 6.2 The recommendation to **APPROVE** permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 (saved policies) 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 attached conditions.

**Contact Officer: Katie Warrington**  
**Tel. No. 01454 863436**

## **CONDITIONS**

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

Reason

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

2. The developer shall appoint an archaeological contractor not less than three weeks prior to the commencement of any ground disturbance on site, and shall afford him or other archaeologist nominated by the Local Planning Authority access at all reasonable times in order to observe the excavations and record archaeological remains uncovered during the work. This will involve the monitoring of all ground works, including any preparatory works or initial soil stripping by a professionally qualified archaeologist, in relation to works on the outdoor riding arena.

Reason

This is required prior to the commencement of development to avoid the need for future remedial work or action.

In the interest of archaeological investigation or recording, and to accord with Policy L11 of the South Gloucestershire Local Plan (Adopted) January 2006 and Policy CS9 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013.

3. Prior to the commencement of development, an ecological and landscape management plan shall be drawn up and agreed in writing with the Local Planning Authority. The plan should include details of all semi-natural habitats, future management and enhancement to provide increased biodiversity across the site. All works are to be carried out strictly in accordance with the approved plan and details.

Reason

This is required prior to the commencement of development to avoid the need for future remedial action.

To promote an increase in the biodiversity of the site and provide appropriate long-term management for the site in accordance with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 policy CS1 and saved policy L1 of the South Gloucestershire Local Plan (Adopted) January 2006 (Saved Policies).

4. All proposed planting shall be carried out within the first planting season and strictly in accordance with approved planting plans (AGM-COL-LP-001 Rev A & AGM-COL-PL-003 Rev A, received by the Council on 6th July 2015).

Reason

To protect the character and appearance of the area and provide acceptable mitigation for the development by managing the impact of the development on the landscape of the locality. To accord with Saved Policies L1 and L2 of the South Gloucestershire Local Plan Saved Policies (Adopted) January 2006 and Policy CS1 of the South Gloucestershire Core Strategy (Adopted) December 2013.

5. Prior to the commencement of development, details of the procedures used to erect the bird boxes, details of the erection of the Barn Owl box and at least two other bird nestboxes/cups for House Sparrows and Swallows (to be erected on the new stable building), shall be submitted to the Local Planning Authority for written approval and carried out strictly in accordance with the agreed details.

Reason

This is required prior to the commencement of development to avoid the need for future remedial action.

To ensure the works are carried out in an appropriate manner and in the interests of the protected species within the vicinity of the site, and to accord with saved policies L9 of the South Gloucestershire Local Plan (Adopted) January 2006 (saved policies) and Policy CS9 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013.

6. The development shall proceed strictly in accordance with the mitigation proposals contained in Section 4.4 (Bat and Barn Owl Mitigation) of the Bat and Barn Owl Survey Report (CSM Ecology, dated December 2014).

Reason

To ensure the works are carried out in an appropriate manner and in the interests of the protected species within the vicinity of the site, and to accord with saved policy L9 of the South Gloucestershire Local Plan (Adopted) January 2006 (saved policies) and Policy CS9 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013.

7. No jumps, fences, gates, floodlighting or other structures for accommodating animals and providing associated storage shall be erected on the land.

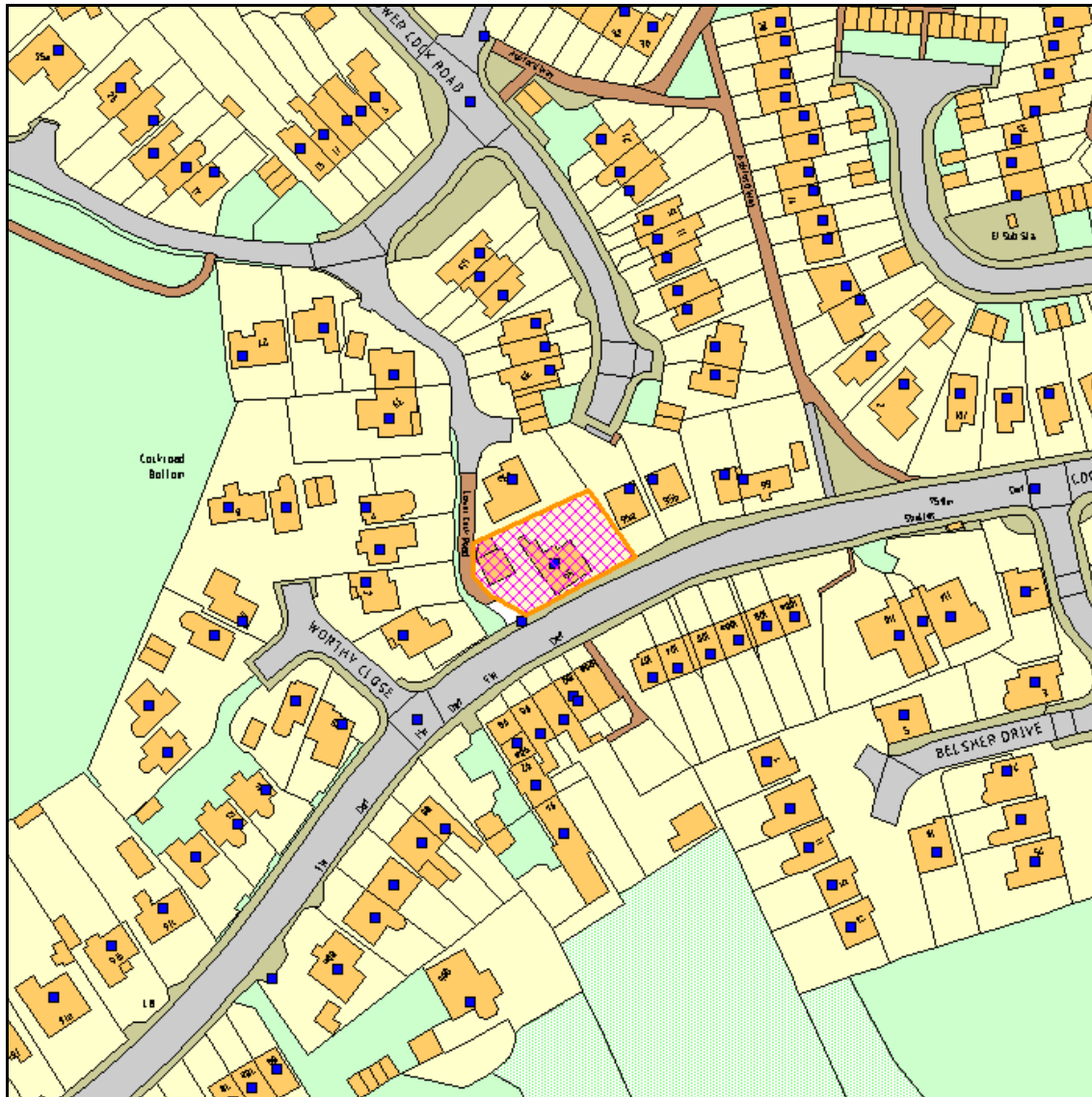
Reason

To protect the character and appearance of the open countryside and Cotswold Area of Outstanding Natural Beauty, and to accord with Saved Policies L1, L2 and E10 of the South Gloucestershire Local Plan (Adopted) January 2006 (Saved Policies).

**CIRCULATED SCHEDULE NO. 28/15 – 10 JULY 2015**

**App No.:** PK15/0525/F  
**Site:** 95 Cock Road Kingswood Bristol  
 South Gloucestershire BS15 9SF  
**Proposal:** Erection of 1no. detached dwelling  
 with new access and associated works  
**Map Ref:** 365993 172995  
**Application Category:** Minor

**Applicant:** Mr J Honey  
**Date Reg:** 27th February  
 2015  
**Parish:** Oldland Parish  
 Council  
**Ward:** Woodstock  
**Target Date:** 21st April 2015



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 100023410, 2008. **N.T.S.** **PK15/0525/F**

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

This application is referred to the Circulated Schedule for determination in order to take into account comments of objection received from local residents; the officer recommendation is for approval.

### **1. THE PROPOSAL**

- 1.1 This application seeks planning permission for the erection of a new dwelling to the east, but within the curtilage of, 95 Cock Road in Kingswood. The site is currently mainly laid to lawn with a dividing hedge. To the rear of the plot, the site slopes steeply down. Parts of the existing dwelling will be demolished to facilitate the proposed development.
- 1.2 The site is located within the existing urban area of the east fringe of Bristol. The site is also located within the coal referral area as there have previously been coal mines and workings in the locality.
- 1.3 An objection has previously been raised by the Coal Authority in relation to the Coal Mining Risk Assessment. These issues have now been resolved.

### **2. POLICY CONTEXT**

#### **2.1 National Guidance**

National Planning Policy Framework March 2012  
National Planning Policy Guidance

#### **2.2 Development Plans**

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

CS1 High Quality Design  
CS4A Presumption in Favour of Sustainable Development  
CS5 Location of Development  
CS8 Improving Accessibility  
CS9 Managing the Environment and Heritage  
CS15 Distribution of Housing  
CS16 Housing Density  
CS17 Housing Diversity  
CS29 Communities of the East Fringe of Bristol

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

L1 Landscape  
EP2 Flood Risk and Development  
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 PK08/3214/F Withdrawn 06/02/2009  
Demolition of detached garage and part of existing dwelling. Conversion of existing dwelling to 2no. flats and erection of 4no. flats. Creation of additional vehicular access from Cock Road. (Resubmission of PK07/3300/F).
- 3.2 PK07/3300/F Withdrawn 20/12/2007  
Demolition of detached garage and part of existing dwelling. Conversion of existing dwelling to 2no. flats erection of 7no. flats. Creation of additional vehicular access from Cock Road.
- 3.3 PK06/2648/F Approve with Conditions 08/12/2006  
Erection of two storey side extension to provide additional living accommodation.
- 3.4 PK06/2025/F Approve with Conditions 21/08/2006  
Erection of two storey side extension to provide additional living accommodation. (Resubmission of PK05/1297/F).
- 3.5 PK05/1297/F Refusal 20/06/2005  
Erection of two storey side extension to provide additional living accommodation.
- 3.6 K3503/4 Approval of Full Planning 08/05/1989  
Erection of a double garage

### 4. **CONSULTATION RESPONSES**

- 4.1 Oldland Parish Council (Adjoining)  
No objection
- 4.2 Coal Authority  
The Coal Authority initially objected to the proposal as the Coal Mining Risk Assessment did not adequately address the mining legacy on the site. Supplements to the risk assessment have been submitted and the Coal Authority has withdrawn its objection.
- 4.3 Highway Structures  
No comment
- 4.4 Lead Local Flood Authority  
Location of public sewer may affect development; refer applicant to Wessex Water.
- 4.5 Sustainable Transport  
No objection subject to condition

## **Other Representations**

### 4.6 Local Residents

Three comments of objection have been received which raise the following points -

- Additional development will reduce highway safety
- Cock Road is a busy cut-through and the development is on a dangerous bend
- Development will increase congestion
- Development will lead to an increase in noise and other nuisance
- Development will lead to overlooking and a loss of privacy
- Parking in the area is congested; proposal will worsen existing situation
- Traffic associated with the build will be dangerous

## **5. ANALYSIS OF PROPOSAL**

5.1 This application seeks planning permission for the erection of a dwelling within the existing urban area of the East Fringe of Bristol.

### 5.2 Principle of Development

Policy CS5 directs development to the existing urban areas and defined settlements and therefore the principle of residential development is acceptable. Policy H4 allows for new dwellings within existing residential curtilages (when located within the existing urban area or a defined settlement) subject to an assessment of design, amenity and transport. Therefore, the proposal is acceptable in principle but should be determined against the analysis set out below.

### 5.3 Design

It is proposed to erect a 1½-storey three-bedroom detached dwelling. The building would be broadly L shaped with the head of the L facing the street; this would result in a front facing gable wing linking into a parallel gable roof behind. The front facing gable would have timber cladding above the first-floor windows in the apex of the gable. A pitched roof canopy porch is proposed over the front door. It is stated on the plans that the dwelling would be finished externally in facing brick and render with detail in reconstituted stone and cedar boarding. Details of the materials should be required by condition in order to ensure that the external appearance is satisfactory.

5.4 Turning to the layout, the dwelling is situated behind the building line set by no.95 and in front of the line set by nos.95A and 95B. As such it would provide a stepped street scene which is considered to help the development integrate into the locality. Parking would be provided to the side of the dwelling. At the front a turning area is proposed as well as some amenity land. Behind the proposed dwelling, land is provided as private amenity space. The rear wall of the proposed dwelling would follow the building line of no.95.

- 5.5 The dwelling sits comfortably in its plot and is not considered to represent a poor layout or design. If permitted, it is not considered that the development would have a detrimental impact on the character of the area or the appearance of the street scene. The surrounding area is occupied by medium density residential development and the proposal is not a significant departure from this.
- 5.6 Residential Amenity  
Development should not be permitted that has a prejudicial impact on the residential amenities of nearby occupiers or the application site itself. As the proposal is located within a residential curtilage, the amenity of the application site should be preserved.
- 5.7 Firstly, it is considered that the proposed dwelling would benefit from an acceptable standard of residential amenity and living conditions. The proposed rear garden is adequate for the needs arising from a three-bedroom dwelling. All of the proposed rooms have an acceptable outlook.
- 5.8 In order to facilitate the development, the existing single-storey extension on the east elevation of no.95 shall be demolished. Following the sub-division of the site, private amenity space for the existing dwelling shall be provided to the rear and side. This is considered to be small but not unacceptable; the reduction in amenity space would not be 'prejudicial' to the living conditions of the occupiers of this property.
- 5.9 To the rear no.33A Lower Cock Road would be most affected by the proposal. This property is on a lower land level than the application site. The boundary between the application site and no.33A would remain unchanged. On the rear elevation of the proposed dwelling, first floor fenestration is restricted to three roof lights which serve the main bathroom, en-suite bathroom and staircase and landing. Such rooms are not primary living accommodation and therefore using roof lights to provide day light is appropriate. As these roof lights do not serve primary living accommodation and are in a high level position, it is not considered that their introduction will lead to a loss of privacy. The dwelling stands over 7 metres from the boundary of the site and it is not considered that the structure would be overbearing on the adjacent occupier.
- 5.10 Nos.95A and 95B are located to the east of the proposed dwelling. No windows are proposed in the side elevation facing these properties and the layout has been designed so that the proposed building sits broadly in line with the existing buildings. It is not considered that the development would have a significant impact on the amenities of properties to the east.
- 5.11 Concern has been raised that the development, if permitted, would lead to increase in noise and disturbance. The site is located within a residential district in the existing urban area. It is not considered that one additional property would have a significant impact in relation to noise nuisance and disturbance.

5.12 Transport and Parking

There are two main issues to consider here - highway safety and parking provision. Two parking spaces are proposed which accords with the parking requirements for a dwelling of this size as set out in the Residential Parking Standard SPD. It is therefore considered that sufficient parking is provided on the site to meet the needs arising from the development.

5.13 Furthermore, the existing parking and garaging for no.95 is unaltered as part of this development. It is therefore considered that the development would not result in a materially different parking arrangement to the existing situation and is therefore acceptable.

5.14 As sufficient off-street parking is provided for the proposed development it is unlikely that the proposal would have an impact on the level of on-street parking in the locality.

5.15 To enable vehicles to enter the site a new access is proposed. To ensure that levels of highway safety are retained, the highway officer has requested a pedestrian visibility splay. To achieve this, it is suggested that a 2 metre by 2 metre splay is added to each side of the proposed access. The access is already 6 metres wide. It is considered that further increasing the width of the access is undesirable in terms of the impact on the streetscene, particularly when the existing boundary wall stands at less than 1 metre in height. The proposed access achieves visibility of 2 metres by 2 metres taken from the centre point of the access. Cock Road is not a classified highway and therefore the proposed access could be utilised for the existing dwelling without any form of planning consent. Under a planning application, the authority is able to condition the creation of a turning area which is considered a gain.

5.16 Land Stability

The site stands in an area where the coal mining legacy has led to concerns of high risk land stability. A number of coal mining risk assessments have been submitted in order to overcome the Coal Authority's initial objection to the proposal. An objection was lodged as the assessment failed to adequately identify and assess the risk posed by a mine entry approximately 8 metres to the north of the site and a possible unrecorded coal working at shallow depth beneath the site.

5.17 In the submitted supplementary information to the coal mining risk assessment, it has been identified that the entry would be located approximately 18.3 metres from the building and therefore the building would be on the very edge of the zone of influence of the entry. It is therefore concluded that the risk of instability is negligible.

5.18 With regard to the shallow coal seam beneath the property, it has been concluded that there is sufficient competent rock to ensure that the collapse of any unrecorded workings would not result in ground movement at the surface.

5.19 The Coal Authority considers that the content and conclusions of the coal mining risk assessment, as supplemented by additional information, is generally adequate for the purposes of the planning system and meet the

requirements of the NPPF in demonstrating that the application site is, or can be made, safe and stable for the proposed development. The Coal Authority therefore withdraws its objection to the proposed development.

## **6. CONCLUSION**

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 The 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: Griff Bunce**  
**Tel. No. 01454 863438**

## **CONDITIONS**

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

Reason

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

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

Reason

To ensure a satisfactory standard of external appearance and to accord with Policy CS1 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013. This information is required prior to commencement to protect the visual amenity of the locality.

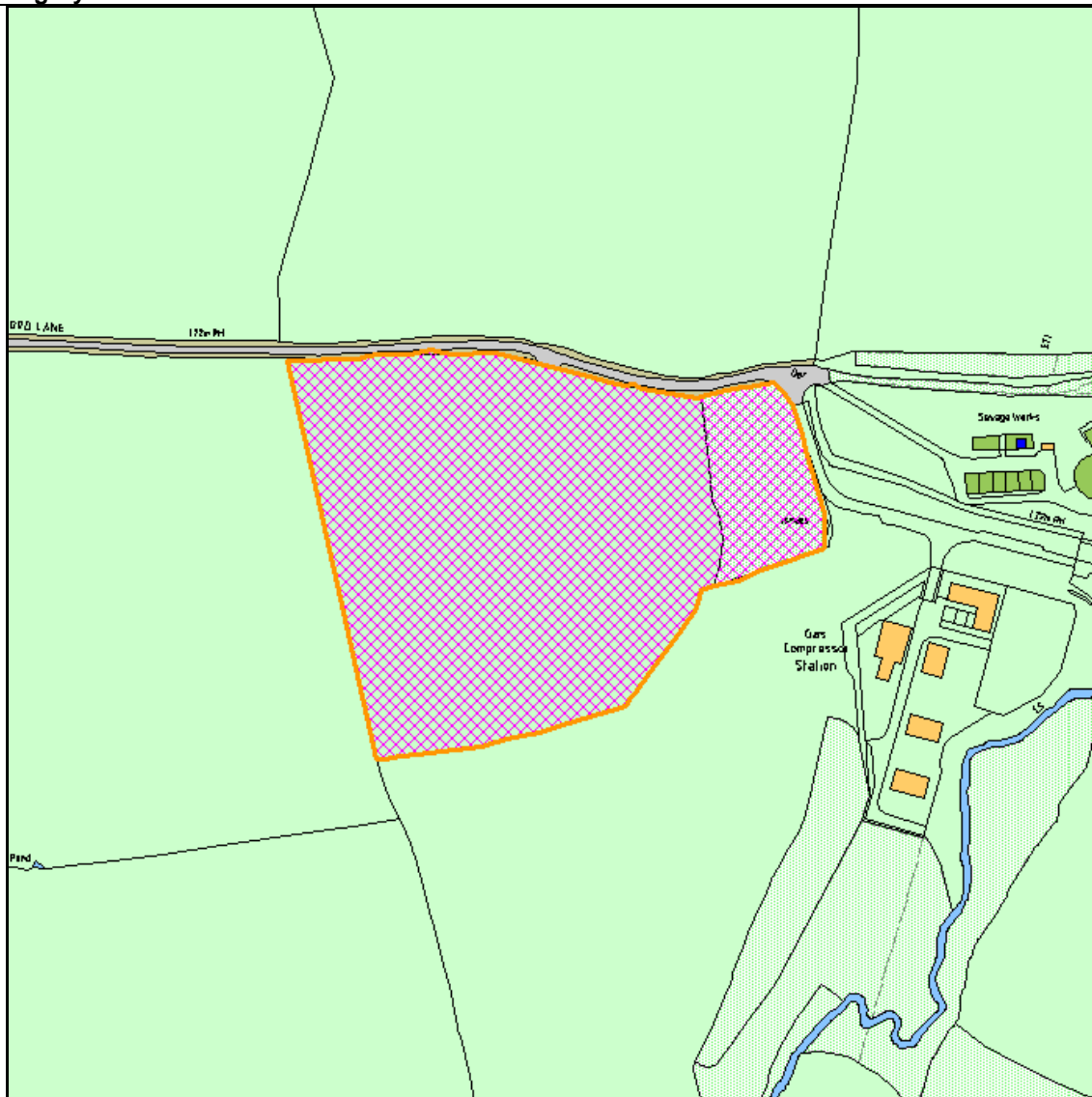
3. The off-street parking facilities (for all vehicles, including cycles) shown on plan 2623/2 shall be provided before the building is first occupied, and thereafter retained for that purpose.

## Reason

To ensure the satisfactory provision of parking facilities and in the interest of highway safety and the amenity of the area, and to accord with Policy CS8 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013, Policy T7 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006, and the Residential Parking Standard SPD (Adopted) December 2013.

**CIRCULATED SCHEDULE NO. 28/15 – 10 JULY 2015**

<b>App No.:</b>	PK15/0970/RVC	<b>Applicant:</b>	Mr Darren Latham
<b>Site:</b>	Land At The South Of Redford Lane Pucklechurch South Gloucestershire BS16 9NS	<b>Date Reg:</b>	11th March 2015
<b>Proposal:</b>	Variation of conditions nos. 4 and 6 attached to planning permission PK08/1277/F to allow the retention of one horse box for storage of hay and straw and one mini-digger; and to allow the retention of the existing post and rail timber fencing, chicken/duck shelter, the goat shelter, a secure container, a shelter for hay storage and the canopy.	<b>Parish:</b>	Pucklechurch Parish Council
<b>Map Ref:</b>	371104 175733	<b>Ward:</b>	Boyd Valley
<b>Application Category:</b>	Major	<b>Target Date:</b>	4th June 2015



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 100023410, 2008. **N.T.S.** **PK15/0970/RVC**

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

This application is listed on the Circulated Schedule because the officer recommendation for a split decision is contrary in part to an objection from the Parish Council and contrary in part, to a letter of support from a member of the public.

### **1. THE PROPOSAL**

- 1.1 This application is made to vary two conditions of an existing planning permission. The application is retrospective as alterations have already been made in breach of the conditions and this application has arisen further to an investigation by the Planning Enforcement Team. The application is to vary conditions nos. 4 and 6 attached to planning permission PK08/1277/F to allow the retention of one horse box for storage of hay and straw and one mini-digger; and to allow the retention of the existing post and rail timber fencing, chicken/duck shelter, the goat shelter, a secure container, a shelter for hay storage and the canopy.
- 1.2 The original planning permission PK08/1277/F was granted on 25 July 2008 for 'Change of use of land from agricultural to land for the keeping of horses. Erection of 3 no. stables with feed store, hay barn and storage area'.
- 1.3 Condition 4 of that permission stated;  
  
No more than one horse box/trailer shall be kept on the site, otherwise at no time shall other horse boxes, trailers, van bodies and portable buildings or other vehicles be kept on the land other than for the loading and unloading of horses.
- 1.4 Condition 6 of that permission stated;  
  
No jumps (other than mobile jumps in the exercise arena), fences, gates or other structures for accommodating animals and providing associated storage shall be erected on the land without the prior written approval of the Local Planning Authority.
- 1.5 The land is in the countryside, outside any settlement boundary and is part of the Bristol & Bath Green Belt.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
National Planning Policy Framework March 2012
- 2.2 Development Plans  
  
South Gloucestershire Local Plan (Adopted) January 2006 (saved policies)  
L1 Landscape Protection and Enhancement  
E10 Horse Related Development



South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design

CS5 Location of Development

CS9 Managing the Environment and Heritage

CS34 Rural Areas

Policy Sites and Places: Development Plan Document

The plan has not yet been subject to a formal consultation, under the Regulations and no representations have been received in respect of the soundness of the plan. Therefore although a material consideration for development management purposes little weight can be placed on the Plan at this stage.

PSP2 Landscape

PSP7 Development in the Green Belt

PSP31 Horse Related Development

2.3 Supplementary Planning Guidance

3. **RELEVANT PLANNING HISTORY**

- 3.1 PK08/1277/F - Change of use of land from agricultural to land for the keeping of horses. Erection of 3 no. stables with feed store, hay barn and storage area.  
– Approved 25.7.2008

4. **CONSULTATION RESPONSES**

4.1 Pucklechurch Parish Council

- The images fail to show the scale of the structures relative to what was previously permitted.
- The structures do not respect Policy CS1 in respect of their siting, form, scale, height, massing, detailing, colour and materials: they do not enhance the character, distinctiveness and amenity of the site and its context.
- The structures are not related to agriculture or forestry and nor are they essential for outdoor recreation or sport and the applicant has not demonstrated that very special circumstances apply.
- The development is therefore contrary to Green Belt policy.
- Complaints have been made to the Enforcement Team about materials stored on the land which have been there for some considerable time.
- Applicant was advised that a retrospective application would be required for the hardstanding and kerbing.
- The claims of benefit to the local community are unsubstantiated and do not amount to very special circumstances.

Other Consultees

Lead Local Flood Authority – No objection

Public Rights of Way – No objection

Sustainable Transport – Conditions 4 and 6 are not related to transport

Highway Drainage – No comment

## **Other Representations**

### 4.3 Local Residents

One letter of support has been received via the applicant. The letter comments on the kindness and patience of the applicants in introducing the animals to children and comments that it is nice to see the countryside being used for livestock and is much better than the blot on the landscape that is the gas works.

## **5. ANALYSIS OF PROPOSAL**

### 5.1 Principle of Development

Policy CS1 (High Quality Design) of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 requires the highest possible standards of design with developments required to demonstrate that siting, form, scale, height, massing, detailing, colour and materials, are informed by, respect and enhance the character, distinctiveness and amenity of both the site and its context. Policy CS9 (Managing Environment and Heritage) seeks to conserve and enhance the character, quality, distinctiveness and amenity of the landscape. This is also supported by Policy L1 of the South Gloucestershire Local Plan (Adopted) 2006. Policy E10 of the same Local Plan (2006) prescribes the criteria for appropriate horse related development. Whilst this primarily applies to new buildings it is important that new development does not have unacceptable environmental impacts.

5.2 The National Planning Policy Framework (2012) establishes Green Belt policy, to which the government attaches great importance. As with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. In the context of the construction of new buildings, the exceptions to inappropriate development include buildings for agriculture or forestry and provision of appropriate facilities for outdoor sport and recreation as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it.

### Condition 4 – Retention of horse box and mini-digger

5.3 Condition 4 is a relatively typical condition applied to planning permissions for new horse-related development. In open countryside and Green Belt land, such a condition is considered necessary to protect against clutter of vehicles, machinery or trailers on the land. It is important to protect the open character of the countryside and in this instance to protect the openness of the Green Belt.

5.4 In discussions with the applicant on site, a shelter that had been constructed originally for a pony was identified as being empty. This was constructed without planning permission but forms part of this application and could provide room to store the majority of the hay presently being stored in the second horse-box. This report will comment further on the design and appropriateness of this shelter below, but it provides a more sturdy alternative for this storage and would reduce the cluttered appearance of vehicles and/or trailers.

The original condition permits the retention of one horse box on the land and was considered to be a reasonable and necessary restriction at the time permission was granted for three horses. Whilst the need for covered storage for hay and straw is clearly understandable, it is not accepted that an additional horse box is the appropriate way to provide this storage and protect the open rural landscape. It is considered that an additional mobile horse-box risks a cluttered appearance and there is insufficient need to justify this revision to the original condition.

- 5.5 A request has also been made to permanently site a mini-digger on the land for manoeuvring equipment and manure. Whilst a digger might not be uncommon on a commercial farm, it is considered that this is a particularly attractive and remote location and significantly is both open countryside and Green Belt. On this basis the condition as originally drafted was both reasonable and necessary and the mini-digger is of a commercial or construction style such that its permanent siting on this land would be out-of-keeping with the character of the site and the locality. It is understood that the applicant also works in the building trade and could arrange for equipment to be brought to the site on an ad-hoc basis should material need to be moved urgently.
- 5.6 The application to retain the secure container will be considered as a variation to condition 6, the container being a structure for storage. For the above reasons therefore, it is recommended that the application to vary condition 4 of the planning permission PK08/1277/F be refused as the proposal is contrary to Policies E10 and L1 of the South Gloucestershire Local Plan (Adopted) 2006 and Policies CS9 and CS34 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013.

#### Conditions 4 and 6 – Retention of Secure Container

- 5.7 The siting of a storage container on land as part of a 'keeping of horses' use has been held to be in accordance with the NPPF exemption of building for outdoor recreation and as such is deemed appropriate development in the Green Belt. There are numerous examples of this assessment across the Authority.
- 5.8 A storage container is not a traditional agricultural or horsicultural design however and is industrial in nature such that it is out-of-keeping with the rural setting. This container is set immediately west of the stables building and sits below the roofline of the building. The field land around the container immediately further west, sits at a slightly elevated level. With the field bound by hedgerow the container is very well screened from the road and having been painted green, the applicants have made every effort to minimise its impact on the setting. There is a public right of way however which runs along the entire inside-line of the hedgerow and immediately alongside the steel container. It is therefore a prominent feature from the public realm.
- 5.9 The container is required for security of equipment needed for the stabling of the horses. The applicants have referred to a number of break-ins on the land that have required the installation of CCTV which is also secured in the storage container.

It is evident that the stable offers no further accommodation for the secure storage of materials/equipment for the horses, and for CCTV equipment on this basis the building meets the tests of Policy E10 of the South Gloucestershire Local Plan (Adopted) 2006. Whilst it is not considered to meet the test of highest possible standard of design for a horsicultural/agricultural building, it is recognised that it offers the most secure option and has been sited and painted so as to absolutely minimise the impact on the landscape. The applicants have referred to positive feedback from the Police in reduced fly-tipping and drug offences which were reportedly a serious issue at the entrance to the bridlepath before their intensified use of the land and addition of CCTV. It is considered on the balance of the policy assessment, that the retention of the storage container does accord with Policy E10 (already referred to) and with Policy CS1 of the South Gloucestershire Local Plan (Adopted) December 2013.

#### Condition 6 – Post and Rail Fencing

- 5.10 The application site plan identifies a post and rail fence (6) running north to south across the site. Extending from this fencing at the time of the site visit however, was a post and rail enclosure to the south of the stable building. The applicant confirmed that this formed part of the application and is identified in the Photo: 'FENCE ENCLOSURE' taken during the site visit. The enclosure allows for exercising horses in a contained area whilst the full-length fence subdivides the field and protects against the horses straying out onto the road. The post and rail, timber style fence is consistent with agricultural style fencing and is in keeping with the character of the site and the locality and is in accordance with Policy CS1 of the South Gloucestershire Local Plan (Adopted) December 2013. In the event of approval and amendment of the condition to include this fencing, the condition can be replicated to protect against further structures of this nature.

#### Condition 6 – Chicken/Duck Shelter

- 5.11 The chicken/duck shelter is a relatively small freestanding shelter in the south-east corner of the site. It comprises of a part profiled metal sheet and part mesh cage with a profile metal sheet roof. It very evidently houses chickens and ducks and is an agricultural/smallholding type use such that the building is appropriate development in the Green Belt. The metal profile design is increasingly common agricultural design and not out-of-keeping in the setting or harmful to the landscape.

#### Condition 6 – Goat Shelter

- 5.12 The Goat Shelter sits at the rear (north) of the stable building and is set well back from the front. It appears to the naked eye as a small extension but is actually freestanding. It is an older style profiled metal sheet but is also very evidently an agricultural building, appropriately designed and is appropriate development in the Green Belt. The roofline has been aligned to the existing pitched roof of the stables. The shelter only has any prominence from the Public Right of Way where it actually provides some interest to what would otherwise be a blank breeze block wall.

#### Condition 6 – Hay Storage Shelter

- 5.13 When the application was originally registered, this shelter was described as a Pony Shelter and indeed the photograph identified a pony in that shelter. The applicant has advised that the pony has since been removed from the site to comply with the previous condition 3 which restricted the number of horses to three.
- 5.14 This is another freestanding shelter that reads as a small extension to the L-shape end of the stables. It sits below the eaves of the existing stables building. The roof and south elevation comprise a metal profile sheet design with a close-boarded timber rear elevation and a timber gate front entrance. This is an agricultural style design which, as per the above, meets the appropriateness test for the NPPF. It will fulfil a storage requirement for hay, which cannot be met within the existing stables.
- 5.15 Each of the three shelters clearly has an impact on the openness of the Green Belt, however they are agricultural buildings and are minimalistic, all being very much subservient to the stable building. They are not inappropriate development and the impact on the openness is not significantly greater than that already approved with the original stables scheme. It is considered that they accord with the policy of the NPPF and of the South Gloucestershire Local Plan (Adopted) 2006 and the South Gloucestershire Local Plan (Adopted) December 2013.

#### Condition 6 - Canopy

- 5.16 A small canopy has been erected on the south elevation of the stables. It is of timber construction with a clear plastic roof. Its purpose is to provide a small area of shelter from the weather, for persons on site tending to the animals. The design is simplistic but practical and in the context of the rural, Green Belt setting, is a preferable alternative to the siting of a caravan for shelter and somewhere to sit down for a break. It is required for the purposes of sustaining the horsicultural and agricultural use of the land and as such, is not inappropriate development in the Green Belt. It is again positioned with the roofline extending from the existing building and again providing a very small and subservient addition that is not contrary to the policy of the NPPF and of the South Gloucestershire Local Plan (Adopted) 2006 and the South Gloucestershire Local Plan (Adopted) December 2013.

#### Other Matters

- 5.17 Consultee comments have drawn attention to complaints made to the Planning Enforcement Team about materials being stored on the land. The officer witnessed a number of inappropriate materials on the land in the context of the use. These appeared to be building materials and the officer advised that these should not be kept on the land and that a condition will be imposed to address this.
- 5.18 Some of the kerbing had been removed at the time of the site visit and the applicant advised that an area of hardstanding would also be removed. The Planning Enforcement Team will continue to monitor this.

- 5.19 The claims of benefit to the community have only been substantiated insofar as one letter submitted from a resident. This has not been a material factor in the determination of the application.

## **6. CONCLUSION**

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

## **7. RECOMMENDATION**

- 7.1 That planning permission be refused for the retention of an additional horse box and a mini-digger by variation of condition 4 of the planning permission PK08/1277/F, for the following reasons;

### Reason

- 7.2 The siting of additional vehicles/machinery/trailers on a permanent basis will have a detrimental impact on this sensitive countryside landscape in close proximity to a Public Right of Way and will have a harmful impact on the openness of the Green Belt such that the development is contrary to Policies CS9 and CS34 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013, Policy L1 of the South Gloucestershire Local Plan (Adopted) January 2006 and the advice of the National Planning Policy Framework (2012).
- 7.3 That planning permission be granted for the retention of the post and rail fencing, the chicken/duck shelter, the goat shelter, the shelter for hay storage, the secure container and the canopy by variation of condition 6 of the planning permission PK08/1277/F.

### Conditions

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

To protect the character and appearance of the area and in the interests of highway safety, and to accord with Policies E10 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006 and Policies CS9 and CS34 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 and the advice of the National Planning Policy Framework (2012).

- 7.4 The number of horses kept on the site shall not exceed 3.

To protect the character and appearance of the area and in the interests of highway safety and to accord with Policies E10 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006 and Policies CS9 and CS34 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 and the advice of the National Planning Policy Framework (2012).

- 7.5 No more than one horse box/trailer shall be kept on the site, otherwise at no time shall other horse boxes, trailers, van bodies and portable buildings or other vehicles be kept on the land other than for the loading and unloading of horses.

To protect the character and appearance of the area and to accord with Policies E10 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006 and Policies CS9 and CS34 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 and the advice of the National Planning Policy Framework (2012).

- 7.6 There shall be no discharge of foul or contaminated drainage or effluent from the site into either groundwater or any surface waters, whether direct or via soakaways.

To prevent pollution of the water environment in accordance with Policy E10 of The South Gloucestershire Local Plan (Adopted) January 2006.

- 7.7 Notwithstanding those permitted by the above decision, no jumps (other than mobile jumps in the exercise arena), fences, gates or other structures for accommodating animals and providing associated storage shall be erected on the land without the prior written approval of the Local Planning Authority.

To protect the character and appearance of the area and to accord with Policies E10 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006 and Policies CS9 and CS34 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 and the advice of the National Planning Policy Framework (2012).

- 7.8 The storage container hereby approved shall be painted green.

To protect the character and appearance of the area and to accord with Policies E10 and L1 of the South Gloucestershire Local Plan (Adopted) January 2006 and Policies CS9 and CS34 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 and the advice of the National Planning Policy Framework (2012).

- 7.9 No outside storage of materials shall take place on the land.

To protect the character and appearance of the area and to accord with Policies E10 and L1 of the South Gloucestershire Local Plan (Adopted) January 2006 and Policies CS9 and CS34 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 and the advice of the National Planning Policy Framework (2012).

**Contact Officer: James Cooke**  
**Tel. No. 01454 863429**

**CONDITIONS (PART APPROVAL)**

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

Reason

To protect the character and appearance of the area and in the interests of highway safety, and to accord with Policies E10 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006 and Policies CS9 and CS34 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 and the advice of the National Planning Policy Framework (2012).

2. The number of horses kept on the site shall not exceed 3.

Reason

To protect the character and appearance of the area and in the interests of highway safety and to accord with Policies E10 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006 and Policies CS9 and CS34 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 and the advice of the National Planning Policy Framework (2012).

3. No more than one horse box/trailer shall be kept on the site, otherwise at no time shall other horse boxes, trailers, van bodies and portable buildings or other vehicles be kept on the land other than for the loading and unloading of horses.

Reason

To protect the character and appearance of the area and to accord with Policies E10 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006 and Policies CS9 and CS34 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 and the advice of the National Planning Policy Framework (2012).

4. There shall be no discharge of foul or contaminated drainage or effluent from the site into either groundwater or any surface waters, whether direct or via soakaways.

Reason

To prevent pollution of the water environment in accordance with Policy E10 of The South Gloucestershire Local Plan (Adopted) January 2006.

5. Notwithstanding those permitted by the above decision, no jumps (other than mobile jumps in the exercise arena), fences, gates or other structures for accommodating animals and providing associated storage shall be erected on the land without the prior written approval of the Local Planning Authority.



Reason

To protect the character and appearance of the area and to accord with Policies E10 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006 and Policies CS9 and CS34 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 and the advice of the National Planning Policy Framework (2012).

6. The storage container hereby approved shall be painted green.

Reason

To protect the character and appearance of the area and to accord with Policies E10 and L1 of the South Gloucestershire Local Plan (Adopted) January 2006 and Policies CS9 and CS34 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 and the advice of the National Planning Policy Framework (2012).

7. No outside storage of materials shall take place on the land.

Reason

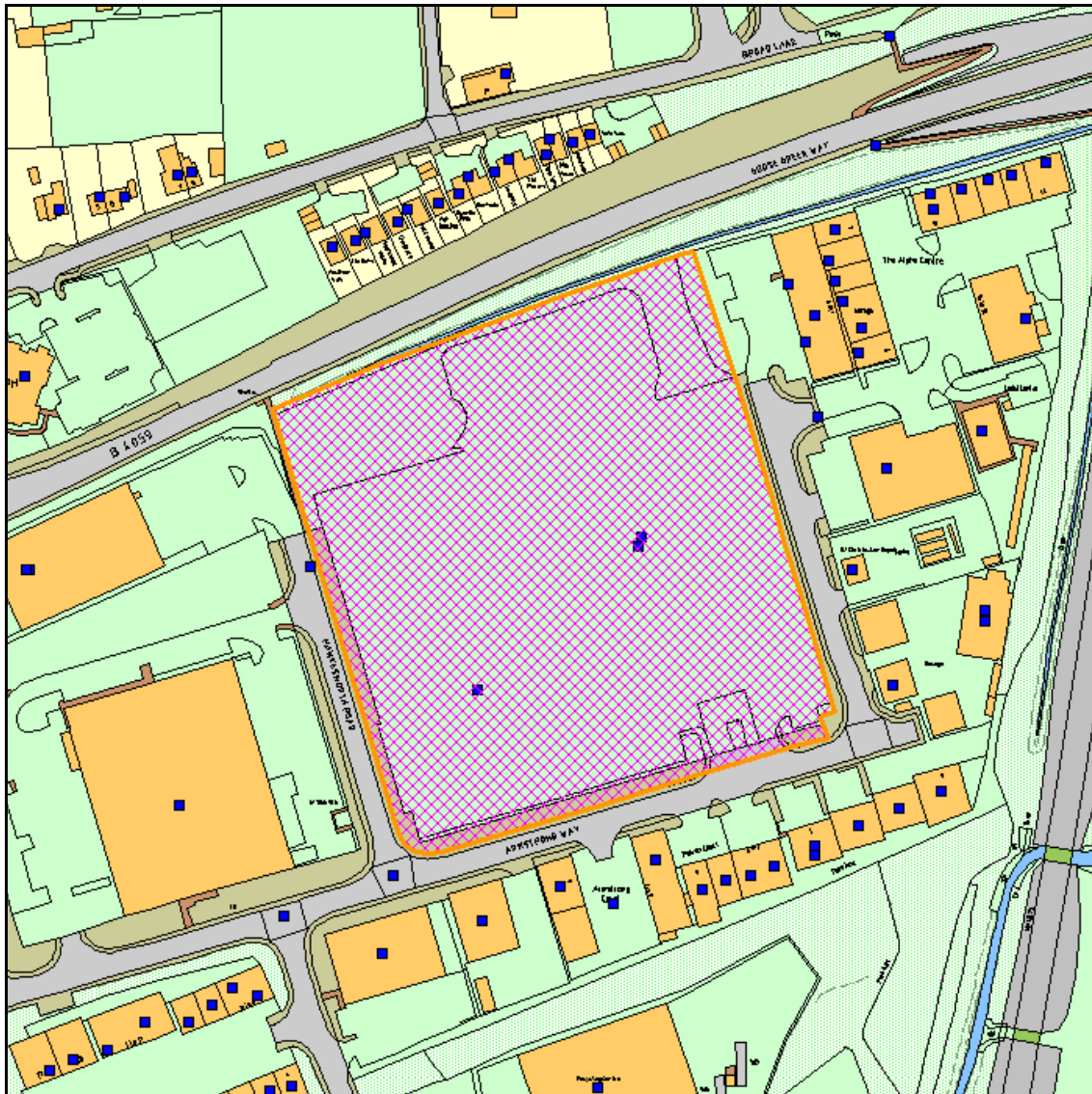
To protect the character and appearance of the area and to accord with Policies E10 and L1 of the South Gloucestershire Local Plan (Adopted) January 2006 and Policies CS9 and CS34 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 and the advice of the National Planning Policy Framework (2012).

**REFUSAL REASON (PART REFUSAL)**

1. The siting of additional vehicles/machinery/trailers on a permanent basis will have a detrimental impact on this sensitive countryside landscape in close proximity to a Public Right of Way and will have a harmful impact on the openness of the Green Belt such that the development is contrary to Policies CS9 and CS34 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013, Policy L1 of the South Gloucestershire Local Plan (Adopted) January 2006 and the advice of the National Planning Policy Framework (2012).

**CIRCULATED SCHEDULE NO. 28/15 – 10 JULY 2015**

<b>App No.:</b>	PK15/1288/F	<b>Applicant:</b>	Chancerygate (Yate) Ltd
<b>Site:</b>	Great Western Business Park Armstrong Way Yate South Gloucestershire BS37 5NG	<b>Date Reg:</b>	13th April 2015
<b>Proposal:</b>	Erection of 17no. industrial units for (Class B1c) and (Class B8) use as defined in Town and Country Planning (Use Classes) Order 1987 (as amended).	<b>Parish:</b>	Iron Acton Parish Council
<b>Map Ref:</b>	369956 183429	<b>Ward:</b>	Ladden Brook
<b>Application Category:</b>	Major	<b>Target Date:</b>	7th July 2015



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 100023410, 2008. **N.T.S.** **PK15/1288/F**

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

This application appears on the Circulated Schedule due to the receipt of one letter of objection from a neighbouring business.

### **1. THE PROPOSAL**

- 1.1 This application seeks full planning permission for the redevelopment of 2.66 hectares of vacant employment land within the Greater Western Business Park in Armstrong Way, Yate. The proposal is to erect a total of 17 industrial units of varying size. Each unit is to have a mixed B1c and B8 use with ancillary office space. The site will then be divided to provide each unit with parking and turning space.
- 1.2 The proposed new buildings, ranging in size from 328m<sup>2</sup> to 3,000m<sup>2</sup>, will be arranged in 6 blocks. A new access junction will be created to construct a central estate road that will lead to parking and servicing areas of each unit with the exception of unit 18 that will be accessed from the existing access junction on Armstrong Way.
- 1.3 The site sits within a safeguarded area for economic development and was previously occupied by a cold store warehouse. This previous warehouse was demolished in 2008 and the site has since stood vacant.
- 1.4 During the course of the application additional information (particularly to address Air Quality and Ecology) has been submitted at your officers request.
- 1.5 Just to clarify, the proposal is for the erection of 17 units although there is one unit numbered 18 - this is because there is no unit 13. The applicants have explained that the development will be brought forward in two phases – units 1 to 12 in phase one and units 14 to 18 in phase two. The end occupier of unit 12 is known but the remaining units are being bought forward on a speculative basis.

### **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)

- L9 Species Protection
- E3 Proposals for Employment Development within the Urban Area
- EP2 Flood Risk and Development
- T7 Cycle Parking
- T8 Parking Standards
- T12 Transportation Development Control

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  
CS11 Distribution of Economic Development Land  
CS12 Safeguarded areas for Economic Development

- 2.3 Emerging Policy  
PSP26 B8 Storage and Distribution Uses

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

Although there is a more detailed history to the site, the most recent and relevant application is:

- 3.1 PK05/2304/O Demolition of former Excel Coldstore to facilitate mixed use development for the erection of gospel hall and industrial units comprising B1, B2 or B8.  
Refused January 2006

### **4. CONSULTATION RESPONSES**

- 4.1 Iron Acton Parish Council  
No objection
- 4.2 Highway Structures  
No objection
- 4.3 Environment Agency  
No objection subject a condition
- 4.4 Wales and West Utilities  
No objection
- 4.5 Urban Design Officer  
No objection but recommend the inclusion of more renewable energy
- 4.6 Crime Prevention Officer  
No objection
- 4.7 Landscape Officer  
No Objection but recommends a condition
- 4.8 Economic Development Officer  
Supports the proposal
- 4.9 Ecological Officer  
Following the receipt of additional information has no objection
- 4.10 Wessex Water  
No Objection

- 4.11 Lead Local Flood Authority  
No Objection subject to the attachment of a condition
- 4.12 Transportation Development Control  
No objection subject to the attachment of conditions

### **Other Representations**

- 4.13 Local Residents  
One letter of concern has been received from an adjacent business raising concerns about increased traffic movements on Armstrong Way and litter.

## **5. ANALYSIS OF PROPOSAL**

- 5.1 The NPPF clarifies that the purpose of the planning system is to contribute to the achievement of sustainable development. At paragraph 7 it is clarified that one of the key threads to sustainable development is contributing to building a strong, responsive and competitive economy and supporting growth and innovation. The NPPF clarifies that significant weight should be placed on the need to support economic growth through the planning system. The principle of development is therefore wholly and strongly supported by the NPPF. It is noted that Policy E3 of the South Gloucestershire Local Plan does seek to restrict the floor area of B8 premises on this site to 1,000 sq.m and therefore proposed units 11, 12 and 18 exceeds this threshold and are in theory contrary to Policy E3. This issue is discussed in more detail in paragraph 5.4 below.
- 5.2 The application site lies within the safeguarded area for economic development. The purpose of such areas is to provide employment opportunities, generate wealth and produce or generate and economic output or product. Policies CS11 and CS12 of the South Gloucestershire Local Plan Core Strategy specifically seek to try and retain this site for economic re-development. The principle of development is therefore in accordance with the requirements of these policies.
- 5.3 Other policies as listed in section 2 above, seek to ensure that development does not have any adverse impact on existing levels of residential amenity, highway safety, the environment and ecology. Subject to the detailed assessment below, the principle of development is acceptable.
- 5.4 Conflict between the NPPF and Policy E3 of the South Gloucestershire Local Plan (Adopted) January 2006  
Policy E3 is a saved policy and so is still relevant in the determination of the application in so far as it is consistent with the NPPF. The purpose of Policy E3 is to drive large scale B8 uses to either Severnside, Cribbs Causeway or Emersons Green Area B. For the purposes of Policy E3, 'large scale' employment uses are define as having a floor space of more than 1,000 square metres.

- 5.5 This application seeks consent to allow 3 units – 11, 12 and 18 to exceed this 1,000 square metre limit. Unit 11 will have a floor area of 1,520 square metres, Unit 12 will have a floor area of 1,865 square metres and Unit 18 will have a floor area of 2,845 square metres. These three units are therefore contrary to the requirements of Policy E3 of the South Gloucestershire Local Plan (Adopted). However, there are other material considerations that need to be given weight and consideration.
- 5.6 A primary material consideration in the consideration of this application is the NPPF. The NPPF makes it clear that the presumption is in favour of sustainable development. One of the core principles of the NPPF as set out at para 17 is that ‘planning should *proactively drive and support sustainable economic development*’. It is specifically set out at paragraph 19 of the NPPF that ‘*planning should operate to encourage and not act as an impediment to sustainable growth.*’ The application site is within the defined urban area and is considered to be sustainable in terms of proximity to the homes which may provide the workforce. The principle of allowing economic development is therefore in accordance with the requirements of the NPPF.
- 5.7 Further to the above, weight is also being given to the emerging Policies, Sites and Places Development Plan Document. Policy PSP26 of this emerging document relates to B8 Storage and Distribution Units. Policy PSP26 increases the threshold for ‘large scale’ B8 employment uses from 1,000 square metres to 3,000 square metres. Although the emerging PSP DPD has yet to go to public inquiry and has not yet been Adopted, on 18<sup>th</sup> March 2015 the Council endorsed the contents of the document. The emerging policy is therefore a clear indication that the Council fully intends to increase the limit on ‘large scale’ B8 uses. The application would be fully in accordance with emerging policy PSP26.
- 5.8 In determining this application, your officer will give primary weight to the NPPF with reduced weight to the South Gloucestershire Local Plan (Adopted) because of the slight conflict between the two. A strong material consideration is also the Council endorsed emerging PSP that shows a clear intention to relax the rigid 1,000 square metre limit. The application is therefore deemed to be in accordance with the requirements of the NPPF.
- 5.9 Layout and Design  
The appearance of the buildings and the layout of the site is somewhat functional - entirely in keeping with the character of the area. The site will have two distinct areas – unit 18 which will be the largest unit having its own separate access and the remaining 16 units which will have a shared access point from Armstrong Way.
- 5.10 Units 1 – 10 are located in the south west corner of site and form 2 terraces. Collectively their gross external areas (GEA) makes up 4,030 square metres. Units 11 and 12 are located to the north west of the site and their GEA is 1630 square metres and 1980 square metres respectively. Both units will have secure yards with 2.1m high black coated weldmesh Paladin type fencing and a sliding gate separating them from the rest of the site.

Units 14 – 17 are located in the north east corner of the site and form a terrace along the eastern boundary. Collectively they have a GEA of 3,640 square metres. Finally, Unit 18 is the largest of the units with a GEA of 3,000 square metres and is located in the south eastern corner of the site. Unit 18 will also have a secure yard surrounded by 2.1m high black coated weldmesh Paladin type fencing and a sliding gate.

- 5.11 Despite the comment in the planning statement submitted with the application which refers to a contemporary appearance, your officer considers the design of all buildings to be somewhat typical led by their functionality. Units 1-5 will have a lean-to style roof with all of the other buildings having a traditional pitched roof. All of the buildings are predominantly single aspect with windows and main doors on one elevation with only minor personnel doors on the other elevations.
- 5.12 All buildings are to utilise the same pallet of materials – with grey and silver cladding and grey roller shutter doors. Given the character and appearance of the area, this is considered to be an acceptable design approach that will not detract from the visual amenity of the area.
- 5.13 Policy CS1 of the South Gloucestershire Local Plan Core Strategy advocates the incorporation of renewable energy features. Many of the roof slopes on the proposed buildings face south and therefore there is potential for solar panels to be fitted in the future. During the course of the application, the applicants have submitted additional plans to show that solar panels will be fitted to the roofs of units 12 and 18 at the time of construction. Although it is regrettable that further renewable features are not be included as part of the scheme, the lack of renewable energy features is not a reason for refusal.
- 5.14 Overall, it is considered that the proposal by reason of its form, scale, layout, colour and materials are informed by and respects the character of both the site and its context. The application therefore complies with the requirements of Policy CS1 of the South Gloucestershire Local Plan Core Strategy (Adopted) and Policies L1 and E3 of the South Gloucestershire Local Plan (Adopted).
- 5.15 Parking, Access and Highway Safety  
In considering the highway impacts of the proposal, weight is being given to the historical activities that have taken place on site. The site is currently derelict but previously including warehousing, offices and a vehicle maintenance unit. The old buildings were demolished (circa 2008) for Health & Safety and security reasons.
- 5.16 The site is considered to be in a sustainable location being easily accessed by foot, cycle and bus. Yate train station is located 1km from the site, within acceptable commuting distance. The proposal includes the creation of a new access to facilitate the construction of a central estate road that will lead to the parking and servicing areas of each unit (with the exception of unit 18 that will be accessed from the existing access on Armstrong Way).

- 5.17 Tracking diagrams have been submitted in order to demonstrate that the site can suitably accommodate lorry movements. A transport statement has been submitted in support of the application which has been assessed by the highway officer. In this transport statement, a comparison has been made between the traffic movements from the former use of the site as well as the current proposed mixed B1 c (light industry) and B8 (warehousing). It is concluded that, relative to the previous development on site, a small number of additional movements can be expected in the AM peak hour and a small reduction of movements in the PM peak hour. Highway officers consider the traffic figures presented in this report are robust and reasonable. On balance, the overall impact on the highway network will be acceptable.
- 5.18 In parking terms, policy T8 of the South Gloucestershire Local Plan (Adopted) provides details of the maximum number of car parking spaces required. According to policy, one space per 35m<sup>2</sup> GFA B1 can be provided and 1 space per 200m<sup>2</sup> GFA B8. For the proposed development, the maximum parking requirement (including 5% disabled spaces) equates to a total provision of up to 161 spaces. The submitted plans show the provision of 156 car parking spaces and this conforms with the Council's maximum parking standards. The application therefore complies with the requirements of Policy T8 of the South Gloucestershire Local Plan (Adopted).
- 5.19 In addition to the car parking on site, there is also separate provision for HGV parking and turning on site. Cycle parking will be within the units. The framework of a "Travel Plan" has also been submitted with this application and this would form the basis of a condition.
- 5.20 Subject to compliance with planning conditions to secure the submission of travel plans for each unit, the provision of the parking and turning space on the approved drawings, and the creation of the new access and footpath reinstatement, there is not considered to be any significant or demonstrable harm to highway safety arising from the development and the proposal accords with policies E3, T8 and T12 of the South Gloucestershire Local Plan (Adopted) and Policy CS8 of the South Gloucestershire Local Plan Core Strategy (Adopted).
- 5.21 Flooding, Drainage and Contamination  
The application is supported by a detailed flood risk assessment. Wales and West utilities confirm they have no objection to the proposal and the use of existing infrastructure. The Environment Agency were consulted on the application and their initial set of comments suggested a condition of investigative works to identify any on site contamination. This condition was supported by the environmental protection officer. However, given the existence of a contamination report, both the Environment Agency and the Environmental Protection Officer agreed that a pre-commencement investigative condition is not necessary. However, there are some comments in the contamination report that are unclear and there is still a slight risk of as yet unidentified contamination. A precautionary condition is therefore necessary requiring the cessation of work and the submission of further information in the event that previously unidentified contamination is found during the construction phase.



- 5.22 It is stated in the Flood Risk Assessment that storage tanks are the most suitable method to provide storage and reduce peak flows from the developed site. The storage volume required is large, and space for these substantial storage tanks, any water quality measures and maintenance plans need to be considered and agreed before construction. The Council's drainage engineer initially requested that these details be submitted for consideration as part of the application but the applicant has been unable to provide these details at this stage. It has therefore been agreed that drainage details will be secured through the use of a suitably worded condition.
- 5.23 Subject to the two conditions mentioned above, the proposed development is not realistically expected to be at risk of contamination and flooding and drainage matters can be satisfactorily addressed. The application is therefore in compliance with the requirements of Policy EP2 of the South Gloucestershire Local Plan (Adopted).
- 5.24 Residential Amenity, Noise and Environmental Protection  
Although lying in the safeguarded area for economic development, the site does lie less than 50 metres from the residential properties on the opposite side of Goose Green Way to the North. Although your officers appreciate that the site is separated from these neighbours by the road and its embankments, consideration must still be given to the level of amenity afforded to these neighbours.
- 5.25 The acoustic report submitted with the application uses methodology in accordance with BS4142: 1997 (as opposed to the more recent BS4142: 2014). It is noted that this is largely a speculative development, and therefore no details available of the location and type of any fixed plant and machinery that would be installed within the proposed units. For this reason a condition relating to plant and machinery will be proposed. In addition to the above, a further condition will be attached preventing the running of refrigerated vehicles between the hours of 23.00 to 7.00 daily.
- 5.26 In terms of physical overlooking, overbearing and loss of privacy, due to the separation distance of the proposed buildings and the nearest residential dwelling, it is not considered that the proposed development would have any unacceptable adverse level of impact on the nearest residential properties.
- 5.27 Air Quality  
During the course of the application a revised air quality statement was requested as the impact of construction dust was omitted from the originally submitted Air Quality Statement. An updated statement was duly submitted as requested.
- 5.28 The potential impacts of traffic arising from the development have been screened out using recognised guidance (Environmental Protection UK "Development Control: Planning for Air Quality (2010 Update) current at the time of application and it is concluded that the development traffic is unlikely to result in a significant effect on air quality. It is noted that while the need for mitigation has not been identified, a travel plan will be developed to encourage employees to use sustainable forms of transport to travel to and from the site.

This will further help to reduce any adverse impact on existing levels of air quality.

5.29 The potential for construction dust to impact on nearby receptors is assessed in the revised air quality statement and appropriate mitigation to minimise the risk of dust emissions has been identified in line with recognised guidance produced by the Institute of Air Quality Management (IAQM); "Guidance on the Assessment of dust from demolition and construction" (Feb 2014).

5.30 A condition will be attached to ensure that the development takes place in accordance with the highly recommended dust mitigation measures as set out in table 9 of the Air Quality Statement dated 1<sup>st</sup> July 2015. Subject to compliance with such a condition, the application is compliant with Policy CS9 of the South Gloucestershire Local Plan Core Strategy (Adopted) and Policy E3 of the South Gloucestershire Local Plan (Adopted).

5.31 Ecology

The 2.5ha site consists of previously developed land, although the northern section has not been subject to development since at least the early 1990s. There are light industrial units on all sides except the north, where a wooded bank rises to adjoin Goose Green Way. The site itself has no designations, but there are eight Sites of Nature Conservation Interest (SNCI) within 1km, three lying within 200m. These latter are Broad Lane Council Depot, Goose Green Way and parts A and B of River Frome. There is connectivity between the site and Goose Green Way SNCI and the River Frome via the wooded road embankment in the north of the site. None of the SNCIs are anticipated to be adversely affected by the proposal.

5.32 During the course of the application an updated Ecological Appraisal and Reptile survey was submitted to address the issues raised by the ecologist. The report identifies the presence of slowworms on the site and suggests appropriate mitigation measures. Subject to a condition ensuring that all development takes place exactly in accordance with the recommendations contained within the Ecological Appraisal and Reptile Survey dated June 2015 the application is in accordance with the requirements of Policy L9 of the South Gloucestershire Local Plan (Adopted).

5.33 Landscaping

The Councils landscape architect has assessed the scheme and confirms that the planting plan submitted shows a sufficient level of landscape mitigation for the scheme. However there are existing trees around the site boundary that are to be retained, so to ensure they are not damaged, a condition ensuring the erection of protective fencing in accordance with BS 5837:2012 is installed as shown on the submitted landscaping plan will be attached. Subject to the attachment of such a condition, the application is compliant with the requirements of Policy L1 of the South Gloucestershire Local Plan (Adopted)

### 5.34 Other Issues

It is noted that the letter of objection raises the issue of litter. Given that each unit will have their own internal bin store, there is no reason to presume that the proposed development would result in any issues of increased litter in the locality.

## 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 following conditions:

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

### CONDITIONS

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

#### Reason

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

2. Prior to the first occupation of any of the individual units hereby approved, an Occupier travel plan specific to that individual unit and based on a the Travel Plan Framework received by the Council on 26th March 2015 shall be submitted to and approved in writing by the Local Planning Authority. Development must be carried out exactly in accordance with the details so agreed.

#### Reason

In order to promote sustainable modes of transport in accordance with the requirements of Policy CS8 of the South Gloucestershire Local Plan Core Strategy (Adopted) and Policy T12 of the South Gloucestershire Local Plan (Adopted).

3. Prior to the first occupation of any of the individual units hereby permitted, the associated parking, access and turning spaces associated with that individual unit and as shown on drawing 1377-TP-01rev E and set out in section 3 of the Planning statement must be provided and retained at all times thereafter.

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 and Policy CS8 of the South Gloucestershire Local Plan Core Strategy (Adopted).

4. Prior to the first occupation of any of the units numbered 1 to 17 inclusive, the new vehicular access shall be installed and the footway that lies within the application site shall be instated in accordance with a specification to be agreed with the Councils Street care department.

Reason

To ensure that safe and suitable access is provided to the site sufficient to meet the needs of pedestrians and vehicles. Also to accord with Policies T8 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006 and Policy CS8 of the South Gloucestershire Local Plan Core Strategy (Adopted).

5. If unexpected contamination is found after the development is begun, development shall immediately cease upon the part of the site affected. The Local Planning Authority must be informed immediately in writing. A further investigation and risk assessment should be undertaken and where necessary an additional remediation scheme prepared. The findings and report should be submitted to and agreed in writing with the Local Planning Authority prior to works recommencing. Thereafter the works shall be implemented in accordance with any further mitigation measures so agreed.

Reason

To prevent risk of contamination to land, water or air and in accordance with the requirement of Policy CS9 of the South Gloucestershire Local Plan Core Strategy (Adopted).

6. No construction operations may commence until a surface water drainage scheme, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before any of the units are first occupied. The scheme shall also include details of how the scheme shall be maintained and managed after completion. For the avoidance of doubt, construction operations are not considered to include site clearance, ecological works, and ground levelling.

Reason

To ensure that a satisfactory means of drainage is provided, and to accord with policy EP2 of the South Gloucestershire Local Plan (Adopted). This is a pre-commencement condition to ensure the drainage details for the whole site and works are agreed and undertaken at the appropriate stage of the development.

7. The cumulative rating level of the noise emitted from the fixed plant associated with the development shall not exceed 0dBA above the existing background noise level at the boundary of the nearest residential property. The measurements and assessment shall be made according to BS4142:2014.

Reason

To limit possible noise pollution to neighbouring residential units and to satisfy the requirements of Policy CS9 of the South Gloucestershire Core Strategy (Adopted).

8. Between the hours of 23.00 to 07.00, refrigerated vehicles visiting the site shall ensure that engines and refrigerated units are switched off except for the purpose of access and egress from the site.

Reason

To limit possible noise pollution to neighbouring residential units and to satisfy the requirements of Policy CS9 of the South Gloucestershire Core Strategy (Adopted).

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

Reason

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policy CS9 of the South Gloucestershire Core Strategy (Adopted) December 2013.

10. All development must be carried out in accordance with the highly recommended dust mitigation measures as set out in table 9 of the Air Quality Statement dated 1st July 2015.

Reason

To protect nearby homes and business from unacceptable levels of dust contamination, and to accord with Policy CS9 of the South Gloucestershire Core Strategy (Adopted) December 2013.

11. All works must take place exactly in accordance with the recommendations contained within the Ecological Appraisal and Reptile Survey dated June 2015.

Reason

To protect existing ecology on the site and satisfy the requirements of Policy L9 of the South Gloucestershire Local Plan (Adopted); and Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (adopted) December 2013.

12. Prior to the commencement of development of phase one (that is units 1 to 12 inclusive) the temporary protective fencing as shown on drawing 658.19.02 shall be erected around phase one in accordance with BS 5837:2012. The fencing shall remain in place around phase one until the completion of development.

Reason

In order that the existing vegetation on site is protected at all stages in accordance with the requirements of Policy L1 of the South Gloucestershire Local Plan (Adopted).

13. Prior to the commencement of development of phase two (that is units 14 to 18 inclusive) the temporary protective fencing as shown on drawing 658.19.02 shall be erected around phase two in accordance with BS 5837:2012. The fencing shall remain in place around phase two until the completion of development.

Reason

In order that the existing vegetation on site is protected at all stages in accordance with the requirements of Policy L1 of the South Gloucestershire Local Plan (Adopted).

14. The development must be carried out in accordance with the following plans:

Received by the Council on 26th March 2015 - Design and Access Statement, Planning statement, Transport Statement, Energy and Sustainability Statement, Flood Risk Assessment, Environmental Assessment, Noise Assessment, Ground Investigations Report, Framework Travel Plan, LP-01 - Site Location Plan, 1337-TP-02 - Units 1-5, 1337-TP-03 - Units 6-10, 1337-TP-04revA - Unit 11, 1377-TP-05revA - Unit 12, 1377-TP-06 - Units 14-17, 1377-TP-07revC - Unit 18, 658.19.02 - Planting Layout

Received by the Council on 22nd June 2015 1377-TP-01revE - Site Layout, E300T2 - Units 1-10 Roof Plan, E301T2 - Units 11 and 12 Roof Plan, E302T2 - Units 14-17 Roof Plan, E303T2 - Unit 18 Roof Plan, Ecological Appraisal.

Received by the Council on 2nd July 2015 - Revised Air Quality Statement

Reason

For the avoidance of doubt.

CIRCULATED SCHEDULE NO. 28/15 – 10 JULY 2015

<b>App No.:</b>	PK15/1298/F	<b>Applicant:</b>	Mr M Misp
<b>Site:</b>	254 Badminton Road Downend Bristol South Gloucestershire BS16 6NS	<b>Date Reg:</b>	6th May 2015
<b>Proposal:</b>	Erection of first floor side extension to provide additional living accommodation.	<b>Parish:</b>	Emersons Green Town Council
<b>Map Ref:</b>	365631 177819	<b>Ward:</b>	Emersons Green
<b>Application Category:</b>	Householder	<b>Target Date:</b>	25th June 2015



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100023410, 2008. **N.T.S.** **PK15/1298/F**

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

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

### **1. THE PROPOSAL**

- 1.1 The application is for the erection of a first floor side extension to form additional living accommodation.
- 1.2 The property is a brick and render detached property fronting Badminton Road, located within the residential area of Downend.

### **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 (saved policies) 2006  
H4 Development within Existing Residential Curtilages, Including Extensions and New Dwellings  
T8 Parking Standards  
T12 Transportation Development Control Policy for New Development  
  
South Gloucestershire Local Plan Core Strategy (Adopted December 2013)  
CS1 High Quality Design
- 2.3 Supplementary Planning Guidance  
South Gloucestershire Design Checklist (Adopted) 2007.  
South Gloucestershire Council Residential Parking Standards December 2013

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

- 3.1 P98/4102 – Erection of two storey side and single storey rear extension. Rear conservatory. Approved 21<sup>st</sup> May 1998.

### **4. CONSULTATION RESPONSES**

- 4.1 Emersons Green Town Council  
No objection

#### Sustainable Transportation

No details of parking have not be submitted with this application. According to the Council's parking policy, parking requirement for a four-bed dwelling is 2 parking spaces. In view of this therefore, it is recommended that a planning condition is imposed to the following effect;

"Prior to occupation of the new build, the applicant provides two off- street parking spaces on site and subsequently maintains these thereafter".



Local Lead Flood Authority

No comment

**Other Representations**

4.2 Local Residents

One letter of objection has been received on the following grounds:

- *The proposed first floor extension to side of the property will drastically reduce the amount of light coming through our kitchen window.*
- *The extension will also reduce the light coming in through our bathroom window.*
- *The outside alleyway from our kitchen through to our back garden will feel dark and claustrophobic. It already feels quite enclosed with the raised walkway on their side.*
- *It will drastically reduce the size and the feel of the detachment between the two properties, thus spoiling the look of the properties which currently have a good detached space between them. This may have an adverse effect on the value of our property.*

Officer Note: Plans showing revisions to the original scheme submitted have subsequently been received, which are discussed in more details in the relevant sections below, these have been fully reconsulted and this is recognised in the responses listed above. No further neighbour comments have been received.

**5. ANALYSIS OF PROPOSAL**

5.1 Principle of Development

Policy H4 of the South Gloucestershire Local Plan (Adopted) 2006 advises that proposals should respect the massing, scale, proportions, materials and overall design of the existing property and the character of the street scene and surrounding area, they shall not prejudice the amenities of nearby occupiers, and shall not prejudice highway safety nor the retention of an acceptable level of parking provision or prejudice the retention of adequate amenity space.

5.2 Design / Visual Amenity

The proposed extension is of an appropriate standard in design and is not out of keeping with the character of the main dwelling house and surrounding properties. The extension is of an acceptable size in comparison to the existing dwelling and the site and surroundings. Materials used will match those of the existing dwelling. The revised plans have altered the angle of the roofline to follow that of the main dwelling and omitted a rather ungainly long and narrow window to the front elevation, both of which are considered to represent improvements to the overall scheme.

### 5.3 Residential Amenity

The residential concerns raised to the original proposals are noted. The original design sought a higher sided extension under a roof pitch that did not follow that of the existing, original roof. In this respect improvements to the design in both visual amenity and residential amenity have been sought. Residential concerns in particular were the potential overbearing impact associated with the side elevation of the proposed extension and its bulk and proximity to both the boundary and the side of the neighbouring dwelling. To this end revised plans have been submitted. Whilst the location of the side wall of the extension remains the same, the roof angle now follows that of the existing roof pitch which in turn leads to a lower side wall of the extension and a less bulky extension. The building lines now follow the existing dwelling and in this respect it is not considered that they give rise to unreasonable or material amenity impact. The extension remains well within the applicant's boundary and separation exists. The side wall of the adjacent dwelling, to two storey level, lies only fractionally further from the shared boundary. Given the overall scale of the extension and its relationship with the existing dwelling and surrounding properties it is not considered that it would give rise to a significant or material overbearing impact upon neighbouring properties such as to sustain an objection or warrant refusal of the application on this basis. The extent and orientation of the extension is unlikely to give rise to any significant or material amenity issues. It is considered therefore that the proposal would be acceptable in terms of residential amenity.

### 5.4 Highways

Whilst the highways comments are noted following site visits, it is considered that sufficient off-street parking already exists for the dwelling, inclusive of the extension and the level of parking conforms with the Council's current parking standards and that a condition is therefore unnecessary in this instance.

## 6. CONCLUSION

- 6.1 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 extension is of an appropriate standard in design and is not out of keeping with the main dwelling house and surrounding properties. Furthermore the proposal would not materially harm the amenities of the neighbouring properties by reason of loss of privacy or overbearing impact. Sufficient off-street parking exists. As such the proposals accord with Policies H4 and 12 of the South Gloucestershire Local Plan (Adopted) 2006 and Policy CS1 of the South Gloucestershire Local Plan Core Strategy December 2013.
- 6.3 The recommendation to grant permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 set out above, and to all the relevant material considerations set out in the report.

## 7. RECOMMENDATION

7.1 That planning permission is 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).

2. The colour, type and texture of the rendered finish to the external walls of the proposed extension shall match that of the existing building.

Reason

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

3. The tiles to be used in the development hereby permitted shall match those of the existing building in colour, texture and profile.

Reason

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

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

Reason

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

**CIRCULATED SCHEDULE NO. 28/15 – 10 JULY 2015**

<b>App No.:</b>	PK15/1404/RM	<b>Applicant:</b>	Stoford Properties Ltd And ALD Automotive Ltd
<b>Site:</b>	Commercial Land At Emersons Green Urban Village Emersons Green South Gloucestershire BS16 7FQ	<b>Date Reg:</b>	10th April 2015
<b>Proposal:</b>	Erection of a three storey office building with appearance, landscaping, layout, scale and associated development including road infrastructure. (Approval of reserved matters to be read in conjunction with Outline planning permission PK04/1965/O).	<b>Parish:</b>	Pucklechurch Parish Council
<b>Map Ref:</b>	366872 178509	<b>Ward:</b>	Boyd Valley
<b>Application Category:</b>	Major	<b>Target Date:</b>	1st July 2015



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 100023410, 2008.

**N.T.S.      PK15/1404/RM**

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

This application was initially referred to the Circulated Schedule because a consultation response was received which raised concerns contrary to the Officers recommendation. The application is being re-circulated because alterations have been made to the wording of condition 7 and an additional condition is required relating to a change in levels in the southwestern corner of the site.

### **1. THE PROPOSAL**

- 1.1 This application seeks reserved matters consent for the erection of a three storey office building and associated development including road infrastructure. The reserved matters, which comprise appearance, landscaping, layout, scale should be read in conjunction with outline planning permission PK04/1965/O for an urban extension on 99 hectares of land including residential development of up to 2550 dwellings and up to 100,000m<sup>2</sup> of B1, B2, B8 and C1 employment floorspace. This outline consent included details of access to the site as a whole off the Rosary roundabout. The site has the benefit of an approved Detailed Masterplan and approved Design Code.
- 1.2 The proposal relates to 1.58 hectares of land in the allocated employment parcel in the north end of the Emersons Green East (EGE) urban extension. The M4 motorway is located immediately opposite the northern boundary, open space comprising new and existing woodland and a tributary corridor is located on the western boundary, and parcel 15 and a parcel for extra care housing are located immediately opposite the southern boundary. Applications for these neighbouring parcels have not been approved at this point and no other applications for employment development in the remainder of the parcel have been received.
- 1.3 The proposal will provide a total of 3826 square metres of office space over three floors. 125 staff car parking spaces are located to the south of the building, and 131 car storage spaces are located to the north of the building. A new access road is to be formed off the main spine road to serve the proposed development, as well as future employment development in neighbouring employment plots.
- 1.4 The applicant has submitted a statement of compliance, a transport report and occupier travel plan and noise report in support of the application.
- 1.5 The proposed development will allow the business, which employs some 245 staff, to relocate to South Gloucestershire from their existing site in Bristol. According to the applicant, it is predicted that over 100 additional jobs will be created through future expansion.
- 1.6 The site lies within the Emersons Green Enterprise Area.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
National Planning Policy Framework March 2012  
National Planning Practice Guidance

## 2.2 Development Plans

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

L1 Landscape Protection and Enhancement

L9 Species Protection

L11 Archaeology

T7 Cycle Parking

T8 Parking Standards

T12 Transportation Development Control Policy

M2 Site 5 Major Mixed use Development at Emersons Green East

EP2 Flood Risk and Development

E3 Proposals for Employment Development within the Urban Area and Defined Settlement Boundaries

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

CS1 High Quality Design

CS4a Presumption in Favour of Sustainable Development

CS5 Location of Development

CS6 Infrastructure and Developer Contributions

CS8 Improving Accessibility

CS9 Managing the Environment and Heritage

CS16 Housing Density

CS17 Housing Diversity

CS18 Affordable Housing

CS23 Community Infrastructure and Cultural Activity

CS29 Communities of the East Fringe of Bristol Urban Area

## 2.3 Supplementary Planning Guidance

The South Gloucestershire Design Checklist SPD (adopted)

Waste Collection: Guidance for New Developers SPD (adopted)

## 3. RELEVANT PLANNING HISTORY

- 3.1 PK04/1965/O - Urban extension on 99 hectares of land comprising of :- Residential development of up to 2550 dwellings; up to 100,000m<sup>2</sup> of B1, B2, B8 and C1 employment floorspace. Up to 2,450 m<sup>2</sup> of small scale A1, A2, A3, A4 and A5 uses. One, 2 - form entry primary school, a land reservation for a second 2 - form entry primary school and a land reservation for a secondary school. Community facilities including a community hall and cricket pavillion (Class D1) and health centre. Transportation infrastructure comprising connections to the Folly roundabout on Westerleigh Road and the Rosary roundabout on the Ring Road and the construction of the internal road network. A network of footways and cycleways. Structural landscaping. Formal and informal open space. Surface water attenuation areas. (Outline) with means of access to be determined.  
Approved 14<sup>th</sup> June 2013.
- 3.2 Development Control East Committee on 15<sup>th</sup> February 2013 approved the Detailed Masterplan associated with outline planning permission PK04/1965/O at Emersons Green East.

- 3.3 PK10/0473/F Construction of Multi Modal Interchange, Green Road and access to the A4174 Ring Road from Rosary Roundabout. Full planning permission granted 7<sup>th</sup> January 2013.
- 3.4 Environmental Impact Assessment was carried out for the Outline planning permission for this development and officers can confirm that the current RM application does not raise any issues that would call into question the EIA conclusions.
- 3.5 PK14/0727/RM - Construction of roads 4 and 5 (Approval of Reserved Matters to be read in conjunction with Outline Planning Permission PK04/1965/O), approval, 11/09/14.
- 3.6 PK15/0681/F (Parcel 11), Erection of 96no. dwellings with associated roads, drainage, landscaping, garages and parking. (Approval of reserved matters to be read in conjunction with Outline planning permission PK04/1965/O), approval, 02/06/15.
- 3.7 PK14/4110/F (Parcel 12), Erection of 99 dwellings with garaging, parking, landscaping and associated works. (Reserved Matters to be read in conjunction with outline planning permission PK04/1965/O, approval, 31/03/15.

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

4.1 Westerleigh Parish Council  
No comments received

Pucklechurch Parish Council  
No comments received

4.2 Transportation DC Officer  
No objection subject to conditions to ensure car/vehicle parking facilities are provided prior to the first use of the building; further details of the access road are submitted and agreed prior to the first use of the building; and an occupier travel plan is submitted and agreed in writing.

4.3 Wessex Water  
Emersons Green development is subject to an application for an inset arrangement by SSE. If granted by Ofwat, this would result in SSE being the statutory water & sewerage undertaker for the development. Whilst our agreement for bulk supply of sewerage services would dictate connection points for their foul & surface water network to ours, we have no further detailed comments to make on the reserved matters applications.

4.4 Archaeological Officer  
No objection

4.5 Drainage Officer  
Objection – the application submission does not refer to, or provide any evidence of compliance with the Emersons Green East Drainage Strategy. Evidence of compliance is required.

*Subsequent Comment on Additional Information Submitted*

The issue with this site is the surface water sewers aren't designed in accordance with Sewers for Adoption as there is flooding in the 1:30 year design storm. Due to the nature of the site and the location of the flooding I am not to be overly concerned by the flooding/pooling in the two indicated areas. Non-statutory standards says there should be no flooding on site in 1:30 year storm event and no flooding of buildings or offsite in 1:100 year storm event. So for our records I would like confirmation of no flooding in the 1:30 year storm and an overland flood flow route plan to show where the exceedance/flood flow would go.

However I am not sure if this will be covered by condition 41 (text below). The Drainage Strategy states that for surface water drainage the sewers will be designed and constructed in accordance with the latest edition of "Sewers for Adoption".

4.6 Tree Officer

The planting within the parking looks acceptable although there is no tree pit detail other than the written version on the Detailed Planting Proposals. A higher establishment rate would result from the use of a proprietary system such as Silva Cell and the site would be appropriate for this. The greater volume of rooting medium allows the trees' root systems more room to develop and, consequently, stronger trees to establish. I would agree with the comments of our Landscape Architect that substantial planting should be specified for the buffer areas.

4.7 Environment Agency

The Environment Agency has no objections to the proposed development. The site of the building is above the 1in100 year flood level as stated in the Halcrow Drainage Strategy. We advise that the applicant leaves an 8m margin to the Folly Brook unchanged in levels. There is little detail on how surface water drainage will be managed on the site or if SUDS are being applied. The applicant should liaise with the Council's Drainage Officers and follow the principles set out in the EGE drainage strategy.

4.8 Economic Development Officer

No objection, the Lyde Green area is the beneficiary of a large housing development, and this will provide a large employment pool to draw from and help localise the economy. B1 Office employment space is a valuable asset to the local economy as it offers a dense employment area in an area designated as employment land. The site also falls in the Emersons Green enterprise area, which is recognised as an area where we expect to see significant growth; the proposal will support this vision.

4.9 Highways England

We are content that the proposal will not have any detrimental effect on the Strategic Road Network. On this basis we offer no objections to the application.



4.10 Coal Authority

Based on the information above, The Coal Authority considers that the content and conclusions of the information submitted for planning application: PK14/3540/RM is sufficient for the purposes of the planning system. Provided the LPA are happy for the information submitted for PK14/3540/RM to be considered as part of this planning application, The Coal Authority would have no objection. However, the LPA must ensure that the remedial works to address coal mining legacy issues relevant to the application site have been complied with.

4.11 Ecological Officer

No objection but all previous responses relevant to the relevant outline approvals to continue to apply.

4.12 Urban Design Officer

Further consideration is required of landscaping, surface treatments, appearance and sustainability objectives.

4.13 Environmental Health Officer

No objections in principle. Any planning approval should ensure that the recommendations of the Noise Consultant's report are implemented.

4.14 Highway Structures

No comment

4.15 Conservation

No comments

4.16 Landscape Officer

The revised landscape plans are now acceptable

**Other Representations**

4.17 Local Residents

One letter of objection has been received from CSJ Planning on behalf of a local resident. The following is a summary of the reasons given for objecting:

- Concerns over the proposed and expected growth of the business and the effect on available parking spaces in the development. This may result in vehicles parking on the surrounding road network to the detriment of highway safety;
- Agree with the Urban Design Officer's view on the lack of richness proposed by the proposed palette of materials and feel that brick would be wholly appropriate;
- We further agree with the Urban Design Officer with regards to the lack of provision of PV.

## 5. ANALYSIS OF PROPOSAL

### 5.1 Principle of Development

The principle of the development has been established with the approval of outline planning permission under application PK04/1965/O, which covers a substantial part of the Emersons Green East (EGE) development, allocated by saved policy M2 in the South Gloucestershire Local Plan (adopted) January 2006. The outline planning permission reserved all matters for future consideration, except the means of access off the Rosary roundabout, which has been approved in detail.

- 5.2 The DC East Committee, in February 2013, approved the site wide detailed masterplan, and subsequently officers approved the design code under delegated powers for the whole of the outline application site. The proposed office building constitutes an appropriate employment use (Use Class B1) within the area designated as an employment area within the masterplan and design code. The Council's Economic Development Officer has raised no objections to the development and has stated that B1 Office employment space is a valuable asset to the local economy and the proposal will provide local employment opportunities for residential development in the Lyde Green area. It is therefore, considered that the proposal is acceptable in principle.

### 5.3 Urban Design

In accordance with the Design and Access Statement approved at outline stage, the approved design code seeks to deliver a series of three distinct character areas – southern, northern and central. The idea is to provide continuity and consistency in some elements within the character areas and within the sub areas, with the aim of creating a development that is harmonious yet legible and varied.

### 5.4 Parameter Plans

The approved parameter plans show the parcel falling within an area of employment development where up to four storey buildings is permitted. The proposed office building, which is three storeys in height, complies with this parameter.

#### Architectural Style

The design code specifies that the style of employment buildings should be contemporary and respond to the residential buildings to the south. It is considered that the proposal complies with the design code in this respect and proposes a crisp, clean contemporary architectural style with curtain wall glazing and cladding to the elevations. Although brick is not proposed, the terracotta colour of the cladding and contemporary style will respond to the residential development proposed to the south.

#### Scale

The proposal is three storeys in scale, which complies with the requirements of the design code. A recessed main entrance and secondary rear entrance, projecting corners and canopy, terracotta cladding and brise soleil will help break up the perceived bulk and mass of the building and provide depth to the elevations.

The building incorporates roof mounted plant which is set back from main facades of the building and screened by louvred panels to break up the roof form. The requirements of the design code are considered to be met in terms of scale.

#### Colours and Materials

Officers consider that the use of brick would add richness to the appearance of the building; it is also noted that brick weathers better than composite cladding; however, the applicant has not acceded to requests to incorporate brick into the elevations of the building. Notwithstanding this, there are no objections to the terracotta rainscreen cladding, metal cladding and curtain wall glazing proposed. This is because the design code recognises that future employment occupiers will have bespoke requirements for expressing their individual identity and does not define a prescriptive palette of colours or materials. It instead encourages the use of various materials such as brick, render, terracotta and metal rain screen panels to respond to the contemporary housing within the area. Although brick is encouraged, it is not a mandatory requirement; and instead, proposals must be assessed on their own merits. It is considered that, subject to samples of materials being submitted and agreed with the Local Planning Authority, the proposed materials are acceptable, and will provide a sufficiently contemporary and high quality standard of appearance and relate to residential development proposed to the south. Therefore, subject to a condition, there is no objection with regards to colours and materials.

#### Details

The curtain wall glazing, and prominent entrance and canopy will ensure that the elevations of the building appear active. The central location of the access will also provide balance and symmetry to the southern elevation and will enhance its appearance. Other detailing such as the brise soleil will provide shading to glazed areas on the southern elevation and provide layering and contrast to the other materials and finishes. The requirements of the design code are therefore, met in terms of details.

Separate consent will be required for any advertisement sign displayed at the site. An informative note is attached to notify the applicant of this.

#### Sustainability

The concerns of the Urban Design Officer and the member of public in respect of a lack of information regarding sustainability are noted. However, conditions in the original outline application require reserved matters development to achieve a minimum 'Very Good' rating under the relevant Building Research Establishment Environmental Assessment Method (BREEAM) for all building types other than dwellings. The applicant has confirmed that it is anticipated that the proposal will achieve BREEAM 'Very Good' standards as required by the condition. A plan has also been submitted to identify a possible location for the implementation of photovoltaic panels should they be required to meet the standard or at any stage in the future.

## Waste

A waste and recycling compound is proposed adjacent to the western boundary of the site measuring approximately 5 metres in length and 10 metres in width, which will provide a large capacity for the storage of commercial bins. Swept path plans have been submitted which indicate that a refuse vehicle will be able to adequately access the refuse store for collection.

## 5.5 Landscape

There will be a 2 metre (approx.) difference between the edge of the parking area in the southwestern corner of the site and the existing stream corridor. The plans do not show how this difference in level will be treated. For reasons relating to visual amenity, it is considered that a retaining wall may not be the most appropriate solution, and it is considered that a more sympathetic treatment would be to gradually build up the levels in the immediate area to the level of the edge of the parking area. No changes in levels should take place within the Folly Brook easement or within the root protection area of trees within the stream corridor. A condition is attached on this basis.

### *Planting*

The building will be prominent from views from the M4 corridor and from adjoining development plots and there is also potential for the building to be prominent in views from the wider landscape of the Green Belt to the north and east where higher land provides views towards the site. Officers originally considered that the planting framework proposed for the site was too narrow to provide a robust and long term landscape framework; therefore, revised plans have been received which have increased the amount of planting around the boundaries of the site, which will aid the integration of the development with the adjoining POS to the west and future residential development to the south.

Native shrub mix and native woodland planting are proposed to the north, south, east and west, along with proposed tree planting. Details have been submitted in respect of the planting method and management. This has clarified that tree pits within car parking areas will be connected together under the tarmac surface with a trench consisting of urban soil. This will provide sufficient space for roots to grow into. The management plan provides details on procedures to be carried out by the developer for the first 12 months to ensure that the planting establishes acceptably.

There is no requirement in the design code for street trees to be provided for secondary and tertiary roads; however, it does specify build outs and local road narrowing to be provided by trees. In this instance, given the fact that the roads will serve various types of commercial premises, and the types of vehicles associated with such uses, officers consider that the provision of road narrowing and build outs would bring about highway safety issues. Therefore, there is no objection to the absence of planting along these roads.

### *Boundary Treatments and Hard Surfaces*

Post and rail timber fencing 1.2 metres high is proposed along the southern and southwestern boundaries, which is acceptable. Paladin security fencing 1.8 metres high in anthracite grey is proposed to the boundaries of the vehicular storage area to the north of the site.

The height, colour and style of the proposed security fencing are such that it will not be significantly prominent to the detriment of the character and appearance of the area.

The External Finishes Plan submitted specifies Mistral Textured Granite Aggregate Paving or similar block paving for the surfaces around the building and on the access and circulation road to the south of the building. Tarmac is proposed in the northern area and the applicant has not acceded to officer's requests to include block paving due to the operational nature of the business. Notwithstanding this, there are no objections in respect of the hard surfaces proposed.

#### 5.6 Residential Amenity

There are no existing residential properties that will be significantly adversely affected by the proposal in terms of loss of natural light or privacy given the level of separation. Although not approved at this point, residential properties associated with parcel 15 will be located south of, and abut the southern boundary, of the application site. However, there is a separation distance of approximately 40 metres between the proposed building and the southern boundary; therefore, given the topography of the site, the level of separation is considered sufficient to ensure that residential occupiers will not be significantly adversely affected through loss of natural light or privacy.

The lighting plan submitted demonstrates that there will be a small level of light spill into rear gardens of residential properties proposed to the south of the site. Subject to a condition requiring times of illumination to be agreed with the Local Planning Authority, it is not considered that illumination associated with the proposed development will have a significant adverse effect on the residential amenity of neighbouring occupiers.

#### 5.7 Noise

A noise survey has been submitted which assesses the impact of the adjacent motorway on the proposed development, and the impact of the proposed development on future residential development to the south of the site. The report recommends that windows to office areas on the northern elevation facing the motorway should have a minimum manufacturers rating of Rw35, whilst all windows to other elevations of the building should have a minimum rating of Rw33. The report also recommends that all plant installations (other than the emergency stand-by generator) be selected and specified to achieve a total level no greater than 61dB during daytime and no greater than 51dB during night time. The report concludes that the use of vehicle car parks associated with the building is unlikely to have any noticeable noise impacts upon proposed residential development to the south of the site and that noise levels from the nearest car park are calculated to be more than 20dB below the lowest night time background sound level.

The master plan shows a care home immediately to the southeast of the site adjacent to the access road to be accessed off the same tertiary road as the proposed development. There is likely to be an impact on the care home from noise associated with vehicles accessing the proposed development; therefore, appropriate noise mitigation measures would likely need to be provided for any

future care home development to ensure that it would not be adversely affected by noise. Conditions are attached to restrict working hours and deliveries between the hours of 6am – 9pm on Monday – Friday and 7am – 5pm at weekends to reduce the impact on neighbouring residential properties.

The Council's Environmental Health Officer has stated that the proposed development will not bring about any significant environmental effects subject to the recommendations in the noise report being implemented and a condition is attached on this basis.

## 5.8 Transportation

### *Parking*

Concerns have been raised by a member of the public with regards to the proposed and expected growth of the business from the current 246 employees to the projected 350 and how this will impact on highway safety in the locality due to vehicles being forced to park on the highway. Parking to the south of the building, which comprises 125 spaces, will be for staff; parking to the north of the building, which comprises 131 spaces, is primarily for car storage associated with the operation of the business for car hire. This area is to be secured by gates and fences. Parking standards for commercial buildings are specified in policy T8 of the South Gloucestershire Local Plan (adopted) January 2006, and these are based on maximum standards. The purpose of the policy is to encourage non-private car modes of travel in sustainable locations. The level of parking proposed is higher than the policy compliant number of 110 spaces and 6 disabled parking spaces; however, the parking to the north of the building will function for vehicular storage purposes ancillary to the car hire business and will be secured by fencing and gates. The applicant has agreed to a suitably worded condition to restrict staff day to day parking in this area. A condition is attached on this basis.

A total of 58 cycle parking spaces are proposed, which is in excess of the minimum policy requirement set out in policy T7 of the Local Plan. Staff cycle parking is to be provided via five cycle shelters, whilst visitor cycle parking is to be provided via four Sheffield cycle stands. The applicant has submitted a detailed occupier travel plan which sets out a strategy for encouraging the use of sustainable modes of transport, as well as setting targets, a monitoring period for five years and a process of review. The Council's Transportation Officer is satisfied with the contents of the Occupier Travel Plan submitted and has stated that there is no longer any requirement for a condition requiring the applicant to submit an 'Occupier Travel Plan'. Bus stops approved on the main spine road are conveniently located in relation to the proposed development and will provide bus services to the surrounding area.

Subject to conditions to control and restrict staff parking within the vehicle storage area, and for the development to be carried out in accordance with the submitted occupier travel plan, it is considered that the proposal is consistent with the overall aims of policy T8 in terms of encouraging sustainable modes of travel and there is no objection in terms of on-street parking generation or highway safety. A condition is attached requiring the measures set out in the travel plan to be implemented.

### *Highway Safety*

A secondary road is to provide access into the employment site off the main spine road, from which a tertiary road will provide access into the application site. Visibility for both roads is 25 metres in either direction with a 2.4 metre set back, and officers consider that this visibility is acceptable to serve the development.

Vehicle swept path plans have been submitted for a range of large vehicles that are likely to require access to the site such as car transporters. The plans demonstrate that these vehicles will be able to adequately access and manoeuvre within the site. A 2.5 metre wide footway is proposed on the southern side of the tertiary access, a 2 metre wide footway is proposed on the northern side, whilst 3 metre wide footways are proposed for the secondary road. The footpaths will link to existing footways along the spine road. Accordingly, there are no objections in terms of highway safety.

The Transportation Officer has requested a condition to ensure the construction of roads to adoptable standards; however, this condition is considered to be unnecessary and does not meet the tests for applying conditions in the NPPF, as this issue is covered by separate highway legislation.

### Ground Stability

Records indicate that the application site has been subject to past coal mining activities, which is a material consideration when considering the proposal. Although no Coal Mining Risk Assessment has been submitted as part of this proposal, as part of application PK14/3540/RM a Supplementary Investigation of Historic Coal Mining Legacy Report (July 2014) and letter dated 11<sup>th</sup> July 2014 prepared by Hydrock were submitted in support of the application, which include the application site. The Coal Authority have raised no objection to the application but have stated that the Local Planning Authority must ensure that the remedial works to address coal mining legacy issues relevant to the specific application site have been fully complied with. They have also commented that no completion report for any remedial work undertaken has been received by the Coal Authority. On this basis, a condition is attached to ensure that the required remedial work is carried out.

### Drainage

The plans demonstrate that an 8 metre wide buffer will be retained to the top bank of the Folly Brook watercourse to the west of the site, which accords with condition 42 of the original consent. Officer's original concerns regarding compliance with the Emersons Green East Drainage Strategy have now been addressed and the Council's Drainage Officer has raised no objections in principle. The Environment Agency has commented on the lack of information regarding SUDs, and the applicant has not acceded to the officers request to introduce paving into the northern tarmac parking area to provide a more permeable surface; however, there is no objection on this basis given that the proposal meets the requirements of the EGE Drainage Strategy. The Drainage Officer has requested drainage calculations to show there will be no flooding in any 1in30 and 1in100 year rainfall event, and an overland flood flow route plan if the system should block or fail for any reason. A condition is attached on this basis.

## Ecology

The site has already been cleared, apart from trees and hedges to be retained, none of which are within the application site, and earthworks carried out. In terms of ecology, the following activities and surveys have been undertaken:

### *Badgers*

A pre-construction badger survey was undertaken on 6<sup>th</sup> June 2013. The survey showed that some of the setts were still in use. A 20m protection zone was set up around Sett K earlier in the year and marked with poles and bunting. The poles and bunting was replaced by Herras fencing later in the year. A subsequent inspection on 09 Sept 13 suggested that the sett is no longer in use although plans are being formulated to improve the sett to encourage repopulation when a badger sett on the Gateway site is closed under licence.

A further sett was also in current use. The sett is now protected by tree protection here as fencing and the earthworks to housing parcels 6,7 and 8 is now complete. Works were carried out to form the artificial setts in 2013. Further improvement works to the artificial setts, which include improving the drainage at sett B, is scheduled to be undertaken in October 2013.

### *Slow-worm and other reptiles*

A presence/absence reptile survey was undertaken in July 2013 in the area which was urgently required for the balancing pond C3 extension. One common lizard was found during the survey and therefore it was recommended that measures were undertaken to avoid harm and disturbance to reptiles. This included strimming the vegetation by hand to 6 inches prior to the soil stripping to discourage reptiles from the working areas. The strimming of vegetation was subsequently undertaken by commencing the balancing pond works.

### *Great Crested Newt*

A watching brief, which included a hand-search and destructive search whilst the topsoil was stripped, was undertaken on 1<sup>st</sup> and 2<sup>nd</sup> July 2013 in parts of the site that fell within 500m of the great crested newt ponds at Shortwood Quarry. No great crested newts or other amphibians were found during the watching brief.

### *Breeding birds*

Checks for active nests were undertaken in potential bird nesting habitats prior to the topsoil stripping along the Folly Brook tributary on 1<sup>st</sup> July 2013. No active nests were found. Checks for active nests were also undertaken in the area of trees and scrub which needed to be cleared for the balancing pond extension between 4<sup>th</sup> – 9<sup>th</sup> July 2013. During the checks, a number of active nests were noted in some of the shrubs and therefore these areas were not cleared.



Officers are satisfied therefore that there is no further ecology works required to be included as part of this Reserved Matters application.

### Conclusion

The comments made by the Urban Design Officer have been carefully considered; however, it is considered that the proposal will provide a high quality, contemporary design, which will achieve BREEAM 'very good' standards. Significant improvements have been made to the scheme to provide a stronger landscape framework, which address the comments made by the Urban Design Officer. Although the applicant has not acceded to officers requests to introduce block paving to the large tarmac area to the north of the building, this is due to the operational requirements of the business, and weight is given to the fact that the drainage design accords with the Emersons Green East Drainage Strategy. Significant weight is also given to the fact that the proposed development will allow the business to expand and this will bring about significant economic benefits. According to the applicant, the business, which employs some 245 staff, is planned to expand to provide over 100 additional jobs.

## **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 Reserved matters consent is GRANTED subject to the following conditions.

**Contact Officer: Jonathan Ryan**  
**Tel. No. 01454 863538**

## **CONDITIONS**

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

### Reason

In the interests of the amenities of the area and highway safety and to accord with Policy T12 of the South Gloucestershire Local Plan (adopted) January 2006; and Policy CS8 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013.

2. The bin storage shown on the drawings hereby approved shall be provided before the buildings are first occupied, and thereafter retained for that purpose.

Reason

In the interests of the amenities of the area and to accord with Policy CS1 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013.

3. The development shall be carried out in accordance with the recommendations of the approved "Report on Existing Noise Climate" received on 8th April 2015.

Reason

To ensure the development is not adversely affected by noise and to protect the amenities of occupiers of nearby dwellings and to accord with policies CS1 and CS9 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013.

4. The use hereby permitted shall not be open to customers and no deliveries shall be taken at or despatched from the site outside of the following times:

Mondays - Fridays.....6:00am - 9:00pm

Saturdays and Sundays.....7:00am - 5:00pm

Reason

To protect the amenities of occupiers of nearby dwellings and to accord with policy CS1 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013.

5. The development shall be carried out in accordance with the approved Occupier Travel Plan received on 8th April 2015.

Reason

In order to promote more sustainable methods of travel to accord with policy T8, T12 of the South Gloucestershire Local Plan (adopted) January 2006; and policy CS8 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013.

6. The development shall be carried out in accordance with the Remediation Strategy as detailed in the letter dated 18th July 2014, prepared by Hydrock Ltd approved as part of application PK14/3540/RM.

Reason

In the interests of safety and the stability of the proposed development and to accord with Policy CS9 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013.

7. The area to the north of the building hereby approved shall only be used for the storage of operational vehicles and other such ancillary operations associated with the business on site. For the avoidance of doubt this area shall not be used for day-to-day parking by staff that work at the building.

Reason

To comply with maximum parking standards in order to promote more sustainable methods of travel and to accord with policy T8 of the South Gloucestershire Local Plan (adopted) January 2006 and policy CS8 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013.

8. Prior to the completion of buildings above Damp Proof Course Level samples of the roofing and external facing materials proposed to be used shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason

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

9. Prior to the erection of any external lighting details of the times of illumination shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason

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

10. Prior to the commencement of development (apart from site enabling works) drainage calculations to show there is no flooding on site in any 1in30 year rainfall event and no flooding of buildings in any 1in100 year rainfall event; and overland flood flow route plan showing flood routes if the system should block or fail shall be submitted to and agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason 1

This is a pre-commencement condition to avoid any unnecessary remedial action in the future.

Reason 2

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.

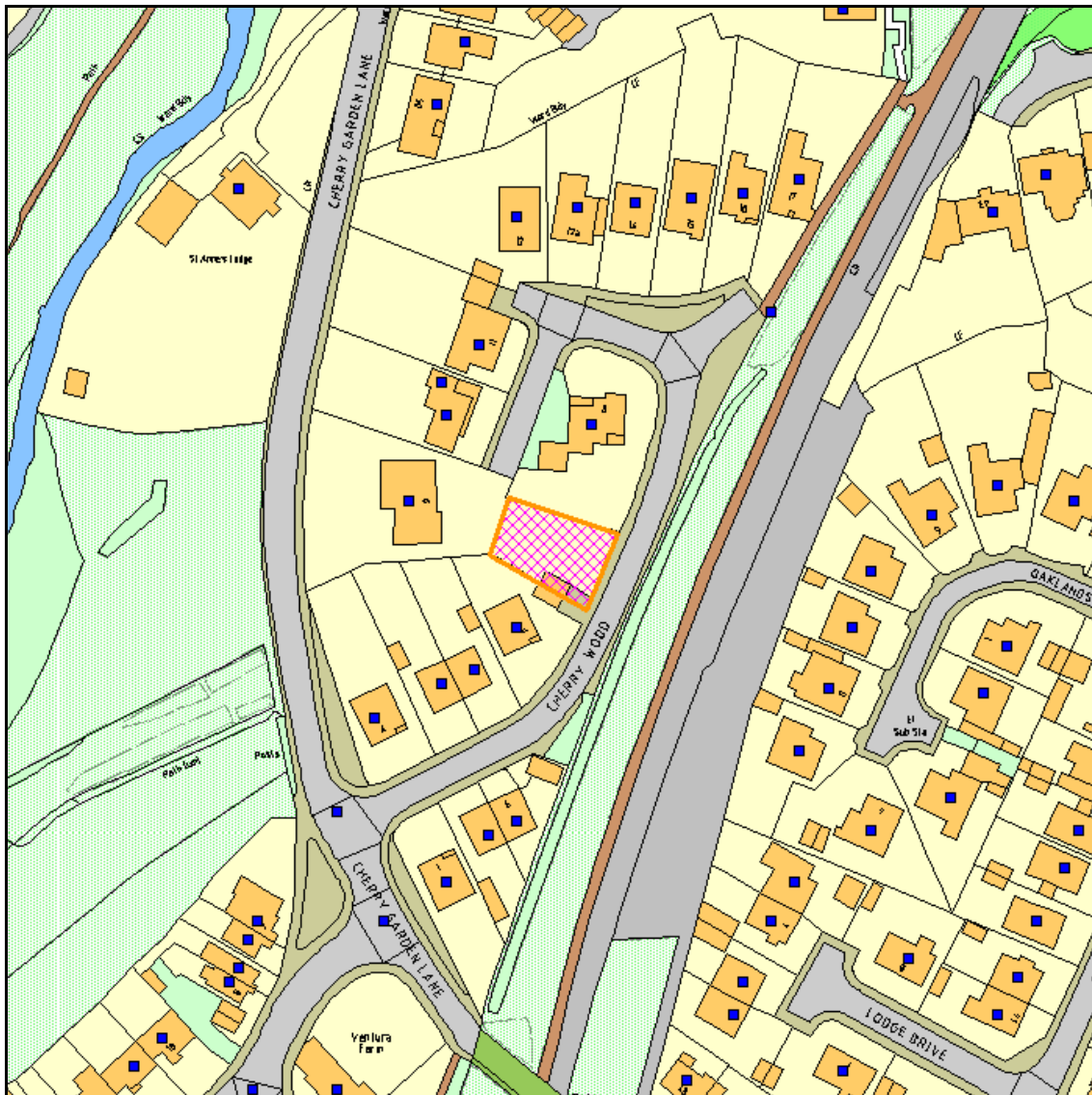
11. Ground levels around the edge of the parking area in the southwestern corner of the site shall be built up gradually to make up the level difference between the edge of the parking area and the stream corridor prior to the first use of the building hereby approved. For the avoidance of doubt, a gradient of 1:5 or shallower shall be achieved and there shall be no changes to levels within the root protection area of the trees or within the Folly Brook easement.

### Reason

To ensure sympathetic treatment of levels between the stream corridor and the edge of the southwestern parking area in the interests of the character and appearance of the area and to accord with policies CS1 and CS9 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013.

**CIRCULATED SCHEDULE NO. 28/15 – 10 JULY 2015**

<b>App No.:</b>	PK15/1449/F	<b>Applicant:</b>	Mrs Frances Purdie Pentyre Properties
<b>Site:</b>	Cherry Wood Oldland Common Bristol South Gloucestershire BS30 6PQ	<b>Date Reg:</b>	16th April 2015
<b>Proposal:</b>	Erection of 1no. dwelling with associated works.	<b>Parish:</b>	Bitton Parish Council
<b>Map Ref:</b>	366932 170987	<b>Ward:</b>	Bitton
<b>Application Category:</b>	Minor	<b>Target Date:</b>	28th May 2015



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 100023410, 2008. **N.T.S.** **PK15/1449/F**

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

This application has been referred to the Circulated Schedule due to the receipt of letters of objection from local residents and Bitton Parish Council.

### **1. THE PROPOSAL**

- 1.1 This application seeks full planning permission for the erection of 1 no. dwelling on a parcel of land located between No. 7 and No 8 Cherry Wood. The land was part of the curtilage of No. 9 Cherry Wood when the first outline planning permission, PK04/3170/O, was granted for 1 no. detached dwelling on site. Subsequently, an outline planning permission PK09/1178/O and PK12/2608/EXT (time extension for implementation) were also granted for a residential dwelling. It should be noted a full planning application is required for the proposal as the proposed layout of dwelling is different from the approved layout plan, which were previously granted.
- 1.2 The site is situated within a sub-urban residential area of Oldland.

### **2. POLICY CONTEXT**

#### **2.1 National Guidance**

National Planning Policy Framework March 2012  
Technical Guidance to National Planning Policy Framework March 2012  
National Planning Practice 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  
CS29 Communities of the East Fringe of Bristol Urban Area

##### **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  
L9 Species Protection  
T7 Cycle Parking  
T12 Transportation Development Control

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

South Gloucestershire Design Checklist – August 2007  
Residential Parking standards SPD Adopted December 2013

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

The site has been subject to a number of planning applications in the past and the following application is the most relevant to the determination of this application.

- 3.1 K604 Additions to Existing Dwelling to provide dining area & covered way to garage. Approved with conditions. 28.02.75
- 3.2 K604/1 Erection of a detached dwellinghouse on approximately 0.12 acre (outline) Refused 12.03.80 for the following reason:
- In the opinion of the District Planning Authority the proposed development is unsatisfactory having regard to the likely instability of the site, which comprises filled ground.
- 3.3 PK04/3170/O Erection of 1 no. detached dwelling (outline) with siting and means of access. All other matters to be reserved. Approved with conditions 06.12.04
- 3.4 PK09/1178/O Erection of 1 no. detached dwelling (outline) with layout and access to be determined. All other matters to be reserved. Approved with conditions 18.08.09
- 3.5 PK12/2608/EXT Erection of 1 no. detached dwelling (Outline) with layout and access to be determined. All other matters to be reserved. Consent to extend time limit implementation PK09/1178/O. Approved with conditions 21.09.12

### 4. **CONSULTATION RESPONSES**

- 4.1 Bitton Parish Council  
Objections. Cherry Wood is a small estate of quality housing with some variety of design. The new dwelling must at least match this standard. The design proposed is not in keeping with other houses in the street, nor shows the same quality, style and overall standard of design.
- 4.2 Network Rail  
No observations.
- 4.3 Coal Authority  
No objection subject to standard advice. The application site does not fall with the defined Development High Risk Area is located instead within the defined Development Low Risk Area. This means that there is no requirement under the risk-based approach that that been agreed with the Local Planning Authority for a Coal Mining Risk Assessment to be submitted or for the Coal Authority to be consulted.
- 4.4 Wessex Water  
No adverse comment, and the applicant is advised that Waste Water connections will be required from Wessex Water to serve this proposed development.

A public sewer is shown on record plans within the land identified for the proposed development. It appears that the development proposal affects existing public sewers. The applicant is advised to contact Wessex Water Sewer Protection Team for further advice. It is also advised building over existing public sewers will not be permitted (without agreement) from Wessex Water under Building Regulations. No building will be permitted within the statutory easement width of 3 metres from the pipeline without agreement from Wessex Water.

4.5 Transportation DC Officer

No objection subject to the suggested conditions and the clarification of the internal dimensions of the proposed garage.

4.6 Drainage Engineer

No objection as the surface water will be disposed to a public surface main system and not a soakaway as previously outlined, therefore no objection.

4.7 Archaeology Officer

No comment.

4.8 Highway Structures

No comments.

Other Representations

4.9 Local Residents

Three letters of objections have been received including from local residents of No. 6 and 9 Cherry Wood, the concerns have been summarised as follows:

- The upstairs windows are now closer than it was approved in the outline planning permission.
- The Juliet balcony and the higher garden level increase the inter-visibility between these habitable rooms and causes privacy and overlooking issue.
- There is a problem with the sewer system running from numbers 1 to 3 and 4 to 7 in Cherrywood. Wessex Water is now involved as it is blocking up twice a year on average.
- Part of this sewer runs through this land which the applicant proposes to build on, and it is used to be part of the Old Coal Dramway. There is evidence that this collapsed many years ago.
- The comments on the past use of the site are totally misleading. The land has been cultivated as a garden for the past 40 years. The site still includes (appropriately) a fine cherry tree and other flowering trees. A number of trees were felled and fences erected in preparation for this application and some dumping has taken place but the description of the land as unmanaged is not accurate. It should be pointed out that the roots of the felled trees were not removed and may give difficulty when landscaping is attempted.
- In the past the site was crossed by the dramway from the Willsbridge stone quarry. An old map which marks a tunnel on the site. It is believed that the



end of the tunnel can still be seen in the Willsbridge woods. Councillors will be aware that the nearby cycle path is known as the Dramway Path.

- Residents have experienced the problems which arise from the dramway, e.g. fruit trees were planted too near the line of dramway and were died as a result of the soil erosion, a greenhouse fall down, a shed sink alarmingly, drain and sewer problems which are apparently associated with the sinking ground.
- The site of this application has seen two major incidents, a sewage pipe collapsed and a large old apple tree simply fell out of the ground.
- The previous owner arranged for several lorry loads of topsoil to be delivered in an attempt to fill the crater which appeared in the middle of the site but in time it reappeared and is obvious to an observer now.
- It appears that the proposed dwelling is over the line of the old dramway and this is a more serious concern than coal mining works. Residents would like to be assured that there will be good access to the sewer running across the site. Problems in this area are still continuing and Wessex Water has visited a resident a few weeks ago as they are concerned about the situation.
- The exact line of the dramway should be established and shown clearly on plans. I think any operators of heavy machinery should be aware of the instability under the site.

## 5. **ANALYSIS OF PROPOSAL**

### 5.1 Principle of Development

Whilst this is a full planning application, the principle of residential development including the means of access has been established by the PK04/3170/O PK09/1178/O and PK12/2608/EXT. Since the grant of these outline planning permissions, the National Planning Policy Framework was published in March 2012 and the Council Core Strategy has been adopted. Nevertheless there are no material differences in terms of planning policies regarding the residential development on this site. Therefore there is no objection to the principle of the residential proposal.

### 5.2 Design / Visual Amenity

The approved block plan submitted with the outline application indicated that the new dwelling would be a two-storey detached building in the position now for consideration. Whilst the footprint of the new dwelling is different from the approved plan, it is considered that the proposal would still provide adequate private amenity space and adequate off street parking within the site. It is therefore considered that the proposed layout is acceptable.

5.3 Regarding the height of the proposed building, officers have no objection to the proposed height as the new dwelling would be two-storey in height, as such it would be similar to other properties in the locality.

5.4 In terms of appearance, most of surrounding properties are finished with re-constitution stonework in beige colour with light colour render. The majority of the surrounding properties share the same design principles and external materials.

- 5.5 Paragraph 60 of National Planning Policy Framework states that planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness.
- 5.6 Whilst the proposed dwelling has not been designed to match the design of surrounding properties and the proposed external materials would be different from other properties in the area, it is considered that the new dwelling has been designed, including the solid-to-void ratio, details of fenestrations and appearance, to respect the character and the appearance of the locality. In addition, the proposed use of TBS Mystique brick and Thrutone Fibre Cement Slate would be unlikely cause significant adverse impact or harm upon the visual amenity of the area due to its subtle colour.
- 5.7 Impact on Residential Amenity  
The nearest neighbouring properties to the proposed new dwelling would be No. 7, 8 and 9 Cherry Wood. No. 7 and No. 8 lies to the either side of the proposed new dwelling, and No. 9 lies to the west of the site. It should be noted a planning condition is attached to the outline planning permission to ensure no windows are proposed on the side south and north elevation in order to protect the amenity of the neighbouring properties. Due to the siting of the new dwelling and the proximity of the neighbouring properties, officers consider this condition would still be relevant for the determination of this full planning application.
- 5.8 There would be a number of bedrooms windows on the first floor side south elevation. Officers have no objection to the window to Bedroom 2 and 3 as they would be overlooking the existing detached garages. The main concern would be the proposed window in the master bedroom facing No. 7 Cherry Wood. It is noted that this window would be approximately 4.5 metres from the shared boundary of No. 7, therefore it would cause a degree of overlooking. Given that this window would be a secondary window to the master bedroom, the applicant agrees that this window can be fully obscured glazed to protect the privacy of the neighbouring residents. A planning condition is therefore recommended to secure this element.
- 5.9 In terms of overbearing issue, it is considered that the proposed dwelling would not cause significant adverse impact given that a reasonable distance would be retained between No. 7 and the new dwelling.
- 5.10 The proposed new dwelling would be adjacent to a private garden of No. 8. The agent has confirmed that all the windows on the first floor of north elevation would be obscured glazed. As such, it is considered that the proposal would not result in significant overlooking issue upon the neighbouring residents. The proposed new dwelling would be approximately 17 metres from the main rear elevation of the neighbouring dwelling. The proposal therefore would retain a reasonable distance as such it would not result in an unreasonable overbearing impact.

- 5.11 Residents of No. 9 raise concerns regarding the overlooking issues caused by the first floor Juliet Balcony on the first floor rear elevation. Officers acknowledge that this balcony would be overlooking the front garden of No. 9. However, this balcony would be approximately 19 metres from the front elevation of No. 9, therefore this balcony would not cause unreasonable overlooking impact upon the residents of No. 9.
- 5.12 Parking  
The principle of a new house has already been established on this site as part of previous outline planning permissions, therefore there is no highway principle objection to this application. According to the Councils parking standards (SPD), 2 parking spaces are required for a 3 or 4 bed dwelling. The Highway Officer has asked if the size of the existing garage will comply with the Council adopted parking standards. The agent has confirmed that the existing garage would fail to meet the required standards, however, the site could provide adequate off-street parking spaces within the site to accord with the Council parking requirement without compromising the provision of amenity space, Officers therefore impose a planning condition seeking details of off-street parking spaces prior to the commencement of the development.
- 5.13 Drainage issues  
The site is not situated within flood zone. Nevertheless, residents raise concerns regarding the drainage issues of the site. Wessex Water and the Drainage Engineer have been consulted and no objection is raised subject to conditions seeking sustainable drainage details. The applicant is also advised that a prior consent is required from the Wessex Water regarding the proposal.
- 5.14 Arboriculture and landscaping issues  
A concern has been raised regarding the loss of the existing trees and the landscape features. It should be noted that the existing trees are not protected and the Arboricultural Officer raised no objection to the removal of the existing trees under the previous outline applications. Whilst Officers acknowledge that the proposal would result in a loss of existing trees, it is considered that there is no justification to refuse this application on this ground.
- 5.15 Other issues  
Significant concerns have been raised regarding the instability of the site and the proximity of dramway. The Council's Archaeology Officer has been consulted and no concerns are raised regarding the existing dramway. The agent has been informed of the concerns of the site and the agent confirmed that a soil investigation is to be carried out upon the receipt of planning permission, and the construction design will be confirmed by a qualified structural engineer and will be monitored by a building inspector. As the method of construction will be subject to further consideration under Building Regulations, it is not considered there is a reasonable basis for further consideration as part of the planning application.

#### 5.16 Removal of Permitted Development Rights

Given the location of the site and the proximity of the neighbouring properties, officers consider that it would be necessary to remove permitted development rights (Part 1 Schedule 2) to allow the Local Planning Authority to monitor any further development within the site and consider any potential adverse impact upon the amenity of the area and the future / adjacent occupiers. It is considered that there is a special circumstance in this instance to justify the removal of permitted development rights – Classes A, B and E.

### 6. CONCLUSION

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

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

### 7. RECOMMENDATION

7.1 That this full planning application is recommend approval subject to the following conditions.

**Contact Officer: Olivia Tresise**  
**Tel. No. 01454 863761**

### CONDITIONS

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

Reason

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

2. Notwithstanding the provisions of Schedule 2 of the Town & Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no development as specified in Part 1 (Classes A, B and E), or any minor operations as specified in Part 2 (Class A), other than such development or operations indicated on the plans hereby approved, shall be carried out without the prior written consent of the Local Planning Authority.

Reason

To ensure the satisfactory external appearance of the development in the interests of visual amenity and to protect the residential amenity of the neighbouring occupiers and to accord with Policies CS1 and CS9 of the South Gloucestershire Local Plan:

Core Strategy and Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

3. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) (England) Order 2015 , or any Order revoking or re-enacting that Order with or without modification) no windows other than those shown on the plans hereby approved shall be inserted at any time in the first floor of the southern and northern elevation of the property.

Reason

To protect the residential amenity of the neighbouring occupiers and to accord with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013) and the saved Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

4. Prior to the use or occupation of the proposed dwelling hereby permitted, and at all times thereafter, the proposed first floor windows on the northern elevation and the proposed first floor window of the southern elevation to be installed in the master bedroom (Drawing No. 14214 006 Rev A and 14214 010 Rev A) shall be glazed with obscure glass to level 3 standard or above.

Reason

To protect the residential amenity of the neighbouring occupiers and to accord with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013) and the saved Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

5. Prior to the commencement of development surface water drainage detail proposals incorporating Sustainable Drainage Systems (SUDS) and confirmation of hydrological conditions (e.g. soil permeability, watercourses, mining culverts) within the development shall be submitted for approval in writing to the Local Planning Authority. If the surface water would be disposed to soakaway, a percolation test and a detailed drainage plan showing the location and the size of the soakaway and the detailed design shall be submitted to and approved in writing by the Local Planning Authority. The Development shall be carried out in accordance with the approved details.

Reason

a. It is a pre-commencement condition to avoid any unnecessary remedial in the future.

b. 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).

6. The proposed dwelling hereby permitted shall be finished with TBS Mystique and Thrutone Fibre Cement Slate unless is first agreed in writing with the Local Planning Authority prior to their use. Development shall be carried out in accordance with the approved details.

Reason

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

7. The hours of working on site during the period of construction shall be restricted to 08.00 to 18.00 Mondays to Fridays, and 08.30 to 13.00 Saturdays; and no working shall take place on Sundays or Public Holidays. The term 'working' shall, for the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the curtilage of site.

Reason

To protect the residential amenity of the neighbouring occupiers, and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013) and the saved Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

8. Prior to the commencement of the development hereby permitted, details of two off-street parking spaces to be provided within the site shall be submitted to and approved in writing by the Local Planning Authority. The works shall be strictly carried out in accordance with the approved details prior to the first occupation of the dwelling hereby permitted.

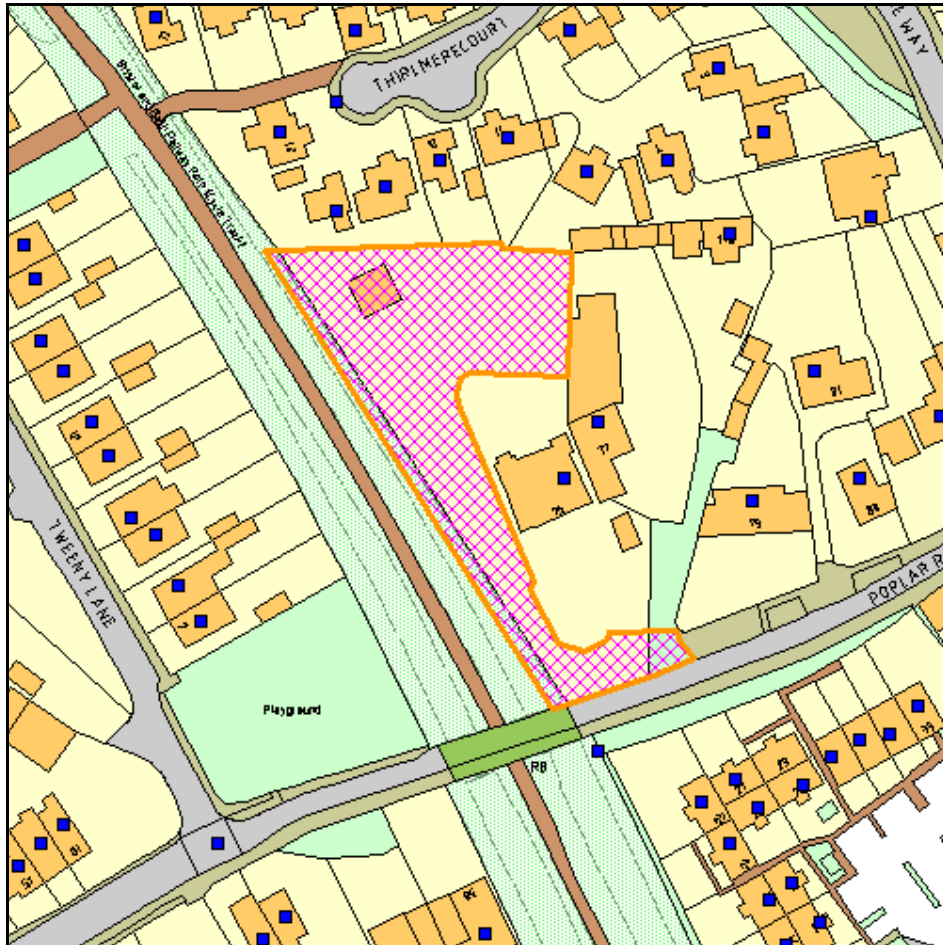
Reason

a. This is a pre-commencement condition in order to avoid any unnecessary work in the future.

b. 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 Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

**CIRCULATED SCHEDULE NO. 28/15 – 10 JULY 2015**

<b>App No.:</b>	PK15/1674/F	<b>Applicant:</b>	Mr And Mrs Britton
<b>Site:</b>	Land At Poplar Road Warmley Bristol South Gloucestershire BS30 5JS	<b>Date Reg:</b>	29th May 2015
<b>Proposal:</b>	Erection of 2no. detached dwellings and a detached garage with associated works.	<b>Parish:</b>	Bitton Parish Council
<b>Map Ref:</b>	367661 172705	<b>Ward:</b>	Oldland Common
<b>Application Category:</b>	Minor	<b>Target Date:</b>	22nd July 2015



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 100023410, 2008. **N.T.S.** **PK15/1674/F**

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

The application has been submitted to the Council's Circulated Schedule, given that an objection has been raised that is contrary to the Officer's recommendation.

### **1. THE PROPOSAL**

- 1.1 This application is for the erection of 2 no bungalows with an associated access and parking spaces.
- 1.2 The application site comprises a large plot of land (approx. 0.2 ha), situated to the rear of No.75 Poplar Road which currently forms part of the garden area of that property. The site is largely level with a slight rise of levels at one point towards the rear which levels off closer to the boundary. The only other notable feature is a very large detached garage currently used by the host dwelling but shown as part of the current proposal. No. 75 is a large detached property situated on the northern side of the road.
- 1.3 Within context to the north of the site are two storey residential properties in Thirlmere Court (a combination of a hedge/small trees and fence marking this boundary) and there is further residential development to the east. To the south lies the host dwelling No.75 Poplar Road while to the west within a cutting (screened by significant vegetation) lies the Bristol to Bath former railway path (used by pedestrians and cyclists. At the far south-west corner the site adjoins the bridge that carries Poplar Road over this path. The road at this point has one-way traffic only. Warmley/North Common is situated within the Bristol East Fringe urban area.

### **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 (Adopted) January 2006 (saved policies)**

H4 Development within Existing Residential Curtilages  
T7 Cycle Parking  
T12 Transportation  
L1 Landscaping

##### **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 Environment and Heritage  
CS15 Distribution of Housing  
CS16 Housing Density  
CS17 Housing Diversity  
CS29 Communities of the East Fringe of Bristol Urban Area



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

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

Applications relating to No.75 itself but in relation to the application site:

- 3.1 K4326 Garage (approved)

### **4. CONSULTATION RESPONSES**

- 4.1 Bitton Parish Council

No objection

Other Consultees

Highway Structures

No comment.

Highway Drainage

No objection subject to a conditions to secure a sustainable drainage system being attached to the decision notice.

Sustainable Transport

No objection subject to conditions to secure the visibility splay and cycle/car parking spaces.

Coal Authority

The Coal Authority considers that the content and conclusions of the Coalmining Risk Assessment Report (May 2015, prepared by Crompton Fear Partnership Ltd) meets the requirements of the planning system in demonstrating that the application site is, or can be made, safe and stable for the proposed development. The Coal Authority therefore has no objection to the proposed development. However, further more detailed considerations of ground conditions and/or foundation design may be required as part of any subsequent building regulations application.

### **Other Representations**

- 4.2 Local Residents

One letter of objection has been received. The grounds of objection can be summarised

- There would be a loss of privacy particularly given a difference of levels
- There would be water run-off to the detriment of neighbours

- The proposal would have an overbearing impact
- The proposal if allowed would result in a loss of property values

## 5. **ANALYSIS OF PROPOSAL**

### 5.1 Principle of Development

The site lies within the Bristol East Fringe Urban Area and being residential curtilage, there is no in-principle objection to the development of the site for residential use. Accordingly, the relevant policies for the considerations of this application are primarily CS1 and CS5 of the South Gloucestershire Core Strategy (Adopted) December 2013, and policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006. Whilst these are permissive of proposals for new residential development, this is subject to considerations of design, residential amenity and highway safety whilst adequate amenity space should be provided for any new separately occupied dwelling.

### 5.2 Design

The general locality is characterised by a variety of architectural styles, scales and materials. To the south along Poplar Road there are a number of modern two storey detached properties while to the north there are a number of brick built two storey properties with pitched tiled gabled roofs. Nearby 77a is a bungalow and there are other bungalows along Poplar Road. The proposed single storey buildings will combine natural stone, brick and render with bay windows and projecting gables having their main aspects to the north and south. In terms of scale, appearance and materials the design is considered acceptable.

The layout is of a low density however this enables the provision of amenity space both for the new dwellings and the existing host dwelling and ensures the protection of the residential amenity of neighbouring occupiers (see 5.4 below).

### 5.3 Residential Amenity

When considering residential amenity it is necessary to consider the impact of new development both in terms of potential impact upon neighbouring occupiers but also the future occupiers of the new development.

Concern has been raised that the proposed development would result in loss of privacy and appear overbearing when viewed from properties to the rear (a letter of objection has been received from a neighbouring occupier in Thirlmere Court). Firstly it should be noted that a large existing garage is to be retained hence the impact from this element would be no different to the existing one. The distance from the new bungalow Plot 1 to the nearest property to the rear is approximately 15.5 metres which it is acknowledged is less than the traditional 21 metres distance used as a basis to marker for an acceptable relationship with respect to overlooking. It is also noted from the Case Officers site visit and from concern raised by a neighbour that around the area that Plot 1 will be built there is a "mound" ie the land rises and falls. While this relationship and the topography is recognised, it is noted that the proposed

building is single storey with a height of 5.3 metres, Furthermore the case officer has requested a section to show the relationship between the proposed dwellings and the nearest neighbouring properties and this shows that overlooking will not occur taking into account the boundary fence and the height of the proposed building. A condition is recommended to ensure that the floor level shown (49.5 above ordinance datum). Given this relationship and subject to the above condition while it is acknowledged that the outlook from the nearest property to the rear would change it is not considered that the proposal would appear oppressive or overbearing or result in the loss privacy such as would justify the refusal of the application. The relationship between Plot 2 and the nearest properties is a little different being approximately 20 metres distance and again subject to a similar condition to secure the finished floor level at in this case 49.3 AOD this is considered appropriate.

It is also considered appropriate in this case given that there is a large spectrum of development that can be built as “Permitted Development” and particularly in relation to roof extensions to remove permitted development rights in order to allow an assessment of such proposals through the planning process in the interests of the amenity of neighbouring occupiers.

With respect to the nearest property immediately to the east and the host dwelling, the proposed dwellings are not considered to cause any loss of residential amenity either through loss of outlook or privacy.

With respect to the amenity of future occupiers it is considered that sufficient private amenity space is provided (and sufficient retained by the host dwelling) It is acknowledged that gardens will be overlooked to an extent by the nearest properties to the rear however that is not unusual within an urban context. There will not be any direct window to window view into the rear elevation given the boundary treatments with views limited to the angled view down to the rear of the new houses from the first floor of those properties to the rear. This relationship is considered acceptable.

It is considered appropriate in this case given the close proximity of neighbouring properties to apply a condition to restrict working times during the construction phase in order to protect the residential amenity of neighbouring occupiers from potential noise and disturbance.

#### 5.4 Landscape

The proposed development will have little impact upon the existing landscaping on the site. The access way lies next to trees along the boundary with the cycle path cutting however the access remains the same. A detailed landscaping condition is not considered necessary given the extent of the development, however it is considered appropriate to apply a condition to ensure that all boundary treatments shown are provided prior to the first occupation of the development in the interests of both visual and residential amenity. A condition to ensure that there is “no-dig” around existing trees will also be applied.

## 5.5 Transport

Policy T12 of the South Gloucestershire Local Plan (Saved policy) seeks to ensure that new development makes adequate, safe and appropriate provision for the transportation demands that it will create.

### Access

Visibility at the access to the right is restricted to between 25 and 35m depending on what part of the carriageway it is measured to. It is however an existing wide access serving 3 dwellings and there have been no recorded collisions over the last 5 years. Poplar Road is a narrow one way road in a north bound direction past the site. Speeds would be limited by the width of the road and the vertical alignment of the road over the adjacent bridge. The access is therefore suitable to serve the proposed development. The access is considered appropriate however a condition is recommended to ensure that this access is provide prior to first occupation and maintained as such thereafter

### Parking

The proposed development shows enough space to provide 2 spaces per dwelling in order to comply with the Residential Parking Standards (not withstanding the fact that the new garage is substandard. A condition is recommended to ensure that the parking is provided prior to the first occupation of the development and a condition to secure two secure parking spaces also prior to first occupation.

Subject to the recommended conditions the proposed development is considered to be acceptable in transportation terms.

## 5.6 Drainage

Concern has been raised that construction works may result in the movement of water towards the nearest property to the rear. There is a duty upon the developer to ensure that there is no damage to neighbouring occupiers during the construction phase, should this occur then this would be a civil/legal matter between neighbours. With respect to the future beyond the construction phase, the Council's Drainage Engineer has requested that a Sustainable Urban Drainage System (SUDS) is required at this location to ensure appropriate drainage in this urban environment, and this will be conditioned in the event that the application is approved.

## 5.7 Other Issues

Concern has been raised that the proposed development would result in a loss of property value. It is important to note in this regard that the perceived loss of property value is not a material planning consideration.

## 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 **GRANTED** subject to the conditions on the decision notice.

**Contact Officer: David Stockdale**  
**Tel. No. 01454 866622**

## **CONDITIONS**

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

Reason

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

2. Prior to the commencement of development surface water drainage details including SUDS (Sustainable Drainage Systems e.g. soakaways if ground conditions are satisfactory), for flood prevention; pollution control and environmental protection shall be submitted to and approved in writing by the Local Planning Authority. A detailed development layout showing surface water and SUDS proposals is required as part of this submission.

Reason

To comply with Policy CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and National Planning Policy Framework 2012.

A condition to secure these details prior to the commencement of development is required to avoid the need for future remedial action.

3. Prior to the first occupation of the development hereby approved the site access shall be provided in accordance with Drawing No. 2631/2 and shall be kept clear of obstruction and maintained as such thereafter.

Reason

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

4. The off-street parking facilities shown on Drawing 2631/2 and 2631/4 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 T12 of the South Gloucestershire Local Plan (Adopted) January 2006, Policy CS8 of the South Gloucestershire Local Plan Core Strategy 2013 and the South Gloucestershire Residential Parking Standards 2013..

5. Prior to the first occupation of the buildings details of 2 covered and secure cycle parking spaces shall be submitted to and approved in writing by the Local Planning Authority. The spaces shall be provided prior to the first occupation of the dwellings.

Reason

To encourage means of transportation other than the private car, to accord with Policies T7 of the South Gloucestershire Local Plan (Adopted) January 2006 and Policy CS8 of the South Gloucestershire Local Plan Core Strategy 2013.

6. Prior to the first occupation of the dwellings hereby approved, the new boundary treatments (fences) shown on Drawing No. 2631/2 shall be installed as shown and retained as such thereafter.

Reason

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

7. Prior to the commencement of development full details of the accessway shown on Drg No.2631/2 Rev A hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The details submitted shall include a "no-dig method statement" to protect the existing vegetation/trees. All works shall be carried out in accordance with the approved details.

Reason

To ensure the protection of the trees in the interests of the visual amenity of the area and to accord with Policy L1 of the South Gloucestershire Local Plan 2006 (saved policy) and Policy CS9 of the South Gloucestershire Local Plan Core Strategy 2013.

This is a pre-commencement condition in order to avoid the need for future remedial action.

8. The floor level of Plot 1 shall not exceed 49.50 AOD and the floor level of Plot 2 shall not exceed 49.30 AOD as shown on Drawing No.2631/6 hereby approved

Reason

In order to protect the residential amenity of neighbouring occupiers and to accord with Policy H4 of the South Gloucestershire Local Plan 2006 (saved policy).

9. The hours of working on site during the period of construction shall be restricted to 0800 to 1800 hours Monday to Friday and 0800 to 1300 hours Saturdays and no working shall take place on Sundays or Public Holidays. The term `working? shall, for the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the curtilage of site.

Reason

In order to protect the residential amenity of neighbouring occupiers during the construction period and to accord with the National Planning Policy Framework 2012.

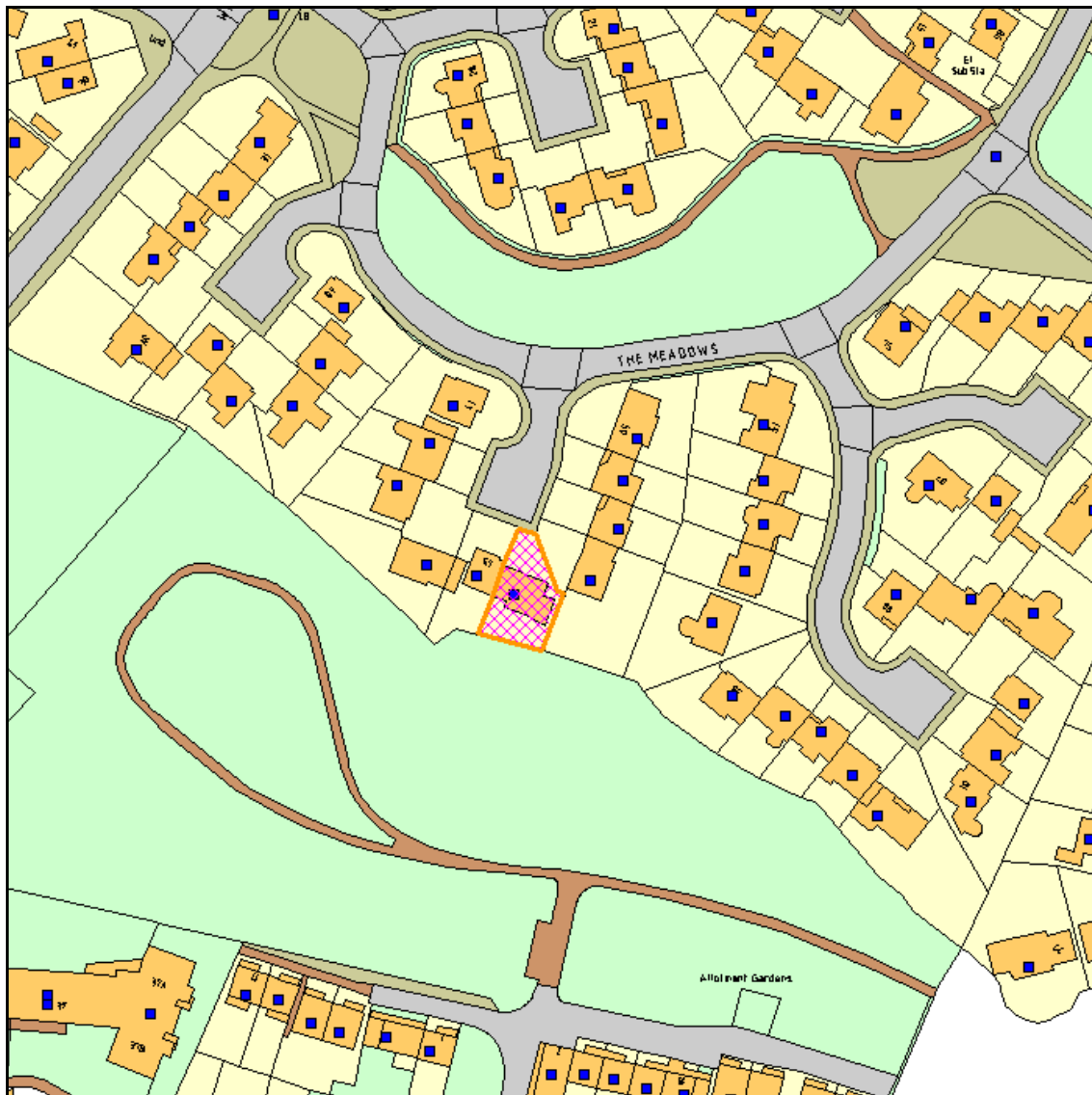
10. Notwithstanding the provisions of Schedule 2 of the Town & Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no development as specified in Part 1 (Classes A, B, D, E, F, G and H), or any minor operations as specified in Part 2 (Class A), other than such development or operations indicated on the plans hereby approved, shall be carried out without the prior written consent of the Local Planning Authority.

Reason

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

**CIRCULATED SCHEDULE NO. 28/15 – 10 JULY 2015**

<b>App No.:</b>	PK15/1819/F	<b>Applicant:</b>	Mr And Mrs A Bedingfield
<b>Site:</b>	46 The Meadows Hanham Bristol South Gloucestershire BS15 3PA	<b>Date Reg:</b>	8th May 2015
<b>Proposal:</b>	Erection of single storey rear and side extension to include raising of roofline to existing garage to form additional living accommodation.	<b>Parish:</b>	Hanham Abbots Parish Council
<b>Map Ref:</b>	364643 171755	<b>Ward:</b>	Hanham
<b>Application Category:</b>	Householder	<b>Target Date:</b>	1st July 2015



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

This application appears on the Circulated Schedule as a result of consultation comments received.

### **1. THE PROPOSAL**

- 1.1 The application is for the erection of single storey rear and side extension to include raising of roofline to existing garage to form additional living accommodation.
- 1.2 The property is linked-detached, relatively modern dwelling situated at the end of a cul-de-sac, and is located within the residential area of Hanham.

### **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  
H4 Development within Existing Residential Curtilages, Including Extensions and New Dwellings  
T12 Transportation Development Control Policy for New Development  
  
South Gloucestershire Local Plan Core Strategy (Adopted December 2013)  
CS1 High Quality Design
- 2.3 Supplementary Planning Guidance  
South Gloucestershire Design Checklist (Adopted) 2007.  
South Gloucestershire Council Residential Parking Standards December 2013

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

- 3.1 None relevant

### **4. CONSULTATION RESPONSES**

- 4.1 Hanham Abbots Parish Council  
No objections
- 4.2 Lead Local Flood Authority  
No objection in principle subject to recommendations to consult Wessex Water, regarding their building in close proximity of public surface water sewers.

## **Other Representations**

### 4.3 Local Residents

One letter of representation has been received, as follows:  
- no. 46 the Meadows is a 'linked detached' two storey dwelling with an attached garage abutting the east gable end wall of our home, 45 The Meadows.

- appended to the rear of our home, at no. 45 The Meadows, is a near complete, single storey extension which has been constructed with consideration to:

- (a) the common boundary with our neighbours at no 46 and
- (b) existing drainage runs discovered during excavations.

Architectural drawing no. 02, indicates the line of our extension as being coincident with the line of our original gable end wall, this is not the case. The extremes of the footprint to our extension have been determined for the reasons stated and to create a certain detachment which we would prefer to maintain.

In conclusion, we have no objections to our neighbours wish to extend but would request greater consideration is afforded to our common boundary

*Officer Note: Further amended drawings have subsequently been received and are discussed in more detail in the relevant sections below.*

## 5. **ANALYSIS OF PROPOSAL**

### 5.1 Principle of Development

Policy H4 of the South Gloucestershire Local Plan (Adopted) 2006 advises that proposals should respect the massing, scale, proportions, materials and overall design of the existing property and the character of the street scene and surrounding area, they shall not prejudice the amenities of nearby occupiers, and shall not prejudice highway safety nor the retention of an acceptable level of parking provision or prejudice the retention of adequate amenity space.

### 5.2 Design / Visual Amenity

The proposed extension is of an appropriate standard in design and is not out of keeping with the character of the main dwelling house and surrounding properties. The extension is of an acceptable size in comparison to the existing dwelling and the site and surroundings. Materials used will match those of the existing dwelling. Sufficient private amenity space will remain to serve the dwelling.

### 5.3 Residential Amenity

Subsequent to the comments received, amended drawings have been received. These have amended the plans to show the neighbouring extension location to be set just off the shared boundary, in its correct location. The application proposal follows the extent of the building line of the application property along the shared boundary.

This is not considered unacceptable in its own right, however it must be considered that the granting of any consent does not grant the rights to build or access onto property not within the applicants control or without permission.

5.4 Taking into account the overall scale of the extension and its relationship with the existing dwelling and surrounding properties, it is not considered that it would give rise to a significant or material overbearing impact upon neighbouring properties. It is considered therefore that the proposal would be acceptable in terms of residential amenity.

5.5 Transportation

The proposals would not impact upon car parking availability or requirements.

**6. CONCLUSION**

6.1 In accordance with Article 35 of the Town and Country 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 proposed extension is of an appropriate standard in design and is not out of keeping with the main dwelling house and surrounding properties. Furthermore the proposal would not materially harm the amenities of the neighbouring properties by reason of loss of privacy or overbearing impact. As such the proposals accord with Policies H4 of the South Gloucestershire Local Plan (Adopted) 2006 and Policy CS1 of the South Gloucestershire Local Plan Core Strategy December 2013.

6.3 The recommendation to grant permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 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 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).

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 H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

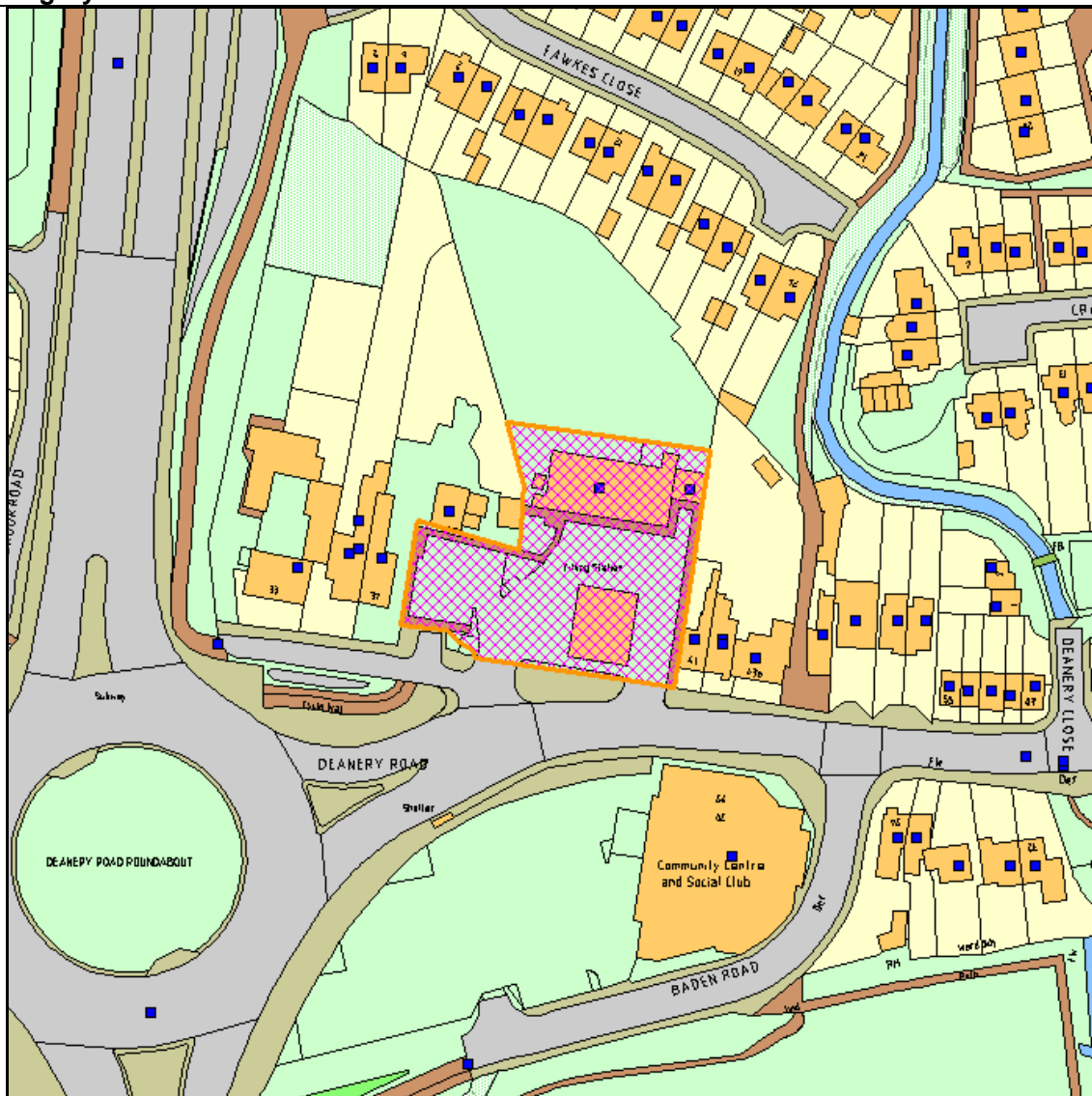
3. The hours of working on site during the period of construction shall be restricted to 08.00-18.00 on Saturdays; 08.00 - 13.00 on Saturdays and no working shall take place on Sundays or Public Holidays. The term `working' shall, for the purpose of clarification of this condition include: the use of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

Reason

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

## CIRCULATED SCHEDULE NO. 28/15 – 10 JULY 2015

<b>App No.:</b>	PK15/2265/ADV	<b>Applicant:</b>	Esso Petroleum Co. Ltd.
<b>Site:</b>	Warmley Service Station Deanery Road Kingswood Bristol South Gloucestershire BS15 9JB	<b>Date Reg:</b>	2nd June 2015
<b>Proposal:</b>	Display of forecourt signage, including 2no. externally illuminated wave signs, 2no. externally illuminated blade signs, 4no. non-illuminated koala signs and 8no. non-illuminated pump number signs.	<b>Parish:</b>	None
<b>Map Ref:</b>	366689 173620	<b>Ward:</b>	Siston
<b>Application Category:</b>	Minor	<b>Target Date:</b>	23rd July 2015



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

This application has been referred to the Circulated Schedule to take account of an objection to the proposal from the Parish Council; the officer recommendation is one of approval.

### **1. THE PROPOSAL**

- 1.1 This application seeks advertisement consent for the display of a total of 16 signs on a petrol filling station forecourt on the A420 Deanery Road in Warmley. The filling station is located in close proximity to the junction of the A420 and the A4174 Avon Ring Road. The site operates as a Tesco Express store retailing Esso petroleum.
- 1.2 The proposed signage consists of the following -
- 2 illuminated 'wave' signs; a wave sign is an upside-down L shaped sign that sits over a fuel pump.
  - 2 illuminated 'blade' signs; a blade sign projects from the canopy supports and is wedge shaped in nature, narrowing at the bottom.
  - 4 non-illuminated 'koala' signs; a koala sign is attached to and projects in a wrap-around fashion from the canopy supports. It is designed to hold small scale signs or pump advertisements.
  - 8 non-illuminated pump number identifying signs.
- 1.3 At present, signage at the site is fairly low-key and the main signs consist of the totem sign on the edge of the site and the signage in relation to the Tesco store.

### **2. POLICY CONTEXT**

#### 2.1 National Guidance

- i. National Planning Policy Framework March 2012
- ii. The Town and Country Planning (Control of Advertisements) (England) Regulations 2007

#### 2.2 Development Plans

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

South Gloucestershire Local Plan Adopted January 2006 (Saved Policies)  
T12 Transportation

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

- 3.1 PK07/2827/F Approve with Conditions 06/06/2008  
Demolition of existing petrol filling station and other buildings to facilitate the erection of convenience store to include petrol sales. Installation of 2no. ATMs. Erection of canopy and forecourt with associated car parking and works. Installation of replacement fuel storage tank. Erection of 2.5m high metal palisade fence and gate.

- 3.2 PK07/2826/ADV Approved 08/01/2008  
Installation of 1 no. fascia sign with internally illuminated lettering, 1 no. ingress and 1 no. front internally illuminated canopy sign, 1 no. egress and 1 no. rear non illuminated canopy sign, 2 no. free standing ID signs with illuminated lettering and 3 no. free standing non illuminated signs.

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

- 4.1 Oldland Parish Council (Adjoining)  
Objection: increased illumination and associated light pollution, site is too small to accommodate this level of signage; suggests unilluminated signs would be more appropriate.
- 4.2 Sustainable Transport  
No objection

#### **Other Representations**

- 4.3 Local Residents  
None received

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

- 5.1 This application seeks advertisement consent for the display of a number of signs on a petrol filling station forecourt.
- 5.2 Principle of Development  
Guidance within the National Planning Policy Framework states that advertisements should only be controlled in the interests of amenity, public safety and cumulative impact. Design and design quality is assessed in terms of visual amenity and cumulative impact using policy CS1 of the Core Strategy. Public safety is assessed using saved policy T12 of the Local Plan to ensure that the signage is not detrimental to highway safety or presents a traffic hazard. Further guidance in the NPPF states that development should only be refused on transport grounds where the impact is considered to be 'severe'
- 5.3 Design and Amenity  
It is considered that the proposed signs are consistent with what can be reasonably expected to be displayed on the forecourt of a petrol filling station. At present, the site is rather utilitarian in nature and the proposed signs are considered to provide more interest and identity to the site.
- 5.4 Each sign is well proportioned and designed so that no individual element is overpowering to the extent that it would have an adverse impact on either visual or residential amenity. The signs all relate to the filling pumps and do not lead to the spread of advertisements over the wider site.

5.5 Illumination

Concern has been raised regarding the proposed illumination of the signs. As the signage is positioned on or in relation to the existing fuel pumps, the signs fall under the existing canopy. This canopy includes lighting to enable customers to safely draw fuel in hours of darkness. It is not considered that the illumination would have a significant impact on light levels in the vicinity, particularly as the site is located within the existing urban area of the east fringe of Bristol.

5.6 Notwithstanding the above, it is proposed to illuminate the signs using LED strips. At 1 metre from the lights the luminance level would be 120 lux but by 3 metres this falls to 80 lux. Therefore no objection is raised in relation to the illumination of these signs.

5.7 Public Safety

The signs are relatively small in size and they are sufficiently far enough from the edge of the highway not to cause distraction to the passing motorists. The signs are not considered to be a highway hazards. No objection is raised on the basis on highway or public safety.

**6. RECOMMENDATION**

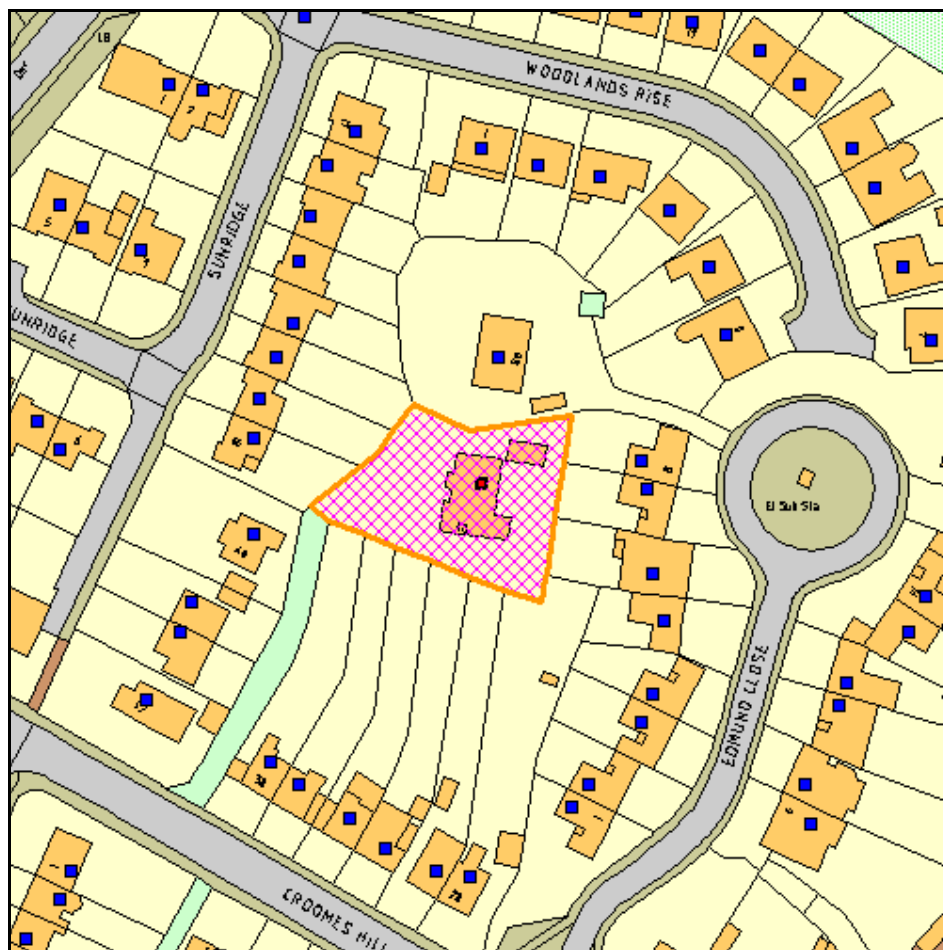
6.1 It is recommended that advertisement consent is APPROVED.

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



**CIRCULATED SCHEDULE NO. 28/15 – 10 JULY 2015**

<b>App No.:</b>	PK15/2267/CLP	<b>Applicant:</b>	Mr Carter
<b>Site:</b>	40 Croomes Hill Downend Bristol South Gloucestershire BS16 5EH	<b>Date Reg:</b>	3rd June 2015
<b>Proposal:</b>	Application for a certificate of lawfulness for the proposed erection of a single storey rear extension and installation of rear dormer to facilitate loft conversion.	<b>Parish:</b>	Downend And Bromley Heath Parish Council
<b>Map Ref:</b>	364648 176724	<b>Ward:</b>	Downend
<b>Application Category:</b>		<b>Target Date:</b>	24th July 2015



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 100023410, 2008. **N.T.S.** **PK15/2267/CLP**

## **1. THE PROPOSAL**

- 1.1 The applicant is seeking a formal decision as to whether the proposed erection of a single storey rear extension and installation of rear dormer at 40 Croomes Hill, Downend, would be lawful. This is based on the assertion that the proposal falls within the permitted development rights normally afforded to householders.
- 1.2 This application is a formal way of establishing whether the proposal requires planning permission or not. Accordingly there is no consideration of planning merit; the decision is based solely on the facts presented.

## **2. POLICY CONTEXT**

### **2.1 National Guidance**

Town and Country Planning Act 1990 (As Amended) 1990  
Town and Country Planning (Development Management Procedure) (England) Order 2015  
Town and Country Planning (General Permitted Development) (GPDO) (England) Order 2015

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 PK00/1481/F                      Approved with Conditions                      17.07.2000  
Erection of single storey front, side and rear extensions, with conservatory to the side elevation.

## **4. CONSULTATION RESPONSES**

- 4.1 Downend and Bromley Heath Parish Council  
No objection
- 4.2 Lead Local Flood Authority  
No comment
- 4.3 Archaeology Officer  
No comment
- 4.4 Councillor  
No comment

## Other Representations

- 4.5 Local Residents  
No comment

## 5. SUMMARY OF EVIDENCE IN SUPPORT OF APPLICATION

- 5.1 Received 27<sup>th</sup> May 2015:  
Site Location, Block Plan and Proposed Building Regulations  
Combined Existing Plans  
Combined Proposed Plans

Received 3<sup>rd</sup> July 2015:  
Combined Proposed Plans (Revised)

## 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.

The key issue is to determine whether the proposal falls within the permitted development rights afforded to householders under Schedule 2, of the GPDO 2015.

- 6.2 The proposed development consists of a single storey, rear extension with a lean to roof and a rear dormer to facilitate a loft conversion. The proposed single storey extension would fall within the category of development permitted by Schedule 2, Part 1, Class A of the GPDO, 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 use of the building as a dwellinghouse was not granted by virtue of Class M, N, P or Q of Part 3 of this Schedule.

- (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 extension 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 extension 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 extension would project beyond the rear elevation which does not front 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 application relates to a detached dwellinghouse. The proposed extension would extend beyond what is considered to be the original rear elevation and would have an approximate depth of 3.55 metres. The height of the proposed addition is approximately 2.8 metres. The development therefore meets the 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 extension 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 extension would not be within 2 metres of the boundary and the height of the eaves of the enlarged part of the dwellinghouse would be approximately 2.55 meters.
- (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 development would 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 includes alterations to the roof in order to facilitate the rear dormer. The alterations will need to meet the requirements of Class B in order to be permitted development. The rear extension would not include any of the other features listed.

**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;**

Correspondence from the agent has confirmed that all finishes, walls and roof tiles will match existing.

- (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.

6.3 The proposed rear dormer to facilitate the loft conversion would fall within the category of development permitted by Schedule 2, Part 1, Class B of the GPDO, which allows for the enlargement of a dwellinghouse consisting of an addition or alteration to its roof, provided it meets the criteria as detailed below:

**B.1 Development is not permitted by Class B 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 (change of uses);**

The use of the building as a dwellinghouse was not granted by virtue of Class M, N, P or Q of Part 3 of this Schedule.

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

The proposed works do not exceed the maximum height of the existing roof.

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

The proposed dormer does will extend beyond the rear elevation and would not extend beyond the principal elevation.

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

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

**(ii) 50 cubic metres in any other case;**

The dormer has an approximate volume of 26 cubic metres.

**(e) It would consist of or include-**

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

The proposal includes a 'Juliet' balcony that would project from the rear elevation. In line with technical guidance, where there is no platform and therefore no external access, this style of balcony would be classed as permitted development and would therefore meet the criteria.

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

Not applicable.

**(f) The dwellinghouse is on article 2(3) land.**

The dwellinghouse is not on article 2(3) land.

**Conditions**

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

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

Correspondence from the agent has confirmed that all finishes, walls and roof tiles will match existing.

**(b) The enlargement must be constructed so that –**

- i. Other than in the case of a hip-to-gable enlargement or an enlargement which joins the original roof to the roof of a rear or side extension-**

**(aa) the eaves of the original roof are maintained or reinstated; and**

**(bb) the edge of the enlargement closest to the eaves of the original roof is, so far as practicable, not less than 0.2 metres from the eaves, measures along the roof slope from outside the edge of the eaves; and**

The proposal leaves the original eaves of the dwellinghouse unaffected. The edge of the proposed dormer closest to the eaves is set back by approximately 0.4 metres from the existing eaves.

- ii. Other than in the case of an enlargement which joins the original roof to the roof of a rear or side extension, no part of the enlargement extends beyond the outside face of any external wall of the original dwellinghouse; and**

The proposal does not extend beyond the outside face of any external wall of the original dwellinghouse.

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

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

Not applicable.

## **7. RECOMMENDATION**

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

Evidence has been provided to demonstrate that the development falls within permitted development within the curtilage of the dwellinghouse under Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015.

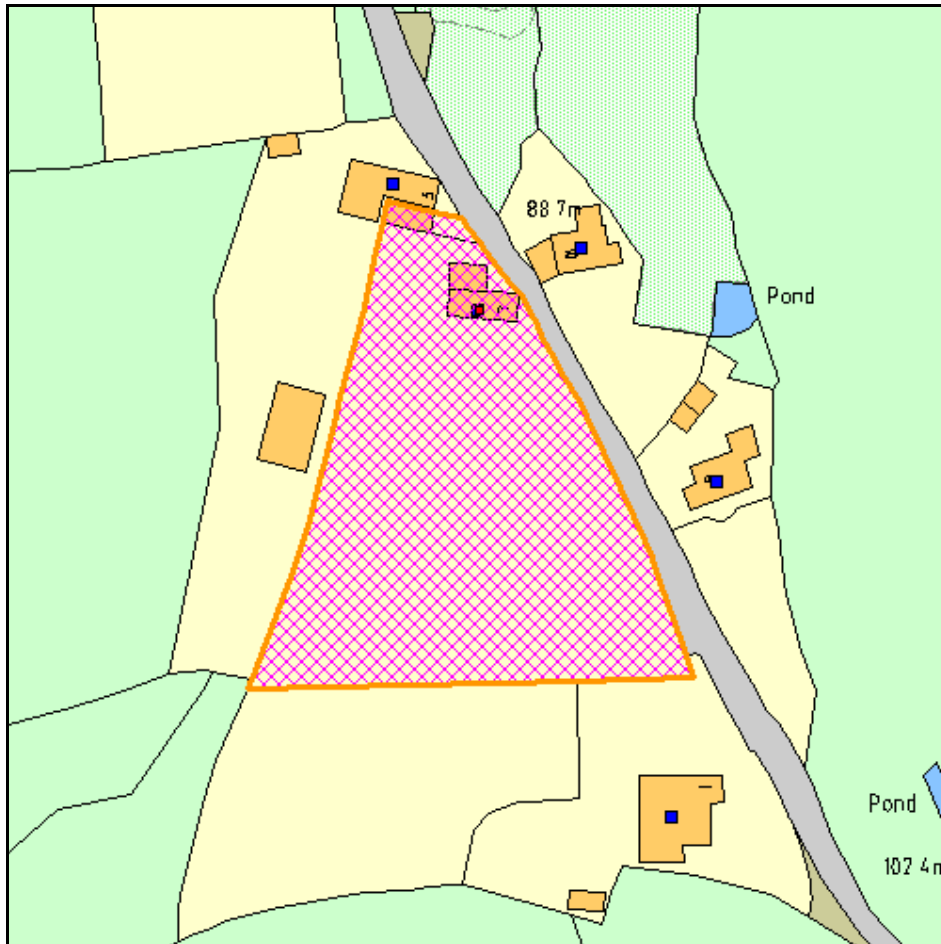
**Contact Officer: Helen Benjamin**  
**Tel. No. (01454) 865119**



CIRCULATED SCHEDULE NO. 28/15 - 10 JULY 2015

<b>App No.:</b>	PK15/2269/F	<b>Applicant:</b>	Mr S Lovell
<b>Site:</b>	3 Yate Rocks Yate Bristol South Gloucestershire BS37 7BT	<b>Date Reg:</b>	1st June 2015
<b>Proposal:</b>	Erection of two storey and single storey extension to form additional living accommodation. (Resubmission of planning application PK14/4827/F)	<b>Parish:</b>	Yate Town Council
<b>Map Ref:</b>	372012 184527	<b>Ward:</b>	Yate North
<b>Application Category:</b>	Householder	<b>Target Date:</b>	22nd July 2015

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## **REASON FOR REPORT APPEARING ON CIRCULATED SCHEDULE**

This application has received an objection from a local resident, contrary to the Officer's recommendation to approve planning permission.

### **1. THE PROPOSAL**

- 1.1 This application seeks planning permission for the erection of two storey and single storey extension to form additional living accommodation (Re-submission of planning application PK14/4827/F).
- 1.2 The application site relates to a small detached 2-bay 19<sup>th</sup> century cottage with gable end stone stack, pantiled roof with an addition to the east taking the building up to the roadside, and an addition to the north of the original building, wrapping round to the west gable. The cottage is built into the sloping rock. The principal elevation faces south, looking out towards the large garden. The building is locally listed.
- 1.3 The application site is located on the western side of Yate Rocks and lies outside of the settlement boundary, in the open countryside.
- 1.4 Following the refusal of PK14/4827/F, a meeting was held with the applicant and their agents to discuss revisions to the previously approved scheme. Revised plans, as discussed, have been submitted which address the scale, form and design of the proposed extension.

### **2. POLICY CONTEXT**

#### 2.1 National Guidance

National Planning Policy Framework March 2012  
Planning Policy Guidance

#### 2.2 Development Plans

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

CS1 High Quality Design  
CS5 Location of Development  
CS9 Managing the Environment and Heritage  
CS34 Rural Areas

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

H4 Development within Existing Residential Curtilages  
L1 Landscape Protection and Enhancement  
L15 Buildings and Structures which make a significant contribution to the character and distinctiveness of the locality  
T12 Transportation Development Control  
LC12 Recreational Route

#### 2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist SPD (Adopted) August 2007  
South Gloucestershire Local List SPD (Adopted) February 2008

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

- 3.1 PK15/1154/TRE Works to various trees as detailed in schedule received 13.03.2015. Covered by Tree Preservation Order – SGTPO 08/09 dated 22.09.2009 Approved 08.05.2015
- 3.2 PK14/4827/F Erection of two storey side extension to form additional living accommodation Refused 25.03.2015

### **4. CONSULTATION RESPONSES**

- 4.1 Yate Town Council  
Objection - Overbearing and effecting neighbour amenity.
- 4.2 Conservation Officer  
Recommendation to approve, subject to suggested conditions.
- 4.3 Lead Local Flood Authority  
No comment.
- 4.4 Open Spaces Society  
No comment received.
- 4.5 Public Rights of Way  
The proposed development is unlikely to affect the nearest public footpath, LYA/49/10, which runs to the west of the property.
- 4.6 Tree Officer  
There are no objections to this application provided that the proposal is in accordance with the submitted Arboricultural report. Recommend that the Tree protection fencing and bunded water-proof membrane are erected/ installed prior to commencement of any development including storage of development materials.

### **Other Representations**

- 4.7 Local Residents  
Two comments have been received, one comment of support:
- Lived in Yate Rocks for over 35 years and seen many changes in that time;
  - Many properties in the hamlet have been altered/extended over the years;
  - Yate Rocks is a lovely area with a unique character;
  - No. 3 is visible from the road and is currently a sad and neglected little cottage with an ugly flat roof extension;

- Consider the plans for renovation and extension long overdue and are sympathetic, enhancing the area;
- Save and restore original part of the cottage, will add value to the area and not spoil the character of the hamlet;
- Proposed extension appears modest and proportionate for modern living standards;
- We can think of no reason at all not to support this application;
- Owners have gone to considerable trouble to revise the plans to address certain issues.

One comment of objection has been received:

- Statement of significance refers to policy L15, which is aimed at preventing demolition of buildings which make a significant contribution to the character and distinctiveness of the locality;
- Current proposal does not involve demolition as such, but rather a complete change in the character of the building such that all the simple traditional scale and form of the cottage will be lost;
- Policy H4 criteria a) requires proposals for extension to respect the massing, scale, proportions, overall design and character of the existing property. the scheme submitted fails in that regard;
- Policy CS1 requires high quality design. criteria 1 states proposal should demonstrate that form, scale, height and massing are informed by and respect and enhance the character, distinctiveness and amenity. The proposal falls significantly short;
- Overall scale and mass of any proposed extension to the host building should appear subservient. Proposed extensions in present form dominate existing building, changing its character;
- The development will appear as a large modern new house in place of a modest cottage;
- Proposal clearly fails para. 58 of the NPPF.

## 5. **ANALYSIS OF PROPOSAL**

### 5.1 Principle of Development

Saved policy H4 of the adopted Local Plan allows the principle of extensions within residential curtilages subject to considerations of visual and residential amenity, and highway safety. Policy CS1 of the adopted Core Strategy requires that development will only be permitted where the highest possible standards of design and site planning are achieved. Development proposals will be required to demonstrate that siting, form, scale, height, massing, detailing, colour and materials, are informed by, respect and enhance the character, distinctiveness and amenity of both the site and its context.

5.2 The special interest of the dwelling as a locally listed building will also be considered as a material consideration. The Council's Local List SPD reflects saved policy H4 of the adopted Local Plan. When designing extensions to locally listed buildings it is important that the extension relates appropriately in scale and massing. Extensions should be subservient to the building in height and massing.

The scale of the extension should respect the historic building. In addition, saved policy L15 of the adopted Local Plan expects development to retain buildings which make a significant contribution to the character and distinctiveness of the locality. Policy CS9 of the adopted Core Strategy requires new development to ensure the heritage assets are conserved, respected and enhanced, in a manner appropriate to their significance. The proposal is considered to fail to accord with the principle of development for design reasons. The report below will provide detailed analysis.

5.3 Design and Impact on the Locally Listed Building

The existing dwelling is in need of renovation works to improve the internal and external appearance of the cottage. The cottage is currently limited in terms of use by its very diminutive scale – head height is severely compromised in parts of the original building to the extent that it makes movement through the property awkward. In order to try and overcome the small size of the cottage, later additions have been added but the differing floor and ceiling heights make the building feel disjointed and incoherent. Such attributes may be typical of workers cottages but, in this instance it is particularly restrictive and does create issues in terms of ensuring the building has a viable future as a family home.

5.4 The applicants wish to construct a large extension to enhance the current living accommodation and to make improvements internally due to the restrictive proportions of the door heights and existing rear stairwell. The new scheme proposes an extension parallel to the existing building at two storey and single storey level. The extension includes a larger, central entrance hallway and staircase, a boiler room, WC, kitchen and dining room on the ground floor, with two additional bedrooms and bathrooms on the first floor. The application is a resubmission of a much larger and more imposing addition to this locally listed cottage. The revised design has been informed through discussions and negotiations with the Council following the refusal of PK14/4827/F.

5.5 The new scheme, which proposes an extension parallel to the existing building, has reduced the overall prominence of the new addition and it is no longer as imposing or dominating as the previous L-shaped addition. The twin gables on the west elevation, overlooking the neighbours property, are a substantial improvement on the wider side elevation as they break up the massing of the building and the windows are now limited to either bathroom windows, which can be frosted, or the central glazed openings that are located behind the tree. Views from the road are now of the two roofs running parallel with each other, with the glazed panel providing distinction between the new and the old. Such an arrangement exists elsewhere in the settlement and is not an uncommon form of addition and extension. It is not an unduly large addition, but the small scale of the host cottage does tend to make it appear as such, even with it being set at a lower level. The proposed addition is now considered a subservient extension, over and above the previously submitted scheme. The ability to detail and construct the extension so that it respects the simple, unassuming character of the cottage is beneficial to the whole scheme and this approach should carry on through to the detailing of window/door openings and elsewhere.

- 5.6 The revised proposal has taken on board the comments made on the previous schemes and on-going discussions. The Conservation Officer considered the proposal is now acceptable from a conservation perspective. Overall, the proposal in its current form is considered acceptable in terms of scale, height, massing and detailing and would remain in-keeping with the traditional scale and form of the existing cottage. The proposal has been modified to a degree that enables it to enhance and work with the existing modest cottage, rather than fighting against it. The proposed extension is considered to comply with saved policy H4 of the adopted Local Plan, Policy CS1 of the adopted Core Strategy and guidance contained in the Local List SPD.
- 5.7 Residential Amenity  
The application site is located on the west side of Yate Rocks, a small hamlet. To the west is the nearest neighbouring occupier, No. 5 Yate Rocks. As the land slopes from east to west, No. 5 is significantly lower than the application site. The main house at No. 5 is located to the north of the application site, tucked partially behind the garage of No. 3 and their associated garden runs alongside the west boundary of No. 5.
- 5.8 The proposed extension would be orientated to face west, with windows facing out towards the nearest neighbouring property's (No. 5) garden. The two storey element of the proposal will be approximately 8.5m from west boundary. On the revised plans, the number of proposed windows in the west elevation has been reduced from 6no. Two of the first floor windows will serve bathrooms with only one bedroom window facing west; in this respect, it appears reasonable to require these two nearest windows to be obscurely glazed as such.
- 5.9 There is some existing mature planting on the eastern boundary of No.5's garden, but the applicant has advised that there is a covenant restricting tree growth to four feet high. It is proposed to plant additional vegetation in the form of a 'photinia red robin hedge' along the west boundary. Although there are a number of windows proposed on the west boundary, it is not considered that there will be direct views from the proposed extension into the neighbouring property or would have a detrimental impact on their garden to result in an adverse impact on privacy. The amount of glazing has been reduced overall, with the majority of windows serving bathrooms, the hallway and a boiler room, which are also nearest to the neighbouring property. It is therefore considered that the proposed development would not negatively impact on the living conditions of the nearest neighbouring occupier and is considered acceptable in terms of residential amenity.
- 5.10 Sustainable Transport  
The proposed extension will increase the number of bedrooms within the dwelling to four. However, there is adequate off-street parking space within the site boundary to provide the necessary parking for the size of the proposed dwelling in accordance with the Council's adopted Residential Parking Standards SPD. On that basis, there is no transportation objection to this proposal.

#### 5.11 Trees

The application site sits within an area Tree Preservation Order and has various trees within it that could potentially be affected by the proposals. An Arboricultural report was submitted with the application. The Tree Officer has confirmed there are no objections to the objection provided the proposal is in accordance with the submitted Arboricultural report. It is also recommended that the tree protection fencing and a bunded water-proof membrane are erected/ installed prior to the commencement of development. This is to avoid run-off towards the root protection area.

### 6. CONCLUSION

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

**Contact Officer: Katie Warrington**  
**Tel. No. 01454 863436**

### CONDITIONS

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

Reason

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

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

Reason

This condition is prior to commencement of development to avoid the need for future remedial action.

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

3. A sample panel of the render indicating colour and texture, shall be erected on site and approved in writing by the Local Planning Authority before the relevant parts of the work are commenced. The approved sample panel shall be kept on site for reference until the development is complete. Development shall be carried out in accordance with the agreed sample.

Reason:

This condition is prior to commencement of development to avoid the need for future remedial action.

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

4. Prior to their construction or installation, the detailed design including materials and finishes of the following items shall be approved in writing by the local planning authority:
  1. All new windows including cills, reveals and lintels;
  2. Glazed screen;
  3. Eaves, verge, ridge;
  4. All new vents, flues and extracts.

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

Reason:

This condition is prior to commencement of development to avoid the need for future remedial action.

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

5. The development shall proceed strictly in accordance with the submitted Arboricultural report by Silverback Arboricultural Consultancy Ltd (dated February 2015).

Reason

To protect the character and appearance of the area and the trees covered by the group Tree Preservation Order within the application site. To accord with Saved Policies H4 and L1 of the South Gloucestershire Local Plan (Adopted) January 2006 (Saved Policies).

6. Prior to the commencement of development and the storage of development materials on site, the tree protection fencing and bunded-waterproof membrane shall be erected and installed in accordance with the approved Arboricultural Report (by Silverback Arboricultural Consultancy Ltd, dated February 2015) and remain in place until the completion of the extension hereby permitted.



Reason

This is a pre-commencement condition to avoid any unnecessary remedial action in the future.

To protect the character and appearance of the area and the trees covered by the group Tree Preservation Order within the application site. To accord with Saved Policies H4 and L1 of the South Gloucestershire Local Plan (Adopted) January 2006 (Saved Policies).

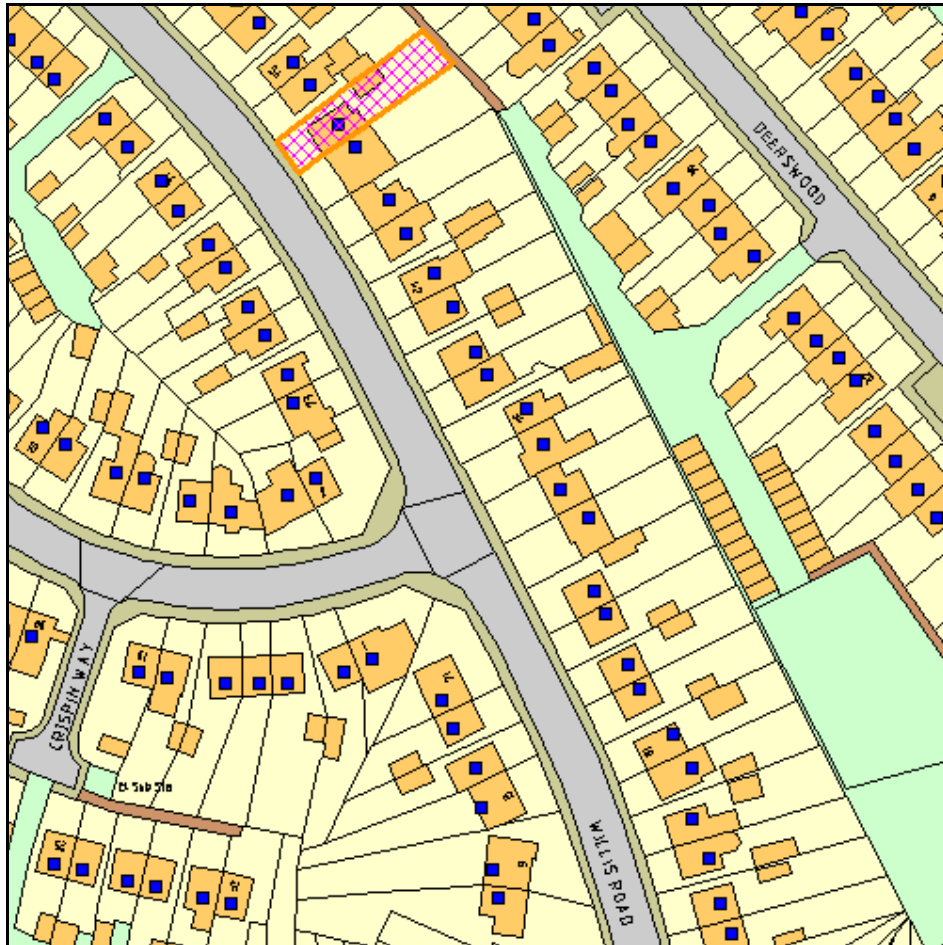
7. Prior to the use or occupation of the extension hereby permitted, and at all times thereafter, the two proposed first floor bathroom windows on the west elevation shall be glazed with obscure glass to level 2 standard or above with any opening part of the window being above 1.7m above the floor of the room in which it is installed.

Reason

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

**CIRCULATED SCHEDULE NO. 28/15 – 10 JULY 2015**

<b>App No.:</b>	PK15/2329/CLP	<b>Applicant:</b>	Ms Sue Rose
<b>Site:</b>	50 Willis Road Kingswood Bristol South Gloucestershire BS15 4SS	<b>Date Reg:</b>	9th June 2015
<b>Proposal:</b>	Certificate of lawfulness for the proposed erection of single storey rear extension	<b>Parish:</b>	None
<b>Map Ref:</b>	365978 174815	<b>Ward:</b>	Rodway
<b>Application Category:</b>		<b>Target Date:</b>	3rd August 2015



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 100023410, 2008. **N.T.S.** **PK15/2329/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 single storey rear extension to 50 Willis Road, Kingswood, 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.

### **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 PK15/2107/PNH                      Withdrawn                      29.05.2015  
Erection of single storey rear extension which would extend beyond the rear wall of the original house by 1.7 metres, for which the maximum height would be 3.5 metres and the height of the eaves would be 2.4 metres

### **4. CONSULTATION RESPONSES**

- 4.2 Councillor  
No Comment
- 4.3 Local Lead Flood Authority  
No Comment

#### **Other Representations**

- 4.3 Local Residents  
No Comments Received

## 5. SUMMARY OF EVIDENCE IN SUPPORT OF APPLICATION

- 5.1 Site Location/Block Plan 201510 01, Site Plan 201510 02, Existing Ground Floor Plan 201510 03, Existing First Floor Plan 201510 04, Existing Roof Plan 201510 05, Existing elevations 201510 06, Existing Rear 3D Projections 201510 07, Proposed Site Plan 201510 08, Proposed Elevations 201510 11, Proposed Rear 3D Projections 201510 12, Proposed Ground Floor Plan 201510 09, Proposed Roof Plan 201510 10, all of which were received on 29<sup>th</sup> May 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 single story extension 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 extension 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 height of the eaves of the rear extension would not exceed the height of the roof 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 extension does not extend beyond a wall which fronts a highway or the principal elevation of the original dwelling house.

- (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 proposal does not extend beyond the rear wall of the original dwellinghouse by more than 3 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 extension 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 extension 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 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 proposed plans indicate that the proposal will be finished with render, tiles and windows to match existing. The proposed materials would therefore match 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.

**7. RECOMMENDATION**

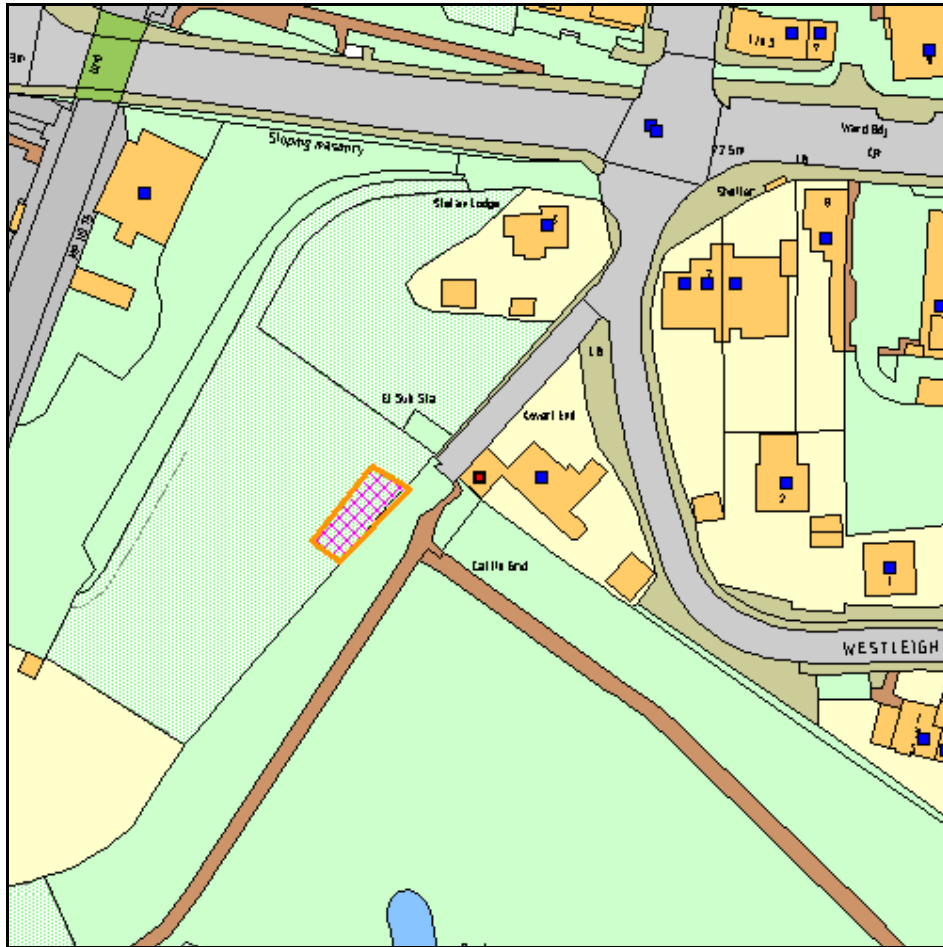
- 7.1 That a certificate of Lawfulness for Proposed Development is **granted** for the following reason:

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: Jessica Robinson**  
**Tel. No. 01454 868388**

**CIRCULATED SCHEDULE NO. 28/15 – 10 JULY 2015**

<b>App No.:</b>	PK15/2376/TRE	<b>Applicant:</b>	Bristol Fire
<b>Site:</b>	Bristol Fire Westleigh Close Yate South Gloucestershire BS37 4PR	<b>Date Reg:</b>	4th June 2015
<b>Proposal:</b>	Works to fell 2 no. Sycamore trees covered by Tree Preservation Order no.18 dated 12th July 1968	<b>Parish:</b>	Yate Town Council
<b>Map Ref:</b>	370175 182467	<b>Ward:</b>	Yate Central
<b>Application Category:</b>		<b>Target Date:</b>	27th July 2015



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 100023410, 2008. **N.T.S.** **PK15/2376/TRE**



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

This application is reported to the Circulated Schedule because objections have been received contrary to the officer's recommendations.

### **1. THE PROPOSAL**

- 1.1 Works to fell 2 no. Sycamore trees covered by Tree Preservation Order (TPO) no.18 dated 12th July 1968
- 1.2 The trees are situated in the north eastern corner of a woodland locally known as Edgars Wood.

### **2. POLICY CONTEXT**

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

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

- 3.1 None relevant

### **4. CONSULTATION RESPONSES**

- 4.1 Yate Town Council object to the proposal until they have seen the Tree Officer's report. They state that Edgars Wood is an important site that the Town Council campaigned to protect.
- 4.2 Westerleigh Parish Council object to the proposal, stating they would like to see the trees pollarded rather than felled.

#### **Other Representations**

- 4.3 Local Residents  
None received

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

- 5.1 Works to fell 2 no. Sycamore trees covered by Tree Preservation Order no.18 dated 12th July 1968
- 5.2 Principle of Development  
The only issues to consider are whether the proposed works would have an adverse impact on the health, appearance, or visual amenity offered by the tree to the locality and whether the works would prejudice the long-term retention of the specimen.

5.3 Consideration of Proposal

The woodland was protected in 1968 as a group of 17 Elm trees, 13 Sycamore and 11 Beech trees. It is difficult to establish which of the trees that now form this wood are the originally protected trees. The majority of the Elms have died and the Sycamore have, over the years, produced multiple seedlings.

5.4 To remove ambiguity, the Tree Preservation Order is to be amended to a Woodland TPO which covers all trees within the line on the plan.

5.5 The two trees in question have been pruned recently, without permission, to leave them in their current condition which renders their retention unviable. The lower branches have been removed, leaving the trees top-heavy and, consequently, with a higher likelihood of partial or total failure.

5.6 Reducing the trees to pollards, i.e. single stems that are left to develop new crowns, is an option. This is, however, a high maintenance option as it would require the removal of the regrowth on a regular cycle to prevent loss of the regenerated growth. It would also mean the loss of amenity of these trees.

5.7 A preferred option is the removal of the trees followed by the planting of replacement trees in the winter. This would allow this part of the woodland to regenerate to provide the amenity and other benefits that have been lost.

6. **RECOMMENDATION**

6.1 That consent is GRANTED subject to the conditions on the decision notice.

**Contact Officer: Simon Penfold**  
**Tel. No. 01454 868997**

**CONDITIONS**

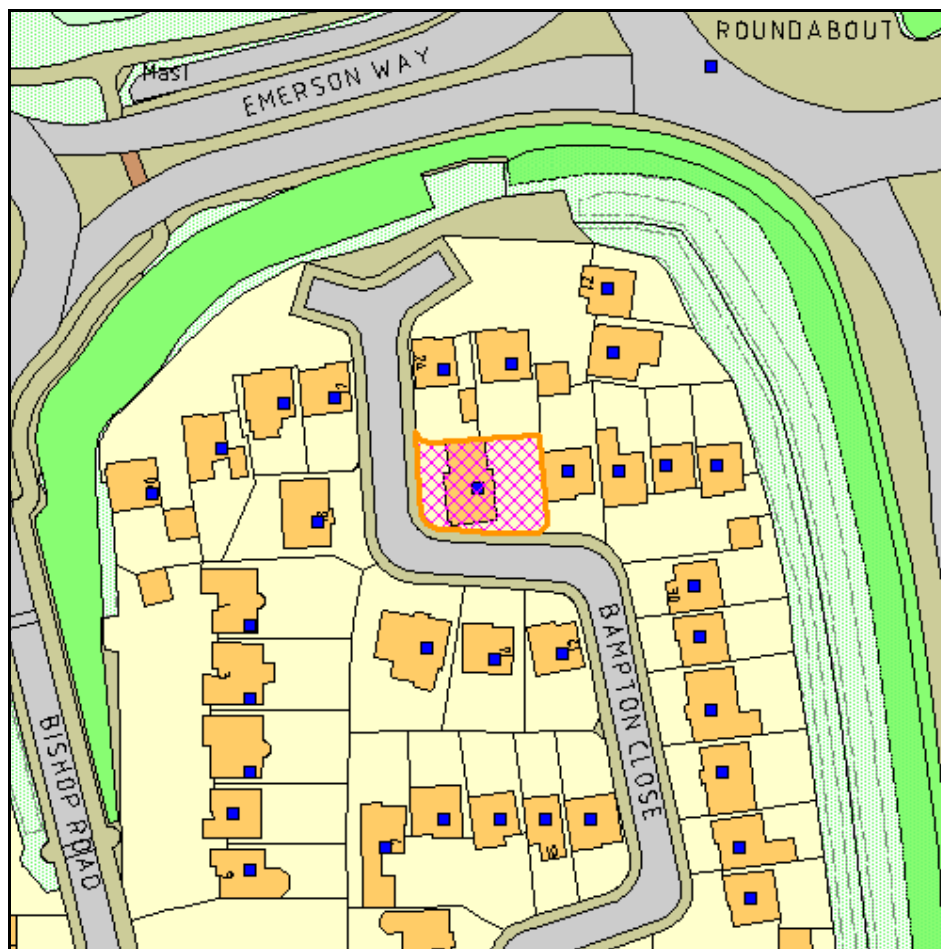
1. Prior to the felling of the 2no. Sycamore trees hereby approved, details of the replacement trees to include the species, size and location shall be submitted and approved in writing by the Local Planning Authority. The trees shall be planted in the first planting season following the felling hereby authorised.

Reason

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

**CIRCULATED SCHEDULE NO. 28/15 – 10 JULY 2015**

<b>App No.:</b>	PK15/2411/F	<b>Applicant:</b>	Mr DAVID TYSO
<b>Site:</b>	25 Bampton Close Emersons Green Bristol South Gloucestershire BS16 7QZ	<b>Date Reg:</b>	8th June 2015
<b>Proposal:</b>	Erection of first floor side extension to form additional living accommodation.	<b>Parish:</b>	Emersons Green Town Council
<b>Map Ref:</b>	367397 176973	<b>Ward:</b>	Emersons Green
<b>Application Category:</b>	Householder	<b>Target Date:</b>	30th July 2015



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 100023410, 2008. **N.T.S.** **PK15/2411/F**

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

This application has been forwarded to the Circulated Schedule due to the receipt of an objection raised by an adjoining occupier.

### **1. THE PROPOSAL**

- 1.1 The applicant seeks full planning permission to erect a first floor side extension over an existing garage, to form additional living accommodation at 25 Bampton Close, Emersons Green.
- 1.2 The application site relates to a 2 storey detached house on the corner plot of an established residential street. The property is surrounded by private amenity space on three sides and neighbours on all sides.
- 1.3 Residential properties in the surrounding area are densely built and predominantly two storey and detached, with varying degrees of uniformity in terms of brick finish. Since their construction, there have been some alterations and additions within the residential curtilages of the surrounding properties. These additions include the erection of conservatories and some modest extensions, similar to that of this proposal.

### **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  
CS1 High Quality Design  
CS8 Improving Accessibility  
  
South Gloucestershire Local Plan (Adopted) January 2006 (saved Policies)  
H4 Development within Existing Residential Curtilages, Including Extensions and New Dwellings
- 2.3 Supplementary Planning Guidance  
South Gloucestershire Design Checklist SPD (Adopted) 2007  
Residential Parking Standards SPD (Adopted) 2013

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

- 3.1 No relevant planning history for this site

### **4. CONSULTATION RESPONSES**

- 4.1 Emersons Green Town Council  
No objection

4.2 Lead Local Flood Authority

No comment

4.3 Sustainable Transport

No objection providing three parking spaces are permanently maintained within the site boundary

**Other Representations**

4.4 Local Residents

One objection was received from an adjoining occupier. The concerns raised can be summarised below:

- The height and size of the addition will block light
- The height and size of the addition will result in an overbearing presence
- The proposed windows will result in overlooking

**5. ANALYSIS OF PROPOSAL**

5.1 Principle of Development

Saved policy H4 of the South Gloucestershire Local Plan (Adopted) 2006 allows the principle of extensions within residential curtilages, subject to considerations of visual amenity, residential amenity and highway safety. Furthermore, CS1 of the Core Strategy seeks that the siting, form, scale, height, massing, detailing, colour and materials are informed by, respect and enhance the character, distinctiveness and amenity of both the application site and its context. The proposal accords with the principle of development subject to the considerations below.

5.2 Design

The existing house is modern with red and buff brick, a gable roof and a modest overhanging porch. The proposed first floor extension would be of standard design and suit the host dwelling in terms of size and scale. The roof will have a gable end to match the host dwelling and be finished in concrete tiles to match the existing. The width and depth of the addition would be in line with the existing first floor garage but would be set down from the ridge line by approximately 0.6 metres. In setting down the extension the massing and form of the original host dwelling is respected in line with policy CS1 of the Core Strategy and the Design Checklist SPD. In order to respect the character of the host dwelling and the area, the exterior brickwork, roof tiles and window materials used to erect the addition would match the existing.

It is considered that the proposal would remain in keeping with the residential character of the street and the style and size would respect the street scene. Accordingly, the proposal is acceptable in design terms.

5.3 Amenity

The proposed extension would be clearly visible from public vantage points as well as from neighbours to the North, East and West. As discussed, the design and materials would be of a good quality and be in keeping with the residential character of the area and the existing dwelling.

As such, it is considered that there would be no impact on visual amenity as a result of the proposed development.

Accordinging with saved policy H4 of the South Gloucestershire Local Plan, development within residential curtilages must not prejudice the amenities of nearby occupiers. One objection was received from an adjoining occupier which highlighted concerns relating to overshadowing, overlooking and overbearing. It has been acknowledged that the proposed development would inevitably result in some impact on residential amenity, however, it is considered that this impact would be marginal considering the existing arrangement of properties in Bampton Close. The addition will increase the height of the Northern (side) elevation by approximately 2.4 metres, from one storey to two. The view has been taken that an increase of this size will not result in an overbearing presence being inflicted on the adjoining occupiers (no.24 and no.23), particularly considering the dominance of two storey properties in the immediate area. Furthermore, the northern elevation is positioned approximately 9 metres from any primary room of either one of the adjoining occupiers to the North, separated by private amenity space and, in the case of no.24, an ancillary outbuilding. Although the proposed height of the Northern elevation will result in some change to the adjoining occupiers' outlook, it is not considered that this would have a significant impact on residential amenity and therefore the development accords with policy H4 of the South Gloucestershire Local Plan.

It is not thought that the proposal would result in a material loss of light to any of the neighbouring dwellings. Currently, the host dwelling casts a partial shadow on the gardens of properties no.24 and no.25 at certain times of the day. Due to the fact that the majority of the existing dwelling consists of two storeys, it is unlikely that the shadow would change significantly when the remainder of the host dwelling increases from one storey to two. The setting down of the roofline will help reduce the impact of the development in this respect in line with policy H4 of the South Gloucestershire Local Plan. Significantly, it is not considered that proposal would block any light which directly enters the windows of any neighbouring properties; all surrounding properties would still benefit from adequate levels of natural light. When visiting the site it was found that the occupier whom objected on grounds of overshadowing enjoys almost uninterrupted levels of light to the South West. For this reason, the development would not have a significant impact on the amenity afforded to this neighbour and the objection cannot be used as grounds for refusal.

In order to prevent overlooking and ensure neighbouring occupiers would enjoy the same level of privacy currently enjoyed, there are no windows proposed for the side elevation. This will be conditioned in order to protect the privacy of neighbours now and in the future. There are windows proposed in the rear elevation of the addition, one which is to be located in the en-suite and therefore obscured and the other which would be positioned in a walk in wardrobe. As the walk in wardrobe is not a habitable room the window should not result in a negative impact on residential amenity and privacy afforded to neighbouring properties no. 23 and no.26.

The windows proposed for the principal elevation would not change the current arrangement of over looking for neighbours across the highway, neither would it result in overlooking of neighbours to the north due to the positioning. For these reasons it is considered that the proposed development accords with policy H4 of the South Gloucestershire Local Plan and is acceptable in terms of residential amenity.

#### 5.4 Transportation

The application proposes to increase the number of bedrooms in the dwelling from four to five. The site has a large hard standing area to the front of the dwelling to provide at least 2 off street parking spaces and a double garage that can accommodate one car parking space. This level of parking provision is in accordance with the Council's minimum standards contained within the Residential Parking Standards SPD and is therefore acceptable in terms of transportation and highway safety.

### 6. CONCLUSION

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

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

### 7. RECOMMENDATION

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

**Contact Officer: Helen Benjamin**  
**Tel. No. 01454 865119**

### 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 existing off-street parking facilities for 3 vehicles shall be permanently maintained for this 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 CS8 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 and the Residential Parking Standards SPD (Adopted) December 2013.

3. No windows shall be inserted at any time in the Northern elevation of the property.

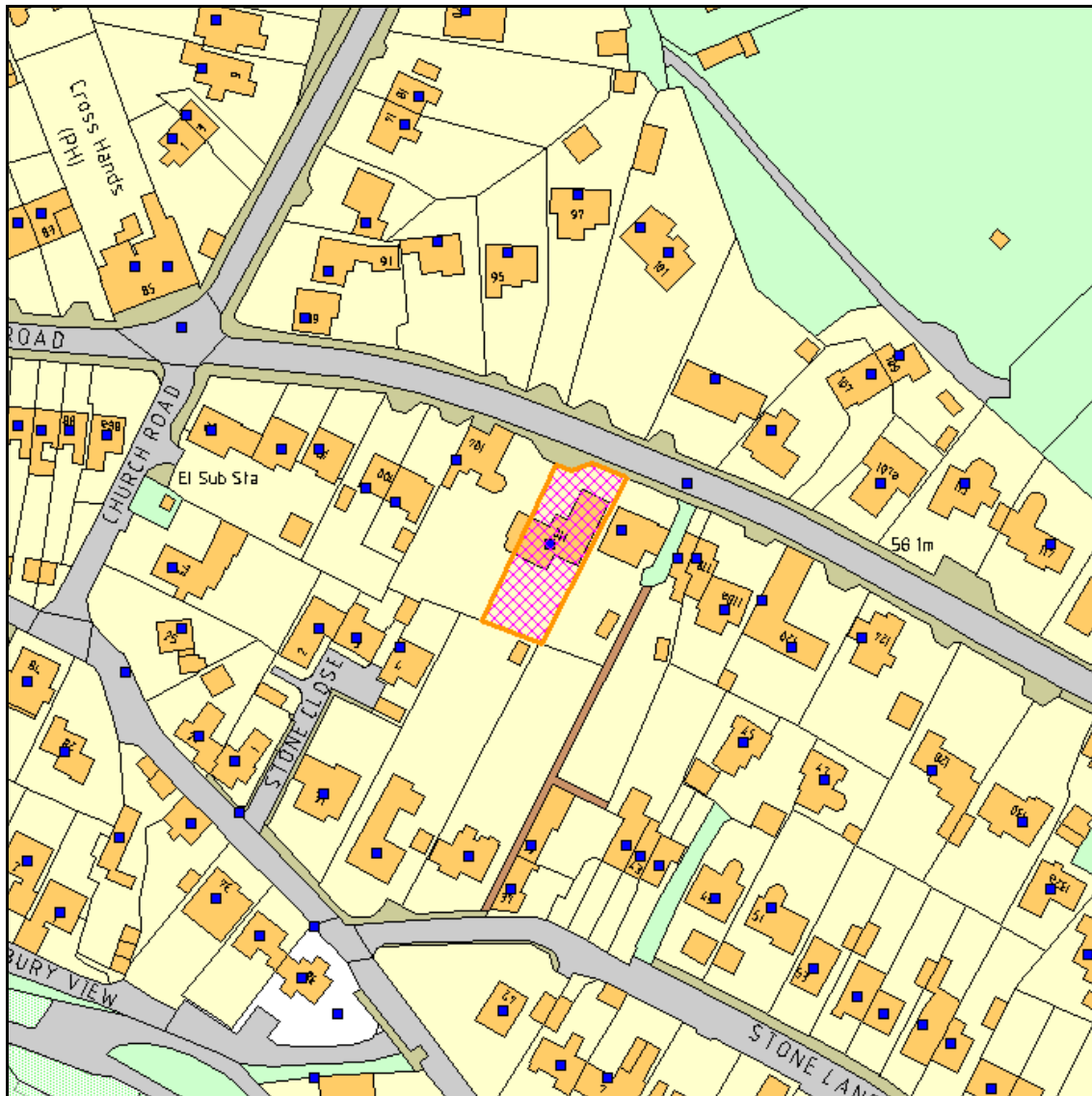
Reason

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



**CIRCULATED SCHEDULE NO. 28/15 – 10 JULY 2015**

<b>App No.:</b>	PT15/1482/F	<b>Applicant:</b>	Mrs Nadine Hill
<b>Site:</b>	110 Down Road Winterbourne Down South Gloucestershire BS36 1DG	<b>Date Reg:</b>	17th April 2015
<b>Proposal:</b>	Alterations to raise the roofline and installation of rear and side dormers to form additional living accommodation in roof.	<b>Parish:</b>	Winterbourne Parish Council
<b>Map Ref:</b>	365481 179596	<b>Ward:</b>	Winterbourne
<b>Application Category:</b>	Householder	<b>Target Date:</b>	3rd June 2015



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

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

### **1. THE PROPOSAL**

- 1.1 The application is for alterations to raise the roofline and installation of rear and side dormers to form additional living accommodation in roof.
- 1.2 The property is a detached bungalow situated on a residential road located within the settlement boundary of Winterbourne.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
National Planning Policy Framework
- 2.2 Development Plans  
South Gloucestershire Local Plan (Adopted) January 2006  
H4 Development within Existing Residential Curtilages, Including Extensions and New Dwellings  
T12 Transportation Development Control Policy for New Development  
  
South Gloucestershire Local Plan Core Strategy (Adopted) December 2013  
CS1 High Quality Design
- 2.3 Supplementary Planning Guidance  
South Gloucestershire Design Checklist (Adopted) 2007.  
South Gloucestershire Council Residential Parking Standards

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

- 3.1 N1005 – Erection of car port. Approved 13th March 1975
- 3.2 PT99/0103/- Erection of bedroom extension to front of existing bungalow. Approved 15<sup>th</sup> December 1999.

### **4. CONSULTATION RESPONSES**

- 4.1 Winterbourne Parish Council  
The comments of the Parish Council are Objection. This is overbearing to the neighbouring property and will overlook it. It is over development of the site.  
  
Highway Drainage  
No comment  
  
Transportation  
Planning permission is sought to extend the existing dwelling to provide additional living accommodation. The existing vehicular access and parking are unaffected by the proposed development.

The level of parking available complies with the Councils residential parking standards for the size of the proposed dwelling.

On that basis, there is no transportation objection to the proposed development.

### **Other Representations**

#### 4.2 Local Residents

One letter of objection has been received, as follows:

*'My main objection is the side dormer windows which look directly into all the main rooms of my property. Earlier extensions to 110 were agreed on the basis that my privacy was protected from overlooking. This new plan negates this earlier agreement. This is the third extension to what was originally a small two bedroomed bungalow!'*

## 5. **ANALYSIS OF PROPOSAL**

### 5.1 Principle of Development

Policy H4 of the South Gloucestershire Local Plan (Adopted) 2006 advises that proposals should respect the massing, scale, proportions, materials and overall design of the existing property and the character of the street scene and surrounding area, they shall not prejudice the amenities of nearby occupiers, and shall not prejudice highway safety nor the retention of an acceptable level of parking provision or prejudice the retention of adequate amenity space.

### 5.2 Design / Visual Amenity

The proposed extension would clearly increase the size of the building and the shape of the roofline, particularly from the side elevations, however it is considered that the proposals can be accommodated in context with the existing site. Sufficient curtilage space remains within the plot for off street parking and private amenity. The proposals are of an acceptable standard in design and would not significantly affect any streetscene, the site or surroundings. Materials used in the walls will match those of the existing dwelling. It is considered that the proposals, in design terms can be adequately integrated within the context of the existing building and site and that it would not represent overdevelopment of the plot in this respect.

### 5.3 Residential Amenity

The original proposals incorporated dormers on the side and rear. The comments of the adjacent property to the west of the application property, opposite the proposed side dormers were noted. Given the orientation, relationship and proximity of the neighbouring dwellings, improvements were sought to the design. The side facing first floor dormer, which effectively viewed and overlooked the front of the neighbouring property has been removed and replaced with relatively small rooflights/velux windows. A further small window has been added to the front gable end at first floor level. The rooflights, being angled into the roof and facing upwards, would not give rise to the same potential levels of overlooking or intervisibility. It is considered that these amendments address the concerns raised to a satisfactory degree. Given the above, and taking the amendments into account, the overall scale, location

and design of the extension and the existing and proposed relationship with surrounding properties it is not considered that it would give rise to a significant or material overbearing impact upon neighbouring properties such as to warrant a refusal of the application in this instance. It is not considered that the proposals, as amended, give rise to any significant amenity impacts. Sufficient amenity space would remain on the plot. It is considered therefore that the proposal would be acceptable in terms of residential amenity.

## **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 proposal is of an appropriate standard in design and would not materially harm the site, streetscene or surrounding properties. Furthermore the proposal would not materially harm the amenities of the neighbouring properties by reason of loss of privacy or overbearing impact. Sufficient off-street parking provision would remain. As such the proposals accord with Policies H4 and T9 of the South Gloucestershire Local Plan (Adopted) 2006 and Policy CS1 of the South Gloucestershire Local Plan Core Strategy Adopted December 2013.
- 6.3 The recommendation to grant permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 set out above, and to all the relevant material considerations set out in the report.

## **7. RECOMMENDATION**

- 7.1 That planning permission is granted.

**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 stonework and rendered finish to the external walls of the proposed extension shall match that of the existing building.
- Reason  
To ensure a satisfactory standard of external appearance and to accord with Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

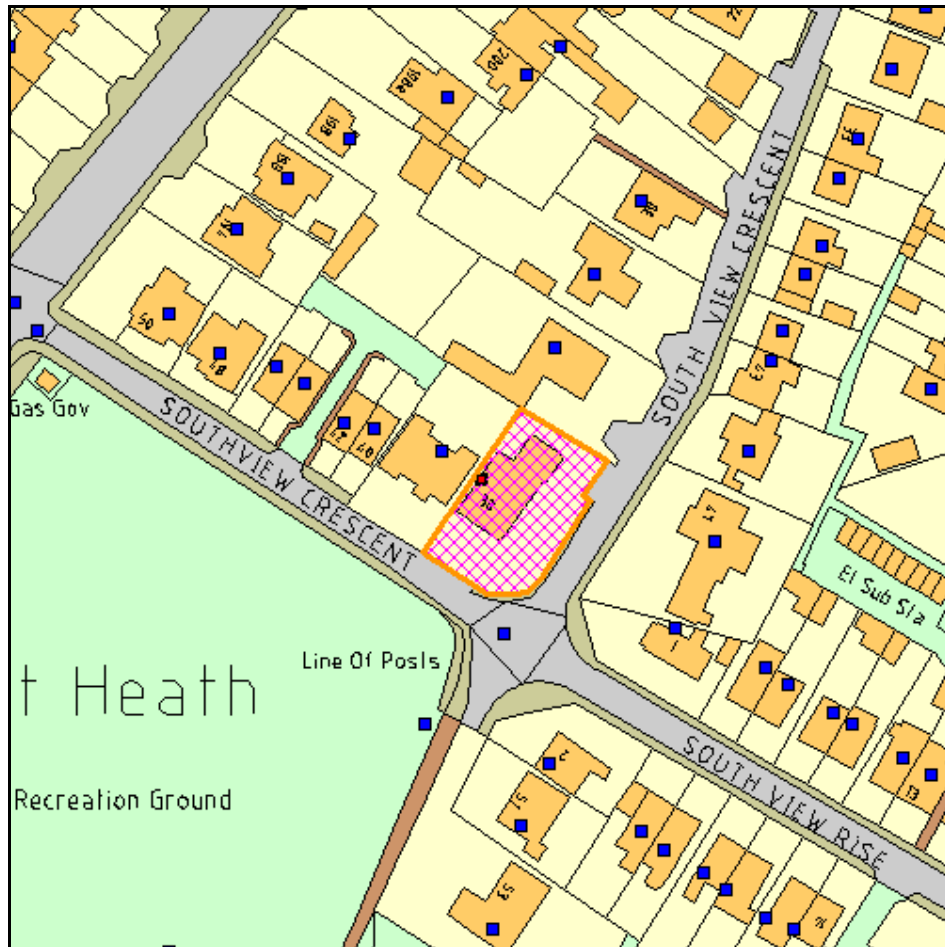
3. The hours of working on site during the period of construction shall be restricted to 08.00 - 18.00 Mondays to Fridays; 08.00 - 13.00 hours on Saturdays and no working shall take place on Sundays or Public Holidays. The term `working' shall, for the purpose of clarification of this condition include: 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.

**CIRCULATED SCHEDULE NO. 28/15 – 10 JULY 2015**

<b>App No.:</b>	PT15/1889/F	<b>Applicant:</b>	Mr Flay
<b>Site:</b>	36 South View Crescent Coalpit Heath Bristol South Gloucestershire BS36 2LP	<b>Date Reg:</b>	19th May 2015
<b>Proposal:</b>	Conversion of existing garage and erection of first floor side extension to form additional living accommodation	<b>Parish:</b>	Westerleigh Parish Council
<b>Map Ref:</b>	367520 180735	<b>Ward:</b>	Westerleigh
<b>Application Category:</b>	Householder	<b>Target Date:</b>	2nd July 2015



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

This is a full planning application for a proposed Conversion of an existing garage and single storey extension. A local resident has objected to this proposal which is contrary to the officer's recommendation.

### **1. PROPOSAL AND SITE DESCRIPTION**

- 1.1 The applicant seeks full planning permission to convert the existing attached double garage to facilitate an integral annex to the side of 36 South View Crescent, Coalpit Heath; this will include works to the existing roof with the insertion of a dormer window to enable a first floor extension and a rear extension.
- 1.2 The existing dwellinghouse is a chalet type bungalow with dormer windows to the first floor, set within a hipped roof. The property is finished in pebble dash render and red brick, with a brown double roman tiled roof covering.
- 1.3 The plot sits at the entrance to a cul-de-sac on the corner of the street. The property benefits from an existing attached double garage to the side with vehicular access from the highway and garden areas to the front and side.
- 1.4 Following negotiations to address residential amenity and parking concerns, revised plans were submitted and accepted on 30th June 2015. It is considered that there was not a need to re-consult as the overall design has not change significantly.

### **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  
H4 Development within Existing Residential Curtilages, Including Extensions and New Dwellings
- 2.3 Supplementary Planning Guidance  
South Gloucestershire Design Checklist (Adopted 2007)

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

- 3.1 P94/2489 Approved 15.12.1994  
Erection of single storey rear extension to provide bathroom, utility room, kitchen and dining room. Conversion of roof space to provide two bedrooms and bathroom. Erection of attached garage to rear.

### **4. CONSULTATION RESPONSES**

- 4.1 Westerleigh Parish Council  
No Objection

- 4.2 Other Consultees

Sustainable Transport  
No Final Comments

Local Lead Flood Authority  
No Comment

#### **Other Representations**

- 4.3 Local Residents  
One letter of objection has been received detailing concerns of overlooking that the proposed patio and lobby doors would pose into the neighbouring property.

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

- 5.1 Principle of Development  
Saved policy H4 of the South Gloucestershire Local Plan (Adopted) 2006 allows the principle of extensions within residential curtilages, subject to considerations of visual amenity, residential amenity and highway safety. Furthermore, CS1 of the Core Strategy seeks that the siting, form, scale, height, massing, detailing, colour and materials are informed by, respect and enhance the character, distinctiveness and amenity of both the application site and its context. The proposal accords with the principle of development subject to the consideration below.

- 5.2 Visual Amenity  
The proposal consists of the installation of a side dormer to the single storey roof of the existing attached garage. The proposed dormer will provide adequate headroom to the proposed first floor bedroom. The proposed dormer will be of similar design and set at a height to match the existing dormers within this elevation. The dormer will be rendered and the roof will be clad with materials to match the existing dormers. The proposed rear extension will in fill an area of space to the rear of the property and garage, and it will extend to raise the ridge height of the former garage roof to be in line with the ridge height the existing dwelling.



It is considered that the proposed external works will not significantly alter the external appearance of the property and the design and use of materials has been informed and is in keeping with the character of the existing dwelling.

Overall, it is considered that the proposed extension would not harm the character or appearance of the area and as such, is considered acceptable in terms of visual amenity.

### 5.3 Residential Amenity

The dwelling is located within a corner plot of a residential street with close neighbours to both sides and rear elevations. There is an area of undeveloped land to the principal elevation separated by a highway. The foremost neighbour to consider would be the property to the western elevation due to its close proximity. The proposed extension shows glazed elements to be implemented in similar positions to the existing window locations, however due to the proposed extension these would be set approx. 3 metres closer to the western boundary. During the course of the application revised plans were submitted which changed the location of the patio doors to the western elevation. The location of these doors has been moved to the north eastern elevation which is considered to not unacceptably harm the privacy of close residing properties. The proposed lobby door that is situated within the western elevation will remain in this position, however this will be obscurely glazed to minimise the possibility of overlooking. Due to the revisions made to the plans it is considered that the proposed development would not unacceptably harm the privacy of neighbouring properties and this therefore considered acceptable.

Overall, it is considered that the proposal would not harm the living conditions currently enjoyed by neighbouring dwellings and as such, is considered acceptable.

### 5.4 Sustainable Transport

The application is proposing to increase the total number of bedrooms within the property to more than five. The existing garage is to be converted however the existing off street parking will be retained. The minimum parking requirement for a five plus bedroom house is 3 no. parking spaces, it is considered that the existing parking arrangements will be adequate for the size of the development.

Overall it is considered that the provision of parking is adequate for the total no. of bedrooms combined and the development will not have an adverse effect on parking or the highway.

### 5.5 Other Matters

The proposed development could create an integral annex incidental to the existing dwelling house. It is considered that the proposed annex could not function as an independent dwelling due to the lack of amenity space and parking provisions. As such a condition will be attached to stipulate this.

## 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 attached to the decision notice.

**Contact Officer: Jessica Robinson**  
**Tel. No. 01454 868388**

## **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).

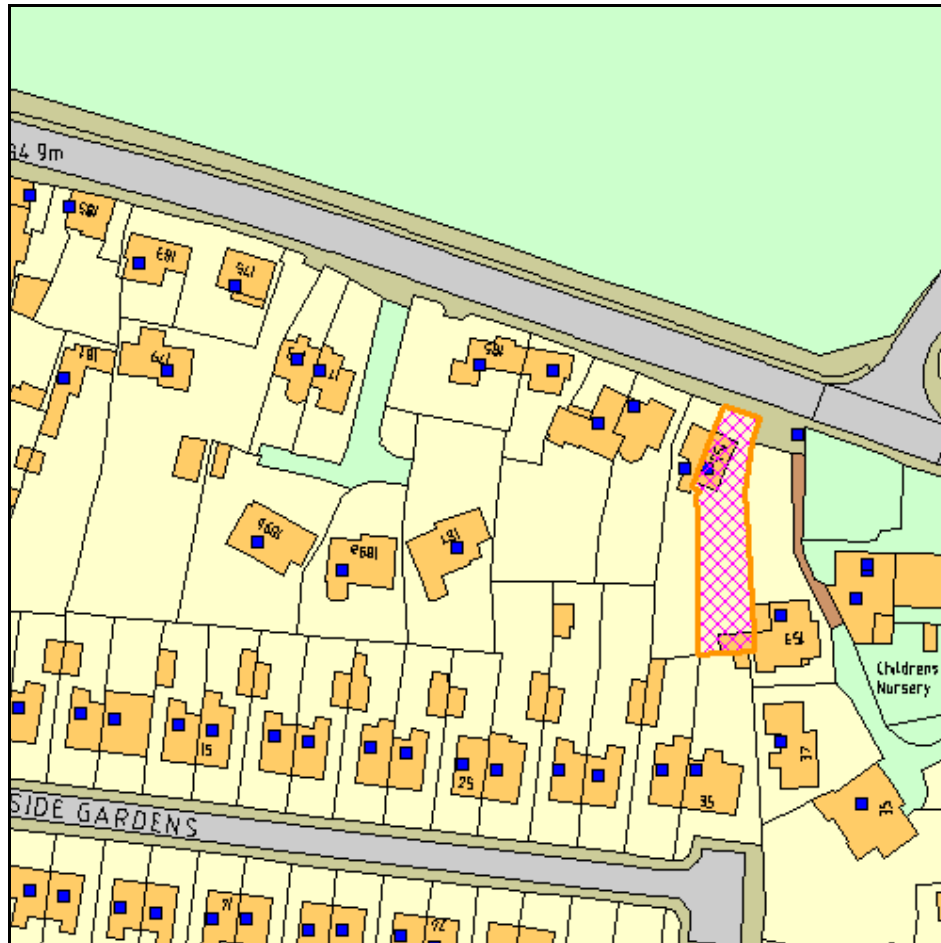
2. The self-contained living accommodation hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 36 Southview Crescent.

Reason

A separate dwelling would require further consideration and to accord with Policies H4, and T12 of the South Gloucestershire Local Plan (Adopted) January 2006, CS1 and CS5 of the South Gloucestershire Core Strategy adopted December 2013 and the Residential Parking Standards SPD Adopted December 2013.

**CIRCULATED SCHEDULE NO. 28/15 – 10 JULY 2015**

<b>App No.:</b>	PT15/2193/F	<b>Applicant:</b>	Mr Mark Chamberlain
<b>Site:</b>	155 Church Road Frampton Cotterell Bristol South Gloucestershire BS36 2JX	<b>Date Reg:</b>	26th May 2015
<b>Proposal:</b>	Erection of two storey side extension to form additional living accommodation	<b>Parish:</b>	Frampton Cotterell Parish Council
<b>Map Ref:</b>	367270 181665	<b>Ward:</b>	Frampton Cotterell
<b>Application Category:</b>	Householder	<b>Target Date:</b>	15th July 2015



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

This application is to appear on circulated schedule due to the receipt of an objection, contrary to the Officer's recommendation to approve.

### **1. THE PROPOSAL**

- 1.1 This application seeks planning permission for the erection of two storey side extension to form additional living accommodation.
- 1.2 The application site is located on the southern side of Church Road, within the established residential area of Frampton Cotterell. The front of the site forms the Green Belt boundary. The application site itself is not located within the Green Belt.
- 1.3 The application site relates to a pair of cottages built in the 1860s. The cottages are among a number of similar Victorian pairs in this part of Church Road. The majority of these properties have been altered over the years with extensions, porches and modern doors and windows. The application site has an existing two-storey rear addition, with a simple gabled form.

### **2. POLICY CONTEXT**

#### 2.1 National Guidance

National Planning Policy Framework March 2012  
Planning Policy Guidance 2014

#### 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design  
CS5 Location of Development  
CS9 Managing the Environment and Heritage

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

H4 Development within Existing Residential Curtilages  
T12 Transportation Development Control Policy

#### 2.3 Supplementary Planning Guidance

Design Checklist SPD (Adopted) 2007  
Residential Parking Standards SPD (Adopted) 2013  
Frampton Cotterell & Coalpit Heath Village Design Statement 2005

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

- 3.1 PT11/0152/EXT Erection of two storey side extension to provide additional living accommodation. Creation of new vehicular access and dropped kerb. (Consent to extend time limit implementation for PT07/3589/F). Approved 18.02.11

- 3.2 PT10/1047/F Erection of two storey side extension to form 1no. attached dwelling with associated works.  
Refused 24.06.10  
Reason 1 – *Out of keeping with the character of the existing dwelling in terms of scale, proportions, siting and detailing and would have a detrimental impact on the character of the streetscene;*  
Reason 2 – *The proposed dwelling by reason of its limited size would fail to provide an adequate standard of living accommodation for future occupiers and fails to meet a sufficiently high enough standard of design.*  
Appeal dismissed by Planning Inspectorate 25.11.2010
- 3.3 PT07/3589/F Erection of two storey side extension to provide additional living accommodation. Creation of new vehicular access and dropped kerb.  
Approved 29.01.08

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

- 4.1 Frampton Cotterell Parish Council  
The Parish Council considers this is overdevelopment, not compliant with the Village Design Statement, detrimental to the character of the street scene and fails to provide an adequate standard of living accommodation for future occupiers.
- 4.2 Lead Local Flood Authority  
No comment.
- 4.3 Sustainable Transport  
This development does not affect the existing vehicular parking to the front of the site. The two parking spaces available comply with the Councils residential parking standards.

In light of the above, there is no transportation objection to the proposed development subject to a condition that two parking spaces are permanently maintained within the site boundary.

#### **Other Representations**

- 4.4 Local Residents  
One comment of support from a neighbouring occupier stating they have no opposition to the plans.

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

- 5.1 Principle of Development  
The proposal relates to the erection of a two storey rear extension, within the existing residential curtilage. Saved policy H4 states that development will only be permitted where it respects the massing, scale, proportions, materials and overall design and character of the street scene and the surrounding area.

Policy CS1 states development will only be permitted where the highest possible standards of design and site planning are achieved. Policy CS9 expects new development to ensure that heritage assets are conserved, respected and enhanced in a manner appropriate to their significance. The proposal is considered to comply with principle of development.

5.2 Design and Impact on Visual Amenity

The proposed development would take the form of a two storey side extension, widening towards the rear of the existing dwelling to take into account the angle of the dwelling within the curtilage. The proposed side extension is slightly larger than the previously approved PT07/3589/F and PT10/1047/F and PT11/0152/EXT. Planning permissions PT07/3589/F and PT11/0152/EXT have not been implemented and have since expired. The proposal is considered to be similar in terms of scale and design to the previously approved additions and in this respect, the planning history has significant weight when considering the overall design and appropriateness of the proposal.

5.3 The proposal would have a gable end facing Church Road, with a wider extension set behind. Whilst the proposed form and roof arrangement would differ to the host dwelling, it is not considered to be harmful to the overall appearance of the streetscene as it would likely not be readily visible. The proposal would provide a porch, entrance hall and living room on the ground floor with a master bedroom and en-suite on the first floor. The proposal would form a main entrance on the front elevation and would have smaller windows than the existing dwelling. Although it is usually appropriate to have similar or matching fenestration details, the smaller windows and the set back of the extension reinforces the subservient nature of the proposed side extension.

5.4 Guidance contained the Frampton Cotterell and Coalpit Heath Village Design Statement (2005) advises alterations and extension should take design cues from existing buildings in the vicinity in respect of scale, materials and locality and should respect the character of the main building (paragraph 3.40). It is considered that the overall scale and design of the proposed extension is in keeping with the character of the existing and neighbouring properties. As such, the proposal would not result in overdevelopment beyond what has previously been considered acceptable. Given the appearance, form and previously approved permissions for a similar extension, the proposed development is considered acceptable and would overall remain in keeping with the neighbouring dwellings. The proposal is considered to accord with CS1 of the adopted Core Strategy.

5.5 Impact on Residential Amenity

The proposed side extension would be located on the east elevation of the host dwelling. The dwelling is part of a pair of semi-detached cottages. The nearest neighbouring dwelling to the east is a more modern in-fill property, that is significantly set back from Church Road. Given the position of the nearest neighbouring dwellings, the proposed development is not considered to have a material impact in terms of overbearing, privacy, daylight or overlooking. The application site benefits from a long rear garden; as such, there would remain ample private amenity space following the implementation of the proposed

extension. The proposal is considered to accord with saved policy H4 of the adopted Local Plan.

#### 5.6 Transportation

The proposed development does not affect the existing vehicular access or parking arrangements within the curtilage of the dwelling. The proposal would result in an additional bedroom; however the off-street parking requirement remains the same for 2-3 bedrooms (i.e. two parking spaces). Off-street parking is to the front of the application site, where there are two adequate parking spaces which comply with the Council's adopted Residential Parking Standards SPD. In this instance, there is no highway safety or transportation objection to the proposal subject to a condition that two parking spaces are permanently maintained within the application site.

### 6. CONCLUSION

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

6.2 The recommendation to **APPROVE** permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 (saved policies) 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 attached conditions.

**Contact Officer: Katie Warrington**  
**Tel. No. 01454 863436**

### CONDITIONS

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

Reason

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

2. 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 and CS9 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013.

3. Two off-street parking spaces, as shown on the approved plan (SD-15/24/03, received by the Council on 20th May 2015), shall be permanently maintained within the application site.

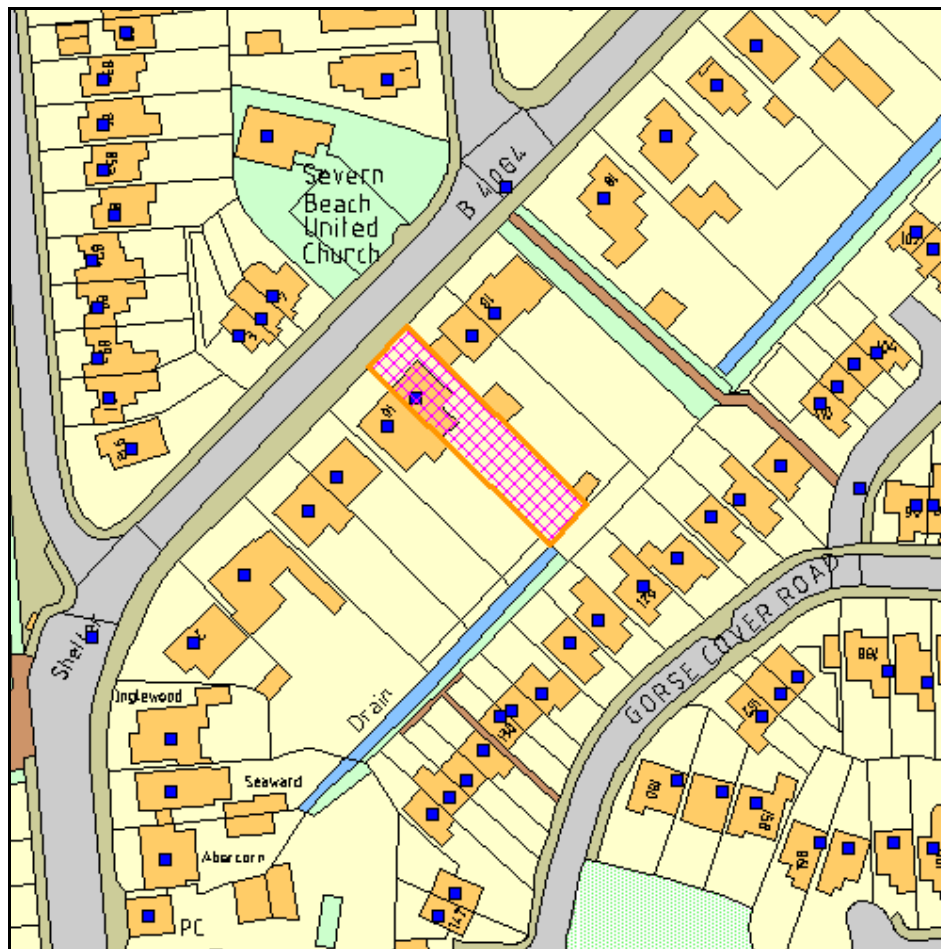
Reason

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



**CIRCULATED SCHEDULE NO. 28/15 – 10 JULY 2015**

<b>App No.:</b>	PT15/2338/CLP	<b>Applicant:</b>	Mr & Mrs Hathway
<b>Site:</b>	12 Beach Avenue Severn Beach Bristol South Gloucestershire BS35 4PB	<b>Date Reg:</b>	4th June 2015
<b>Proposal:</b>	Application for a certificate of lawfulness for the proposed erection of a single storey side extension.	<b>Parish:</b>	Pilning And Severn Beach Parish Council
<b>Map Ref:</b>	353998 185064	<b>Ward:</b>	Pilning And Severn Beach
<b>Application Category:</b>	Certificate of Lawfulness	<b>Target Date:</b>	27th July 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 single storey side extension to 12 Beach Avenue, Severn Beach, 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.

### **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 There is no relevant planning history

### **4. CONSULTATION RESPONSES**

- 4.1 Pilning and Severn Beach Parish Council  
No Comments Received
- 4.2 Councillor  
No Comments Received
- 4.3 Local Lead Flood Authority  
No Comment

#### **Other Representations**

- 4.4 Local Residents  
No Comments Received

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

- 5.1 Location Plan, Combined Plans Existing – J00415 S01, Combined Plans Proposed J00415 P01, all of which were received on 1<sup>st</sup> June 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 single story extension 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 extension 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 height of the eaves of the rear extension would not exceed the height of the roof 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 extension does not extend beyond a wall which fronts a highway or the principal elevation of the original dwelling house.

- (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 proposal does not extend beyond the rear wall of the original dwellinghouse.

- (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 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 extension 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 extends beyond a side wall of the property but does not have more than one storey, exceed 4 metres in height or have a width greater than half the width of the original 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 proposed plans indicate that the proposal will be finished with render, tiles and windows to match existing. The proposed materials would therefore match 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.

## 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: Jessica Robinson**  
**Tel. No. 01454 868388**