



**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. 24/15**

**Date to Members: 12/06/15**

**Member's Deadline: 18/06/15 (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.

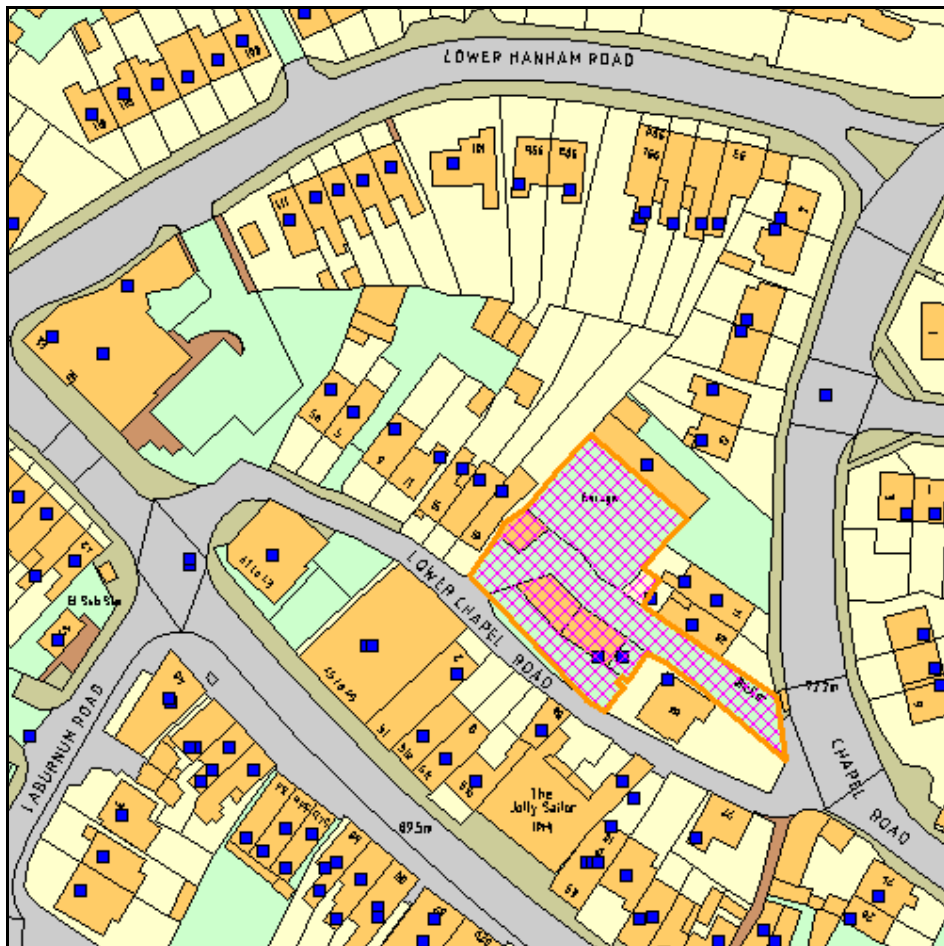
# CIRCULATED SCHEDULE 12 June 2015 – 12 JUNE 2015

ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
1	<b>PK14/0340/O</b>	Approve with Conditions	Land At Lower Chapel Road Hanham South Gloucestershire BS15 8SH	Hanham	Hanham Parish Council
2	<b>PK14/4964/F</b>	Approved Subject to	Wapley Court Kelston Close Yate South Gloucestershire BS37 8SY	Dodington	Dodington Parish Council
3	<b>PK15/0972/F</b>	Approve with Conditions	106 Poplar Road Warmley South Gloucestershire BS30 5JS	Oldland	Bitton Parish Council
4	<b>PK15/1038/F</b>	Approve with Conditions	77 High Street Staple Hill South Gloucestershire BS16 5HE	Staple Hill	None
5	<b>PK15/1053/F</b>	Approve with Conditions	Plot E Syston Hill Farm Siston Common Siston South Gloucestershire BS15 4PF	Siston	Siston Parish Council
6	<b>PK15/1169/CLE</b>	Approve	Highfield Car Sales Riding Barn Hill Wick South Gloucestershire BS30 5QZ	Boyd Valley	Wick And Abson Parish Council
7	<b>PK15/1384/F</b>	Approve with Conditions	Lower Ledge Cottages 2 Lower Street Dyrham Chippenham South Gloucestershire SN14 8EX	Boyd Valley	Dyrham And Hinton Parish Council
8	<b>PK15/1583/PDR</b>	Approve with Conditions	15 Home Barns High Street Marshfield Chippenham South Gloucestershire SN14 8JN	Boyd Valley	Marshfield Parish Council
9	<b>PK15/1725/F</b>	Approve with Conditions	4 Parkfield Rank Parkfield Road Pucklechurch South Gloucestershire BS16 9NR	Boyd Valley	Pucklechurch Parish Council
10	<b>PT14/4967/F</b>	Approve with Conditions	South View Cottage 10 The Down Alveston South Gloucestershire BS35 3PH	Thornbury South And	Alveston Parish Council
11	<b>PT15/0761/F</b>	Approve with Conditions	88 Campion Drive Bradley Stoke South Gloucestershire BS32 0BH	Bradley Stoke Central And Stoke Lodge	Bradley Stoke Town Council
12	<b>PT15/1416/F</b>	Approve with Conditions	Stone Stables Wotton Road Rangeworthy South Gloucestershire BS37 7NE	Ladden Brook	Rangeworthy Parish Council
13	<b>PT15/1452/F</b>	Approve with Conditions	Windsor Cottage Cowship Lane Cromhall Wotton Under Edge South Gloucestershire GL12 8AY	Charfield	Cromhall Parish Council
14	<b>PT15/1635/CLE</b>	Approve	44 Station Road Filton South Gloucestershire BS34 7JQ	Filton	Filton Town Council
15	<b>PT15/1757/PDR</b>	Approve with Conditions	48 Simmonds View Stoke Gifford South Gloucestershire BS34 8HL	Stoke Gifford	Stoke Gifford Parish Council
16	<b>PT15/1890/CLP</b>	Approve with Conditions	2 Shellmor Close Patchway South Gloucestershire	Bradley Stoke Central And Stoke Lodge	Patchway Town Council

# ITEM 1

## CIRCULATED SCHEDULE NO. 24/15 – 12 JUNE 2015

<b>App No.:</b>	PK14/0340/O	<b>Applicant:</b>	Mr Rob Dicker
<b>Site:</b>	Land At Lower Chapel Road Hanham Bristol South Gloucestershire BS15 8SH	<b>Date Reg:</b>	21st February 2014
<b>Proposal:</b>	Erection of 6 no. dwellings (Outline) with access, layout and scale to be determined. All other matters reserved.	<b>Parish:</b>	Hanham Parish Council
<b>Map Ref:</b>	364160 172430	<b>Ward:</b>	Hanham
<b>Application Category:</b>	Minor	<b>Target Date:</b>	15th April 2014



© South Gloucestershire Council 2007.all rights reserved.  
This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.  
100023410, 2008. N.T.S. PK14/0340/O

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

This application has been referred to the Circulated Schedule in order to secure a fresh resolution in order to allow an additional extension in time to complete the S106 Agreement by 31<sup>st</sup> July 2015.

### **1. THE PROPOSAL**

- 1.1 The application relates to a former builders yard and office buildings and associated outbuildings, located to the north of Lower Chapel Road, Hanham. The yard area has been used as a car sales lot. Vehicular access is currently from Chapel Road. The yard is generally enclosed by high boundary walls, which separate it from commercial buildings to the rear and residential properties to either side, a mix of residential and commercial properties, lie opposite the front of the site, on the southern side of Lower Chapel Road.
- 1.3 Outline planning permission PK14/0340/O was resolved to be granted (subject to S106 Agreement) to demolish the existing buildings and erect 6no. dwellings, with access, layout and scale determined at this stage. All matters of external appearance and landscaping are to be the subject of a future reserved matters application. The proposed building would comprise three adjoining 2-storey blocks. The residential accommodation would comprise a mix of 4no. three-bedroom houses, 1no. two-bedroom flat and 1no. one-bedroom flat. The proposed parking court and garden areas would be to the rear of the buildings. Vehicular access would be from Lower Chapel Road, through an archway within the building. The existing access from Chapel Road would be closed off. It is also proposed to provide a new footway to the front of the site on Lower Chapel Road.
- 1.4 The application was supported by the following documents:
- Design and Access Statement
  - Coal Mining Risk Assessment
- 1.5 A copy of the original Circulated Schedule Report for PK14/0340/O is appended for information purposes. The original resolution and Heads of Terms of the S106 Agreement are listed at para. 7.1 of the report. Due to changes recently introduced in the government's Planning Practice Guidance, amendments to the previously approved resolution were required and approved in February 2015 with a new 3 month period for processing the S106 Agreement.
- 1.6 The applicant has encountered delays in selling the site so now intends to complete the S106 prior to selling. These delays however have taken matters past the 3 month deadline for signing the S106 that was previously secured in Feb. 2015; a further extension is therefore now sought.

### **2. POLICY CONTEXT**

#### **2.1 National Guidance**

The National Planning Policy Framework 27<sup>th</sup> March 2012.  
The Planning Practice Guidance 2014

## 2.2 Development Plans

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

- CS1 - High Quality Design
- CS4A – Presumption in Favour of Sustainable Development
- CS5 - Location of Development
- CS6 - Infrastructure and Developer Contributions
- CS8 - Improving Accessibility
- CS9 - Managing the Environment and Heritage
- CS13 - Non-Safeguarded Economic Development Sites
- CS17 - Housing Diversity
- CS18 - Affordable Housing
- CS23 - Community Infrastructure and Cultural Activity
- CS24 - Green Infrastructure, Sport and Recreation Standards

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

- L1 - Landscape Protection and Enhancement
- L5 - Open Areas within the Existing Urban Areas and Defined Settlements
- L9 - Species Protection
- L11 - Archaeology
- EP2 - Flood Risk and Development
- EP4 - Noise-sensitive development
- T7 - Cycle Parking
- T8 - Parking Standards
- T12 - Transportation Development Control Policy for New Development
- LC1 - Provision for Built Sports, Leisure and Community Facilities (Site Allocations and Developer Contributions)
- LC2 - Provision for Education Facilities (Site Allocations and Developer Contributions)
- LC12 - Recreational Routes

### South Gloucestershire Minerals and Waste Local Plan (Adopted) May 2002

- Policy 37 – Waste Management

## 2.3 Emerging Plan

### Proposed Submission : Policies, Sites & Places Development Plan Document (Draft) March 2015

- PSP1 - Local Distinctiveness
- PSP2 - Landscape
- PSP5 - Undesignated Open Spaces within Urban Areas and Settlements
- PSP6 - Onsite Renewable & Low Carbon Energy
- PSP8 - Settlement Boundaries and Residential Amenity
- PSP10 - Development Related Transport Impact Management
- PSP16 - Parking Standards
- PSP20 - Flood Risk, Surface Water and Watercourses
- PSP21 - Environmental Pollution and Impacts
- PSP39 - Private Amenity Space Standards

- 2.4 Supplementary Planning Guidance  
Trees on Development Sites SPG (Adopted)  
The South Gloucestershire Design Check List (SPD) Adopted Aug 2007.  
Affordable Housing SPD Adopted Sept.2008.  
South Gloucestershire Council Residential Parking Standards (SPD) Adopted.

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

- 3.1 PK03/1261/O - Erection of 13no. one bed flats (outline) with means of access and siting to be determined. All other matters are reserved.  
Approved 15<sup>th</sup> April 2004 Subject to S106 Agreement and provision of 13 car parking spaces as opposed to 10.  
S106 Signed 22 Feb 2007
- 3.2 PK10/0156/EXT - Erection of 13no. one bed flats (outline) with means of access and siting to be determined. All other matters are reserved. (Consent to extend time limit implementation for PK03/1261/O).  
Refused 27<sup>th</sup> Feb. 2012 – S106 not signed.
- 3.3 PK14/0340/O - Erection of 6no. dwellings (Outline) with access, layout and scale to be determined. All other matters reserved.  
Pending - S106 not yet signed but approved in principle.

### **4. ANALYSIS OF PROPOSAL**

- 4.1 Principle of Development  
This site lies within the Urban Area and the acceptance in principle of the development proposed was previously established with the resolution to grant PK14/0340/O; this was subject to a S106 Agreement to secure the 'Heads of Terms' listed at para. 7.1 of the original Circulated Schedule Report as appended. Those 'Heads of Terms' were subsequently changed in Feb. 2015, in order to accommodate recent changes to the National Planning Practice Guidance.
- 4.2 The NPPF (para. 14) states that; at the heart of the Framework is the presumption in favour of sustainable development. Furthermore The South Gloucestershire Local Plan Core Strategy has now been adopted (Dec 2013) so the policies therein are now part of the Development Plan. Policy CS4 replicates the NPPF in enforcing the presumption in favour of sustainable development. In accordance with para.187 of the NPPF, Core Strategy Policy CS4A states that; when considering proposals for sustainable development, the Council will take a positive approach and will work pro-actively with applicants to find solutions so that sustainable development can be approved wherever possible. NPPF Para.187 states that Local Planning Authorities should look for solutions rather than problems and decision-takers at every level should seek to approve applications for sustainable development where possible.
- 4.3 The drafting of the S106 Agreement has involved protracted negotiations, which has taken the application past the deadline for completing the S106 Agreement. Officers are however satisfied that there is every expectation that the S106 will now be signed shortly. The extension is however aligned so that it does not

extend beyond the anticipated commencement of charging under the CIL Regulations.

## **5. CONCLUSION**

- 5.1 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.
- 5.2 The recommendation to grant outline planning consent has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 and The South Gloucestershire Local Plan Core Strategy (Adopted) 11<sup>th</sup> Dec. 2013 set out above, and to all the relevant material considerations set out in the report.

## **6. RECOMMENDATION**

- 6.1 (1) That authority be delegated to the Director of Environment and Community Services to grant planning permission, subject to the conditions set out below and the applicant first voluntarily entering into an Agreement under Section 106 of the Town & Country Planning Act 1990 (as amended) to secure the following:
- (i) To provide, prior to the first occupation of any of the dwellings hereby approved, a 1.5m wide footway to the site frontage on Lower Chapel Road. The works shall be carried out to adoptable standards and in accordance with the principles shown on the approved 'Proposed Site Plan' Drawing No. 1864/003A.
  - (ii) To pay the Council its reasonable costs in connection with any Traffic Regulation Orders or consultation procedures required for any phase of the development or the highway works and carry out forthwith any consequent physical works including associated works.

The reasons for this Agreement are:

- (i) In the interests of highway safety on Lower Chapel Road in accordance with Policy T12 of the South Gloucestershire Local Plan (Adopted) 6<sup>th</sup> Jan 2006 and Policy CS8 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11<sup>th</sup> Dec. 2013.
- (ii) To meet the costs associated with any new or variation in the Traffic Regulation Order relating to Lower Chapel Road In the interests of highway safety on Lower Chapel Road in accordance with Policy T12 of the South Gloucestershire Local Plan (Adopted) 6<sup>th</sup> Jan 2006 and Policy CS8 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11<sup>th</sup> Dec. 2013.



- (2) That the Head of Legal and Democratic Services be authorised to check and agree the wording of the agreement.

6.2 Should the agreement not be completed by 31<sup>st</sup> July 2015, that delegated authority be given to the Director of Environment and Community Services to refuse the application.

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

### **CONDITIONS**

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

Reason

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

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

Reason

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

3. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason

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

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

Reason

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

5. Prior to the commencement of the development hereby approved, site investigation works shall be carried out to identify if any shallow mining works are present beneath the site. In the event that the site investigations confirm the need for remedial works to treat any mine entries and/or areas of shallow mine workings these works shall be carried out prior to the commencement of the development.

Reason

To ensure the safety and stability of the proposed development having regard to past Coal Mining within the area and to accord with Policy EP7 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006. This is a prior commencement condition to ensure that the site is safe for development before works commence.

6. Details of all boundary treatments (walls, railings or fences) to be erected on the site shall be submitted to and approved in writing by the Local Planning Authority before the relevant parts of the development commences and the development shall only be carried out in accordance with the details so approved.

Reason

To protect the character and appearance of the area to accord with Policy L1 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 and Policy CS1 of the South Gloucestershire Local Plan Core Strategy (Adopted) 11 Dec 2013.

7. No windows other than permanently fixed and obscurely glazed windows to a level 3 standard or above, shall be inserted at any time in the north-west or south-east end elevations of the property.

Reason

To protect the privacy and amenity of neighbouring occupiers, and to accord with the requirements of the NPPF.

8. The hours of working on site during the periods of demolition and construction shall be restricted to 8.00am to 6.00pm Mondays to Fridays inclusive, 8.00am to 1.00pm Saturday and no working shall take place on Sundays or Public Holidays. The term 'working' shall, for the purpose of clarification of this condition include: deliveries of construction materials, 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. Any use of the site outside these hours shall have the prior written consent of the Local Planning Authority.

Reason

To protect the privacy and amenity of neighbouring occupiers, and to accord with the requirements of the NPPF.

9. The existing walls enclosing the boundary of the site shall be retained and shall not be altered without the prior written consent of the Local Planning Authority.

Reason

To protect the privacy and amenity of neighbouring occupiers, and to accord with the requirements of the NPPF and Policy CS1 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11 Dec. 2013.

10. Prior to the commencement of development drainage detail proposals incorporating Sustainable Drainage Systems (SUDS) and confirmation of hydrological conditions (e.g. soil permeability, watercourses, mining culverts) within the development shall be

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

Reason

To ensure that a satisfactory means of drainage is provided, and to accord with Policy EP2 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006. This is a pre-commencement condition because any prior development could sterilise the ability to implement the drainage scheme.

11. The approved car parking, cycle parking and turning arrangements (shown on the Proposed Site Plan no. 1864/003 A) shall be provided prior to the dwellings being first occupied and shall be permanently retained as such 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 T7 and T12 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 and The South Gloucestershire Council Parking Standards SPD.

12. Prior to the first occupation of the dwellings hereby approved, the car parking and turning areas within the site shall be surfaced with bound surfaced material and maintained as such thereafter.

To ensure the satisfactory provision of parking facilities and in the interest of highway safety and the amenity of the area, and to accord with Policy T12 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

13. The development hereby permitted shall not be occupied nor the use commenced until the means of vehicular, pedestrian, and cyclist access (shown on Proposed Site Plan Drawing No. 1864/003 A) has been constructed and is available for use in accordance with the approved plans. There shall be no obstructions to visibility exceeding 0.9 metres in height within the splayed areas.

Reason

In the interests of highway safety, to accord with Policy T12 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

14. Before the vehicular access hereby permitted is first used, the existing vehicular access onto Chapel Road shall be permanently stopped up in accordance with the approved plans.

Reason

In the interests of highway safety, to accord with Policy T12 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

15. 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 work is to be carried out in accordance with the attached brief.

Reason

In the interest of archaeological investigation or recording and to accord with Policy L11 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

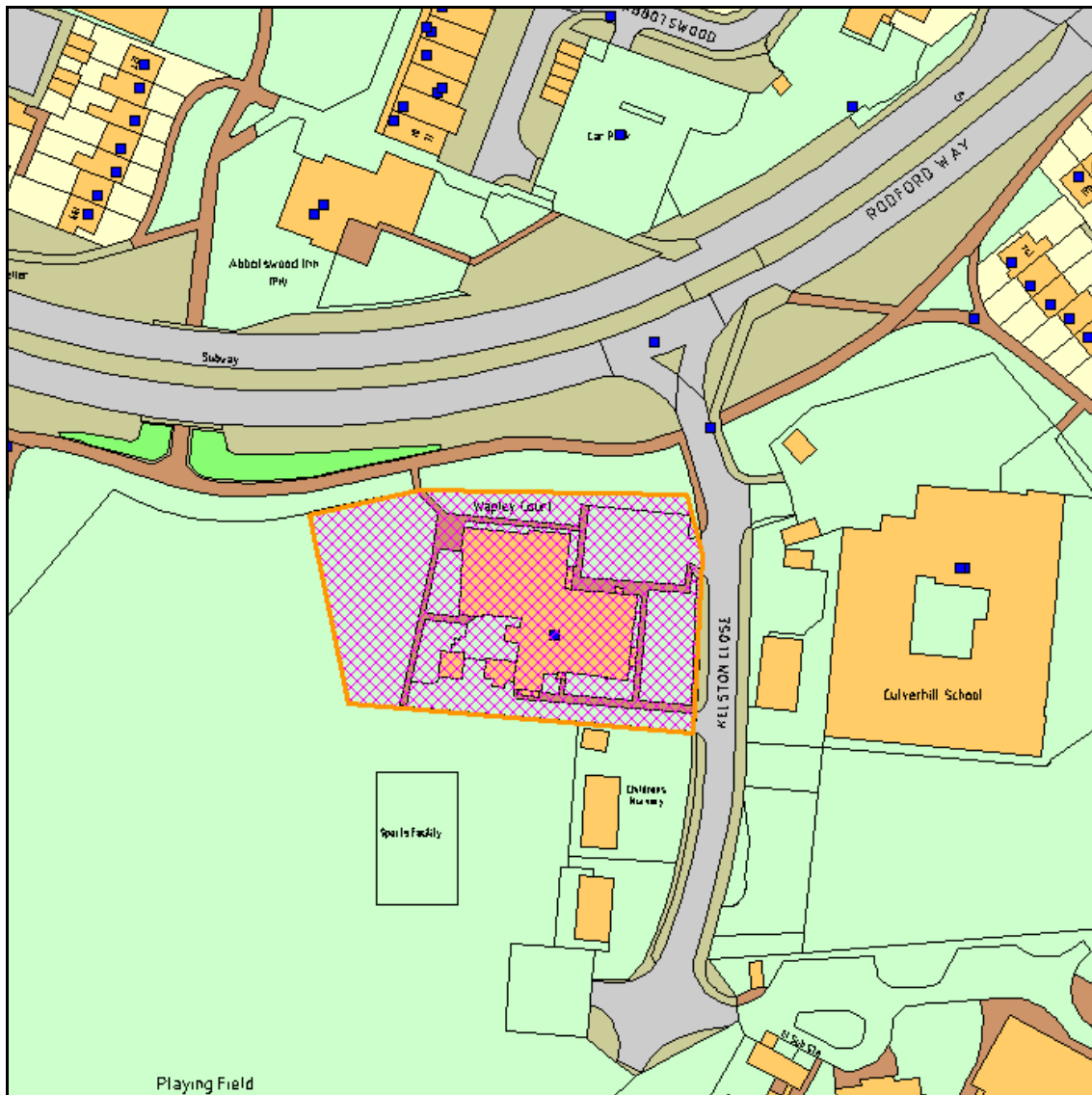
16. Prior to the commencement of the development a Waste Management Audit shall be submitted to and approved by the Local Planning Authority in writing. The Waste Management Audit shall include details of:
- (a) The volume and nature of the waste which will be generated through the demolition and/or excavation process.
  - (b) The volume of that waste which will be utilised within the site in establishing pre-construction levels, landscaping features, noise attenuation mounds etc.
  - (c) Proposals for re-cycling/recovering materials of value from the waste not used in schemes identified in (b), including as appropriate proposals for the production of secondary aggregates on the site using mobile screen plant.
  - (d) The volume of additional fill material which may be required to achieve, for example, permitted ground contours or the surcharging of land prior to construction.
  - (e) The probable destination of that waste which needs to be removed from the site and the steps that have been taken to identify a productive use for it as an alternative to landfill.
- The approved works shall subsequently be carried out in accordance with the agreed details.

Reason

To accord with the Council's adopted Waste Management Strategy and to accord with Policy 37 of the South Gloucestershire Minerals and Waste Local Plan (Adopted) May 2002. This is a prior commencement condition to take account of the demolition phase and ensure the correct use/disposal of the waste therefrom.

**CIRCULATED SCHEDULE NO. 24/15 – 12 JUNE 2015**

<b>App No.:</b>	PK14/4964/F	<b>Applicant:</b>	Carter Construction (Gloucester) Ltd
<b>Site:</b>	Wapley Court Kelston Close Yate South Gloucestershire BS37 8SY	<b>Date Reg:</b>	7th January 2015
<b>Proposal:</b>	Erection of 24no. dwellings consisting of 15no. houses and 9no flats with associated works.	<b>Parish:</b>	Dodington Parish Council
<b>Map Ref:</b>	370696 181082	<b>Ward:</b>	Dodington
<b>Application Category:</b>	Major	<b>Target Date:</b>	23rd March 2015



© South Gloucestershire Council 2007.all rights reserved.  
 This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.  
 100023410, 2008. **N.T.S.** **PK14/4964/F**

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

This application appears on the circulated schedule due to the letters of objection that have been received and the necessary S106 Agreement.

### **1. THE PROPOSAL**

- 1.1 The site measures approximately 0.37 hectares and is located within the Yate and Chipping Sodbury Urban area and is accessed from Kelston Avenue and Rodford Avenue. The site is currently occupied by a former South Gloucestershire Nursing Home and associated parking and curtilage area. Culverhill School and Abbotswood Primary School are located to the East of the site and are also accessed from Kelston Close.
- 1.2 The proposed development consists of the demolition of the existing residential care home on the site and the construction of 24 new residential dwellings. The development would provide 15 dwelling-houses and 9 dwelling-flats. 100% of the dwellings are for Affordable Housing and provided by a Registered Social Landlord (Solon Housing). Access to the development is from Kelston Close and the development would provide 43 off street parking spaces, cycle parking and domestic services.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
National Planning Policy Framework  
Planning Policy Guidance

- 2.2 Development Plans

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

CS1	High Quality Design
CS4A	Presumption in Favour of Sustainable Development
CS5	Location of Development
CS6	Infrastructure and Developer Contributions
CS9	Managing the Environment and Heritage
CS17	Housing Diversity
CS18	Affordable Housing
CS23	Community Infrastructure and Cultural Activity
CS24	Green Infrastructure, Sport and Recreation Standards
CS30	Yate and Chipping Sodbury

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

L1	Landscape Protection and Enhancement
L5	Open Areas within the Existing Urban Areas and Defined Settlements
L9	Species Protection
L11	Archaeology
EP2	Flood Risk and Development
EP4	Noise-sensitive development
T7	Cycle Parking
T12	Transportation Development Control Policy for New Development

- LC1 Provision for Built Sports, Leisure and Community Facilities (Site Allocations and Developer Contributions)
- LC2 Provision for Education Facilities (Site Allocations and Developer Contributions)
- LC12 Recreational Routes

2.3 Supplementary Planning Guidance

Trees on Development Sites SPG (Adopted)  
 The South Gloucestershire Design Check List (SPD) Adopted Aug 2007.  
 Affordable Housing SPD Adopted Sept.2008.  
 South Gloucestershire Council Residential Parking Standards (SPD) Adopted (2013)

**3. RELEVANT PLANNING HISTORY**

- 3.1 PK13/2747/F Demolition of existing building. Erection of 16 no. dwellings and a block of 9 no. flats with new access and associated works.

*This planning application was withdrawn and carries no weight in the determination of this planning application (PT14/4964/F)*

- 3.2 PK13/2873/PND Prior notification of the intention to demolish the former Wapley Court Residential Care Home.

*The above application was for the 'prior notification' of the demolition of the building currently located on this site. Objection was made to the 'prior notification' on the grounds of ecological interest (potential for bats to be present in the building) and as such the Local Planning Authority concluded that 'prior approval' would be required to demolish the building so that further details relating to ecology could be correctly considered. However, the full planning application now received by the Local Planning Authority includes specific details in that regard.*

- 3.3 PK13/4469/F Demolition of existing building. Erection of 14 no. dwellings and a block of 9 no. flats with new access and associated works (Re Submission of PK13/2747/F)

*The Local Planning Authority resolved to approve this planning application on 10<sup>th</sup> April 2014 subject to conditions and the completion of a s106 legal agreement to secure affordable housing, public open space, and library infrastructure, and highway improvements. However, although the legal agreement was drafted it was not signed within the requisite time period. As a result this application was **refused** (21<sup>st</sup> August 2014) on the grounds that the affordable housing, public open space, and library infrastructure, and highway improvements could not be secured.*

**4. CONSULTATION RESPONSES**

- 4.1 Dodington Parish Council  
 Object on the following grounds;

- i) The plans illustrate overdevelopment of the site; the block of flats will be the only three storey building south of Rodford Way and is not in keeping with the normal streetscape on the Shire Way estate.
- ii) The access onto the road from the parking spaces for lot 1 is straight onto Kelston Close and we consider that it would be dangerous to reverse back out into the road due to heavy pedestrian use towards the schools in Kelston Close.
- iii) In respect of section 5 of the design and access statement which says that consultations with the highways authority during pre-application consultation concluded with them being satisfied with the access and parking provision, however our Council is extremely concerned about the impact of extra traffic using the Rodford Way/Kelston Close Junction as well as Kelston Close itself. The road provides access to Culverhill School, Abbotswood Primary School, Phase Five Pre-School and the QEII Playing Fields and as such are continually busy, even at weekends when football matches take place. (It should be noted that the design and access statement does not acknowledge that the entrance to the QEII Playing Fields is also from Kelston Close)
- iv) Traffic calming, such as raised pads or road narrowing are not appropriate, they will simply cause worse congestion. In this respect, we request that a traffic survey is undertaken by South Gloucestershire Council, so that an appreciation of the level of traffic using the road can be appreciated. It will be vitally important that any such survey is undertaken during a 'school run' time (rather than during a school holiday) to obtain true data.
- v) The design and access statement refers to a layout that has been 'designed to respond to the isolated location'. The North West Ward of Dodington Parish is one of the most densely populated areas of South Gloucestershire and the proposed site can, in no way, be described as isolated.
- vi) Section 2 of the design and access statement states that the former Wapley Court Residential Home comprised of 32 flats, giving the impression that the proposed development of 24 homes will be less dense than the previous use of the land. However, it should be noted that the care home had 32 individual bedrooms within the complex, not flats.

### **Other Representations**

#### **4.3 Local Residents**

One comment is received raising objection on the following grounds;

The proposed development is too close to the off-site hedgerow to the west of the site. The hedgerow is semi-mature and there will be pressure to reduce the hedgerow to improve daylight in the proposed residential units.



The development will result in the loss of 12 early mature trees. The replacement of the trees with 5 trees is not adequate mitigation.

Trees could be planted on the public verges to the north of the site.

4.4 Highway Authority

No objection subject to the provision of a traffic regulation order (to control on street parking) and specific traffic calming measures (a 'raised table' at the junction of the site access and Kelston Close).

4.5 Highway Structures Team

No objection

4.6 Lead Local Flood Authority

No objection in principle subject to the provision of a sustainable drainage system (SuDS)

4.7 New Communities Team

*Public Open Space*

A financial contribution of £48,394.36 towards the enhancement of public open space and £27,123.48 towards the maintenance of that provision is required.

*Libraries*

A financial contribution of £48,394.36 towards the improvement of Yate Library

4.8 Housing Enabling Team

It is acknowledged that the development would provide 100% affordable housing. However, it is necessary to secure a total of four, two bedroom units for affordable housing via a section 106 legal agreement.

4.9 Children and Young People (Education)

No contribution for primary or secondary school places is required

4.10 Ecology Officer

No objection in principle subject to conditions to secure adequate mitigation against the impact of the development on ecology.

4.11 Arboricultural Officer

No objection in principle subject to conditions relating to the provision of tree protection (during construction) and comprehensive landscaping plan. A new tree is also requested in the public open space close to the site to off set the loss of trees as a result of the development.

4.12 Landscape Officer

No objection in principle, however the proposal is criticised for being of less quality than the previously submitted scheme (PK13/4469/F). Some concern is raised as to the layout and position of buildings in the proposed development, boundary treatments and amenity space. Concern is also raised as to the proximity of the development to the existing hedge and trees associated with the site.

- 4.13 Urban Design Officer  
No objection in principle. Suggested amendments relate to the use of walls in prominent locations rather than close boarded fencing; hard surfacing materials and the finishing materials on the proposed dwellings.
- 4.14 Trading Standards  
No objection in principle. Weight limits in the locality have been highlighted for the benefit of the developer and delivery drivers.
- 4.15 Crime Prevention Officer (Police Authority)  
No objection in principle. Light is suggested in order to help prevent crime affecting the development.
- 4.16 Wessex Water  
No objection in principle.
- 4.17 Avon Fire and Rescue  
A request is made to provide fire hydrants at the cost of the developer to offset the proposed development.

## **5. ANALYSIS OF PROPOSAL**

- 5.1 The proposed development consists of the demolition of the existing residential care home on the site and the construction of 24 new residential dwellings. The development would provide 15 dwelling-houses and 9 dwelling-flats. 100% of the dwellings are for Affordable Housing and provided by a Registered Social Landlord (Solon Housing)
- 5.2 Principle of Development  
The National Planning Policy Framework (NPPF) makes a strong presumption in favour of Sustainable Development. In respect of decision making, the NPPF sets out that Local Planning Authorities should approve development proposals without delay where they accord with the local development plan, unless other material planning considerations indicate otherwise.
- 5.3 The South Gloucestershire Local Plan, Core Strategy (adopted) December 2013 together with the saved policies contained in the South Gloucestershire Local Plan (adopted) January 2006 form the adopted local development plan. This plan is 'up-to-date' for the purposes of considering this planning application.
- 5.4 Policy CS5 of the South Gloucestershire Local Plan; Core Strategy (adopted) December 2013 encourage new residential development into the Urban Areas, whilst policy CS30 of the South Gloucestershire Local Plan; Core Strategy (adopted) December 2013 encourages the provision of new housing in the Yate and Chipping Sodbury Area in line with Housing policy CS15 of the South Gloucestershire Local Plan; Core Strategy (adopted) December 2013
- 5.5 It should be noted that the Local Planning Authority has previously resolved to grant planning permission on 10<sup>th</sup> April 2014 for the development of this site under planning application PK13/4469/F.

That proposal detailed the provision of 23 dwellings (14 houses and 9 flats) arranged on a similar layout to that being proposed by this planning application. The resolution to grant was subject to the signing of a section 106 legal agreement to secure planning obligations relating to affordable housing, public open space and library provision and highway improvements. Despite the resolution to grant consent, the section 106 legal agreement was not signed as the previous developer was no longer in a position to carry on the development. As a result, the application technically refused as there was no prospect of the planning obligations being secured without the signing of the section 106 legal agreement. Nonetheless, there was a clear intention by the LPA to approve the previous application subject to the securing of planning obligations. On this basis, for the purpose of assessing this application, officers consider that the previous resolution to grant should be treated as a positive decision despite the subsequent technical refusal.

- 5.6 In broad terms, where an application seeks the renewal of a previously approved development, a similar principle applies in that the Local Planning Authority should not refuse to renew a previous consent unless there are material planning considerations for not doing so. Essentially, there is also a presumption in favour of renewing a planning permission. In this instance officers consider that the same principle can apply where there has been a resolution to grant consent. Since the previously resolution to grant consent, there have been no material changes in planning policy which would meant that the development should be refused.
- 5.7 The application now submitted is very similar in scale and layout to the previous application (PK13/4469/F). Although there is one additional dwelling house, the development now proposed retains the same access with dwelling houses arranged on either side of a central access road and a block of 9 flats would occupy the southwest corner of the site. Officers consider that the proposed development is broadly consistent with development plan and national planning policies. Furthermore, the previous resolution has established the redevelopment of this site for housing. The proposed development is therefore acceptable in principle, subject to the following considerations.
- 5.8 Design, Layout and Landscape Impact.  
The site and the surrounding area is made up of mid to late 20<sup>th</sup> Century residential development, generally arranged on a 'Radburn' principle. The general character of the area is modern in nature with groups of houses and other buildings set in wide open verges with mature and semi-mature trees and access roads leading from Rodford Way (forming the main arterial route). There are no outstanding landscape features or traditional buildings evident in the general locality.
- 5.9 The proposed development would be accessed from Kelston Close providing a central access road and turning head. This is proposed to have a shared surface. The proposed dwellings are proposed to be arranged on either side of the access road with a three storey block of flats positioned in the southwest corner of the site. Four dwellings (plots 1, 2 and 23, 24) would face onto Kelston Close. The appearance of the buildings are contemporary and modern in style.

The materials would be made up of good quality facing bricks and through coloured render, concrete tiles and grey coloured uPVC window frames. It is considered that the basis design approach is consistent with the built form of the surrounding area.

- 5.10 Comments from the Landscape Officer and Urban Design Officer offer some criticism of the design of the proposed development. These relate to the position of dwellings in relation to the off-site hedgerows adjacent to the site boundary and the provision of close-boarded fencing in a prominent position along the northern edge of the site. Also, of note is comment received from the local community raising concern about the impact of the development on the hedges and the lack of mitigation against the loss of trees as a result of the development.
- 5.11 Officers acknowledge that the development would be prominent in views from Rodford Way. This would include the close-boarded fence along the northern boundary of the site (approximately 80 metres) and the impact of this fence in this view would contradict the general open character of the surrounding locality. However, officers are satisfied that this can be adequately mitigated by the re-introduction of hedging immediately to the north of the fencing, and within the South Gloucestershire controlled verge. In addition, the planting of a semi-mature tree within the verge and to the north of proposed plot 24 would also act to further mitigate the visual impact of the development in views from Rodford Way. Officers are satisfied that this can be secured by way of a planning condition.
- 5.12 The loss of trees to make way for the proposed development is acknowledged (made up of 14 semi mature specimens). However, this would be off set by the provision of 9 new trees within the site (3 of which would relate to the northern boundary of the site). One additional tree and a new hedge would also be provided as part of the development. It is also noted that 3 substantial trees would be retained and these relate well to the northern boundary of the site.
- 5.13 In respect of the loss of trees resulting from the proposed development and the visual impact, it is necessary to consider this in the balance with the broad planning merit of the development proposal. In this instance, the development would provide 100% affordable housing and as such would provide a considerable benefit for the community of Yate. Officers attribute significant weight to this benefit. There is positive mitigation against the loss of the trees (in the form of replanting) and the visual impact of the development such that any harm in visual and landscape terms is limited.
- 5.14 It should be noted that the previous resolution to grant consent for the redevelopment of this site also included a close boarded fence along the northern boundary of the site and the loss of trees to make way for the development. At the time of that resolution was considered acceptable and officers consider that there are no material changes in respect of planning policy which would result in a different conclusion being reached in respect of this application. The existing building on this site is also prominent in this location and is of no particular merit. In particular the building is formed by a large footprint and its bulk and form is considered to have a negative visual

impact. When considered against the appearance of the current proposal, officers consider that the proposed development (together with the planting referred to above) would provide positive visual improvements in this street scene and views from Rodford Way.

5.15 Having regards to the above, it is considered that the proposed development is acceptable in design, landscape and visual terms.

5.16 Residential Amenity

This site is unusual in an urban area in that it is relatively isolated as it is surrounded by public open-space, verges and pedestrian routes through to the surrounding residential areas. The closest buildings are schools located to the east, whilst there are no existing residential dwellings adjacent to the site. The nearest residential dwellings are located to the north side of Rodford Way (across a wide highway) and to the west (associated with Witcombe) and some 200 metres across open space. On this basis, it is considered that the proposed development would have no material impact in respect of the residential amenity of the occupants of existing dwellings in the area.

5.17 Within the proposed development itself, officers are satisfied that there is sufficient separation and appropriate orientation of dwellings to preclude any unacceptable overlooking. The relationship of the dwellings is consistent with sub-urban relationships. There is adequate provision of outdoor amenity space, bin store and drying areas to serve the proposed development.

5.18 On this basis, officers are satisfied that the development is acceptable in residential amenity terms.

5.19 Ecology

The applicant has carried out a comprehensive ecological assessment of the site. The assessment has found that there is not likely to be significant impact upon ecology as a result of the development. However, the developer has committed to specific ecological impact mitigation that has been informed by the ecological impact assessment and this includes measures for ensuring that species (bats, hedgehogs and birds) are not harmed during the demolition and site clearance phase; and that measures for accommodating these species on site are provided (such as bird nesting boxes and hedgehog access and nesting boxes). These measures can be secured by way of an appropriately worded condition and subject to that condition the development is acceptable in ecological terms.

5.20 Drainage

The development is located within a location served by existing foul sewers and storm water drainage. It is proposed that the development would utilise existing connections in terms of foul water, whilst sustainable storm water systems are to be provided to control surface water drainage. Such measures will act to positively improve the existing situation and adequately manage drainage capacity on the development, and on this basis the development is acceptable in drainage terms.

5.21 Affordable Housing

The applicant is a registered social landlord and is developing the site to provide 100% affordable housing. The previous application (PK13/4469/F) was also for 100% affordable housing.

5.22 Notwithstanding this, it is necessary to secure 35% affordable units on the site in order to comply with Policy CS18 of the South Gloucestershire Local Plan Core Strategy. Recent changes to the National Planning Policy Guidance (paragraph 021) are such that it is now a requirement to allow for the internal floor space of existing buildings on site to be off set against the overall internal floor space of the development proposed. This offset is such that 4 of the 24 dwellings proposed are required to be secured as affordable units as part of a section 106 legal agreement. In this instance the Housing Enabling Officer requests that four, two bed units are secured from the development to meet the needs of the local community. The applicant has agreed to this in principle and officer stress that this does not alter the position of the developer who is committed to providing 24 affordable units (100%) on an 'affordable rent' basis.

5.23 On this basis, officers are satisfied that the development complies with the South Gloucestershire affordable housing policy. Indeed, the development goes beyond the requirements of the policy.

5.24 Community Infrastructure

The New Communities team have calculated that the development would generate specific requirements for the provision of improvements to open spaces at;

- i) Queen Elizabeth II Playing Fields
- ii) Woodchester Play Area
- iii) Dodington Allotments;

and, the provision of improvements to the library service provided at Yate Library.

5.25 This is requested on a financial basis and is for the sums of £48,394.36 (enhancement works) and £27,123.48 (maintenance) for public open space, and £5480.88 for Yate Library. The total contribution requested is **£90,998.72**

5.26 The developer has agreed to meet this request and this can be secured via an appropriate section 106 legal agreement.

5.27 Transportation

Access to the site is from Kelston Close and the development would provide 43 parking spaces and new footway along the frontage of the site (with Kelston Close). It is considered that the proposed level of parking is consistent with the South Gloucestershire Residential Parking Standards SPD and that the development would allow sufficient vehicle manoeuvring space (including a bin lorry) for the safe movement of vehicles on and immediately around the site.

It is considered that the development would not result in a significant increase of vehicular movements in the locality and as such is acceptable in principle.

5.28 Further benefit to the local community and access to the nearby schools would be provided by the creation of a 3 metre wide footway on Kelston Close. The developer has also agreed to contribute towards the provision of a new 'traffic regulation order' which would impose (and formalise existing informal) parking restrictions on Kelston Close. This would provide considerable improvement to the access along Kelston Close. The developer has also agreed to provide a 'speed table' at the junction of the site with Kelston Close. This is a traffic calming measure that would off set the impact of vehicular movements and improve the safety of children and parents accessing the nearby schools. This would also facilitate the future imposition of a 20 mph speed limit on Kelston Close.

5.29 The above measures can be secured via appropriately worded planning conditions and as part of a wider section 106 legal agreement (securing other obligations related to the development). Subject to these conditions and section 106 legal agreement the development is acceptable in transportation terms.

5.30 Other Issues

The Avon Fire Brigade have requested that the developer contribute towards the cost of providing a fire hydrant for the proposed development. In this instance, officers consider that the development is relatively modest and is located within an established residential area. Fire hydrants are available in the locality. Furthermore, building control regulations are the appropriate legislation for ensuring that new development complies with fire regulations. On this basis, officers consider that the provision of a new fire hydrant specifically in response to this development proposal is not necessary or reasonable; and, that the request would not meet the requirements of the Community Infrastructure Levy Regulations 2010 (as set out below). This request has not been passed to the applicant.

5.31 Planning Obligations

The Community Infrastructure Levy Regulations 2010 set out the limitations of the use of Planning Obligations (CIL). Essentially the regulations (regulation 122) provide 3 statutory tests to be applied to Planning Obligations and sets out that a planning obligation may only constitute a reason for granting planning permission for a development if the obligation is;

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

5.32 In this instance, it is considered that the planning obligations required to secure affordable housing, public open space and library enhancements and highway improvements are consistent with the CIL Regulations (Regulation 122). However, this is not the case for the provision of a new fire hydrant on the site.

### 5.33 Concluding Analysis

Officers acknowledge that there would be limited harm to the general character of the locality and landscape as a result of this proposal. However, there is adequate mitigation available, in the form of additional off site planting so as to reduce this impact to a negligible level. On the other hand, there are considerable benefits resulting from the proposed development and in particular the provision of 24 new affordable homes. Other benefits include improvements to the access to the nearby schools through highway improvements. Officers consider that the benefits of the development far outweigh the limited harm and is fully in accordance with the principle sustainability objective set out in the National Planning Policy Framework.

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

*i) Affordable Housing*

Four, two bedroom dwelling houses delivered as affordable housing on the tenure basis of Affordable Rent.

Reason

In order to secure the appropriate level of affordable housing and to comply with Policy CS18 of the South Gloucestershire Local Plan, Core Strategy (Adopted) December 2013.

*ii) Public Open Space Enhancement*

A financial contribution of **£48,394.36** towards the provision and/or enhancement of public open-space; and **£27,123.48** towards the maintenance of that provision. The areas of public open-space that benefit from the contribution are;

- Queen Elizabeth II Playing Fields, Yate
- Woodchester Play Area, Yate



- Dodington Allotments, Yate

Reason

To offset the impact of the development upon public open-space provision in the locality and to comply with saved Policy LC1 of the South Gloucestershire Local Plan (Adopted) January 2006.

iii) *Library Enhancement*

A financial contribution of **£5,480.88** towards the provision and/or enhancement of Yate Library.

Reason

To offset the impact of the development upon library service provision in the locality and to comply with saved Policy LC1 of the South Gloucestershire Local Plan (Adopted) January 2006.

iv) *Highway Improvements*

A financial contribution of £10,000 towards the provision of a Traffic Regulation Order to impose waiting and/or parking restrictions on Kelston Close; and,

The construction of a 'raised table' at the junction of between the access road to the development hereby approved and Kelston Close (as shown on the approved Construction Layout Drawing No. 10047-0010 Rev C) to the South Gloucestershire Adoptable Highway Standard.

Reason

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

- 7.2 That the Head of Legal and Democratic Services be authorised to check and agree the wording of the agreement.
- 7.3 Should the agreement not be completed within 6 months of the date of the committee resolution that delegated authority be given to the Director of Environment and Community Services to refuse the application.

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

**CONDITIONS**

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

Reason

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

2. The development hereby approved shall not be occupied until the access road, off street parking facilities and the 3 metre wide footway, as shown on drawing number 10047-0010 Rev D has been provided in accordance with the South Gloucestershire Adoptable Highway Standards. Thereafter the development shall be retained as such.

Reason

in the interests of highway safety and amenity and to accord with saved Policy T12 of the South Gloucestershire Local Plan (adopted) January 2006 and the South Gloucestershire Residential Parking Standards Supplementary Planning Document (adopted December 2013).

3. The development hereby approved shall not be occupied until the visibility splays as shown on drawing number 10047-0010 Rev D have been provided. Thereafter the development shall be retained as such.

Reason

in the interests of highway safety and amenity and to accord with saved Policy T12 of the South Gloucestershire Local Plan (adopted) January 2006 and the South Gloucestershire Residential Parking Standards Supplementary Planning Document (adopted December 2013).

4. The development hereby approved shall be implemented strictly in accordance with the drainage details as shown on drawing number 10047-SK0002C as received by the Local Planning Authority on 11th June 2015. Thereafter the development shall be retained as such.

Reason

To ensure that a satisfactory means of drainage is provided, and to accord with saved policy EP1 of the South Gloucestershire Local Plan (Adopted) January 2006 and policy CS1 of the South Gloucestershire Local Plan, Core Strategy (Adopted) December 2013.

5. The development hereby approved shall be implemented strictly in accordance with the recommendations made in the Ecological Report (Phase 1 Habitat Survey) (Prepared by Abricon and dated March 2015) and in accordance with the specific bird and hedgehog nesting boxes locations as shown on drawing number 4230/P10F as received by the Local Planning Authority on 11th June 2015. Thereafter the development shall be retained as such.

Reason

In the interests of the protection of the ecological value of the site and the surrounding locality and to accord with Policy CS9 of the South Gloucestershire Local Plan, Core Strategy (Adopted) December 2013; and saved Policy L9 of the South Gloucestershire Local Plan (Adopted) January 2006.

6. Prior to the first occupation of the development hereby approved, details demonstrating the species and method of providing a new tree and hedgerow within the South Gloucestershire Maintained Grounds (off site) to the North of the development hereby approved shall be provided for agreement in writing by the Local Planning Authority. The new tree and hedgerow shall be provided in the first planting season proceeding the date of the agreement of the details. For the avoidance of

doubt the location of the new tree shall be located in a position to the North of Plot 24 (as shown on drawing number 4230-P-10F) and the hedgerow shall be located immediately adjacent to the North Boundary of the development site.

Reason

In the interests of the visual amenity and character of the site and the surrounding locality and to accord with Policy CS1 of the South Gloucestershire Local Plan, Core Strategy (adopted) December 2013, and saved Policy L1 of the South Gloucestershire Local Plan (adopted) January 2006.

7. The development hereby approved shall be implemented strictly in accordance with the recommendations made in the Landscaping Management Strategy and in accordance with the Landscaping Plan (4230/P/11B) and the Planting Schedule (4230/P/3500) as received by the Local Planning Authority on 11th June 2015. Thereafter the development shall be retained as such.

Reason

In the interests of the visual amenity and character of the site and the surrounding locality and to accord with Policy CS1 of the South Gloucestershire Local Plan, Core Strategy (adopted) December 2013, and saved Policy L1 of the South Gloucestershire Local Plan (adopted) January 2006.

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

Reason

In the interests of the residential amenities of the occupants of surrounding residential properties.

9. The development hereby permitted shall be implemented strictly in accordance with the following plans;

4230/P/01  
4230/P/02  
4230/P/10F  
4230/P/11B  
4230/P/12A  
4230/P/20A  
4230/P/21  
4230/P/22  
4230/P/23  
4230/P/24A  
4230/P/25A  
4230/P/26A  
4230/P/27  
4230/P/28

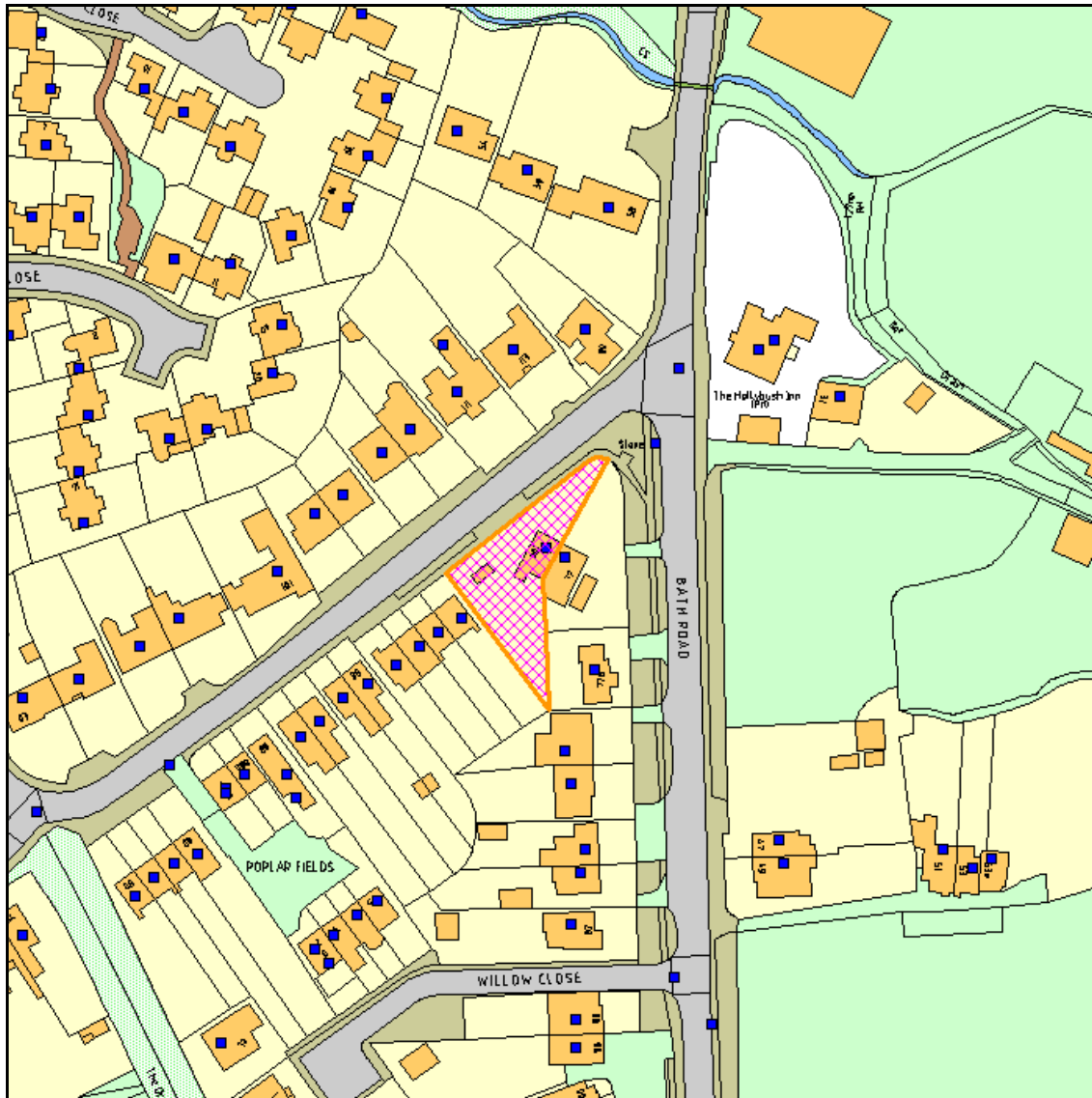
4230/P/29  
4230/P/30  
4230/P/31  
4230/P/32  
4230/P/70A  
4230/P/71  
4230/P/72A  
4230/P/73  
4230/P/74  
4230/P/75  
4230/P/3500  
4230/P/3501  
4230/P/5000  
10047-0010D  
10047-SK0002C

as received by the Local Planning Authority on 11th June 2015

Reason  
For the avoidance of doubt.

**CIRCULATED SCHEDULE NO. 24/15 – 12 JUNE 2015**

<b>App No.:</b>	PK15/0972/F	<b>Applicant:</b>	Mr And Mrs Hermon
<b>Site:</b>	106 Poplar Road Warmley Bristol South Gloucestershire BS30 5JS	<b>Date Reg:</b>	29th April 2015
<b>Proposal:</b>	Erection of 1no. detached dwelling with new access and associated works	<b>Parish:</b>	Bitton Parish Council
<b>Map Ref:</b>	367866 172772	<b>Ward:</b>	Oldland Common
<b>Application Category:</b>	Minor	<b>Target Date:</b>	19th June 2015



© South Gloucestershire Council 2007.all rights reserved.  
 This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.  
 100023410, 2008. **N.T.S.** **PK15/0972/F**

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

This application appears on the circulated schedule due to consultation responses received, contrary to officer recommendation.

### **1. THE PROPOSAL**

- 1.1 The application is for the erection of 1 no. detached dwelling with new access and associated works.
- 1.2 The application property consists of a semi detached rendered finish dwelling, located on a corner plot. The proposed dwelling would be within the side/rear curtilage of the property where currently a single detached garage and off-street parking provision exists. The site is located within the residential area of Warmley. There are a variety of designs and materials on dwellings in the immediate vicinity.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
National Planning Policy Framework

- 2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

T8 Parking Standards

T12 Transportation Development Control Policy for New Development

H4 Residential Development within Existing Residential Curtilages

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design

CS8 Improving Accessibility

CS16 Housing Density

CS17 Housing Diversity

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

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

- 3.1 K3830 – Change of use from residential to residential and business use. Refused. 4<sup>th</sup> February 1982.

### **4. CONSULTATION RESPONSES**

- 4.1 Bitton Parish Council  
No objections

## 4.2 Other Consultees

### Coal Authority

The application site falls within the defined Development High Risk Area; therefore within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application.

The Coal Authority records indicate that the site is in an area of likely historic unrecorded underground coal mine workings at shallow depth.

The planning application is supported by a Coal Mining Risk Assessment, dated 23 April 2015 and prepared by Bristol Coalmining Archives Ltd. The report has been informed by an appropriate range of sources of information including; historic maps, geological maps, mine abandonment plans and a Coal Mining Report.

Having reviewed the available coal mining and geological information the Coal Mining Risk Assessment concludes that evidence strongly suggests that there are no coal workings beneath the site and that there is no reason to consider that a coal mining legacy hazard will exist which might affect the development.

### The Coal Authority Recommendation to the LPA

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

No objection subject to standard construction site conditions.

### Lead Local Flood Authority

No objections subject to the inclusion of conditions and informatives relating to Sustainable Drainage Systems.

### Sustainable Transport

No objections subject to conditions securing and retaining the off street parking provision details submitted

### Highways Structures

No comment

## **Other Representations**

### 4.3 Local Residents

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

1. I have not been consulted by the applicant on this proposal as clearly suggested in your Statement of Community Involvement

2. I consider the proposal over development on this site as it will have a substantial impact on the space between the new development and my house and garden. If you are minded to approve this application, I request that the applicant is asked to move the new dwelling further from the common boundary towards no. 106 Poplar Road
3. Furthermore, the upper floor rear will enable the occupants of the new dwelling to look into my garden thus intruding on my privacy
4. The upper floor bathroom window will look into my property and thus must be frosted and fixed so it cannot be opened
5. If you are minded to approve the application, please condition the hours of work to reasonable times ie. 8am-6pm weekdays and 8am-noon on Saturdays with no activity on Sundays and Bank Holidays

## 5. ANALYSIS OF PROPOSAL

### 5.1 Principle of Development

The NPPF emphasis is on sustainable growth, including boosting housing supply and building including through windfall development, except where the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policy framework. Policy H4 of the South Gloucestershire Local Plan establish that new residential development on sites within the urban area and the curtilage of dwellings are acceptable in principle, subject to the proposal satisfying other material considerations, such as density, design, residential amenity, and highway safety. Policies CS16 and CS17 of the Core Strategy seek to achieve an efficient use of land, maximise housing supplied at locations where there is good pedestrian access to frequent public transport services, and provide a mix of housing types.

### 5.2 Design

There are a number of different styles of properties in the immediate vicinity and the streetscene is varied. The proposed dwelling is of an appropriate standard of design and is not out of keeping with the character of the area and surrounding properties. The dwelling is of an acceptable size in comparison to the existing properties in the area and the surroundings. Materials used would be a smooth white render with some quoin brickwork. The proposals would be considered to adequately integrate within the context of site and surroundings. It is not considered that the streetscene would be unduly impacted given the site, location and the set back from the main road. The density of development at the site in this location is governed by the size, shape and location of the plot and the proposals are considered acceptable in this respect.

### 5.3 Local Amenity

The proposed dwelling would follow the building line of adjacent properties fronting Poplar Road thus limiting any overbearing impact caused by massing, scale and location of development. The distance from the side boundary would be just under one metre, whilst a distance of approximately 2.6 metres would be retained to the side of the neighbouring. Given the orientation and building line of the proposed dwelling, first floor rear windows will therefore have the same orientation as other properties along the line, with similar views over its



own proposed rear curtilage. It is not therefore considered that the proposals would give rise to an unreasonable or material overlooking impact.

Given the overall scale and design of the extension and its relationship with the host dwelling and surrounding properties it is considered that the proposal would be acceptable in terms of residential amenity. A condition is recommended limiting the proposed south west facing first floor bathroom window to obscure glazing. Limits on construction hours are also recommended. On this basis it is not considered that the dwelling would give rise to any significant or material amenity impact such as to warrant a refusal of the application.

5.4 There would be sufficient private amenity space to serve both the host dwelling and the new dwelling in the existing garden which would be subdivided with close board fencing.

5.5 Transportation

There are no transportation objections to the proposed development, conditions are however recommended to secure and retain the off-street parking provision.

5.6 Drainage

There is no objection in principle to the proposals in drainage terms, however it is recommended that a SUDS condition is attached, to address surface water drainage.

## 6. CONCLUSION

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

6.2 The proposed residential development would be situated within a residential area and within the curtilage of an existing dwelling and in this respect is considered acceptable in principle, in accordance with the provisions of Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006. The proposals are considered to be acceptable in terms of layout, form, scale, height and massing, in accordance with the principles of Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006. It is considered that the proposal would not result in material amenity impacts upon surrounding properties by virtue of overbearing impact, loss of privacy and inter visibility, the design is acceptable and adequate parking provision can be provided, in accordance with Policies T12 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006 and Policies CS1, CS16 and CS17 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, the South Gloucestershire Local Plan Core Strategy Adopted December 2013, and to all the relevant material considerations set out in the report.

## **7. RECOMMENDATION**

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

**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 off-street parking facilities (for all vehicles, including cycles) shown on the plan hereby approved (ref. 3410-2P) 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 interests of highway safety and the amenity of the area, and to accord with Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006, Policy CS8 of the South Gloucestershire Local Plan Core Strategy Adopted 2013 and the South Gloucestershire Parking Standards SPD.

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 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.

4. 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 have been submitted and approved by the Local Planning Authority. Development shall thereafter be carried out in accordance with the approved details.

Reason 1

To ensure that a satisfactory means of drainage is provided, and to accord with Policy CS1 of the South Gloucestershire Local Plan Core Strategy Adopted December 2013.

Reason 2

This is a pre-commencement condition in order to address the issue of drainage at an early stage when it can be incorporated within the development and to accord with Policy CS1 of the South Gloucestershire Local Plan Core Strategy Adopted December 2013.

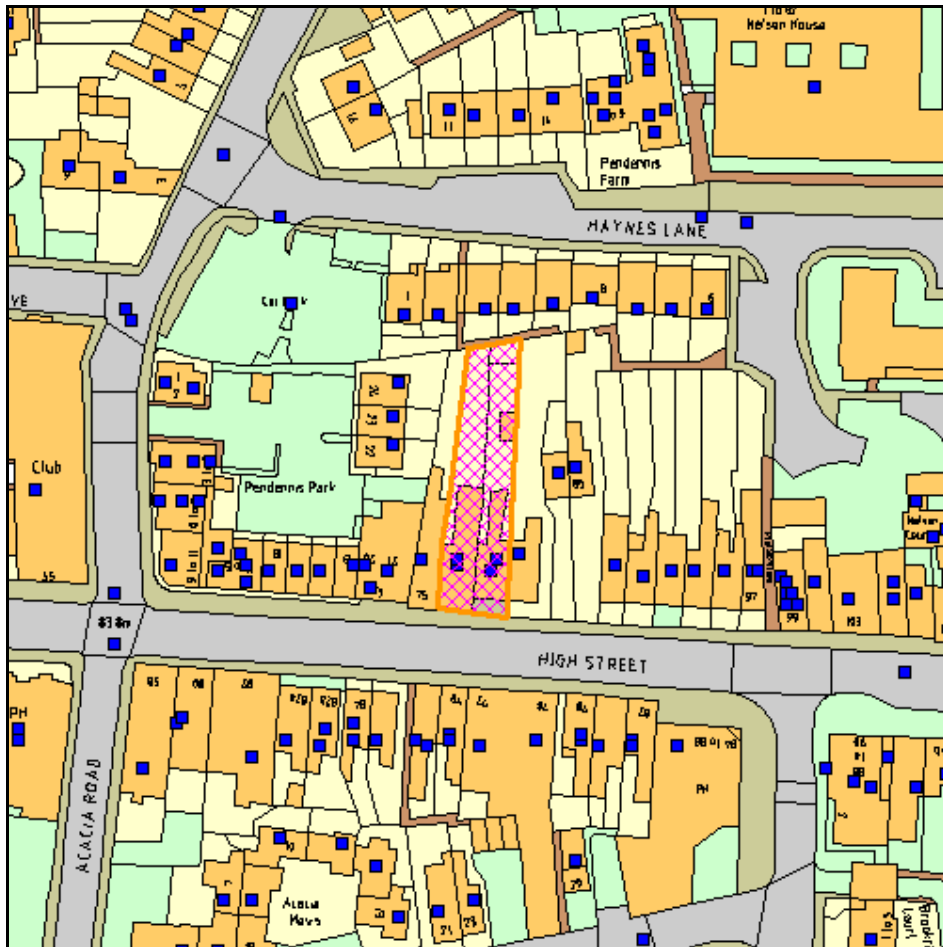
5. Prior to the use or occupation of the extension hereby permitted, and at all times thereafter, the proposed first floor window on the south west elevation shall be glazed with obscure glass to level 3 standard or above with any opening part of the window being above 1.7m above the floor of the room in which it is installed.

Reason

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

**CIRCULATED SCHEDULE NO. 24/15 – 12 JUNE 2015**

<b>App No.:</b>	PK15/1038/F	<b>Applicant:</b>	Mr Miah
<b>Site:</b>	77 High Street Staple Hill South Gloucestershire BS16 5HE	<b>Date Reg:</b>	31st March 2015
<b>Proposal:</b>	Subdivision of 2no. existing first floor flats to form 5no. studio apartments facilitated by first floor rear extension	<b>Parish:</b>	None
<b>Map Ref:</b>	364686 175951	<b>Ward:</b>	Staple Hill
<b>Application Category:</b>	Minor	<b>Target Date:</b>	11th May 2015



© South Gloucestershire Council 2007.all rights reserved.  
 This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.  
 100023410, 2008. N.T.S. PK15/1038/F

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

The application has been submitted to the Council's Circulated Schedule procedure, following an objection received which is contrary to the recommendation detailed in this report.

### **1. THE PROPOSAL**

- 1.1 The applicant proposes to subdivide 2no. existing first floor flats to form 5 no. studio flats facilitated by a small first floor rear extension at 77 & 79 High Street in Staple Hill.
- 1.2 The site is within the East Bristol Urban Fringe area. The ground floor units will remain the same use class, and are currently occupied by two Indian takeaway restaurants.
- 1.3 Amendments were received on 5<sup>th</sup> May 2015 to show a small first floor rear extension and internal alterations, and a period of re-consultation was undertaken for 10 days.
- 1.4 At the request of officers, an acoustic report was submitted and received on 27<sup>th</sup> May 2015. An extension of time was negotiated with the applicant to accommodate this submission.

### **2. POLICY CONTEXT**

#### **2.1 National Guidance**

National Planning Policy Framework March 2012  
National Planning Policy Guidance

#### **2.2 Development Plans**

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

H4 Development within Existing Residential Curtilages  
H5 Residential Conversions, Houses in Multiple Occupation and Re-Use of Buildings for Residential Purposes  
T7 Cycle Parking  
T12 Transportation Development Control Policy for New Development

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

CS1 High Quality Design  
CS5 Location of Development  
CS15 Distribution of Housing  
CS16 Housing Density  
CS17 Housing Diversity

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

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

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

- 3.1 PK07/3401/F Approve with conditions 07/01/2008  
Conversion of existing first floor flat to form 2no. self contained flats and associated works.
- 3.2 PK04/1955/F Approve with conditions 13/09/2004  
Erection of single storey rear extension to form extended restaurant and new kitchen. Installation of ventilation flue.

### 4. **CONSULTATION RESPONSES**

4.1 Town/Parish Council  
Unparished.

4.2 Other Consultees

Lead Local Flood Authority  
No comment.

Highway Structures  
No comment.

Sustainable Transport  
No objection.

Environmental Protection  
No objection to revisions including acoustic report.

#### **Other Representations**

4.3 Local Residents

One letter of objection has been received, raising the following point:

- The LPA need to consider the impact caused by the loss of two family sized flats

Six letters of support have been received, although it is worth noting that three of the supporters appear to be related to the applicant. They raised the following points:

- Existing first floor flat at 79 High Street does not have a working kitchen so cannot be let – loan scheme available but is only viable if subdivided
- Provide area with much needed additional accommodation
- Local businesses support additional households within walking distance and adds to vitality and sustainability of small businesses
- Single person would appreciate having smaller and more affordable units available
- Good location for those reliant on public transport and close to Bristol-Bath cycle path
- Better to bring empty properties back into use than to build on Green Belt land

## 5. ANALYSIS OF PROPOSAL

### 5.1 Principle of Development

The principle of residential development has already been established by the two existing first floor flats, which are to be converted into five studio flats. Policy CS17 states that the sub-division of existing dwellings to form flats will be allowed where this would not adversely affect the character of an area and where, cumulatively, it would not lead to unacceptable localised traffic congestion and pressure on parking. Such development will be allowed where each home has adequate private/semi-private and/or communal outdoor space and where occupiers have access to adequate open and play space within the immediate vicinity.

- 5.2 Policy H5 permits proposals for conversion of existing residential properties into smaller units of self-contained residential accommodation, or change of use to houses in multiple occupation, or conversion of non-residential properties for residential use provided that they:-

#### **A. Would not prejudice the character of the surrounding area; and**

- 5.3 Given the existing use of the building, officers are satisfied that the general character of the area would not be compromised by the proposed subdivision. External changes to the properties are minimal, with only the erection of a first floor rear extension being proposed externally to no 79, as well as a roof light on no. 77. The extension will bring the first floor elevation in line with the existing rear elevation of no. 79, and a condition will ensure that the materials match to accord with policy CS1 of the Core Strategy.

#### **B. Would not prejudice the amenities of nearby occupiers; and**

- 5.4 The extension proposed will not have an impact on residential amenity outside of the site, and the residential use is existing. So this criterion of H5 is considered to be met. Whilst not covered under H5 the residential amenities of the application site must also be considered. The rear proposed studio flat, marked on the plans as no. 2, is directly above the kitchen of the adjacent Chinese takeaway, and as such has the flue for the kitchen attached to the external wall. An acoustic report has been submitted detailing how noise and vibration from the existing flue will affect the occupants of the flat. A sealed acoustic glazing unit is proposed to the rear of flat 2. Ventilation will then be provided by an acoustic vent. A condition on the decision notice will ensure that the specification in the report is adhered to and the glazing unit is in place prior to occupation of the development. Whilst flat 2 will have only one window, the large rooflight proposed will provide adequate lighting.
- 5.5 Views from windows between flat 3 and flat 5 are possible, but this was also possible between the existing principal rooms and could be shielded with blinds as other windows are available.

**C. Would identify an acceptable level of off-street parking; and**

- 5.6 The site does not currently have any vehicular access or parking, and none can be provided as part of the development. However, as the site is located in a sustainable location where there is good access to public transport, and the Bristol/Bath railway path, there is no transportation objection to the proposal. Adequate cycle parking and refuse storage has been shown and will be conditioned to be in place prior to the occupation of the development.

**D. Would provide adequate amenity space; and**

- 5.7 The existing flats do not have access to private amenity space, and given that the 5 no. proposed flats are much smaller and at first floor level, the lack of amenity space in this town centre location is deemed to be acceptable in terms of policy H4 and H5. A small shared area adjacent to the cycle storage is available to the rear, which could be used for sitting out or hanging clothes. Furthermore, the site is 8 minutes walk to Page Park which is a large public park in Staple Hill.

**E. (In the case of buildings not previously used for residential purposes) the property is located within the existing urban areas and the boundaries of settlements, as defined on the proposals map.**

- 5.8 The building has previously been used for residential purposes and lies within the urban area.
- 5.9 All of the criteria attached to policy H5 are met. Other issues are discussed below.

5.10 Environmental Issues

The proposed development is sited within the Staple Hill Air Quality Management Area (AQMA). As such, the development could introduce new additional receptors into an air of poor air quality, particularly as two of the proposed studio apartments front directly onto High Street. However, as the proposal relates to the first floor of the property, this presents less of an exposure risk to new receptors, being further away (in terms of height) from the traffic and therefore, the source of pollution. The existing residential use is also noted.

5.11 Loss of Existing Flats

Objections regarding the loss of family sized accommodation has been received. Whilst family sized accommodation is required in Staple Hill, so is accommodation for single person households. Policy CS17 requires the Local Planning Authority to provide a variety of housing stock. Additionally it appears that one of the existing first floor flats has been vacant for many years, and that subdividing it will mean that the necessary renovations will be financially viable for the owner, potentially creating two occupied units where one previously sat empty.



5.12 Planning Obligations

As the proposal is for 5 units and a net increase of 3 units, it does not meet the threshold for affordable housing or other planning obligations.

**6. CONCLUSION**

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

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

**7. RECOMMENDATION**

7.1 That planning permission be **GRANTED** subject to the conditions listed below.

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

**CONDITIONS**

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

Reason

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

2. Prior to the occupation of any of the studio flats hereby approved, the covered cycle parking and covered bin store shown in drawing no. CA14/003/P01 shall be in place.

Reason

In the interests of adequate storage and to encourage sustainable transport choices, in accordance with policy T7 of the South Gloucestershire Local Plan (Adopted) January 2006.

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

Reason

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

4. The noise mitigation measures detailed in section 5.2 of the Acoustic Report received on 27th May 2015 and prepared by Sulis Acoustics shall be implemented prior to the occupation of the flat labelled as flat 2 on the Proposed Floor Plan.

Reason

To prevent noise pollution and to accord with policies H4 and H5 of the South Gloucestershire Local Plan (Adopted) January 2006.

## CIRCULATED SCHEDULE NO. 24/15 – 12 JUNE 2015

<b>App No.:</b>	PK15/1053/F	<b>Applicant:</b>	Mr Martyn Smith
<b>Site:</b>	Plot E Syston Hill Farm Syston Common Syston South Gloucestershire BS15 4PF	<b>Date Reg:</b>	1st April 2015
<b>Proposal:</b>	Erection of single storey side and rear extension to form additional living accommodation. Amendment to previously approved scheme PK13/1373/F	<b>Parish:</b>	Syston Parish Council
<b>Map Ref:</b>	366305 175104	<b>Ward:</b>	Syston
<b>Application Category:</b>	Householder	<b>Target Date:</b>	22nd May 2015



© South Gloucestershire Council 2007. all rights reserved.  
This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.  
100023410, 2008. **N.T.S.** **PK15/1053/F**

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

This application is to appear on circulated schedule due to the receipt of two objections from local residents, contrary to the Officer's opinion.

### **1. THE PROPOSAL**

- 1.1 This application seeks planning permission for the erection of single storey side and rear extension to form additional living accommodation (Amendment to previously approved scheme PK13/1373/F).
- 1.2 The application relates to the erection of five dwellings at Siston Hall Farm, a former farmhouse and historically an abattoir sited on the edge of Siston Common. The application site is located within the established residential boundary Siston. To the east is existing residential development at Siston Hill, which rises up to its highest point at the top of the hill behind the site.
- 1.3 During the course of the application, revised plans have been submitted reducing the width of the side extension, reducing the height of the parapet roof and changing the proposed materials to natural stone.

### **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  
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  
T12 Transportation Development Control Policy

#### 2.3 Supplementary Planning Guidance

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

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

- 3.1 PK14/0506/F Re-positioning of 1no. detached dwelling (Unit E) and associated garage and re-siting of detached garage to Unit D. (Amendment to previously approved scheme of 5no. dwellings PK13/1373/F) Approved 22.04.15

- 3.2 PK13/1373/F Erection of 5no. detached dwellings with detached garages, access and associated works. (Resubmission of PK13/0079/F).  
Approved 15.11.13
- 3.3 PK13/0327/EXT Application to extend time limit for commencement of PK10/0079/F  
Approved 22.03.13
- 3.4 PK13/0079/F Erection of 5 no. detached dwellings with garages and associated works.  
Withdrawn 25.02.13
- 3.5 PK10/0079/F Erection of 4no. dwellings with detached garages and associated works  
Approved 18.03.10

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

- 4.1 Siston Parish Council  
Siston Parish Council have concerns about a further build on this enclosed/cramped and compact site as the property would be made much larger and as a result, it would be environmentally out of proportion to the rest of the site, adjoining common land and well used public rights of way.
- 4.2 Archaeology  
I have no objection to this application, provided the HC11 condition applied to application PK13/1373/F is applied to this consent also.
- 4.3 Children and Young People  
No comment received.
- 4.4 The Coal Authority  
The Coal Authority has no objection to this planning application subject to the LPA imposing the same planning condition as per planning approval PK13/1373/F to ensure that intrusive site investigation works prior to commencement of development including appropriate remedial measures are undertaken.
- 4.5 Ecology  
This application is for single storey side and rear extensions, i.e. they will not key into existing roof structures. There are therefore no ecological constraints to granting planning permission.
- 4.6 Highway Drainage  
Drainage and Flood Risk Management Team (Street Care) has no objection in principle to this application subject to the following advice – previous SUDS condition to apply.

- 4.7 Housing Enabling  
No comment received.
- 4.8 Landscape  
I confirm that there is no landscape objection to the proposal.
- 4.9 Planning Enforcement  
No comment received.
- 4.10 Sustainable Transport  
I refer to the above planning application to which no transport object is raised.

### **Other Representations**

- 4.11 Local Residents  
Two comments of objection have been received from local residents:
- Application yet another change made by the developers since building work commenced;
  - Additional construction will be to the detriment of the public open space adjacent to this property;
  - Privacy of No. 20 and 22 Lawrence Close will be affected;
  - Shared hedgerow depleted, needs additional 1.8m fence to preserve privacy;
  - Reduce value of property;
  - Light pollution that will encroach on what is now a relatively dark area at night;
  - Application should be refused on what is now a major development near my property;
  - Overdevelopment of a small plot, already a large house with a large footprint;
  - Proposed extension not in-keeping with rest of site or property. coping raises visual impact and design is ugly;
  - Proposed house already overbearing to No. 22 Lawrence Close;
  - Adverse environmental effect on semi-rural location;

## **5. ANALYSIS OF PROPOSAL**

- 5.1 Principle of Development  
Saved policy H4 of the adopted Local Plan (2006) permits this type of development, subject to an assessment of criteria relating to design, and the impact on residential amenity and highway safety. Policy CS1 of the adopted Core Strategy only permits new development where the highest possible standards of design and site planning are achieved.
- 5.3 Design  
The application site is located within an exclusive cul-de-sac of five properties, all of individual design and being large, detached, modern dwellings. The five distinct dwellings, four of which are four two storey dwellings and one at two and half storey, are constructed in a combination of natural stone and render, with clay tiled roofs.

The site is on the edge of a rural setting with existing residential dwellings to the east. The houses are therefore laid out to make the most of views over the Common, with a general emphasis of glazing towards the south and west. Each dwelling benefits from a large curtilage, therefore it is considered that an extension or alteration would be acceptable in principle. It is not considered that a proposed single storey extension would have an adverse environmental effect on the semi-rural location, being located within the settlement boundary and near to existing residential developments.

- 5.4 The proposal involves the erection of a single storey side and rear wraparound extension on the south and west elevations. The proposed extension would create a large garden room off the living room. The proposal would have a parapet roof, with two large lanterns to flood the room with light. A large window would be inserted on the front elevation, with further smaller windows on the side and rear elevations with larger French doors in between. The extension would be finished in stonework to match the existing dwelling.
- 5.5 The proposed extension would measure approximately 5m wide by 10.4m long along the side elevation, with an eaves height of 2.4m and ridge height of 3.5m. The proposed size and scale of the extension has been reduced slightly to appear in proportion with the host dwelling and subservient as an addition. The elevation to the side of the front projection measures 5m; the proposed side extension would match this proportion to provide adequate room to house a snooker table. Whilst the overall footprint of the proposed extension is large, an extension of very similar size and proportions could be erected under permitted development. The revisions have ensured the proposed extension is now informed by the host dwelling.
- 5.6 The detailing and materials used in the proposed extension reflect the character of the host dwelling, with matching stonework, lintels and fenestration. The parapet wall on the side and rear elevations now sits below the first floor windows. The proposal is a large addition to a large, detached, three-storey house which benefits from a large curtilage and rear garden. In this respect, the proposed extension is not considered to appear as an discordant addition and would not harm the character of the street scene or cul de sac. The proposed design of the single storey extension is informed by and respects the character and distinctiveness of the host dwelling and is considered to accord with the policy aims of CS1 of the adopted Core Strategy.
- 5.7 Residential Amenity  
The proposed extension would result in the erection of a single storey side and rear wraparound addition. Each dwelling has a large curtilage and is separated from neighbouring existing properties to the east and south-east by open land. There is a narrow strip of land between dwellings on The Pines to the east and a larger area of open space to the south-east of Lawrence Close. Local residents at Lawrence Close, located to the south-east of the dwelling have raised concerns about the impact the single storey extension would have in terms of overlooking, loss of privacy and resulting in light pollution. The application site is located approximately 20 metres away from No. 22 Lawrence Close and 40m away from No. 20.

The separation distances are considered generous and are therefore acceptable. In this respect, it is unlikely that a ground floor extension would result in any significant impacts in terms of overbearing, overlooking, loss of privacy or light pollution. The area is characteristically residential, with the exception of open space to the south of the application site which largely acts as a buffer between the existing properties. The impact of the proposal upon existing levels of residential amenity is therefore considered to be acceptable and accords with saved policy H4 of the adopted Local Plan.

5.8 Transportation

The proposal would not increase the number of bedrooms in the dwelling. The existing off-street parking facilities will be unaffected by the proposal. As such, there is no transportation objection on highway safety grounds.

5.9 Coal Authority

The Coal Authority has no objection to this application subject to condition 9 attached to PK13/1373/F being attached. A planning condition will be attached to ensure the development is undertaken in accordance with the Coal mining Risk Assessment previously approved under PK13/1373/F.

5.10 Highway Drainage

The Highway Drainage team have no objection to the proposed extension, subject to a Sustainable Drainage Systems condition being attached, as per the previous approval PK13/1373/F.

5.11 Other Issues

Concerns have been raised by local residents in respect of non-planning issues in relation to the shared boundary hedgerow which has been depleted and the potential reduction in the value of neighbouring properties as a result of the proposal. As part of the original scheme (Ref. PK13/1373/F), a landscaping scheme was proposed, including the retention and planting of additional vegetation on the boundaries. Plot E has not yet been completed and condition 4 (landscaping) requires completion prior to occupation. Therefore, legitimately the planting may not have been completed as agreed. Lastly, the reduction in value of neighbouring properties is not a planning matter to be considered as part 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 **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 extension hereby permitted shall be constructed in stonework to match the existing building.

Reason

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

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

Reason

This is a pre-commencement condition so as to avoid unnecessary remedial action in the future and to ensure that a satisfactory means of drainage is provided. To accord with CS9 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013.

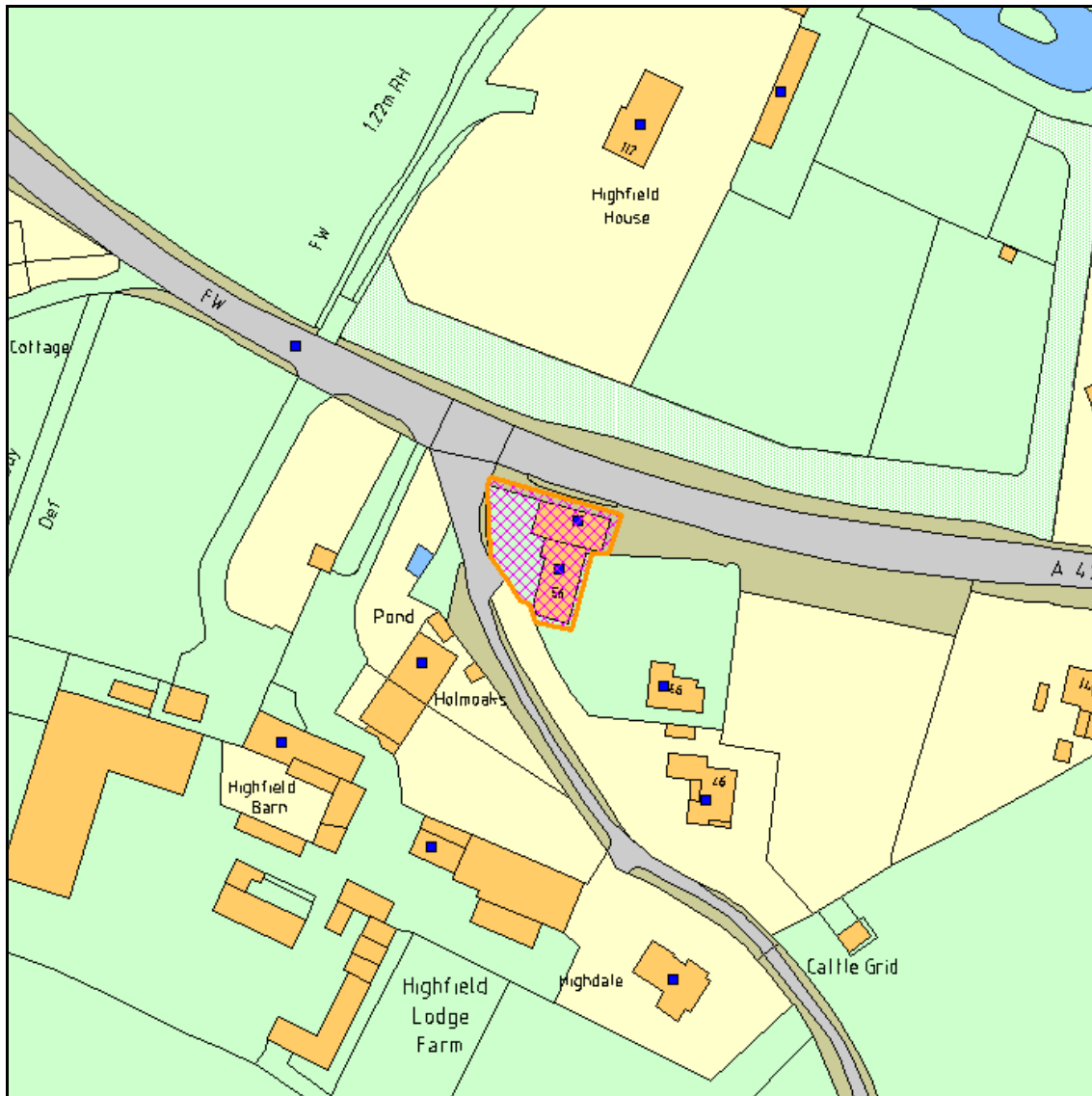
4. The development shall be undertaken in accordance with the Coal Mining Risk Assessment, submitted to accompany approved application PK13/1373/F (approved 15th November 2013).

Reason

To ensure that the works do not have adverse implications outside the site due to former coal workings and to accord with policy CS9 of the adopted South Gloucestershire Local Plan Core Strategy (Adopted) December 2013.

CIRCULATED SCHEDULE NO. 24/15 – 12 JUNE 2015

<b>App No.:</b>	PK15/1169/CLE	<b>Applicant:</b>	Mr Christopher Salter
<b>Site:</b>	Highfield Car Sales Riding Barn Hill Wick South Gloucestershire BS30 5QZ	<b>Date Reg:</b>	17th April 2015
<b>Proposal:</b>	Application for certificate of lawfulness for the existing use of land for the display and sale of cars.	<b>Parish:</b>	Wick And Abson Parish Council
<b>Map Ref:</b>	368901 172743	<b>Ward:</b>	Boyd Valley
<b>Application Category:</b>		<b>Target Date:</b>	2nd June 2015



© South Gloucestershire Council 2007.all rights reserved.  
This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.  
100023410, 2008.

N.T.S.

PK15/1169/CLE

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

This application is to appear on circulated schedule in accordance with the Council's procedure for Certificates of Lawfulness.

### **1. THE PROPOSAL**

1.1 The application relates to a Certificate of Lawfulness for the existing use of land for the display and sale of cars. The area of land relates to a former petrol garage and forecourt measuring approximately 650m<sup>2</sup>. This area runs parallel to Riding Barn Hill and includes a concrete forecourt area.

1.2 The application site is located within Wick. To the south and west are residential properties. the site is also situated within the Green Belt.

### **2. POLICY CONTEXT**

2.1 National Guidance  
Town and Country Planning (Development Management Procedure) Order 2010 (as amended)

2.2 Because the application is a Certificate of Lawfulness the policy context is not directly relevant as the planning merits are not under consideration. The applicant need only prove that on the balance of probabilities the use has taken place for a continuous period of 10 years up to the date of this application on 18<sup>th</sup> March 2015.

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

3.1 PK01/0585/CLE                      Application for a Certificate of Lawfulness for existing use of land for display and sale of motor vehicles  
Application site relates to a small area on the west side of the forecourt only.  
Approved 03.07.01

3.2 P99/4302                              Change of use of land for car sales and re-location of offices.  
Refused 17.06.99  
Four reasons for refusal:  
1) Green Belt location;  
2) Substandard access with a principal classified road;  
3) Inadequate visitor/operational parking spaces and turning area;  
4) Display of vehicles distraction to detriment of highway safety.

Planning Enforcement history:

- 3.3 COE/01/0875 The selling of cars is allowed on the West side of the pumps/canopy, there is intermittent selling on the West and East sides of the canopy  
Closed 23.10.01
- 3.4 COM/14/0861/BOC Cars being sold outside of canopied area  
Case still open pending determination of Certificate application

**4. CONSULTATION RESPONSES**

4.1 Wick and Abson Parish Council

No comment received.

4.2 Business Rates

Having spoken to my inspector I understand that the car sales business is on the site of an old petrol filling station, and the entry in the rating list which appears to apply is the one for Highfield Service Station, 95 Riding Barn Hill. We have this in an individual's name so it isn't obvious that it is a car sales business. The description of the property in the list is Petrol Filling Station, Garage & Premises. It has been described as that since 01.04.2000, and prior to that it was just Petrol Filling Station. This rateable assessment has been in the non-domestic rating list since 01.04.1990.

The current ratepayer has been in occupation since June 2003.

4.3 Planning Enforcement

No comment received.

4.4 Siston Parish Council

No comment received.

4.5 Sustainable Transport

Provided you are satisfied that the Declaration is correct and that there is no evidence to contradict it, there are no transport objections to this application

**Other Representations**

4.6 Local Residents

No comments received.

**5. ANALYSIS OF PROPOSAL**

5.1 Principle of Development

The application seeks a Certificate of Lawfulness in respect of a parcel of land outlined red, on the south side of Riding Barn Hill. The Officer visited the site and noted that the land is currently being used for the display and sale of cars. The area of land is approximately 650m<sup>2</sup>.

5.2 Accordingly, the issue for consideration is whether the evidence submitted proves that on the balance of probabilities, the land has been used for a continuous period of ten years up to the date of this application. The application is purely an evidential test, irrespective of planning merit.

5.3 Summary of Evidence In Support Of the Application

In support of the application, the following information has been submitted:

- A statutory declaration by Mr Jonathan Nicholas Cross (tenant), which briefly states that Mr Christopher Salter is the landowner and that since June 2003 Mr Salter has sold cars from the application site continuously since this date;
- Land Registry plan showing the area of land (shown in hatched) where cars have been sold.

5.4 Documents/evidence gathered by Officer:

- Business Rates information - the car sales business is on the site of an old petrol filling station, and the entry in the rating list which appears to apply is the one for Highfield Service Station, 95 Riding Barn Hill. We have this in an individual's name so it isn't obvious that it is a car sales business. The description of the property in the list is Petrol Filling Station, Garage & Premises. It has been described as that since 01.04.2000, and prior to that it was just Petrol Filling Station. This rateable assessment has been in the non-domestic rating list since 01.04.1990. The current ratepayer has been in occupation since June 2003.
- Aerial photographs from 1991, 1999, 2005, 2006, 2008-09 show cars parked on the west side of the forecourt (application site). the application site is also called two names – Wick Car Sales and Highfield Service Station:
  - 1991 (captured 8/9/91) – 5 cars parked on west side of forecourt;
  - 1999 (captured 19.6.00) – 5 cars parked on west side forecourt (different cars parked in different positions to previous);
  - 2005 (captured 7.6.05) – approx. 20 cars parked on west side forecourt in a more uniform manner for display purposes;
  - 2006 (captured 5.6.06) – approx. 17 west side forecourt, 3 cars parked east side as well;
  - 2008-09 (captured 1.6.09) – approx. 13 cars parked west side of forecourt, 3 cars parked on east side next to canopy.
- Planning and Enforcement history documented in section 3: Planning enforcement investigation in 2001 prompted the submission of a Certificate of Lawfulness for the use of a parcel of land on the west side for display and sale of cars.

5.5 Summary of Contrary Evidence

None found or submitted.

## **6. EVALUATION**

- 6.1 The application for a Certificate of Lawfulness is not a planning application and is purely an evidential test. The test of evidence to be applied is whether or not the case has been shown on the balance of probability. As such, the applicant needs to provide precise and unambiguous evidence.
- 6.2 The guidance contained within the National Planning Practice Guidance 2014 states that if a local planning authority has no evidence itself, nor any from others, to contradict or otherwise make the applicant's version of events less than probable, there is no good reason to refuse the application. This is however with the provision that the applicant's evidence alone is sufficiently precise and unambiguous to justify the grant of a certificate on the balance of probability.
- 6.3 Assessment of Evidence  
When assessing the evidence supplied in support of the certificate of lawful use application, different types of evidence are given different weight. Generally speaking, the weight to be attached to such evidence in order of worth is as follows:
1. Verifiable photographic evidence;
  2. Contemporary documentary evidence, especially if prepared for some other reason;
  3. Sworn written statements/appearance under oath at Public Inquiry;
  4. Unsworn letters.
- 6.4 The Sworn Statutory Declaration provides a clear statement about the use of the land for car sales for period in excess of 10 years. The previously approved Certificate Ref. PK01/0585/CLE was for a small parcel of land to on the west side forecourt nearest the boundary wall. The use of the land for car sales has clearly been taking place since 2001 and the size of the site used for this use has expanded since 2003. This is evident in the 2005, 2006 and 2008-09 aerial photographs which show the whole of the west side of the forecourt being used for the display and sale of cars.
- 6.5 The lack of contrary evidence offers little to persuade Officers that the land has not been permanently used for the display and sale of cars in excess of the last 10 years.
- 6.6 The evidence submitted and gathered by the Officer shows that, on the balance of probability the land has been used for the display and sale of cars at Highfield Service Station, 95 Riding Barn Hill, Wick, for a period in excess of ten years.

## **7. CONCLUSION**

- 7.1 It is considered that on the balance of probability the applicant has provided sufficient clear and unambiguous evidence to demonstrate that the land hatched black in the submission documents (plan ref. JCN1) has been used for the display and sale of car for a period in excess of ten years.

**8. RECOMMENDATION**

- 8.1 That a Certificate of Lawful Existing Use is granted solely for the area hatched black, because on balance that part of the site has been used for the display and sale of cars at Highfield Service Station for a continuous period of over ten years.

**Contact Officer: Katie Warrington**

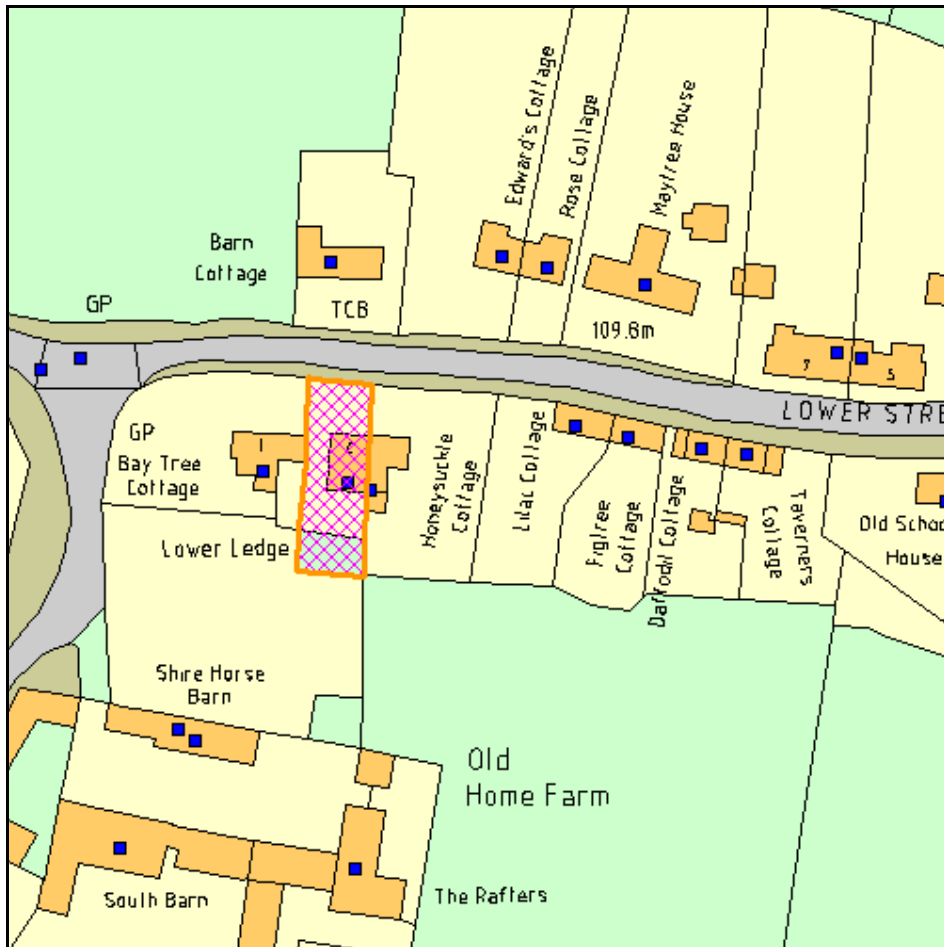
**Tel. No. 01454 863436**

**CONDITIONS**

1. The applicant has demonstrated that, on the balance of probability, the land hatched black on the approved plan (Ref. JCN1) has been used for the display and sale of cars (Sui Generis), in association with Highfield Service Station, 95 Riding Barn Hill, Wick.

## CIRCULATED SCHEDULE NO. 24/15 – 12 JUNE 2015

<b>App No.:</b>	PK15/1384/F	<b>Applicant:</b>	Mr Barry Paris Mountview Estates PLC
<b>Site:</b>	Lower Ledge Cottages 2 Lower Street Dyrham Chippenham South Gloucestershire SN14 8EX	<b>Date Reg:</b>	29th April 2015
<b>Proposal:</b>	Erection of up to 1.8 metre high boundary fence	<b>Parish:</b>	Dyrham And Hinton Parish Council
<b>Map Ref:</b>	373779 175627	<b>Ward:</b>	Boyd Valley
<b>Application Category:</b>	Householder	<b>Target Date:</b>	17th June 2015



© South Gloucestershire Council 2007.all rights reserved.  
 This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.  
 100023410, 2008. N.T.S. PK15/1384/F



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

This application is referred to the Circulated Schedule in accordance with procedure given an objection has been received that is contrary to the officer recommendation.

### **1. THE PROPOSAL**

- 1.1 The application seeks consent for the erection of a 1.8 metre high boundary fence. The fence is to in the form of a willow hurdle.
- 1.2 The application site is a Grade 2 listed building which is situated within the Dyrham Conservation Area and the Green Belt.

### **2. POLICY CONTEXT**

#### **2.1 National Guidance**

National Planning Policy Framework March 2012  
National Planning Practice Guidance 2014  
Historic Environment Planning Practice Guide  
Planning (Listed Buildings and Conservation Areas) Act 1990

#### **2.2 Development Plans**

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

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

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

L1 Landscape Protection and Enhancement  
L2 AONB  
L12 Conservation Areas  
L13 Listed Buildings  
H4 Development within Existing Residential Curtilages

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

Development in the Green Belt SPD (Adopted) 2007

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

- 3.1 No relevant planning history

### **4. CONSULTATION RESPONSES**

#### **4.1 Dyrham and Hinton Parish Council**

No objection raised

#### 4.2 Conservation Officer

The proposal is considered to maintain the character and appearance of the conservation area and the setting of the listed buildings. No conditions are considered necessary in this instance.

#### 4.3 Transportation No objection

#### 4.4 Drainage Officer No comment

### **Other Representations**

#### 4.5 Local Residents

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

- The fence is not appropriate for the setting of a listed building in a conservation area and is not consistent with the height of the existing stone boundary wall
- There is concern that the fence footings would impact upon the stone boundary wall and out-house
- A 2 metre fence has been removed and therefore should not be used as a reference point on plans
- It is unclear whether the fence runs to the end of the established wall or right to the rear of the property.

## **5. ANALYSIS OF PROPOSAL**

### 5.1 Principle of Development

The application seeks permission to erect a 1.8 metre fence within the curtilage of a Grade II listed dwelling situated within Dyrham Conservation Area, the Bath/ Bristol Green Belt, and within the Cotswolds AONB. The principle of the proposed development stands to be assessed against section 9 of the NPPF (Green Belts) which states within paragraph 89 that the extension of a building is appropriate development in the Green Belt provided it does not result in disproportionate additions over and above the original building. The principle of the development is therefore acceptable subject to an assessment of scale.

5.2 Significant weight is also afforded to the impact of the development on the heritage assets and the impact of the development on the natural beauty of the AONB in accordance with policy CS9 of the Core Strategy, and policies L2, L12 and L13 of the SGLP.

### 5.3 Green Belt

The application proposes a fence around part of the boundary of the property. No previous additions have been added to the property and the fence is considered a relatively modest addition. It is not considered that the proposal

would result in an adverse impact upon the open character of the green belt nor result in a disproportionate addition. The development is therefore considered acceptable in Green Belt terms.

#### 5.4 Heritage/ Design

The acceptability of the design extension to the listed building has been considered in detail by officers.

The concerns raised are noted however since the original proposal all reference to a 2 metre fence on the southern boundary has been removed, clarification has been made regarding the relationship between the new fence and the outbuilding of the neighbouring property and there has been a reduction in the height of the boundary fence from 1.8 metres to 1.5 metres for a length of 3.6 metres sited closest to the outbuilding.

It is considered that the use of willow is appropriate as a boundary treatment for a rear garden (as opposed to the front of properties where stone walls are common. The drop in the height of the fence as it reaches the rear of the property is considered to address the concern raised regarding the impact upon the neighbouring outbuilding. The Conservation Officer raises no objection to the proposal and there are therefore no concerns in terms heritage impact.

#### 5.5 Landscape/ AONB

Due to the small scale of the development it is not considered that the development would have any prejudicial impacts on the visual amenity of the landscape or the natural beauty of the AONB.

#### 5.6 Highways/ Residential Amenity

The fence is modest in scale and is not considered to have any significant impact upon the residential amenity of neighbouring occupiers having regard to loss of outlook. The proposal would have no effect on existing parking provision. Accordingly there are no concerns in terms of residential amenity or highway safety.

## 6. **CONCLUSION**

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

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

## **7. RECOMMENDATION**

- 7.1 That the application is APPROVED subject to the condition 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).

## CIRCULATED SCHEDULE NO. 24/15 – 12 JUNE 2015

<b>App No.:</b>	PK15/1583/PDR	<b>Applicant:</b>	Mr Edward Barron
<b>Site:</b>	15 Home Barns High Street Marshfield South Gloucestershire SN14 8JN	<b>Date Reg:</b>	20th April 2015
<b>Proposal:</b>	Conversion of office space on second floor to form additional living accommodation and insertion of 3no. rooflights.	<b>Parish:</b>	Marshfield Parish Council
<b>Map Ref:</b>	377151 173673	<b>Ward:</b>	Boyd Valley
<b>Application Category:</b>	Householder	<b>Target Date:</b>	2nd June 2015



© South Gloucestershire Council 2007.all rights reserved.  
This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.  
100023410, 2008.

N.T.S.

PK15/1583/PDR

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

This application is to appear on circulated schedule due to an objection from Marshfield Parish Council, contrary to the Officer's recommendation.

### **1. THE PROPOSAL**

- 1.1 This application proposes the conversion of office space on second floor to form additional living accommodation and insertion of 3no. rooflights.
- 1.2 The application site relates to unit 15, a live/work unit (Barn A). The site lies in the Green Belt, to the west of Marshfield village and is part of a complex of live/work units comprising a mixture of two to four bedroom dwellings. The site is situated outside of the settlement boundary, but within the Marshfield Conservation Area and an Area of Outstanding Natural Beauty.
- 1.3 All units are configured in the same way, with living accommodation on ground and first floor, with work space on the second floor. In some cases, the workspace has already been converted to provide additional bedrooms with the reduction of the workspace.
- 1.4 The proposal would involve the conversion of a large workspace on the second floor into a bedroom, bathroom and wardrobe. The proposal would involve the significant reduction of the workspace floor area by more than half to become a third bedroom. The only external change is the insertion of 3no. additional rooflights to serve the new bedroom.

### **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  
CS17 Housing Diversity  
CS34 Rural Areas  
  
South Gloucestershire Local Plan (Adopted) January 2006 (saved policies)  
E6 Employment Development in the Countryside  
E7 Conversion and Re-use of Rural Buildings  
H3 Housing in the Countryside  
H10 Conversion and Re-use of Rural Buildings for Residential Purposes  
T12 Transportation Development Control Policy
- 2.3 Supplementary Planning Guidance  
Design Checklist SPD (Adopted) 2007

**3. RELEVANT PLANNING HISTORY**

- 3.1 PK13/2406/NMA Non-material amendment to PK07/0648/F to alter the layout of no. 6 Home Barns to transfer the designated workspace to the ground floor  
Approved 25.07.13
- 3.2 PK09/1409/F Creation of 3 additional live/work units in Barn C. Conversion of existing bedroom into workspace (Units A5, B7, B11, B12 and C13) and conversion of part of workspace into additional bedroom in Unit B10 inter alia  
Approved with unilateral undertaking 03.03.10 – omits unit No. 15 (referred to as Barn C, Unit C13 on the plan).
- 3.3 PK07/0648/F Change of use of ground floor from warehouse (Class B8) to 17 no. office/workshop units (Class B1) and creation of 17 no. live-work accommodation and associated external alterations. Provisioning of 34 car parking spaces and landscaping. Amendment to previously approved schemes PK04/2406/F and PK06/0169/F.  
Approved 26.06.07
- 3.4 PK06/0169/F Change of use of ground floor from warehouse (Class B1) and creation of 12 no. live-work accommodation above and associated external alterations. Provisioning of 34 car parking spaces and landscaping. The application sought to amend the previously approved scheme to increase the number of units to 17 in total.  
Approved 04.08.06
- 3.5 PK04/2406/F Change of use of ground floor from warehouse (Class B8) to 12 office/workshop units (Class B1) and creation of 12 no. live-work accommodation above and associated external alterations. Provision of 24 car parking spaces and landscaping.  
Approved with conditions 30.03.05 following the signing of a S106 agreement to ensure the following: commuted sums relating to education and public transport provision, on-site provision of informal open space and that the occupiers of each residential unit are the occupiers of the respective business unit and that no unit shall be entirely occupied as residential use.

- Unit 6:  
3.6 PK10/2163/F Change of use of part of workspace area to facilitate the creation of an additional bedroom.  
Approved 04.11.10

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

##### 4.1 Marshfield Parish Council

Marshfield Parish Council objection to this application on the basis that the original permission was for live/work units, which allowed the development to circumnavigate green belt restrictions and meant that there was no requirement for affordable housing.

##### 4.2 Conservation

This application relates to a mixed-use (C3/B1) unit that was formed as part of the conversion of a former cluster of agricultural barns/ warehouses under the planning reference PK04/2406/F for a total of 12no. "live-work" units.

The material weight given to the B1 element of the development was used to outweigh all other concerns, as outside of a settlement boundary and presumably within the Green Belt, any C3 use would be unacceptable as a matter of principle.

This application follows a number of similar schemes to erase parts of the B1 use leaving what would be a pure C3 use outside of the settlement boundary and within a sensitive location in terms of the wider landscape setting and views into and out of the village.

In principle the loss of the B1 element at second floor will have no impact on the character and appearance of the building and so subsequently there are no objections. The associated external alterations proposed will however see the addition of 3no. 700mm x 800mm rooflights with 2no. to be inserted into the east facing roof slope and 1no. into the west facing roof plane. Additional rooflights should be resisted, however it is accepted there are already 40+ rooflights installed in Barn C.

Overall, there are no objections to the proposals.

##### 4.3 Lead Local Flood Authority

No comment.

##### 4.4 Sustainable Transport

The site access would remain unchanged and the off-street parking for the unit would not alter compared to the existing situation. In view of this therefore, we, Transportation Development Control do not object to this application.

#### **Other Representations**

##### 4.5 Local Residents

No comments received.



## 5. ANALYSIS OF PROPOSAL

### 5.1 Principle of Development

The most relevant policy is the design policy CS1. The original scheme approved in 2004 was for a mixed scheme, combining live and work elements. The policies considered relevant when the series of original planning permissions were first assessed have been saved. Since the adoption of the Local Plan (January 2006) and subsequent saved policy adoptions, there have been changes to national policy in the form of the NPPF (2012). The NPPF is considerably more flexible than previous national policy, taking into consideration the more recent permitted development changes in the form of change of use from warehouse to residential and so on. The Council have also adopted a new local plan in the form of the Core Strategy (December 2013).

5.2 Planning permission PK09/1409/F involved the removal of remote workspace and allowed all 20no. units to have integral workspace. The proposal involved the conversion of an existing bedroom into a workspace in Units A5, B7, B11, B12 and C13 and conversion of part of a workspace into an additional bedroom in Unit B10; this application did not involve the application site Unit 15. The application largely involved the increase in the number of units through reorganisation and included other alterations such as the insertion of further windows, and amendments to the landscaped and parking areas.

5.3 The live/work units were granted planning permission as *Sui Generis* mixed use and are not C3 dwellinghouses with attached permitted development rights as such. The two issues to consider under this proposal are the loss of part of the workspace in this particular live/work unit and the installation of 3no. rooflights. Part of the workspace is to be retained, so there is not a total loss of the 'work' element in this unit. It is an important material consideration that other units in the complex have reduced the amount of workspace to create an additional bedroom or living accommodation.

### 5.4 Live/work unit

The site is currently a live/work unit and although under this proposal, the living area would increase and the work area decrease, it would remain a live/work unit as no change of use has been applied for. As such, its function would be maintained. The Parish's response is noted and the proposal is considered to erode the purpose of the live/work unit, but not to such an extent that the site could not continue to function in this use. Precedent has already taken place on site as previous applications to reduce and relocate the workspace element of the units (referred to in the planning history). In light of this, it is considered unreasonable to refuse this application on this basis particularly as the workspace is only being reduced and not completely removed. A planning condition will be attached retaining the workspace element of the unit.

### 5.5 Design

The proposal involves the conversion of part of the workspace into a third bedroom and bathroom and the insertion of 3no. rooflights. The additional rooflights would involve 2no. to be inserted into the east facing roof slope and 1no. into the west facing roof plane. Whilst the Conservation Officer has

criticised the insertion of any rooflights in the former warehouse building and their visual impact on the character and appearance of the area, it has to be considered whether 3no. additional rooflights would have a further negative impact. It is not considered that the addition of 3no. on top of the existing 44no. would have a significant visual impact on the character and appearance of the building and setting in this respect. Overall, the proposed conversion and additional rooflights do not warrant a visual amenity objection and therefore the proposal is considered acceptable.

#### 5.6 Impact on Amenity

The proposal would involve the creation of a third bedroom in the second floor, providing a third bedroom for the live/work unit. The unit will continue to operate as a live/work unit, but with a smaller workspace. Therefore this application does not seek a change of use of the second floor, only a re-organisation of the living and work space. As the only physical alteration would be the additional 3no. rooflights, it is considered that the proposed conversion would not cause any significant adverse impact upon residential amenity of the neighbouring occupiers.

#### 5.7 Transportation

The addition of a third bedroom within the unit would not result in the need for additional off-street parking. In light of this, the Transportation Development Control Team do not object to the proposal.

### 6. CONCLUSION

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

6.2 The recommendation to **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).

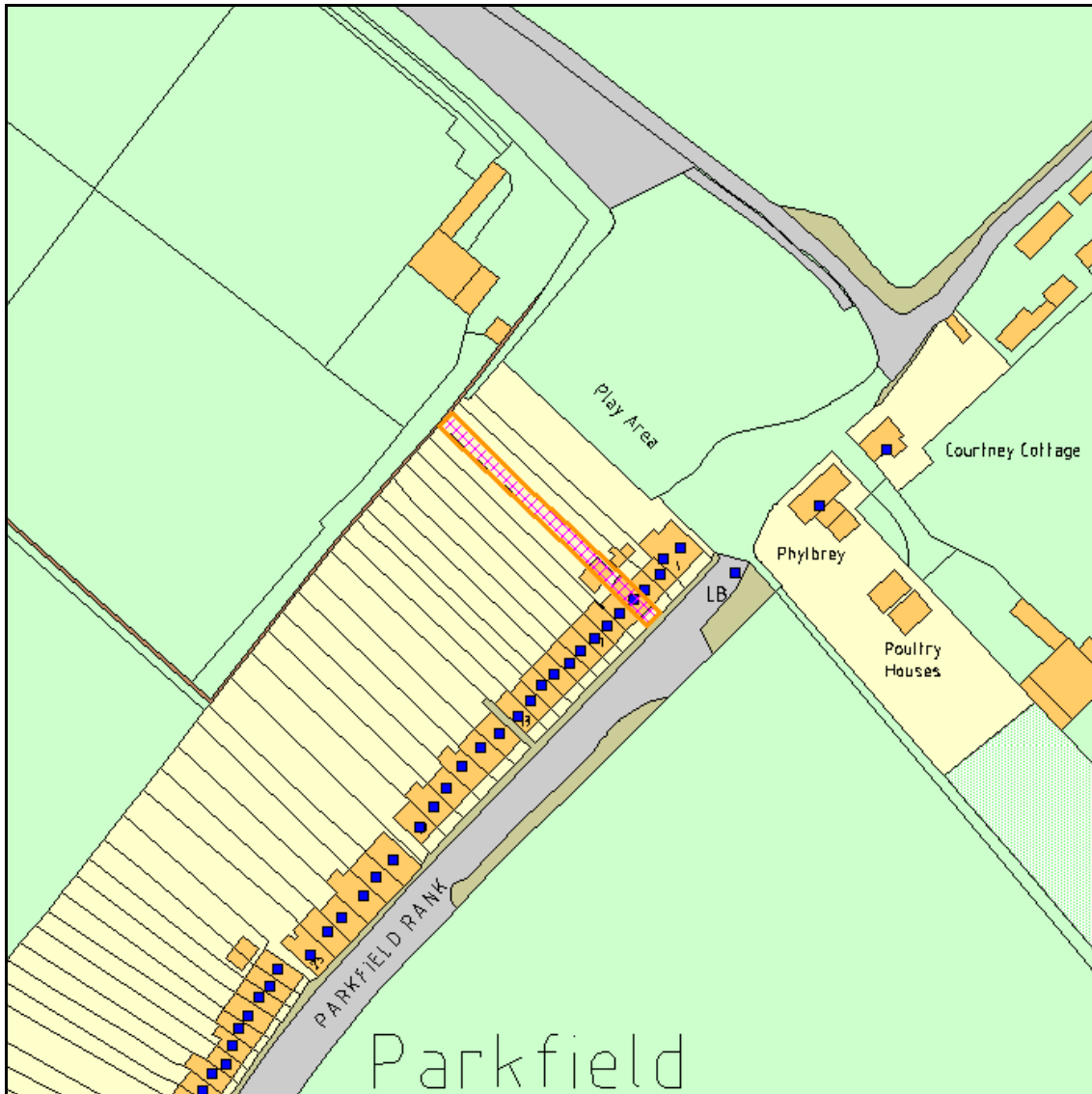
2. The workspace within the live/work unit 15 hereby approved, as identified on plan no. 210 (Proposed Floor Plans), shall be permanently retained.

Reason

To ensure that the proposal does not result in an entirely residential use, that would be unacceptable in this location and erode the complex of live/work units. To accord with saved policies E6, E7 and H10 of the South Gloucestershire Local Plan (Adopted) January 2006.

## CIRCULATED SCHEDULE NO. 24/15 – 12 JUNE 2015

<b>App No.:</b>	PK15/1725/F	<b>Applicant:</b>	Mr And Mrs Harris
<b>Site:</b>	4 Parkfield Rank Parkfield Road Pucklechurch South Gloucestershire BS16 9NR	<b>Date Reg:</b>	30th April 2015
<b>Proposal:</b>	Erection of two storey rear extension with pitched roof to facilitate loft conversion, and installation of front dormer window.	<b>Parish:</b>	Pucklechurch Parish Council
<b>Map Ref:</b>	369202 177455	<b>Ward:</b>	Boyd Valley
<b>Application Category:</b>	Householder	<b>Target Date:</b>	23rd June 2015



© South Gloucestershire Council 2007. all rights reserved.  
This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.  
100023410, 2008.

N.T.S.

PK15/1725/F

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

The following report appears on the Circulated Schedule following comments from the Parish Council.

### **1. THE PROPOSAL**

- 1.1 The applicant seeks full planning permission for the erection of a two storey rear extension with pitched roof to facilitate a loft conversion and the installation of a front dormer window.
- 1.2 The application site relates to a two-storey dwellinghouse located within a row of terraced cottages along Parkfield Rank, Pucklechurch. The site is outside any settlement boundary and within the Bristol/Bath Green Belt.
- 1.3 During the course of the application Officers expressed concerns regarding the shallow pitch of the rear extension given that those either side are much steeper and revised plans making the suggested changes were submitted.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
National Planning Policy Framework March 2012
- 2.2 Development Plans  
  
South Gloucestershire Local Plan (Adopted) January 2006 (saved policies)  
H4 Residential Development within Existing Residential Curtilages, Including Extensions and New Dwellings  
  
South Gloucestershire Local Plan Core Strategy Adopted December 2013  
CS1 High Quality Design  
CS5 Location of Development
- 2.3 Supplementary Planning Guidance  
Residential Parking Standard SPD (Adopted) December 2013  
South Gloucestershire Design Checklist SPD (Adopted) August 2007  
Development within the Green Belt SPD (Adopted) June 2007

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

- 3.1 None

### **4. CONSULTATION RESPONSES**

- 4.1 Pucklechurch Parish Council  
Whilst the Parish Council has no objection in principle to the extension of this property it does have reservations about the overall volume the proposed development would add to the property since it lies within the Green Belt and may therefore constitute overdevelopment.

#### 4.2 Other Consultees

##### Lead Local Flood Authority

No comment

##### Highway Engineer

No transportation objection.

#### **Other Representations**

#### 4.3 Local Residents

None received

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

#### 5.1 Principle of Development

Paragraph 89 within the NPPF allows for extensions or alterations to buildings within the Green Belt, provided this does not result in disproportionate additions over and above the size of the original building. Development which is judged to be disproportionate with regard to the original building will be viewed as inappropriate development, harmful to the Green Belt and will not be permitted. Policy CS5 of the adopted Core Strategy is supportive of the NPPF and relevant local plan policies in the protection of the Green Belt.

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

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

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

#### 5.4 Green Belt

As stated within the principle of development section, development which is disproportionate over and above the size of the original dwelling will not be permitted. Accordingly, only limited additions will be allowed. The Development in the Green Belt SPD sets the disproportionate test which concludes: an addition resulting in a volume increase less than 30% of the original dwelling would be likely to be acceptable, and a volume increase of 50% or more of the

original dwelling would be likely to be considered in excess of a reasonable definition of limited extension.

- 5.5 From the submitted plans Officers have calculated that the original house had a volume of approximately 140 m<sup>3</sup>. The property also benefits from two outbuildings and as structures can be seen on the 1880 OS map, Officers are prepared to accept that these outbuildings were either part of the original build or are certainly historic i.e pre 1948 and can be regarded as being original. Plans do not provide sufficient information for accurate volume calculations to be made for these structures, but they would be at least if not more than equivalent to the volume of the single storey rear extension. This single storey rear extension and a front porch were added over time and are unlikely to be original. These have a volume of approximately 24 m<sup>3</sup>.
- 5.6 The proposed two-storey extension would be created above the existing single storey rear extension with the intention of creating an additional bedroom in the loft. A dormer window to the front would assist this conversion. Officers have calculated that this extension would have a volume of approximately 41 m<sup>3</sup>. By adding the volume of the porch to this figure, it is calculated that the new proposal would result in an increase in volume of approximately 30%. This is considered a limited addition, in proportion with the original dwelling and therefore acceptable.
- 5.7 The comments of the Parish are noted and although the proposal would result in a front dormer and a two-storey rear, given that the existing outbuildings can be included in the overall volume the resulting increase is proportionally not as great as might first appear. Even without including the outbuildings the increase would still result in a figure of less than 35% over and above that of the original dwelling and therefore acceptable.
- 5.8 Design  
The existing dwelling is a two storey terraced cottage part of a long rank of similar sized cottages previously coal miners cottages on the outskirts of Pucklechurch. The property benefits from a long thin garden. The proposed two-storey rear extension would be above an existing single storey rear structure. It would have a gable end and openings in its rear elevation directly facing the garden to the northwest. During the course of the application the pitch of the gable was slightly changed to make it more consistent with the existing main roof and those of other two storey extensions along this rank. In addition a dormer window is proposed to the front elevation. Other examples of both front dormers and two-storey rear extensions with gable ends are present along this row of properties.
- 5.9 The proposed rear extension would be finished in rendered block work with roof tiles to match the existing roof. In terms of the overall design, scale, massing and materials the proposal is considered acceptable and appropriate to the main dwelling and character of the area.

#### 5.10 Residential Amenity

The proposed two storey rear extension would follow the building line of the existing single storey extension. It would be stepped back very slightly from the building line of its immediate neighbours which both benefit from two-storey rear extensions. Given that openings in the two-storey extension would be located in the rear elevation only facing the long gardens and that openings for the front dormer would face open countryside, it is considered that the proposal would not result in any materially detrimental impacts on the residential amenity of neighbouring or future occupiers. As such the proposal is considered acceptable in terms of saved policy H4 of the adopted Local Plan.

#### 5.11 Transport Matters

The site does not currently have access to off street vehicular parking and none will be provided as part of this development. It is recognised that the site is in a fairly isolated position where it is likely that those who park on the road are local residents who are aware of the constraints associated with the parking situation. Given this and the small nature of the extension, it is on balance, considered that the proposal will not exacerbate the existing situation to such a degree as to make the application unacceptable.

### 6. CONCLUSION

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

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

### 7. RECOMMENDATION

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

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

### CONDITIONS

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

Reason

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



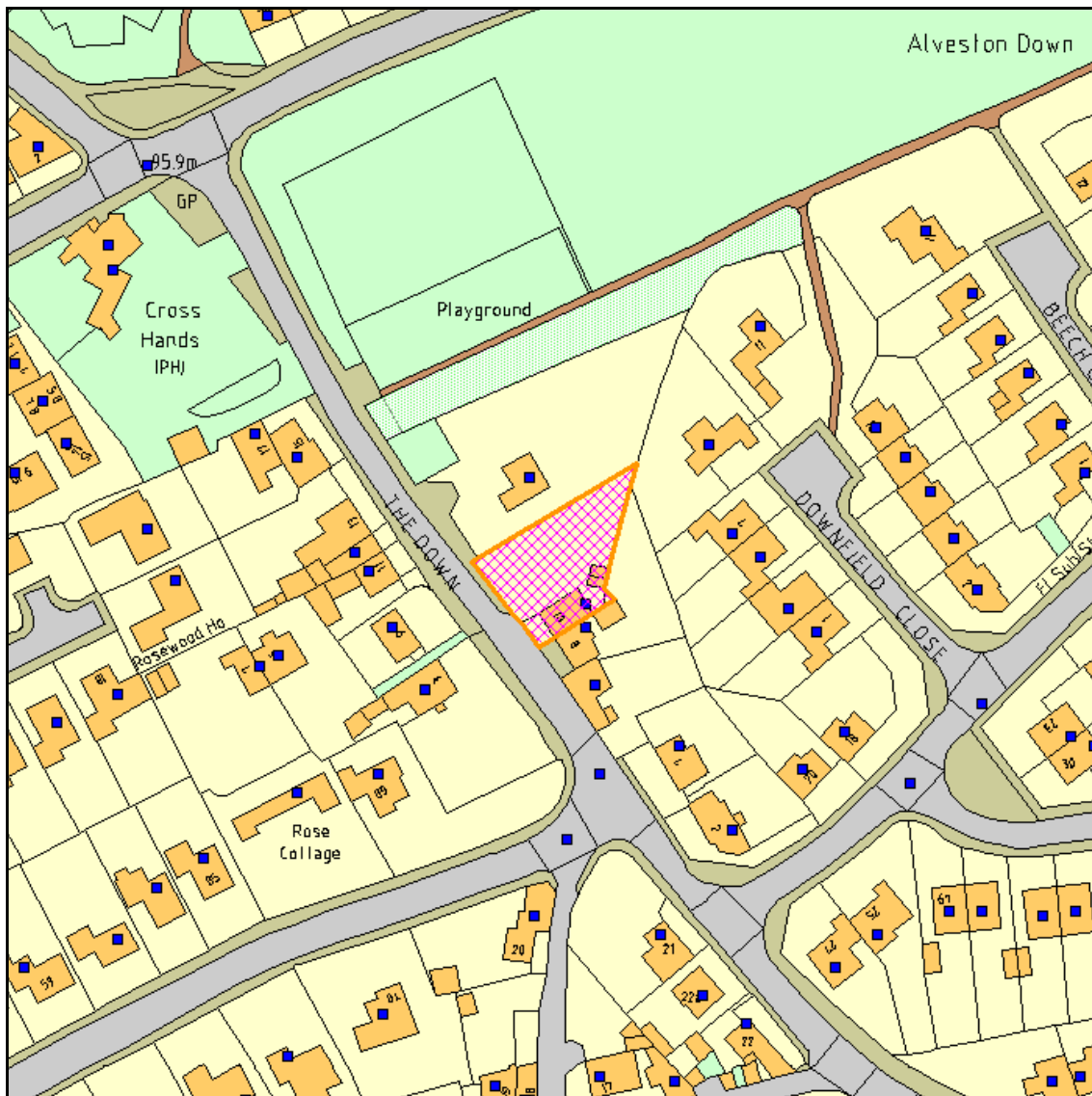
2. The hours of working on site during the period of construction shall be restricted to 7:30 to 18:00 Monday to Friday and 8:00 to 13:00 on Saturdays; and no working shall take place on Sundays or Public Holidays. The term `working? shall, for the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the curtilage of site.

Reason

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with saved Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006 and Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) 2013.

## CIRCULATED SCHEDULE NO. 24/15 – 12 JUNE 2015

<b>App No.:</b>	PT14/4967/F	<b>Applicant:</b>	Mr David Swann
<b>Site:</b>	South View Cottage 10 The Down Alveston Bristol South Gloucestershire BS35 3PH	<b>Date Reg:</b>	23rd December 2014
<b>Proposal:</b>	Erection of 1no. dwelling with parking and associated works.	<b>Parish:</b>	Alveston Parish Council
<b>Map Ref:</b>	362974 188098	<b>Ward:</b>	Thornbury South And Alveston
<b>Application Category:</b>	Minor	<b>Target Date:</b>	12th February 2015



© South Gloucestershire Council 2007.all rights reserved.  
 This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.  
 100023410, 2008. N.T.S. PT14/4967/F

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

The application has been referred to the Circulated Schedule due to the receipt of objections from the Alveston Parish Council.

### **1. THE PROPOSAL**

- 1.1 The application is for the erection of 1 no. dwelling with parking and associated works to the side of South View Cottage, 10 The Down Alveston.
- 1.2 The existing property is a two storey semi-detached cottage and the site is located within the village boundary of Alveston, which itself is washed over by the Green Belt.
- 1.3 During the course of the application, an ecological appraisal reports were submitted to address concerns raised by the Council's Ecologist, a revised proposal was also submitted to slightly reduce the height of the proposed new dwelling.

### **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 Core Strategy  
CS1 High Quality Design  
CS4A Presumption in Favour of Sustainable Development  
CS5 Location of Development  
CS8 Improving Accessibility  
CS9 Managing the Environment & Heritage  
CS15 Housing Density  
CS34 Rural Areas  
  
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
- 2.3 Supplementary Planning Guidance  
South Gloucestershire Design Checklist (Adopted) 2007.  
Green Belt Supplementary Planning Document  
Residential Parking Standards (Adopted) December 2013

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

- 3.1 P96/1415 Erection of two storey rear extension. Approved 24.06.96

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

- 4.1 Alveston Parish Council  
Objection. There are concerns relating to increased vehicle movements within a small area which is heavily used by school children and that the development is too high.
- 4.2 The Highway Structures team: No comment.
- 4.3 Archaeology Officer: No objection, subject to a condition seeking a programme of archaeological work.
- 4.4 Highway Drainage: No objection, subject to a condition seeking appropriate sustainable surface water drainage and its implementation.
- 4.5 Ecologist: No objection, subject to conditions seeking the implementation of mitigation proposals and details of bat and bird boxes and their implementation.
- 4.6 Highway Officer: No objection, subject to conditions seeking the implementation of the access and car parking arrangement including the visibility splays, the provision of two covered and secure cycle parking spaces
- 4.7 Arboricultural Officer: No objection.

#### **Other Representations**

- 4.8 Local Residents  
No comments received

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

- 5.1 Principle of Development  
The site is located within the designated Green Belt, the National Planning Policy Framework is therefore relevant for the assessment of this application. Paragraph 89 of NPPF states a local planning authority should regard the construction of new buildings as inappropriate in Green Belt. Exceptions to this include limited infilling in villages.

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. The Council Residential Parking Standards and Policy T12 seek to ensure satisfactory parking provision and to secure public highway safety.

- 5.2 Green Belt  
NPPF states that in terms of residential development limited infilling within the settlement boundaries can be considered appropriate development. The site is located within the settlement boundary of Alveston and the proposed dwelling

would be situated within the residential curtilage of South View Cottage, this is therefore considered to be appropriate development within the Green Belt. The proposal is therefore considered to be in accordance and acceptable within the Green Belt context.

### 5.3 Design / Visual Amenity

There are various types, sizes and ages of property within the vicinity, including traditional 2-storey cottages, a bungalow and a cream rendered dwellings surrounding the plot. It is therefore not considered in this context that the addition of one detached dwelling at this location would have a significant impact upon the street scene. Further to this the design of the dwelling itself is considered acceptable at this location. The proposed dwelling would be one and half storey incorporating 2 no. small dormers above its low eaves. The new dwelling would be finished with a mix of render and brick under roof tiles, which would be acceptable in design terms. Therefore there would not be any significant harm to the character and appearance of the area. The residential density and effective use of the land would be increased to acceptable levels at this location without being considered over development on this site.

### 5.4 Residential Amenity

The nearest residential property to the proposed new dwelling would be an existing bungalow, which lies to the north of the site and is also owned by the applicant.

The proposed dwelling would slightly set back from the front elevation of No. 10, and would project beyond the front elevation of the bungalow by approximately 2.5 metres. Although the new dwelling would be taller than the adjacent properties, given that it would reasonably set back the either side boundary and there would be no window on either side elevation, it is considered that there is no significant overbearing or overlooking issues upon the adjacent properties.

The dwelling will be located adjacent to the existing cottage, and the rear garden area would be subdivided to create a separate private amenity area for the new dwelling and existing dwelling. It is considered that the proposed amenity area would be adequate for both properties.

### 5.5 Transportation

Officers have acknowledged the concerns regarding the highway issues raised by the Parish Council.

#### Access

Access to the development is via the existing access to no.10. The additional dwelling would generate around 5 - 6 vehicle movements a day and as such represents an intensification of use of the access requiring the provision of adequate visibility splays commensurate with the speed of traffic on The Down. The telegraph pole is not considered to be an obstruction to visibility. The land required for visibility splays is within the existing highway and across the application site and can therefore be conditioned.

Regarding additional traffic in an area used by school children, Officers consider that the 5 or 6 additional vehicle movements a day along The Down would not materially affect the volume or pattern of existing traffic in the vicinity of the site. There is a segregated footway on the south west side of The Down which would not be affected by the development. There have been no recorded injury accidents on The Down over the last 5 years.

#### Parking

Two on-site car parking spaces and a turning area would be provided for the new and existing dwellings. This complies with the Council's parking standards.

Officers therefore have no highway objection subject to conditions seeking the implementation of the access and car parking arrangement including the visibility splays, and the provision of two covered and secure cycle parking spaces prior to the occupation of the new dwelling.

#### 5.6 Archaeological Issues

The application is within an area of archaeological potential as it is within the boundaries of the Medieval settlement of Alveston, evidence of which may survive on site, and nearby the location of a possible Medieval manor. Ordinarily this would necessitate some form of pre-determination assessment but on this occasion the site appears to have been altered to some extent since the 1880s and this may have impacted upon the archaeology. Nevertheless there is still potential to encounter archaeological deposits and as such a planning condition is required to seek a watching brief in order to monitor all ground disturbance, including any initial topsoil strip and any ancillary works needed.

#### 5.7 Ecological Issues

The site consists of a garden, 260m<sup>2</sup> in area, with some trees, shrubs and amenity grassland. A greenhouse and a garage (the latter to be retained) are also present. There is a pond within 5m lying in a neighbouring garden to the north of the site.

An Ecology Appraisal and a survey of great crested newts have been submitted with this application. The Council Ecologist has considered the findings of the reports and considered that there is no ecological objection to the proposal subject to conditions seeking the implementation of the mitigation proposals of breeding birds and reptiles to be strictly carried out and the submission and the subsequent implementation of the provision of suitable bat and bird boxes.

## 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.

6.3 The recommendation to grant 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 planning permission is granted subject to the conditions recommended.

**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. Prior to the commencement of development a sample 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

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

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

3. The hours of working on site during the period of construction shall be restricted to 08.00 to 18.00 Mondays to Fridays, 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 Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

4. 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 work is to be carried out in accordance with the agreed brief, which can be obtained from the Local Planning Authority upon request.

Reason

a. This is a pre-commencement condition to avoid any unnecessary loss of opportunity to record the archaeological interests.

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

5. 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 shall be submitted as part of the proposal for drainage details.

Reason

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

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

6. The development shall proceed in strict accordance with the mitigation proposals in Sections 5.2.1 (breeding birds) and 5.2.3 (reptiles) of the Preliminary Ecological Appraisal (Acorn Ecology Ltd, dated February 2015).

Reason

In the interest of wildlife habitats and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013) and Policy L9 of the South Gloucestershire Local Plan (Adopted) January 2006.

7. Prior to the first occupation of the proposed dwelling hereby permitted, details of the type, location and number of suitable bat and bird boxes to be affixed to the new dwelling and/or trees shall be submitted to and approved in writing by the Local Planning Authority, and the approved details shall be carried out in accordance with the approved details.

Reason

In the interest of wildlife habitats and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013) and Policy L9 of the South Gloucestershire Local Plan (Adopted) January 2006.

8. The dwelling shall not be occupied until the access and car parking arrangements have been completed in accordance with submitted drawing No. SK10 F and shall include visibility splays of 2 metres x 43 metres in both directions to the nearside road



edge clear of all obstruction above a height of 1.05m and maintained as such thereafter.

Reason

In the interest highway safety 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.

9. The dwelling shall not be occupied until two covered and secure cycle parking spaces have been provided in accordance with details to be submitted to and approved in writing by the Local Planning Authority beforehand.

Reason:

To promote sustainable transport choices and to accord with Policy CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013) and Policy T7 of the South Gloucestershire Local Plan (Adopted) January 2006.

## CIRCULATED SCHEDULE NO. 24/15 - 12 JUNE 2015

<b>App No.:</b>	PT15/0761/F	<b>Applicant:</b>	Mr And Mrs V Immadisetty
<b>Site:</b>	88 Campion Drive Bradley Stoke Bristol South Gloucestershire BS32 0BH	<b>Date Reg:</b>	25th February 2015
<b>Proposal:</b>	Alterations to raise roofline and installation of 2no. front rooflights. Erection of three storey rear extension, single storey front extension and conversion of garage to form additional living accommodation.	<b>Parish:</b>	Bradley Stoke Town Council
<b>Map Ref:</b>	361677 182616	<b>Ward:</b>	Bradley Stoke Central & Stoke Lodge
<b>Application Category:</b>	Householder	<b>Target Date:</b>	17th April 2015



© South Gloucestershire Council 2007.all rights reserved.  
 This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.  
 100023410, 2008. **N.T.S.** **PT15/0761/F**

## **REASON FOR REFERRING TO CIRCULATED SCHEDULE**

This application has been referred to the Circulated Schedule again as an amended plan is submitted to rectify the discrepancies of the proposed elevation drawing, which now shows there would be 4 no. windows (instead of 1 no. window) on the east side elevation.

### **1. THE PROPOSAL**

- 1.1 The applicant seeks full planning permission for an alteration to raise an existing roofline, installation of rooflights, erection of three storey rear extension and single storey front extension, and a conversion of garage to form additional living accommodation at 88 Champion Drive Bradley Stoke.
- 1.2 The site is located within the existing urban area of Bristol North fringe. It is not covered by any further statutory or non-statutory designations. The application site relates to a modest two-storey detached property in the established settlement of Bradley Stoke.
- 1.3 During the course of the application, the applicant submitted a revised proposal to lower the proposed raised roofline and to replace the original proposed dormers with rooflights.

### **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 Core Strategy (Adopted December 2013)

CS1	High Quality Design
CS4A	Presumption In favour of Sustainable Development
CS5	Location of Development
CS16	Housing Density

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

H4	Development within Existing Residential Curtilages, Including Extensions and New Dwellings
T12	Transportation Development Control

#### 2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted 2007)  
South Gloucestershire SPD: Residential Parking Standards (adopted) 2013

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

- 3.1 P99/2441 Erection of rear conservatory. Approved 27.10.99

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

##### 4.1 Bradley Stoke Town Council

Objection to the original and amended schemes:

- Overdevelopment of the site
- Out of keeping with the street scene
- Detrimental to the residential amenity of surrounding properties

##### 4.2 Other Consultees

###### Highway Engineer

No objection subject to a condition seeking adequate off-street parking spaces.

#### **Other Representations**

##### 4.3 Local Residents

Three letters of objection have been received from a local resident. The concerns have been summarised as follows:

- Loss of privacy and overlooking
- Overshadowing and loss of light
- Inadequate parking and access
- Inadequate plot size / overdevelopment of the site
- Out of keeping
- Out of proportion to the rest of the street
- Contravention to the Human Rights Act

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

##### 5.1 Principle of Development

Development within existing residential curtilages is supported, in principle, by the saved Policy H4 of the Local Plan, subject to an assessment of design, amenity and transport. Further design considerations should be made using Policy CS1 of the adopted Core Strategy. Therefore, the proposed development is acceptable subject to the considerations set out below.

##### 5.2 Design and Visual Amenity

The proposal comprises four main elements:

- i. raise the ridge height by approximately one metre and eave height by approximately 0.4 metres with 2 no. rooflights
- ii. a three-storey rear extension
- iii. a single storey rear extension to an existing garage to replace the existing conservatory, and
- iv. a single storey extension to extend the existing lounge and a front porch.

### 5.3 Raise ridgeline and eave heights with rooflights

The application site is a two-storey detached dwelling situating within an established residential area of Bradley Stroke and the area is characterised by a group of two-storey dwellings. The proposal would raise the ridgeline by approximately one metre with 2 no. rooflights on the front elevation.

The proposed raised in height would not be significant in scale, however, it would be slightly higher than the adjacent property. Nevertheless, it is considered that the proposed height would not create a dominant feature in the locality. In addition, the eaves height would also be slightly raised to allow the resulting roof form would be proportional to the scale of the host dwelling. As a result, the proposal would not create an imbalance appearance on the host dwelling. The proposed rooflights are also appropriate in size and have been designed to respect the character of the host dwelling.

### 5.4 Three-storey rear extension

To support the application, the applicant has indicated a number of properties have extensions in the area, it includes 33 Lapwing Close, 106 Winsbury Way, 3 Kites Close and 11 Somerby Close. Officers also noted that the adjacent property also had a two-storey rear extension, which is smaller than the applicant's proposed extension.

It is acknowledged that the proposed extension would be large in scale, however, the extension would have a pitched roof and the scale would be in proportion to the size of the host dwelling with a raised roof. In addition, the external materials would match those of the existing dwelling. It is considered that the extension has been designed to respect the character of the host dwelling and would not cause adverse impact upon the character of the area.

### 5.5 Single storey rear extension

Part of the proposal is to erect a flat roof single storey extension to the rear of the existing garage. Given that the extension would be single storey structure, and it would be located at the rear elevation, it is considered that the proposed extension would not be harmful to the character and appearance of the host dwelling and the locality. Therefore there is no objection to this proposed extension.

### 5.6 Single storey front extension

The proposed front extension would be a single storey structure incorporating an extended lounge and a front porch. The proposed projection beyond the main front elevation would be approximately 1.4 metres to 2.5 metres. Although the front extension would not be small in scale, it would be a single storey structure and the design would reflect the character of the host dwelling. In addition, the external materials would match those of the existing dwelling. Therefore it is considered that the proposed front extension would be acceptable in terms of design and visual amenity.

In conclusion, it is considered that the design of the proposal is acceptable and would have no significant detrimental impact upon the character and appearance of the locality, and would accord to Policy CS1 of the adopted Core Strategy and the NPPF.

### 5.7 Residential Amenity

The nearest neighbouring properties are No. 86, which lies to the west of the site and No. 90 lies to the east. Officers acknowledge that residents at No. 90 raise strong objections to the proposal.

The proposed single storey rear extension would be immediately adjacent to the shared boundary with No. 86. Given that the height of the proposed extension would be approximately 3 metres in height, it is considered that this proposed extension would not cause significant overbearing impact upon the neighbouring occupiers. In addition, no window is proposed on the side elevation, therefore there is no issue of overlooking or loss of privacy.

The proposed three storey rear extension would be 4 metres in depth, the eaves and ridge height would be approximately 5.4 and 8.1 metres respectively. The proposed extension would be approximately 2.5 metres away from the shared boundary of No. 86, which has a two-storey rear extension. Given that the proposed extension would not be immediately adjacent to the side boundary, it would be situated to the south east of No. 86, and it would not significantly project beyond the neighbour's two-storey rear extension, it is considered that the proposal would not cause significant overbearing impact or unreasonable impact in terms of the loss of light upon this neighbouring property.

No. 90 lies to the east of the site, and the proposed three storey extension would be adjacent to the front elevation of No. 90. Whilst the extension is large in scale, it would be situated at an angle to the front elevation of this neighbouring property. As such, it is considered that the proposed extension would not cause significant overbearing impact upon this neighbouring property to warrant a refusal of this application.

The proposal also includes a number of secondary windows on either side elevation at the first and second floor level. It is considered that they would not cause significant overlooking upon the neighbouring properties given that they are not primary windows. Nevertheless, officers consider that it would be necessary to impose a condition to restrict any new window on either side elevation and to ensure that these windows would be obscured glazed given the length and the location of the proposed three storey rear extension.

It is acknowledged that the proposed extensions are large in scale, nevertheless, the proposal would still retain a reasonable sized private amenity space. Therefore, it is not considered that the proposal would result in over-development on this site to be detrimental to the living conditions of the occupiers and the neighbouring residents.

### 5.8 Transportation Issues

The proposal is to seek planning permission to extend the existing dwelling to provide additional living accommodation. After development the number of bedrooms within the dwelling will increase to four. Part of the development will also involve conversion of the existing garage to living accommodation. No detail is provided on proposed vehicular parking for the site.

Nevertheless, the driveway is long enough to provide parking for the dwelling which conforms with the Councils residential parking standards. Officers therefore impose a planning condition to secure a minimum of two parking spaces to be provided and permanently maintained within the site boundary. Subject to the suggested condition, there is no transportation objection to the proposed development.

#### 5.9 Other Issues

A concern is expressed regarding The Human Rights Act. The general purpose of the Act is to protect human rights of the individual, whilst the planning system by its nature respects the rights of the individual whilst acting in the interest of the wider community. In this instance, Officers have acknowledged local residents' concerns and these concerns have been considered as part of the assessment of this application.

### 6. CONCLUSION

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

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

### 7. RECOMMENDATION

7.1 That the application be approved 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. The materials to be used in the construction of the external surfaces of the extensions hereby permitted shall match those used in the existing building.

Reason

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

3. Prior to the occupation of the proposed extensions hereby approved, a minimum of two parking spaces shall be provided and maintained within the site boundary.

Reason

To ensure the satisfactory provision of parking facilities and in the interest of highway safety and the amenity of the area, and to accord with the Council's Residential Parking Standards (Adopted December 2013).

4. The hours of working on site during the period of construction shall be restricted to 07.30 - 18.00 Mondays to Fridays, and 07.30 - 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 Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

5. No windows other than those shown on the plans hereby approved shall be inserted at any time in either side elevation of the proposed extensions hereby permitted.

Reason

To protect the privacy and amenity of neighbouring occupiers, and Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013) and Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

6. Prior to the occupation of the extensions hereby permitted, and at all times thereafter, the proposed first floor and second floor window on the side east elevation shall be glazed with obscure glass to level 3 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.

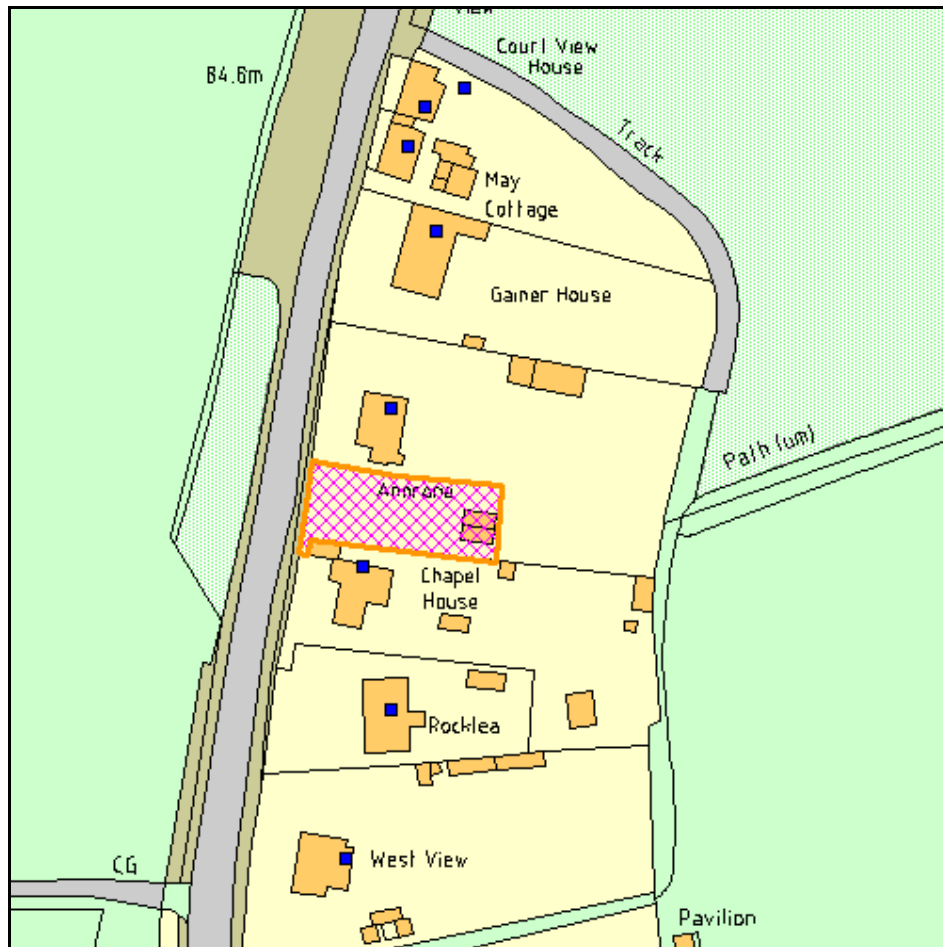
Reason

To protect the privacy and amenity of neighbouring occupiers, and Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013) and Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006.



## CIRCULATED SCHEDULE NO. 24/15 – 12 JUNE 2015

<b>App No.:</b>	PT15/1416/F	<b>Applicant:</b>	Mr A Grazebrook
<b>Site:</b>	Stone Stables Wotton Road Rangeworthy Bristol South Gloucestershire BS37 7NE	<b>Date Reg:</b>	21st April 2015
<b>Proposal:</b>	Erection of 1no detached dwelling with associated works. Creation of new access	<b>Parish:</b>	Rangeworthy Parish Council
<b>Map Ref:</b>	368917 186402	<b>Ward:</b>	Ladden Brook
<b>Application Category:</b>	Minor	<b>Target Date:</b>	15th June 2015



© South Gloucestershire Council 2007.all rights reserved.  
This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.  
100023410, 2008. **N.T.S.** **PT15/1416/F**

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

This application is referred to the Circulated Schedule as a letter of concern has been received that is contrary to the officer recommendation

### **1. THE PROPOSAL**

- 1.1 This application seeks planning permission to erect a single dwelling house on land that currently forms part of the garden of Stone Stables. The property would have three bedrooms and would have associated parking and an access. A gravel drive will be extended to provide two parking spaces for the original property with two spaces for the new dwelling. The existing access to be widened and shared with the original property (a garage and kitchen extension will be demolished to facilitate this aspect). Boundary walls and fences will be provided.
- 1.2 An outline consent was previously refused (see section 3 below) for one reason namely on the grounds that insufficient information was submitted to be able to assess the impact of the development upon a large mature oak tree that lies to the front of the application site. An arboricultural impact assessment has been submitted in support of this application.
- 1.3 The site is located within the settlement boundary for Rangeworthy and is outside the Bristol / Bath Green Belt as shown on the proposals map A large mature oak tree to the front of the site is protected by a Tree Preservation Order (TPO)

### **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  
CS34 Rural Areas

South Gloucestershire Local Plan Adopted January 2006 Saved Policies

L1 Landscape  
T12 Transportation  
H4 Development within Existing Residential Curtilages

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

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

- 3.1 P98/2136, Erection of two storey side extension and loft conversion (in accordance with amended plans received by the Council on 28 August 1998). (Amended description), approval, 23/10/98.
- 3.2 PT14/0730/F, Erection of 1no. dwelling (Outline). All matters reserved, withdrawn,
- 3.3 PT14/3256/O Erection of 1no. dwelling (Outline). All matters reserved. (Resubmission of PT14/0730/O).Refused for the following reason:

*The plans submitted indicate that the proposed dwelling will be situated within close proximity to a protected semi-mature Oak tree growing to the front of the site; the parking and turning areas will be likely to be to the front of the dwelling underneath the canopy of the tree. A tree survey has not been submitted to demonstrate the impact of the development on the health and amenity of the tree, and how the protected tree will influence the siting, layout and appearance of the dwelling. As such, insufficient information has been submitted to demonstrate that a dwelling could be accommodated at the site, which would be in-keeping with the character of the surrounding built form, without adversely affecting the long-term health of the tree covered by a Tree Preservation Order, the residential amenity of neighbouring occupiers and the visual amenity of the area. The proposal is therefore, contrary to policies CS1 and CS9 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013.*

### **4. CONSULTATION RESPONSES**

- 4.1 Rangeworthy Parish Council  
No objection
- 4.2 Tree Officer

Following the submission of revised information, there is no objection to the proposal subject to conditions to secure a detailed method statement for the construction of the no-dig driveway within the root protection area of the oak tree and a condition to ensure that all works take place in accordance with the approved arboricultural report.

- 4.3 Highway Structures  
No comment
- 4.4 Transportation

There is no transportation objection to this proposal, however, given that the access is to be widened the applicant should be informed via an informative on

any planning approval that they are to contact the councils Development Implementation Team to secure the necessary licences and approvals to undertake work on the highway. In addition to the above a condition should be applied to ensure that the first 5m of surfacing from the edge of the highway onto the parking area should be of a bound material to avoid any loose stones being carried onto the highway.

#### 4.5 Drainage

There is no objection in principle to the development subject to a condition being attached to the decision notice to secure sustainable urban drainage.

### **Other Representations**

#### 4.6 Local Residents

One letter of concern has been raised. The concern can be summarised as follows:

The building should be sited such that the front elevation is sited forward of the rear (east facing wall) of the neighbouring property (Chapel House) to prevent overlooking of the rear elevation of that property

The building should not be sited less than one metre from the boundary to allow maintenance of the boundary.

Concern over impact upon an apple tree

Concern that there should be no windows situated in the south facing wall of the property

## 5. **ANALYSIS OF PROPOSAL**

### 5.1 Principle of Development

This application seeks planning permission for the erection of two dwellings in Rangeworthy.

Development must meet the criteria of Policy CS5 to be acceptable in principle. This policy states that for rural communities outside of the green belt, small scale development may be permitted within the defined settlement boundaries. Therefore, the principle of development is acceptable but the application should be determined against the relevant planning considerations as set out below.

### 5.2 Design/Visual Amenity

Residential development is supported to help meet the housing delivery identified in policy CS15. Policies CS16 and CS17 require development to provide a diverse mix of housing and make the most efficient use of the land, particularly with regard to sustainability. Situated within the existing settlement, the site is considered to be a suitable and sustainable location for development.

### *Siting/layout*

There is no established building line along Wotton Road albeit it is acknowledged that the proposed dwelling is set back from the detached dwellings situated on either side. This is to accommodate the oak tree to the front of the property and as such the siting is considered appropriate. The location of the front elevation of the dwelling is also necessary to ensure that overlooking of the rear elevation of both Stone Stables and Chapel House does not occur. The siting ensures that sufficient amenity space is provided for the future occupiers and retained by the occupiers of Stone Stables.

### *Scale/Appearance*

A mix of housing styles and sizes already exist in Rangeworthy, therefore it is considered that the proposed detached family house would not be out of keeping with the character of the area. The proposed dwelling will be constructed of rendered blockwork walls with brickwork plinths and quoins and as such is considered to match the neighbouring property. The dwelling is also designed with simple features. The roof line is clear and the fenestrations are well related to the size of the dwelling.

The design of the building is therefore considered to be acceptable and to be informed by and respect the scale, massing details and materials of the site and its context.

### 5.3 Residential Amenity

A core planning principle set in the NPPF is that development should secure a good standard of amenity for existing and future occupants. In this instance, amenity considerations should cover the amenity of the occupiers of the proposed dwellings and the amenity of occupiers of nearby properties.

The proposed new dwelling is sited such that consideration of amenity impact should be assessed against the impact upon Stone Stables to the north and Chapel House to the south. There are no properties to the rear or on the opposite side of Wotton Road.

Concern has been raised that the house should be sited such that the front elevation is not to the rear of Chapel House, in order to prevent overlooking of the rear elevation of that property. The submitted plans clearly show that this is the case. Concern has also been expressed that there should be no windows in the south elevation to avoid overlooking of Chapel House. No windows are shown and for the avoidance of any doubt a condition is recommended requiring consent for any future windows in that southern elevation. Subject to that condition which will include a requirement for consent for any future windows in the northern elevation (in the interests of preserving the amenity of the occupiers of Stone Stables). The proposal is considered acceptable in amenity terms both having regard to impact upon privacy and outlook.

Given that the building extends beyond the rear elevation of Chapel House and Stone Stables and given that Permitted Development Rights allow quite extensive extensions to properties, it is considered appropriate in this case to

remove permitted development rights as they affect extensions and alterations to roofs (ie Part 1 Class A and B).

It is considered that the proposal provides sufficient amenity space for future occupiers of the property.

#### 5.4 Trees

The applicant submitted an arboricultural report with the application. As indicated above it was the lack of sufficient information previously to allow an assessment of the impact upon the large oak tree to the front of the property that led to the refusal of that application.

Following the submission of the current application detailed negotiations have taken place between the Council Tree Officer and the applicant to ensure that the impact upon the oak tree has been fully addressed and the final arboricultural report is accepted. Subject to conditions to secure a detailed method statement for the construction of a “no-dig” driveway within the root protection area of the oak tree and a condition to secure compliance with the submitted arboricultural report the proposal is considered acceptable.

#### 5.5 Transportation

Policy T12 of the South Gloucestershire Local Plan (saved policy) seeks to ensure that all new development caters its transportation demands with the aims of preserving highway safety..

The access is considered appropriate by officers and the parking provision both for the existing and new property is in accordance with residential parking standards. Subject to conditions to ensure that the parking provision is in place prior to the first occupation of the dwelling and a condition to ensure that the first 5 metres of the surfacing from the highway edge is of a bound material there is no objection to the development. The applicant will be advised of the need to secure necessary consent, outside of the planning approval for works to the highway given that widening of the access is required.

#### 5.6 Drainage

Subject to a condition to secure sustainable urban drainage the proposed development is considered acceptable in drainage terms.

#### 5.7 Other Issues

Concern has been raised regarding the possibility of the impact of the proposal upon an apple tree in the neighbouring garden. The tree would not be worthy of a preservation order. Any damage caused to neighbouring property as a result of development is a civil matter between the parties.

## **6. CONCLUSION**

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

## **7. RECOMMENDATION**

- 7.1 That planning permission be granted subject to the following conditions;

**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. No development shall commence until 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 have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in accordance with the approved plans.

Reason:

To ensure that drainage is sufficient to avoid surface water flooding and to comply with Policy CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and National Planning Policy Framework 2012.

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

3. 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

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

4. The first 5 metres of the proposed driveway (from the edge of the highway) shall be of a bound material.

Reason:

In order to avoid loose material on the highway, in the interests of highway safety and to accord with Policy T12 of the South Gloucestershire Local Plan 2006(saved policy)

5. No windows other than those shown on the plans hereby approved shall be inserted at any time in the side (north and south) elevations of the property hereby approved.

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.

6. Notwithstanding the provisions of Schedule 2 of the Town & Country Planning (General Permitted Development) Order 2015 (as amended) (or any Order revoking and re-enacting that Order with or without modification) no development as specified in Part 1 (Classes A and B) 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 allow an assessment to be made of the impact of the development upon the residential amenity of the neighbouring occupiers and to accord with Policy H4 of the South Gloucestershire Local Plan 2006 (saved policy)

7. Prior to commencement a detailed method statement is to be submitted for the construction of the 'no-dig' driveway within the Root Protection Area of the Oak Tree covered by a Tree Preservation Order (T1).

Reason:

In order to avoid damaging the Oak Tree and 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 (Adopted).

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

8. All works in proximity to the Oak Tree (covered by TPO) shall be carried out fully in accordance with the recommendations of the Arboricultural Report (Jerry Dicker Arboriculture dated 30th May 2015).



Reason:

In order to avoid damaging the Oak Tree and 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

## CIRCULATED SCHEDULE NO. 24/15 – 12 JUNE 2015

<b>App No.:</b>	PT15/1452/F	<b>Applicant:</b>	Mr Charis Mair
<b>Site:</b>	Windsor Cottage Cowship Lane Cromhall South Gloucestershire GL12 8AY	<b>Date Reg:</b>	27th April 2015
<b>Proposal:</b>	Erection of storage building to replace existing storage sheds	<b>Parish:</b>	Cromhall Parish Council
<b>Map Ref:</b>	369858 189062	<b>Ward:</b>	Charfield
<b>Application Category:</b>	Minor	<b>Target Date:</b>	17th June 2015



© South Gloucestershire Council 2007. all rights reserved.  
 This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.  
 100023410, 2008. **N.T.S.** **PT15/1452/F**

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

This application appears on the circulated schedule due to the receipt of one letter of objection from a local resident.

### **1. THE PROPOSAL**

- 1.1 This application seeks planning permission for the erection of an agricultural barn to replace a collection of smaller dilapidated sheds that are to be removed from the site. The proposed building would measure 10 metres in length, be 6.6 metres deep and have a maximum ridge height of 4.8 metres. The building would be made of corrugated metal sheeting.
- 1.2 The application site relates to an area of land approximately 1.3 acres in size used as an agricultural small holding. In recent years the land has been significantly improved and is mainly used for sheep grazing and chickens.
- 1.3 During the course of the application amended plans have been received to slightly reduce the scale of the building, and also to amend its design and materials.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
National Planning Policy Framework March 2012

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

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

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

E9 Agricultural Development  
L1 Landscape Protection and Enhancement  
T12 Transportation Development Control Policy

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

- 3.1 None directly relevant

### **4. CONSULTATION RESPONSES**

- 4.1 Wickwar Parish Council  
No objection but suggest conditions to prohibit potential business use.
- 4.2 Lead Local Flood Authority  
No objection.

- 4.3 Sustainable Transport  
No objection providing the building is only used for agricultural storage purposes in association with the smallholding.
- 4.4 Highway Structures  
No comment.

### **Other Representations**

- 4.5 Local Residents  
One letter of objection has been received from a local resident. A summary of the main points of concern raised is as follows:
- No justification for such a large structure
  - Concerns regarding the future use of the building
  - The mezzanine creates a very large floor space
  - Increased noise and use of the lane
  - Conditions should be attached preventing industrial, commercial or motor trade activities.

## **5. ANALYSIS OF PROPOSAL**

- 5.1 Principle of Development  
The application seeks planning permission for the erection of an agricultural barn, situated within the open countryside. The NPPF supports sustainable growth and expansion of all types of business and enterprise in rural areas, including well designed new buildings.
- 5.2 Saved policy E9 of the adopted Local Plan (2006) permits proposals for the erection of agricultural buildings in principle, subject to criteria relating to the availability of alternative buildings, access and manoeuvring, environmental effects, and residential amenity. Saved policy L1 of the adopted Local Plan and policies CS1 and CS9 of the adopted Core Strategy seek to protect the character and distinctiveness of the landscape and secure high quality design. The proposal is considered to accord with the principle of development.
- 5.3 Design and Availability of Alternative Buildings  
The proposal is for an agricultural building measuring approximately 10 metres in length by 6.6 metres wide, with a ridge height of 4.8 metres. The building will be constructed of olive green metal sheeting; will have solar panels on the front roof slope and four roof lights on the rear. The building will have three sets of opening doors on the front elevation.
- 5.4 During the course of the application careful consideration has been given to the need for the building and its size. Your officer has also taken into consideration the existing small retained sheds on the site. Information submitted from the applicant has explained the need for the building at its proposed size and detailed the machinery to be stored with in – namely a trailer and towing vehicle, a tractor, a link box, a mower and an allen scythe. Animal feed and other general agricultural tools and equipment will also be stored in the building.

The existing retained sheds are to be converted to form animal shelters for the chickens and sheep on the land. On the basis of the information given by the applicant, your officer is satisfied that there are no other available or suitable buildings within the vicinity and that the size of the building is suitable.

5.5 Access and Manoeuvring

The building would be accessed in the same way as the existing sheds it is to replace – along a private access lane off of Cowship Lane. In agricultural use, the access arrangements are deemed to be entirely acceptable.

5.6 Use of the building for any commercial activity could have a material impact on the suitability of the access and would require further consideration by highway officers. The use of the building will therefore be conditioned to ensure levels of highway safety remain acceptable.

5.7 Environmental Effects

The proposed building would be located within an established agricultural area. It is unlikely that the proposal will create any significant environmental effects in terms of noise, pollution, flooding or other such disturbance as it will only be used for agricultural storage purposes. Use of the building for any commercial activity could have a material impact on the effect of the building on the environment. The use of the building will therefore be conditioned to ensure that the impact on the environment remains acceptable.

5.8 Residential Amenity

The application relates to an established agricultural unit, on the outskirts of Wickwar. It is considered the proposed barn would not give rise to any unacceptable increase in noise or disturbance as it would be used for the storage of agricultural equipment. Use of the building for any commercial activity could have a material impact on the amenity of neighbouring residents. The use of the building will therefore be conditioned to ensure that impact on existing levels of residential amenity remain acceptable.

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 conditions below.

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

### **CONDITIONS**

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

Reason

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

2. The development must be carried out exactly in accordance with drawing P0152000revB received by the Council on 18th May 2015.

Reason

To ensure that the building is appropriate in terms of scale and design for its setting and to comply with the requirements of Policy E9 of the South Gloucestershire Local Plan (Adopted).

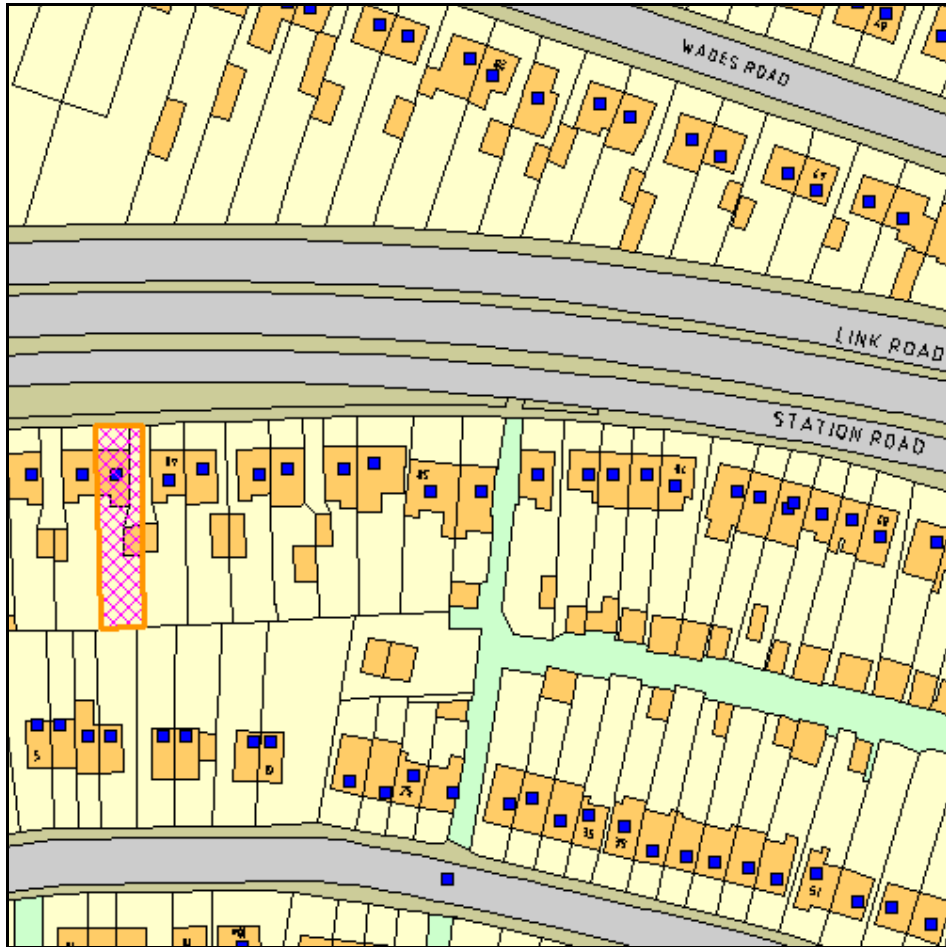
3. The building hereby permitted may only be used for agricultural purposes in conjunction with the parcel of land on which it stands and may not be used for any other purpose at any time.

Reason

Use of the building for any other purpose (including but not limited too) commercial activities, leisure activities, car storage and/or repair, or residential use may alter the impact the proposal has on the environment, highway safety and residential amenity. Also to comply with the requirements of Policy E9 of the South Gloucestershire Local Plan (Adopted) January 2006.

CIRCULATED SCHEDULE NO. 24/15 – 12 JUNE 2015

<b>App No.:</b>	PT15/1635/CLE	<b>Applicant:</b>	Miss Carly Young
<b>Site:</b>	44 Station Road Filton Bristol South Gloucestershire BS34 7JQ	<b>Date Reg:</b>	5th May 2015
<b>Proposal:</b>	Application for a certificate of lawfulness for an existing single storey rear extension.	<b>Parish:</b>	Filton Town Council
<b>Map Ref:</b>	360544 179037	<b>Ward:</b>	Filton
<b>Application Category:</b>		<b>Target Date:</b>	23rd June 2015



© South Gloucestershire Council 2007.all rights reserved.  
This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.  
100023410, 2008. N.T.S. PT15/1635/CLE

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

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

### **1. THE PROPOSAL**

- 1.1 The application is for a certificate of lawfulness for an existing single storey rear extension at 44 Station Road, Filton.
- 1.2 During the course of the application, additional information has been received from the applicant as summarised in section 4 of this report.

### **2. POLICY CONTEXT**

#### **2.1 National Guidance**

- I. Town and Country Planning Act 1990
- II. Town and Country Planning (Development Management Procedure) Order 2010
- III. Town and Country Planning (General Procedures) Order 1995
- IV. National Planning Practice Guidance 2014

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

- 3.1 There is no relevant planning history at the site.

### **4. SUMMARY OF EVIDENCE SUBMITTED IN SUPPORT OF APPLICATION**

- 4.1 Site Location Plan – received 16<sup>th</sup> April 2015
- 4.2 Application form – received 16<sup>th</sup> April 2015. This makes the following statements:
  - Structure is a small kitchen extension to the rear of the property which we believe was built with the original house in 1950s
  - The use began 10 years before the date of this application
  - Currently selling property and surveyor noted ‘possible extension’ on the report. The buyer would like CLE to put their mind at rest.
  - Other properties on street have same extension
- 4.3 Link to ‘Zoopla’ property description, listing extension in sale from 20<sup>th</sup> April 2000, photograph of extension which applicant states was taken in May 2012, and a link to a Google aerial photograph which is undated. All received by email on 29<sup>th</sup> May 2015.

### **5. SUMMARY OF CONTRARY EVIDENCE RECEIVED**

- 5.1 None received.

### **6. CONSULTATION RESPONSES**

- 6.1 Filton Town Council  
Objection – not enough evidence submitted to assess it.



## 6.2 Other Consultees

### Councillor

No comment received.

## Other Representations

### 6.3 Local Residents

None received.

## 7. EVALUATION

7.1 This application for a certificate of lawfulness is purely an evidential test irrespective of planning merit. The only issues which are relevant to the determination of an application for a Certificate of Lawfulness are whether, in this case, the erection of a single storey rear extension has been in situ for at least four years.

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

*‘the applicant is responsible for providing sufficient information to support an application...’*

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

### 7.3 Assessment of Evidence

The applicant seeks to prove that a rear extension to the property on the land outlined in red on the Site Location Plan has been in situ for at least four years. The application form states that they believe the use began as far back as the 1950s, either when the house was erected or shortly afterwards.

7.4 The evidence submitted by the applicant is minimal. Originally only a site location plan was submitted, and then further information was sought and received on 29<sup>th</sup> May 2015. An archived document on the ‘Zoopla’ estate agent website has been linked as evidence by the applicant, which mentions an extension to the kitchen in a listing from the year 2000. Estate agent listings are not always accurate and so this evidence is given limited weight.

7.5 A Google Street View image has been provided, dated May 2012, and the extension (painted pink) can be seen in situ to the rear of no. 44. As the date of this photograph is less than four years ago, this evidence has little weight other than helping to identify the position of the extension.

7.6 Finally, a Google aerial image has been submitted. This appears to be an image from 2015 and so does not contribute to the applicant's case, but does further identify the extension in question as it is clearly visible on the image.

7.7 Although the applicant did not provide suitable evidence to demonstrate that on the balance of probability the extension had been in situ for no less than four years, the extension can clearly be seen in the aerial photographs held by South Gloucestershire Council in the years 2006, and 2008-2009, but it is not in situ in the aerial photograph from 2005. It is therefore assumed that the extension was erected in between the two images, so either in 2005 or 2006. As no contrary evidence has been found or received from others, it is considered that on the balance of probability, the extension is at least 9 years old and is therefore lawful.

## 8. **CONCLUSION**

8.1 On the balance of probability, the single storey rear kitchen extension at 44 Station Road, Filton has been established in situ since at 2005/2005, and so the structure is considered to be lawful.

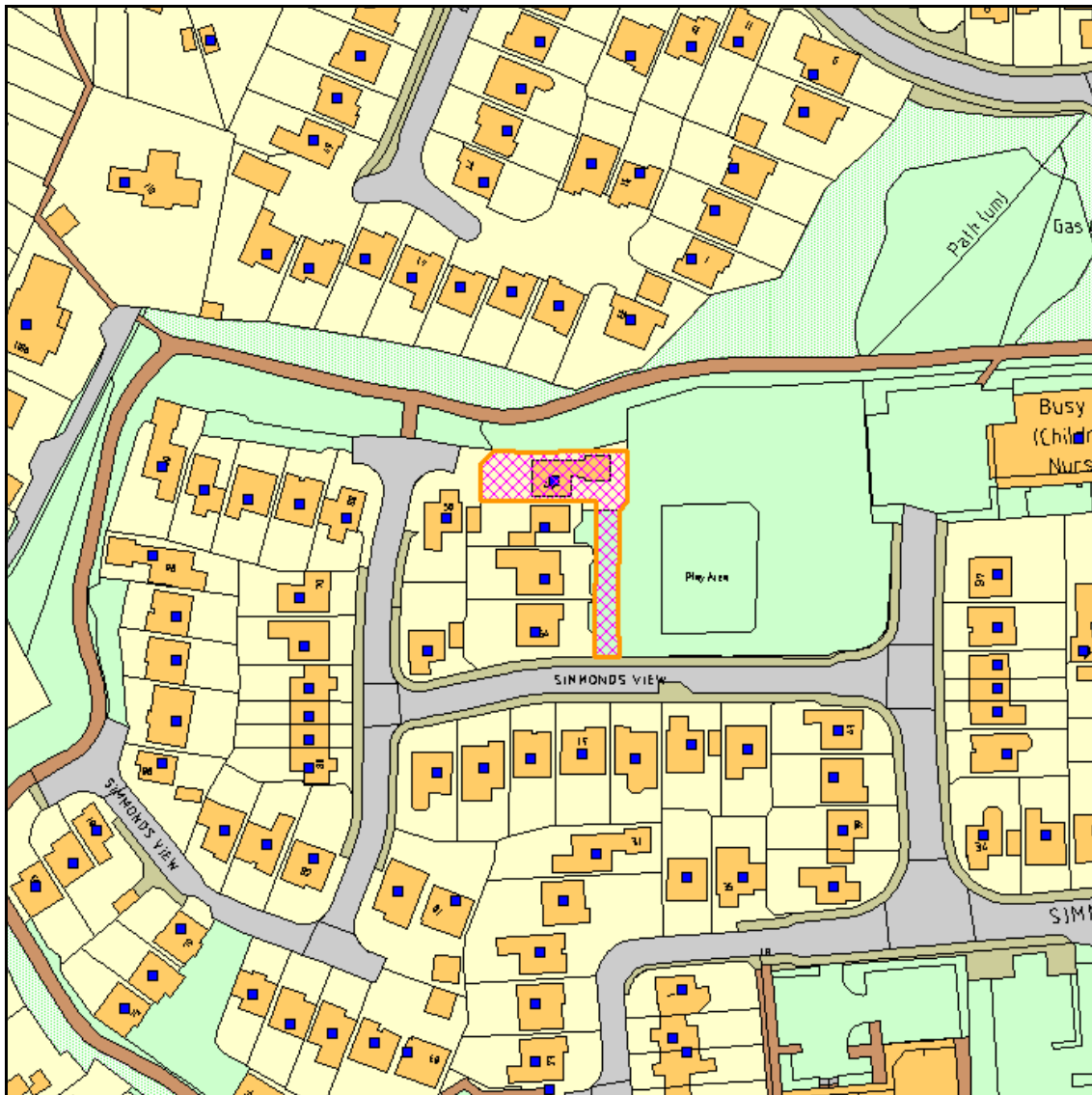
## 9. **RECOMMENDATION**

9.1 That the Certificate of Lawfulness is **APPROVED**.

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

## CIRCULATED SCHEDULE NO. 24/15 – 12 JUNE 2015

<b>App No.:</b>	PT15/1757/PDR	<b>Applicant:</b>	Mr D Tyrrell
<b>Site:</b>	48 Simmonds View Bristol South Gloucestershire BS34 8HL	<b>Date Reg:</b>	30th April 2015
<b>Proposal:</b>	Erection of single storey rear extension to form additional living accommodation.	<b>Parish:</b>	Stoke Gifford Parish Council
<b>Map Ref:</b>	362921 180102	<b>Ward:</b>	Stoke Gifford
<b>Application Category:</b>	Householder	<b>Target Date:</b>	19th June 2015



© South Gloucestershire Council 2007. all rights reserved.  
 This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.  
 100023410, 2008. N.T.S. PT15/1757/PDR

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

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

### **1. THE PROPOSAL**

- 1.1 The application seeks planning permission for the erection of single storey rear extension to form additional living accommodation.
- 1.2 The application relates to a large modern, detached dwelling located adjacent to a play area.

### **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

- South Gloucestershire Local Plan (Adopted) January 2006 (saved policies)  
H4 Development within Existing Residential Curtilages

- 2.3 Supplementary Planning Guidance  
Design Checklist SPD (Adopted) 2007

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

- 3.1 PT15/1084/PNH                      Erection of single storey rear extension which would extend beyond the rear wall of the original house by 3.8 metres, for which the maximum height would be 3.4 metres and the height of the eaves would be 2.5 metres  
Refused 15.04.15
- 3.2 PT05/1897/F                        Conversion of part of existing double garage to form study and erection of first floor extension to form bedroom with ensuite facilities  
Refused 05.08.05
- 3.3 P97/2775                              Erection of 90 dwellings with associated works  
Approved 12.03.1998  
Condition 1 – permitted development rights

removed, Schedule 2, Part 1 (Classes A, B, D, E, G and H) and Part 2 (Class A)

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

4.1 Stoke Gifford Parish Council

Hours of work to be included in planning conditions, if approved, No objection.

4.2 Lead Local Flood Authority

No comment.

#### **Other Representations**

4.3 Local Residents

One objection from a neighbouring resident at No. 58:

- Noticed that a large vehicle had accessed driveway in absence, cracked the driveway and main drain to deliver building blocks to the rear garden of the application site;
- Building materials delivered to site before planning permission has been granted;
- Applicant had not consulted neighbour re access via their land, which they have raised separately with the applicant;
- Lived in property since new and boundary runs to the adjacent wall to the rear of 48 Simmonds View;
- Object to any further unauthorised deliveries via their property.

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

5.1 Principle of Development

Saved policy H4 of the Local Plan (adopted) 2006 allows for the principle of the proposed development. The main issues to consider are the design of the proposed extension and the impact on the character of the area (policies H4 of the Local Plan and CS1 of the Core Strategy); the impact on the residential amenity of neighbouring occupiers (saved policy H4 of the Local Plan); and the transportation effects (saved policies H4 and T12 of the Local Plan).

5.2 Prior Notification has recently been refused due to a historic condition which has removed the application sites permitted development rights. Therefore, a full application was required and is now being assessed.

5.3 Design

The proposal relates to a single storey rear extension that would measure approximately 8m in length, 3.8m wide, with an eaves height of 2.5m and roof height of 3.3m. The extension would have a lean-to roof with rooflights and patio doors. The proposal would be in-keeping in terms of design, scale and materials to the host dwelling and represents an appropriate addition to the host dwelling in design terms.

5.4 Residential Amenity

To the north of the property is a tree-lined footpath and a large play area immediately in front of the property to the east. The proposed extension is subservient in scale and represents an in-keeping addition to the rear elevation. The rear extension would have a lean-to roof with three rooflights and patio doors which face out onto the garden; these are unlikely to cause a privacy issue for neighbouring residents. The proposal is not considered to be overbearing or impact on the privacy of the nearest neighbouring property to the south. Overall, the proposal would not impact on existing levels of residential amenity and is considered an appropriate addition in this respect.

#### 5.5 Other Matters

Neighbouring residents at No. 58 Simmonds View have raised concerns about the delivery of building materials for the proposed extension prior to permission being granted and refuse any further use of their property for such deliveries. Having spoken to the neighbouring residents about the incident, I have advised that these concerns are civil matters that cannot be dealt with via this application or the Council, who deal with matters of public not private interest. The delivery of materials prior to planning permission being issued is not a breach of planning control.

### 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 hours of working on site during the period of construction shall be restricted to the following times:  
Monday - Friday 07:30 - 17:30; Saturday 08:00 - 13:00; nor at any time on Sunday or Bank Holidays

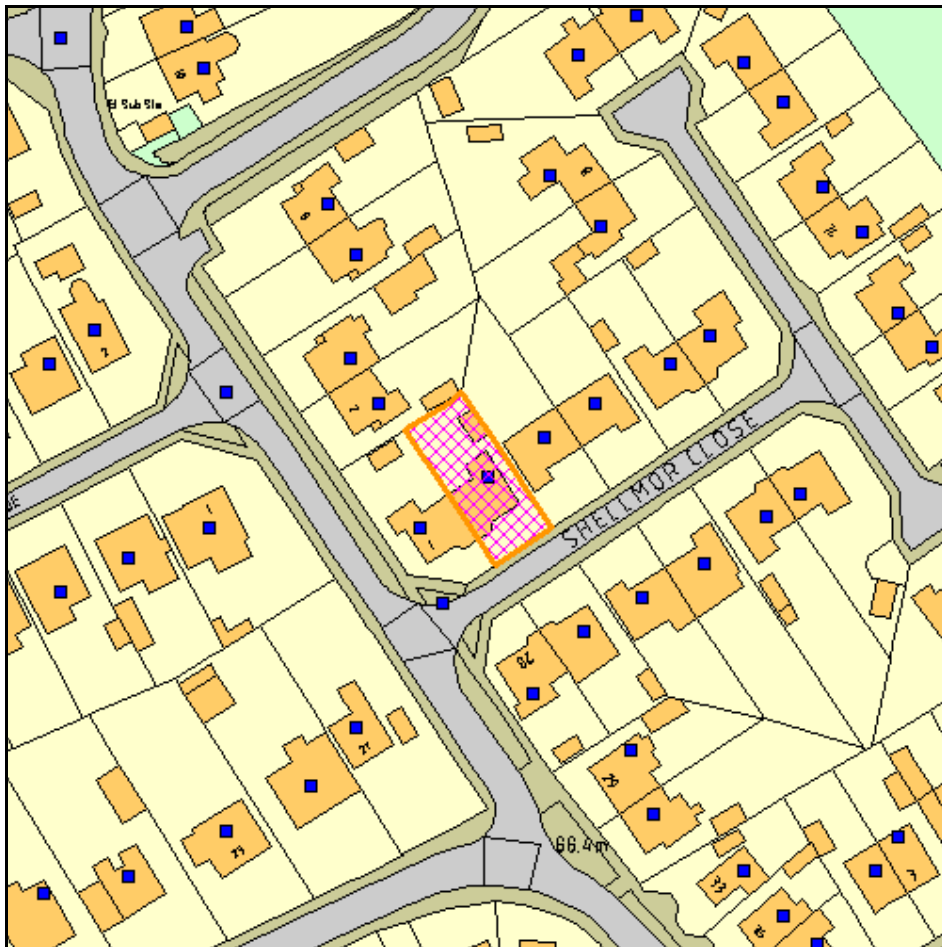
The term `working' shall, for the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the curtilage of site.

Reason

To protect the amenities of the neighbouring occupiers of nearby dwelling houses from being disturbed during the construction period, and to accord with saved policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006 (Saved Policies).

## CIRCULATED SCHEDULE NO. 24/15 – 12 JUNE 2015

<b>App No.:</b>	PT15/1890/CLP	<b>Applicant:</b>	Mr & Mrs Barnes
<b>Site:</b>	2 Shellmor Close Patchway Bristol South Gloucestershire BS34 6BP	<b>Date Reg:</b>	15th May 2015
<b>Proposal:</b>	Certificate of lawfulness for the proposed installation of rear dormer window and rooflights to facilitate a loft conversion, and also the replacement of no. 1 rear double casement windows with glazed double doors.	<b>Parish:</b>	Patchway Town Council
<b>Map Ref:</b>	361007 182075	<b>Ward:</b>	Bradley Stoke Central And Stoke Lodge
<b>Application Category:</b>		<b>Target Date:</b>	1st July 2015



© South Gloucestershire Council 2007.all rights reserved.  
This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.  
100023410, 2008. N.T.S. PT15/1890/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 works at no. 2 Shellmor Close, Patchway, listed below would be lawful, this is based on the assertion that all the proposed works falls within the permitted development rights normally afforded to householders under the Town and Country Planning (General Permitted Development) (England) Order 2015. The proposed works are as follows:

- The installation of dormer windows to the rear roof elevation; insertion of no. 2 rooflights to the front elevation and no. 1 rooflight to the side (north-eastern) elevation to facilitate a loft conversion; and the replacement of a double casement window with glazed double doors.

1.2 The application is a formal way of establishing whether the proposal requires planning permission or not. Accordingly there is no consideration of planning merit, the decision is based solely on the facts presented.

1.3 After reviewing the planning history for the site, it is clear that the permitted development rights for the property are intact.

### **2. POLICY CONTEXT**

#### **2.1 National Guidance**

Town and Country Planning Act 1990 (As Amended) 1990 section 192  
Town and Country Planning (Development Management Procedure) (England) Order 2015 Article 39  
Town and Country Planning (General Permitted Development) (GPDO) (England) Order 2015

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

3.1 None relevant.

### **4. CONSULTATION RESPONSES**

4.1 Patchway Town Council  
No comment received.

#### **4.2 Other Consultees**

Lead Local Flood Authority  
No comment received.

## **Other Representations**

- 4.3 Local Residents  
None received.

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

- 5.1 Existing Site Plan (dwg no. S01); Proposed Site Plan (dwg no. P01); Site Location Plan; – all received by the Council on the 03/05/2015. In addition to this, correspondence from the agent 'Agent: Materials/Rooflight Confirmation' – received on the 08/06/2015.

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

- 6.3 The proposed development consists of a loft conversion facilitated by two dormer windows in the rear roof slope of the property; in addition to this a ground floor rear double casement window is proposed to be replaced with glazed double doors. This development would fall under the criteria of *Schedule 2, Part 1, Class A, Class B, and Class C* of the Town and Country Planning (General Permitted Development) (England) Order (GPDO) 2015.

- 6.4 Class A of the GPDO is pertinent to the replacement of a ground floor rear double casement window with double doors; Class B of the GPDO is relevant to the installation of rear dormer windows; and Class C of the GPDO is pertinent to the installation of roof lights.

- 6.5 Accordingly, each of the proposed works will be assessed against the relevant Classes as noted above.

The replacement of the existing ground floor rear double casement window with double doors is acceptable under Class A, subject to the following criteria being met:

**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 proposal does not include the increase in ground covered by buildings within the curtilage of the dwellinghouse.

- (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;**

Not applicable to the replacement of a double casement window with a double door.

- (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;**

Not applicable to the replacement of a double casement window with a double door.

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

**(i) forms the principal elevation of the original dwellinghouse;**  
or

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

The replacement of a double casement window does not constitute an extension. As well as this, the replacement doors are on the rear of the dwelling and do 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 replacement of a double casement window does not constitute an extension.

- (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;  
Not applicable.
- (i) The enlarged part of the dwellinghouse would be within 2 metres of the boundary of the curtilage of the dwellinghouse, and the height of the eaves of the enlarged part would exceed 3 metres;  
The replacement of a double casement window does not constitute an extension
- (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 replacement of a double casement window does not constitute an extension
- (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 door will utilise matching UPVC, similar in appearance to the existing dwellinghouse. This has been confirmed by the agent.

- (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**

There are upper-floor windows within this proposal, these will be considered within Class B and C.

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

The roof will be enlarged through dormer windows, this will be considered through Class B.

Accordingly, the proposed replacement doors are considered to accord with the criterion within Class A.

**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 windows are positioned on the rear of the dwelling.

**(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 window has a volume of 22.1 cubic metres.

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

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

The proposal does not include the construction of any of the above.

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

The proposal does not include any alterations to the chimney, or the installation of a flue or soil and vent pipe; or

**(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.**

The applicant has stated in the proposed plans that the materials of the dormer enlargement will match the existing dwellinghouse. The proposal therefore meets this condition.

**(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, measured along the roof slope from outside the edge of the eaves; and**

The proposal leaves the original eaves of the dwellinghouse unaffected, and the edge of the proposed dormer closest to the eaves is 0.7 metres set back 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.**

The proposal does not include any side elevation windows.

Class C relates to any other alteration to the roof of the dwellinghouse such as the proposed rooflights, and is considered below.

**C.1 Development is not permitted by Class C 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) The alteration would protrude more than 0.15 metres beyond the plane of the slope of the original roof when measure from the perpendicular with the external surface of the original roof**

The windows on the front elevation of the roof slope will not protrude more than 150mm from the roofline.

**(c) It would result in the highest part of the alteration being higher than the highest part of the roof; or**

The proposal does not exceed the highest part of the original roofline at any point, and therefore meets this criterion.

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

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

**(ii) The installation, alteration or replacement of solar photovoltaics or solar thermal equipment.**

The proposal does not include any of the above.

**C.2 Development is permitted by Class C subject to the condition that any windows on the roof slope forming the side elevation of the dwellinghouse shall be –**

**(a) obscure glazed; and**

**(b) non opening, unless the parts of the window which can be opened is more than 1.7 metres above the floor of the room in which it is installed.**

The proposal includes a side elevation rooflight, the agent has confirmed that such a rooflight would be non-opening and obscure glazed.

## **7. RECOMMENDATION**

7.1 That a Certificate of Lawfulness for Proposed Development is granted for the following reason;

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

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