

**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. 07/15**

**Date to Members: 13/02/15**

**Member's Deadline: 19/02/15 (5pm)**

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

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

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

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

## **NOTES FOR COUNCILLORS - FORMAL ARRANGEMENTS**

If any Member requires any of the proposals listed in the Schedule to be considered by the appropriate Development Control Committee, please let the Director of 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.

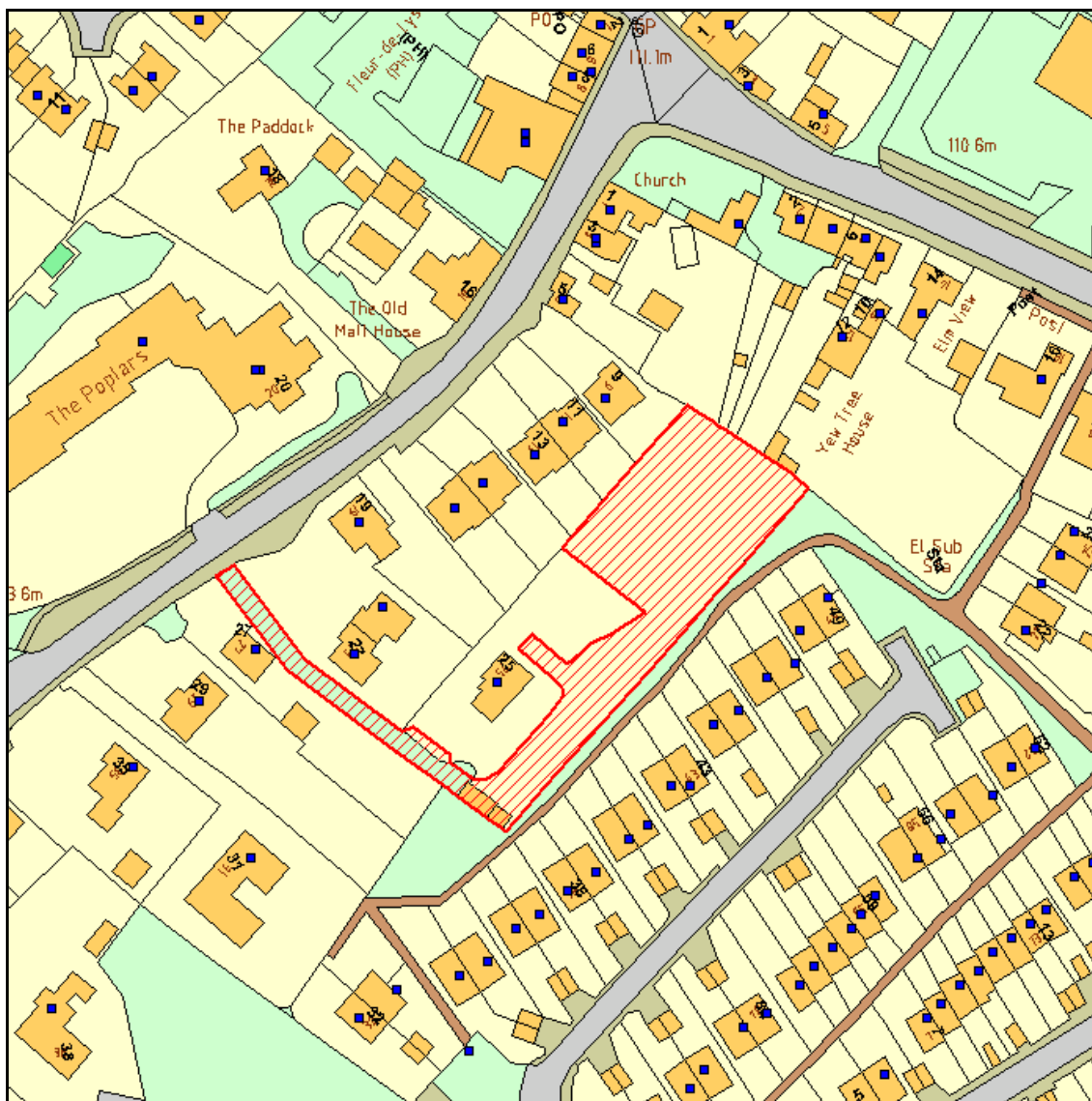
## CIRCULATED SCHEDULE - 13 FEBRUARY 2015

ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
1	PK14/4164/F	Approve with Conditions	25 Shortwood Road Pucklechurch South Gloucestershire BS16 9PL	Boyd Valley	Pucklechurch Parish Council
2	PK14/4166/F	Split decision See D/N	25 Shortwood Road Pucklechurch South Gloucestershire BS16 9PL	Boyd Valley	Pucklechurch Parish Council
3	PK14/4199/RVC	Approve with Conditions	Land At The Badminton Arms Badminton Road Coalpit Heath South Gloucestershire BS36 2QJ	Westerleigh	Westerleigh Parish Council
4	PK14/4559/F	Approve with Conditions	Central Stores 1 Poplar Road Warmley South Gloucestershire BS30 5JX	Oldland	Bitton Parish Council
5	PK14/4578/F	Approve with Conditions	26 St Aldams Drive Pucklechurch South Gloucestershire BS16 9QQ	Boyd Valley	Pucklechurch Parish Council
6	PK14/4627/F	Approve with Conditions	38 New Cheltenham Road Kingswood Bristol South Gloucestershire BS15 1TJ	Kings Chase	None
7	PK14/4692/LB	Approve	Cross Keys 34 Horse Street Chipping Sodbury South Gloucestershire BS37 6DB	Chipping	Sodbury Town Council
8	PK14/4699/F	Approve with Conditions	Highfield Farm Highfield Lane Horton South Gloucestershire BS37 6QU	Cotswold Edge	Horton Parish Council
9	PK14/4845/F	Approve with Conditions	30A Church Road Hanham South Gloucestershire BS15 3AL	Hanham	Hanham Parish Council
10	PK14/4880/F	Approve	Cross Keys 34 Horse Street Chipping Sodbury South Gloucestershire BS37 6DB	Chipping	Sodbury Town Council
11	PK15/0016/F	Approve with Conditions	8 Park Road Staple Hill South Gloucestershire BS16 5LD	Staple Hill	None
12	PK15/0195/F	Approve	97 Salisbury Road Downend South Gloucestershire	Downend	Downend And Bromley Heath Parish Council
13	PT14/3878/RM	Approve with Conditions	Catbrain Hill Almondsbury Catbrain BS10 7TH	Patchway	Almondsbury Parish Council
14	PT14/4274/CLE	Refusal	Woodlands Ram Hill Coalpit Heath South Gloucestershire BS36 2UF	Westerleigh	Westerleigh Parish Council
15	PT14/4296/F	Approve with Conditions	35 Park Row Frampton Cotterell South Gloucestershire BS36 2BS	Frampton Cotterell	Frampton Cotterell Parish Council
16	PT14/4850/F	Approve with Conditions	56 Jordan Walk Bradley Stoke South Gloucestershire BS32 8JW	Bradley Stoke South	Bradley Stoke Town Council
17	PT14/4858/F	Approve with Conditions	19 Southlands Tytherington Wotton Under Edge South Gloucestershire GL12 8QF	Ladden Brook	Tytherington Parish Council
18	PT14/4923/F	Approve with Conditions	22 The Culvert Bradley Stoke South Gloucestershire	Bradley Stoke South	Bradley Stoke Town Council

<b>ITEM NO.</b>	<b>APPLICATION NO</b>	<b>RECOMMENDATION</b>	<b>LOCATION</b>	<b>WARD</b>	<b>PARISH</b>
19	<b>PT14/5004/RVC</b>	Approve with Conditions	Cadet Hut Ratcliffe Drive Stoke Gifford South Gloucestershire BS34 8UE	Stoke Gifford	Stoke Gifford Parish Council
20	<b>PT15/0150/PNH</b>	No Objection	4 Barn Copsie Stoke Gifford South Gloucestershire BS16 1GB	Frenchay And Stoke Park	Stoke Gifford Parish Council

## CIRCULATED SCHEDULE NO. 07/15 – 13 FEBRUARY 2015

<b>App No.:</b>	PK14/4164/F	<b>Applicant:</b>	Heaton Homes Ltd
<b>Site:</b>	25 Shortwood Road Pucklechurch South Gloucestershire BS16 9PL	<b>Date Reg:</b>	30th October 2014
<b>Proposal:</b>	Erection of 1no. detached dwelling and detached garage with access and associated works.	<b>Parish:</b>	Pucklechurch Parish Council
<b>Map Ref:</b>	369917 176310	<b>Ward:</b>	Boyd Valley
<b>Application Category:</b>	Minor	<b>Target Date:</b>	22nd December 2014



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 100023410, 2014. **N.T.S.** **PK14/4164/F**

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

This application is referred to the circulated schedule for a number of reasons. These include –

- recommendation for approval contrary to objections received;
- issues regarding affordable housing provision; and,
- this development is related to planning application PK14/4164/F which has also been referred to the schedule for determination.

### **1. THE PROPOSAL**

- 1.1 This application seeks planning permission for the erection of one detached dwelling and garage on a large garden in Pucklechurch.
- 1.2 The site is within the settlement boundary for Pucklechurch. The application site abuts the boundary of the conservation area to the north-west and north-east, but is not within the conservation area itself. Access to the site is provided along a narrow private drive between nos. 23 and 27 Shortwood Road. Shortwood Road is a Class B highway. A number of mature trees are situated on the boundary of the site. The size of the site is 0.32 hectares.
- 1.3 At present, the site is occupied by a large, detached, house with extensive gardens. The house is rendered, with a steeply pitched tiled roof with gable parapets. The existing house is to be retained and refurbished as part of the development; the proposed house is to be built to the north-east of the existing dwelling within the garden.

### **2. POLICY CONTEXT**

#### **2.1 National Guidance**

National Planning Policy Framework March 2012

National Planning Policy Guidance (including update regarding s106 contributions of 28 November 2014)

#### **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

L5 Open Areas within Defined Settlement Boundaries

L12 Conservation Areas  
T12 Transportation

2.3 Supplementary Planning Guidance

- (a) South Gloucestershire Design Checklist (Adopted) August 2007
- (b) Residential Parking Standard (Adopted) December 2013
- (c) Pucklechurch Conservation Area (Adopted) July 2010
- (d) Affordable Housing and Extra Care Housing (Adopted) May 2014
- (e) Revised Landscape Character Assessment (Adopted) November 2014

3. **RELEVANT PLANNING HISTORY**

- 3.1 PK14/4166/F *Pending Consideration*  
Erection of 1no. detached dwelling and detached garage with access and associated works.
- 3.2 PK14/4163/F Approve with Conditions 05/12/2014  
Demolition of existing garage and erection of detached double garage
- 3.3 PK14/1205/F Withdrawn 27/05/2014  
Erection of 3no. detached dwellings and 3no detached garages with access and associated works. Erection of detached garage for existing dwelling.
- 3.4 P94/1117 Approval of Full Planning 21/02/1994  
Erection of replacement garden shed

4. **CONSULTATION RESPONSES**

- 4.1 Pucklechurch Parish Council  
Objection no comparison drawings with existing structures; proposed house has five bedrooms; site is on higher ground; poor access visibility; access arrangements are unacceptable; transport statement is inaccurate; poor arrangements for the collection of waste.
- 4.2 Affordable Housing  
An offsite financial contribution proportionate to the proposal will be required
- 4.3 Conservation Officer  
No objection
- 4.4 Drainage  
Request a SUDS condition
- 4.5 Highway Structures  
No comment
- 4.6 Trading Standards  
Weight restrictions apply in the area

#### 4.7 Transport Officer

**Objection** The proposal will intensify use of a substandard access by reasons of inadequate road width for service vehicles at its junction with the public highway and being unsuitable for two-way traffic movements and it lacks footway facility with restricted forward visibility along the lane thereby increases conflict between vehicles with vehicles and between vehicles and pedestrian /cyclists. This will interrupt the safe and free flow of traffic to the detriment of highway safety.

### **Other Representations**

#### 4.8 Local Residents

Thirteen letters of objection have been received that raise the following points –

- access has poor visibility
- access is too narrow
- area suffers from drainage issues
- changes to proposed access do not suitably mitigate the development
- concerns over highway safety
- construction of house would be disturbing
- development could affect gas pipes
- development is contrary to the Human Rights Act
- development is garden grabbing
- development is not in keeping with the style of housing in the conservation area
- development would affect the setting of the conservation area
- development would have an impact on wildlife on the site
- development would set a precedent
- garage of existing dwelling shown in an inaccurate position
- gardens may be temporary in nature
- hedges have been removed
- increase in traffic
- issues of land stability
- layout leaves the site open to future development
- lead to decreased property values
- lead to overlooking and a loss of privacy
- loss of amenity
- loss of light
- loss of outlook
- massing of proposed house is too large
- plans do not show conservatories or extensions on existing properties
- poor waste collection facilities
- property is a five-bedroom property, not a four-bedroom property as the application suggests
- proposed landscaping does not compensate for the loss of existing vegetation
- re-sited garage does not assist the visibility
- site can be seen from a public footpath



- site may be of archaeological significance
- site used to be within the conservation area
- there would be an increase in air, light, and noise pollution
- this is back land development
- trees on the site would be affected

## 5. ANALYSIS OF PROPOSAL

- 5.1 This application seeks planning permission for the erection of one dwelling in a large garden in Pucklechurch.
- 5.2 Principle of Development  
Residential development within defined existing settlements is broadly acceptable in principle subject to an assessment of the impacts of the proposal. The development would result in the loss of a currently open area and this must be considered against the benefit of housing provision in order to establish whether the development is acceptable.
- 5.3 Character of Area  
At present, the application site forms an open area within the defined settlement of Pucklechurch. The site is visible from the public realm as a footway runs between Birch Drive and the application site.
- 5.4 Policy L5 seeks to protect open areas within defined settlements from development that would adversely affect the contribution that the open area makes to the quality, character, amenity and distinctiveness of the locality. Firstly it is necessary to establish what contribution the plot makes to the character of the area and secondly if the development would have an adverse impact upon that character.
- 5.5 From Shortwood Road the plot is concealed behind the existing houses. The site is visible from the footway to the north of Birch Drive, however Birch Drive is a Radburn style development and therefore houses stand between the vehicular carriageway and the plot.
- 5.6 This means that the plot is not particularly visible from the main public view points and the contribution that the plot makes to the character of the area is mainly limited to the tops of the visible trees.
- 5.7 Development can retain trees and therefore the development of the site is not considered to have an adverse impact on the character and amenity that the site offers to the locality and the proposal would not be contrary to policy L5 of the Local Plan. Any impact would be limited and very local in nature; such an impact would be outweighed by the provision of housing within the rural areas.
- 5.8 The site also sits on the boundary of the conservation area to the north and west. Along these boundaries, the site is screened from the conservation area by the existing built form and therefore the site adds little to the character of the conservation area.

Although there is some archaeological interest within Pucklechurch, the site has not been identified on the heritage records as being likely to hold archaeological remains

5.9 Layout and Density

The site lies within the settlement boundary of Pucklechurch and is therefore considered to be a generally sustainable location for development. This is because the site is served by existing services and facilities.

5.10 The application site has a markedly different density to the surrounding development. Birch Drive to the south has a much higher density than the application site. Shortwood Road to the north also has a higher density. The proposed development is not considered to be harmful to the general density of development in the locality. Development within the defined settlement boundaries provides an opportunity to increase density in the interests of more sustainable development patterns.

5.11 It is not considered that the development would result in garden grabbing or be out of character with the prevailing characteristics of the locality. The layout of the site is considered to be acceptable, including the siting of the dwelling and garage. It is also not considered that loss the garden in its open form would be detrimental to the character and appearance of the locality.

5.12 Whilst it may be possible to increase the density of the site by increasing the number of dwellings, this would only be permitted if it did not result in any adverse impacts on other matters, such as highway safety. The optimum density of a development site is informed by these factors. Whilst much of the site would remain undeveloped, due to the constraint of the access it is not considered that the density of the proposed development is suboptimal.

5.13 Design and Appearance

The proposal consists of the erection of one detached dwelling and garage. The dwelling itself reflects the proportions and massing of the existing house on the site. The proposed dwelling is 2 storeys in height with living accommodation within the roof space making a third storey. When viewed in context, it is clear that the proposed dwelling is of a similar size and mass to the existing dwelling on the site. As the dwelling respects the context, character and appearance of the application site, it cannot be said that the mass of the property is inappropriate due solely to its design.

5.14 The proposed property is substantial and robust in appearance with a prominent roof and dormer window features. In terms of materials, the dwellings would be finished externally with a roughcast render and reconstructed stone lintels and cills on the front elevation. The roof would be finished with double roman tiles and the dormer windows with a plain tile.

5.15 It cannot be said that Pucklechurch has a defined architectural style. Properties in the vicinity of the application site have a mixed palette of materials and a diverse general appearance. There are also various styles of properties including chalet bungalows, detached houses and cottages. It is therefore not considered that the development, as proposed, would be harmful to the visual

amenity of the area. It is not considered that the massing of the property is out of character with other properties in the area or cannot be reasonably expected within an existing settlement.

5.16 Transport and Highways

Access to the proposed dwelling would utilise the existing drive between nos.23 and 27 Shortwood Road. From Shortwood Road, the access is concealed. The layout of the existing buildings results in a kink to the drive to its western end which limits forward visibility. No pedestrian walkway is proposed along the length of the drive and therefore both pedestrians and motorised traffic would have to use the carriageway itself. The drive is narrow and there are no opportunities for vehicles to pass one another.

5.17 Due to the factors above, the driveway is considered to be substandard and would not meet an acceptable standard of design to become adopted highway. As a result, the access would remain a private drive and it is unlikely that it would be used by refuse collection vehicles. Therefore, waste from the dwelling would need to be collected from Shortwood Road. Manual for Streets states that residents should not carry or push waste more than 30 metres to a storage point and that a refuse vehicle should be able to get within 25 metres of a storage point. The junction of the drive and Shortwood Road is restricted in width. Due to the narrowness of the drive, any service vehicles would be required to use the opposite lane, in the face of oncoming traffic, on Shortwood Road in order to access and egress the site.

5.18 It is recognised by the planning authority that the existing access is substandard; however, in determining the application, it would need to be demonstrated that the impact on transportation of permitting the development would be severe and could not be overcome through appropriate planning conditions for the application to be refused as this is the test stipulated by paragraph 32 of the NPPF.

5.19 The main issue is therefore an issue of scale. The application seeks planning permission for one dwelling bringing the total number of dwellings served by the access to two. This therefore generates only a limited number of trips and sporadic access for service vehicles.

5.20 Whilst the development would intensify the use of the access and the access does not meet the current design standard, it is not considered that the residual cumulative impact of the development is severe. As it is not recognised that the impact is severe, the application should not be refused. Appropriate conditions relating to the provision of off-street parking will be attached; these conditions are considered to be an appropriate solution which balances the need to provide housing against the impacts of development.

5.21 Affordable Housing

Policy CS18 of the Core Strategy sets out how the council seeks to improve affordable housing provision to meet housing need. This policy requires developers to achieve 35% on-site affordable housing when a site triggers the affordable housing threshold. The site falls into the rural areas as defined by the Core Strategy.

Within the rural areas, affordable housing is expected on development proposals of 5 or more dwellings or 0.20 hectares in site area. The site area is 0.32 hectares and therefore provision of affordable housing is triggered.

- 5.22 The council is unable to seek on-site provision for affordable housing as the proposal is for one dwelling. Therefore an off-site financial contribution proportionate to the proposal has been requested by the housing enabling team. This would be required through a s106 agreement.
- 5.23 However, new guidance contained in the NPPG relating to s106 and affordable housing was published on 28 November 2014. National guidance now states that contributions for affordable housing should not be sought from small-scale and self-build development on proposals of less than six houses.
- 5.24 As a result of this guidance, policy CS18 of the Core Strategy is no longer consistent with the NPPF and NPPG. The NPPG guidance is considered to be highly material and is attributed significant weight to the extent where the determination of this application should depart from the development plan. The council should not seek an off-site financial contribution in this instance for affordable housing as the proposed development falls below the national threshold for contributions in rural areas as set by the NPPG.
- 5.25 Tress and Landscape  
A number of mature trees are located on the site. The application is accompanied by an arboricultural impact assessment, method statement and tree protection plan prepared by Hillside Trees dated May 2014.
- 5.26 The above assessment identifies a number of category A and category B trees that may be affected by the development. Protection measures have been identified and these can be secured by condition.
- 5.27 In order to protect the high quality trees that have been identified to make a significant positive contribution to the character and amenity of the area, the local planning authority has served a number of Tree Preservation Orders on the trees. This is considered sufficient to safeguard the trees from loss. The position of the house is not considered to result in unreasonable demand for future works to the trees; at any rate, works to the protected trees would now be subject to assessment.
- 5.28 A landscaping scheme of the site would be required to assist in screening the development. This can be secured by condition.
- 5.29 Residential Amenity  
Development should not be permitted that has a prejudicial impact on residential amenity or where new dwellings would enjoy a less than good standard of amenity. Amenity considerations should include nearby occupiers and the future occupiers of the proposed dwelling.
- 5.30 Starting with the existing dwelling on the site, it is not considered that the development would have a prejudicial impact on the living conditions of this house.

The property would retain a reasonably sized garden to the south and sufficient vehicular parking. The new dwelling would not overlook the property and therefore an acceptable level of privacy is retained.

- 5.31 The proposed dwelling would benefit from a good standard of amenity. The proposed garden is well sized and is considered to provide a good standard of amenity. Sufficient separation distances are proposed between the new dwelling and nearby dwellings so that there would be minimal overlooking.
- 5.32 It is noted that the development would have a perceived impact on the living conditions of nearby occupiers. The site is going from being open in nature to being developed which would alter the character of the site. However, the site is located within a defined settlement and therefore a certain amount of development can be expected and a reasonable associated impact.
- 5.33 A distance of 24.5 metres stands between the proposed dwelling and the dwellings on Shortwood Road and 25 metres between the front of the proposed house and the houses on Birch Drive. These distances are considered to be sufficient to protect levels of residential amenity as over approximately 22 metres it is unlikely to result direct visibility into rooms of other houses. It is noted that there would be some overlooking of gardens, however, within an established settlement this cannot be considered to be unreasonable. The distance from the proposed dwelling and the boundary mean that the proposed houses are unlikely to be overbearing, despite its mass, or lead to a loss of outlook.
- 5.34 A condition can be applied to restrict the working hours of the development to protect residential amenity whilst the property is being constructed.
- 5.35 Ecology  
The application site consists of a well-maintained garden comprising mown lawn, ornamental shrubs and trees and vegetable beds of limited value for nature conservation. Mature gardens offer suitable habitat for hedgehog and slowworm. Slowworms are protected against intentional or reckless killing or injuring under the Wildlife & Countryside Act 1981 (as amended) and CROW Act 2000. They are also a species listed on the South Gloucestershire Biodiversity Action Plan (SGBAP). Conversely, hedgehog is a Priority Species nationally, being listed under Section 41 of the Natural Environment & Rural Communities (NERC) Act 2006.
- 5.36 Accordingly, as areas of the application site would offer suitable habitat for the two species, a mitigation strategy to avoid harming animals should be drawn up and agreed with the council prior to development commencing. This can be secured by condition.
- 5.37 Drainage  
A SUDS condition has been requested by the council's drainage team. The proposed development seeks permission to erect one dwelling in a large garden. Subsequently, it is not considered, given the scale of the development, the availability of open land to act as a natural soak away, and the

requirements of building regulations, that a SUDS condition is reasonable and therefore one will not be applied in this instance.

5.38 Other Matters

Comments have been raised in the public consultation which has not been addressed in the above analysis. This section will cover those matters.

5.39 It has been stated that the proposal would contravene the Human Rights Act. Whilst human rights are a material planning consideration, the assessment is made against the policies of the Local Plan. In this instance, the development is not considered to fail to adequately address human rights and the development proposals are not considered contrary to the provisions of the Human Rights Act.

5.40 Whilst development finance can sometimes be a planning consideration, the impact of development on resale values of nearby private properties is not given any weight in determining this planning application.

5.41 Appropriate conditions could be attached to cover working hours and drainage. Land stability has identified as an issue by third parties, however the council have no specific concerns and it is considered that any issues arising could be addressed in the Building Control process. Gas pipes would be a matter for the statutory undertaker.

5.42 Development is guided towards existing settlements and therefore, as a result, there may be increased levels of noise, light, or vehicular movements. In this instance, it is not considered to be sufficient grounds on which to refuse the application.

5.43 Every planning application is assessed on its own merits and therefore if cannot be considered that if the planning application was granted this would necessarily set a precedent for other developments to also gain planning permission. However, it is acknowledged that should the application have been approved, it would be a material consideration for other applications for development nearby.

5.44 It is considered that the submitted plans are sufficient to make a full and informed assessment of the development proposal. This includes whether the proposal is a four- or five-bedroom property.

5.45 Comments regarding the removal of hedges, queried temporary nature of the gardens, site layout and future development, public footpath, and the re-sited garage are noted but are not given weight in the determination of this application.

**6. CONCLUSION**

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

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

## **7. RECOMMENDATION**

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

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

## **CONDITIONS**

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

Reason

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

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

Reason

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

3. Prior to the commencement of development, a detailed arboricultural method statement to accord with BS5837:2012 for all works within the Root Protection Area shall be submitted in writing to the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason

To protect the character and appearance of the area to accord with Policy CS1 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 and Policy H4, L1 and L5 of the South Gloucestershire Local Plan (Adopted) January 2006 (Saved Policies).

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

Reason

To protect the character and appearance of the area to accord with Policy CS1 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 and Policy H4, L1 and L5 of the South Gloucestershire Local Plan (Adopted) January 2006 (Saved Policies).

5. Prior to the commencement of development, a mitigation strategy for avoiding killing or injuring slowworms or hedgehogs shall be submitted to and approved in writing to the local planning authority. Development shall be carried out in accordance with the approved details.

Reason

To avoid harm to protected species 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 (Saved Policies).

6. 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 CS8 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013, Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006 (Saved Policies) and the Residential Parking Standard SPD (Adopted) December 2013.

7. The hours of working on site during the period of construction shall be restricted to 0730 to 1800 Monday to Friday, 0800 to 1300 Saturday, and no working shall take place on Sundays or Public Holidays. The term 'working' shall, for the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the curtilage of site.

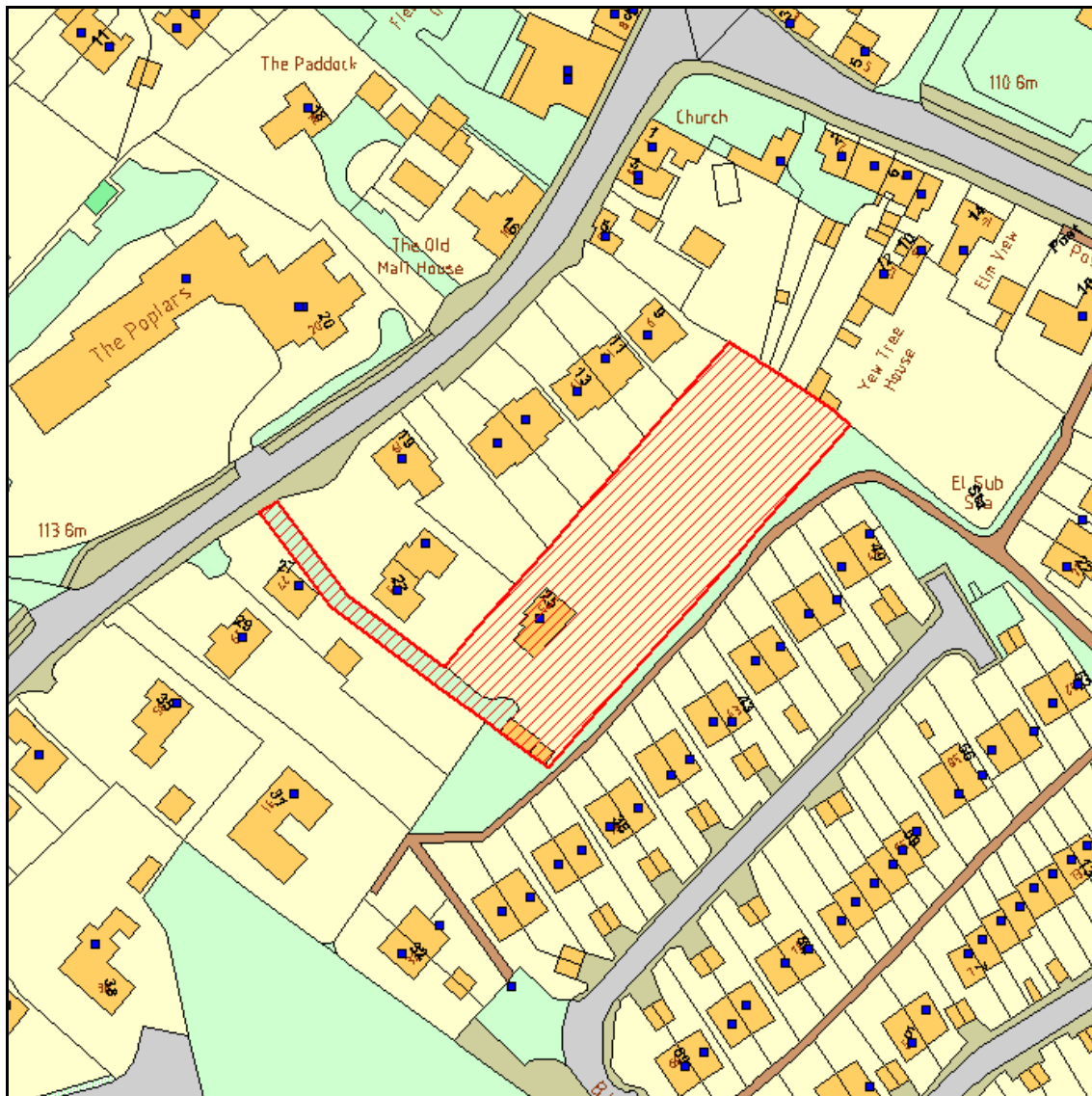
Reason

To protect the amenities of nearby occupiers during construction and to accord with the National Planning Policy Framework and Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006 (Saved Policies).



## CIRCULATED SCHEDULE NO. 07/15 – 13 FEBRUARY 2015

<b>App No.:</b>	PK14/4166/F	<b>Applicant:</b>	Heaton Homes Ltd
<b>Site:</b>	25 Shortwood Road Pucklechurch Bristol South Gloucestershire BS16 9PL	<b>Date Reg:</b>	27th October 2014
<b>Proposal:</b>	Erection of 3no. detached dwellings and 3no detached garages with access and associated works. Erection of detached garage for existing dwelling. (Resubmission of PK14/1205/F).	<b>Parish:</b>	Pucklechurch Parish Council
<b>Map Ref:</b>	369917 176310	<b>Ward:</b>	Boyd Valley
<b>Application Category:</b>	Minor	<b>Target Date:</b>	17th December 2014



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PK14/4166/F

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

This application is referred to the circulated schedule for a number of reasons. These include –

- issues regarding affordable housing provision;
- recommendation of a split-decision which would approve certain aspects of the scheme and a number of objections have been received; and,
- this development is related to planning application PK14/4164/F which has also been referred to the schedule for determination.

### **1. THE PROPOSAL**

- 1.1 This application seeks planning permission for the erection of three detached houses and garages on a large garden in Pucklechurch. The development also includes the erection of a garage for the existing house. The garage for the existing house has an extant planning permission under PK14/4163/F and therefore is acceptable. An earlier application for this proposal (PK14/1205/F) was withdrawn so the applicant could revise the scheme in relation to affordable housing and access.
- 1.2 The site is within the settlement boundary for Pucklechurch. The application site abuts the boundary of the conservation area to the north-west and north-east, but is not within the conservation area itself. Access to the site is provided along a narrow private drive between nos. 23 and 27 Shortwood Road. Shortwood Road is a Class B highway. A number of mature trees are situated on the boundary of the site. The size of the site is 0.32 hectares.
- 1.3 At present, the site is occupied by a large, detached, house with extensive gardens. The house is rendered, with a steeply pitched tiled roof with gable parapets. The existing house is to be retained and refurbished as part of the development; the proposed houses are to be built to the north-east of the existing dwelling within the garden.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
National Planning Policy Framework March 2012  
National Planning Policy Guidance (including update regarding s106 contributions of 28 November 2014)
- 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  
L5 Open Areas within Defined Settlement Boundaries  
L12 Conservation Areas  
T12 Transportation

2.3 Supplementary Planning Guidance

- (a) South Gloucestershire Design Checklist (Adopted) August 2007
- (b) Residential Parking Standard (Adopted) December 2013
- (c) Pucklechurch Conservation Area (Adopted) July 2010
- (d) Affordable Housing and Extra Care Housing (Adopted) May 2014
- (e) Revised Landscape Character Assessment (Adopted) November 2014

**3. RELEVANT PLANNING HISTORY**

- 3.1 PK14/4164/F *Recommendation for Approval*  
Erection of 1no. detached dwelling and detached garage with access and associated works.
- 3.2 PK14/4163/F Approve with Conditions 05/12/2014  
Demolition of existing garage and erection of detached double garage
- 3.3 PK14/1205/F Withdrawn 27/05/2014  
Erection of 3no. detached dwellings and 3no detached garages with access and associated works. Erection of detached garage for existing dwelling.
- 3.4 P94/1117 Approval of Full Planning 21/02/1994  
Erection of replacement garden shed

**4. CONSULTATION RESPONSES**

- 4.1 Pucklechurch Parish Council  
Objection: The properties have five bedrooms and require three parking spaces; road layout is awkward – no direct sight line from each end; concerns over emergency vehicle access; concern over the storage and collection of waste; dormer windows are not in keeping; development would reduce the privacy of occupiers on Birch Drive; access would only be possible with large vehicles using the opposite side of the road and facing oncoming traffic; transport statement is inadequate; service station no longer exists; Pucklechurch subject to high levels of commuting in private vehicles.
- 4.2 Conservation Officer  
No objection
- 4.3 Drainage

Request a SUDS condition

4.4 Highway Structures

No comment

4.5 Housing Enabling

Comments made 17 November 2014:

- One affordable unit is sought to be delivered as social rent; there is no identified need for a four-bedroom unit.

Comments made on 28 November 2014:

- The applicant had not offered any affordable housing on the grounds of viability. A viability appraisal has been submitted by the applicant and assessed by the Council's appointed District Valuer;
- Due to the findings of the District Valuer it is accepted that it is not viable in this instance to provide any affordable housing;
- Should a revised proposal relating to this application or a new planning application be submitted, the need for affordable housing should be revisited.

4.6 Sustainable Transport

Objection The proposal will intensify use of a substandard access by reasons of inadequate road width for service vehicles at its junction with the public highway and being unsuitable for two-way traffic movements and it lacks footway facility with restricted forward visibility along the lane thereby increases conflict between vehicles with vehicles and between vehicles and pedestrian /cyclists. This will interrupt the safe and free flow of traffic to the detriment of highway safety.

4.7 Trading Standards

Weight restrictions are in operation in the area

4.8 Tree Officer

No objection subject to condition requiring a detailed arboricultural method statement to be submitted for all proposed works within the root protection areas.

**Other Representations**

4.9 Local Residents

14 letters of objection have been received (excluding those submitted by duplicate means, i.e. by post and online) which raise the following points –

- access is unsuitable
- adverse impact on the conservation area
- area is of possible archaeological interest
- bins left on pavement of Shortwood Road is a hazard
- construction hours condition should be attached
- design is not in keeping
- development does not respect local context or street pattern

- development is garden grabbing
- development is not in keeping with the character or appearance of the area
- development would contravene the Human Rights Act
- development would not be able to be accessed by service trucks, emergency vehicles or bin lorries
- development would reduce house values
- garages are located too close to other properties
- impact on highway safety
- impact on land/building stability
- increase in light pollution
- increase in noise levels
- increased air pollution due to vehicular movements and the loss of trees
- issues regarding drainage
- land was once within the conservation area
- loss of light
- loss of privacy/overlooking
- loss of view
- loss of wildlife
- no comment made regarding the existing telegraph pole
- no provision for pedestrian access
- object to works to hedges not in the ownership of the applicant
- open market housing does not justify the loss of the garden
- plans do not show the conservatories and extensions to houses on Shortwood Road
- plans have not changed since the earlier application was withdrawn
- proposed gardens are too small for the size of the properties
- proposed houses are in fact five-bedroom dwellings
- proposed houses are too high
- public footpath runs adjacent to the site along the front of Birch Drive
- resulting sense of enclosure
- unacceptable high density
- undesirable back land development
- visibility into bedrooms
- would result in a precedent for in-fill development

## 5. ANALYSIS OF PROPOSAL

5.1 This application seeks permission for the erection of three dwellings on a residential garden within the settlement boundary for Pucklechurch.

### 5.2 Principle of Development

Residential development within defined existing settlements is broadly acceptable in principle subject to an assessment of the impacts of the proposal. The development would result in the loss of a currently open area and this must be considered against the benefit of housing provision in order to establish whether the development is acceptable.

### 5.3 Character of Area

At present, the application site forms an open area within the defined settlement of Pucklechurch. The site is visible from the public realm as a footway runs between Birch Drive and the application site.

- 5.4 Policy L5 seeks to protect open areas within defined settlements from development that would adversely affect the contribution that the open area makes to the quality, character, amenity and distinctiveness of the locality. Firstly it is necessary to establish what contribution the plot makes to the character of the area and secondly if the development would have an adverse impact upon that character.
- 5.5 From Shortwood Road the plot is concealed behind the existing houses. The site is visible from the footway to the north of Birch Drive, however Birch Drive is a Radburn style development and therefore houses stand between the vehicular carriageway and the plot.
- 5.6 This means that the plot is not particularly visible from the main public view points and the contribution that the plot makes to the character of the area is mainly limited to the tops of the visible trees.
- 5.7 Development can retain trees and therefore the development of the site is not considered to have an adverse impact on the character and amenity that the site offers to the locality and the proposal would not be contrary to policy L5 of the Local Plan. Any impact would be limited and very local in nature; such an impact would be outweighed by the provision of housing within the rural areas.
- 5.8 The site also sits on the boundary of the conservation area to the north and west. Along these boundaries, the site is screened from the conservation area by the existing built form and therefore the site adds little to the character of the conservation area. Although there is some archaeological interest within Pucklechurch, the site has not been identified on the heritage records as being likely to hold archaeological remains.
- 5.9 Layout and Density  
The site lies within the settlement boundary of Pucklechurch and is therefore considered to be a generally sustainable location for development. This is because the site is served by existing services and facilities.
- 5.10 The application site has a markedly different density to the surrounding development. Birch Drive to the south has a much higher density than the application site. Shortwood Road to the north also has a higher density. The proposed development is not considered to be harmful to the general density of development in the locality. Development within the defined settlement boundaries provides an opportunity to increase density in the interests of more sustainable development patterns.
- 5.11 It is not considered that the development would result in garden grabbing or be out of character with the prevailing characteristics of the locality. The layout of the site is considered to be acceptable, including the siting of the dwellings and garages. It is also not considered that loss the garden in its open form would be detrimental to the character and appearance of the locality.

5.12 Design and Appearance

The proposal consists of the erection of three detached dwellings and four detached double garages, the fourth to serve the existing dwelling which is to be retained; the garage for the existing house has planning permission. A hipped garage will be constructed for the existing house and plot 3 where as gable ended garages will be constructed for plots 1 and 2. The garage for plot 3 would be constructed to the front of the proposed dwelling adjacent to the site boundary with Birch Drive.

5.13 The dwellings themselves reflect the proportions and massing of the existing house on the site. The proposed dwellings stand at 2 storeys in height with living accommodation within the roof space making a third storey. When viewed in context on the street elevation plan, it is clear that the proposed dwellings are of a similar size and mass to the existing dwelling on the site. As the dwellings respect the context, character and appearance of the application site, it cannot be said that the mass of the property is inappropriate due solely to its design.

5.14 The proposed properties are substantial and robust in appearance with a prominent roof and dormer window features. In terms of materials, all three dwellings would be finished externally with a roughcast render and reconstructed stone lintels and cills on the front elevation. The roof would be finished with double roman tiles and the dormer and bay windows with a plain tile. Only plot two includes a rear dormer window. Plot three has a single storey flat roof 'orangery' style element on the rear elevation

5.15 It cannot be said that Pucklechurch has a defined architectural style. Properties in the vicinity of the application site have a mixed palette of materials and a diverse general appearance. There are also various styles of properties including chalet bungalows, detached houses and cottages. It is therefore not considered that the development, as proposed, would be harmful to the visual amenity of the area. It is not considered that the massing of the properties is out of character with other properties in the area or cannot be reasonably expected within an existing settlement.

5.16 Transport and Highways

Access to the proposed dwellings is planned along the existing driveway to no.25 Shortwood Road. This driveway leaves Shortwood Road between nos.23 and 27. From Shortwood Road, the access is concealed. The layout of the existing buildings results in a kink to the drive to its western end; there is also an incline in this location. Because of the layout, there is poor forward visibility and users of the drive do not have a full vantage along its length. The drive is 113 metres long from Shortwood Road to plot 1. No pedestrian walkway is proposed along the length of the drive and therefore all users of the drive would have to use the carriageway itself; this may lead to potential conflicts between users. The drive is also narrow and there are no opportunities for vehicles to pass one another.

5.17 Due to the factors above, the driveway is considered to be substandard and does not meet an acceptable standard of design or meet highway

requirements. As a result, the driveway would not be suitable for adoption by the highway authority and would remain a private drive. As the drive is likely to remain a private way, it is unlikely that it would be used by refuse collection vehicles. Therefore, waste from the four dwellings on the site would need to be collected from Shortwood Road. The dwelling furthest is approximately 150 metres from Shortwood Road. Manual for Streets states that residents should not carry or push waste more than 30 metres to a storage point and that a refuse vehicle should be able to get within 25 metres of a storage point. The distance residents would have to carry their waste greatly exceeds the guidance in Manual for Streets and this is indicative of the poor access arrangement.

- 5.18 The junction of the drive and Shortwood Road is restricted in width. Due to the narrowness of the drive, any service vehicles would be required to use the opposite lane on Shortwood Road, in the face of oncoming traffic, in order to access and egress the site. This presents an issue with regard to highway safety and the free flow of traffic and could also result in conflicts between different vehicles attempting to access or leave the site at any time waiting on or reversing onto the highway.
- 5.19 In part, this issue has arisen from the scale of the development. The more units on the site, the greater the frequency of trips generated and the greater the number of vehicles on the site. Combined with the increase level of demand for servicing, the more likely it is that a conflict would occur. A concurrent application to this one, PK14/4164/F (which also appears on this week's circulated schedule), seeks planning permission for the erection of one dwelling; this application is recommended for approval. In determining these applications, the planning authority has had regard to the varying transportation impacts generated by the relative scales of the proposed development and attributed due weight based on the likelihood and severity of the impact. It is accepted that even one dwelling will have some impact on the intensity of the use of the access, however, three dwellings would have considerably more to the extent where the impact is considered more severe.
- 5.20 At present, the access to no.25 Shortwood Road is considered to be substandard. Any intensification of the use of this access would fail to provide safe and suitable access to the site for all people and would have a significant impact on the highway safety.
- 5.21 Guidance in paragraph 32 of the NPPF states that planning authorities should not refuse development unless the residual cumulative impacts are severe and that any impact cannot be satisfactorily overcome through the use of appropriate planning conditions. A condition could not overcome the concerns identified above as these concerns can only be overcome by improving the junction and access lane; this would require development on land that is not in control of the applicant. Furthermore, it is considered that the impacts of the proposed development, if permitted, would be severe due to the scale of the development and the intensified use of the substandard access to the extent where planning permission should be refused.



- 5.22 Planning permission should, however, be granted for the garage for the existing dwelling as this could be built under an extant planning permission.
- 5.23 Affordable Housing  
Policy CS18 of the Core Strategy sets out how the council seeks to improve affordable housing provision to meet housing need. This policy requires developers to achieve 35% on-site affordable housing when a site triggers the affordable housing threshold. The site falls into the rural areas as defined by the Core Strategy. Within the rural areas, affordable housing is expected on development proposals of 5 or more dwellings or 0.20 hectares in site area. The site area is 0.32 hectares and therefore provision of affordable housing is triggered.
- 5.24 To accord with policy CS18, the council would seek one of the dwellings to be provided as an affordable unit. Affordable housing is split by tenure; the council would normally seek a split of 78% social rent, 6% affordable rent, and 16% intermediate housing (as set out in the SHMA (2009)). The council would require the one unit to be provided as social rent. A range of affordable unit types are required to meet housing need with two-bedroom houses being in highest demand. The right house type must be delivered in order to meet the identified need. The application proposed four bedroom houses with a study (in effect, a five bedroom house). There is low demand for four/five bedroom houses and therefore an alternative house type is required to meet the housing need.
- 5.25 Policy CS18 allows for a lower percentage of affordable housing when the developer can demonstrate that specific factors affect the viability of the site. The developer does not propose to provide any affordable housing.
- 5.26 The developer has submitted an Economic Viability Assessment to make a case of what reasonable and viable affordable housing contributions can be provided. The developers' assessment has been appraised by the District Valuer.
- 5.27 The District Valuer has appraised the development and has found that any affordable housing contributions would be unviable. This position has been accepted by the council's enabling officer and therefore no affordable housing is sought on this occasion.
- 5.28 Notwithstanding the above, whilst this application has been considered by the local planning authority, central government guidance on planning obligations have been revised.
- 5.29 New guidance contained in the NPPG relating to s106 and affordable housing was published on 28 November 2014. National guidance now states that contributions for affordable housing should not be sought from small-scale and self-build development on proposals of less than six houses. As a result of this guidance, policy CS18 of the Core Strategy is no longer consistent with the NPPF and NPPG. The NPPG guidance is considered to be highly material and is attributed significant weight to the extent where the determination of this application should depart from the development plan. The council should not

seek an off-site financial contribution in this instance for affordable housing as the proposed development falls below the national threshold for contributions in rural areas as set by the NPPG.

5.30 Trees and Landscape

A number of mature trees are located on the site. The application is accompanied by an arboricultural impact assessment, method statement and tree protection plan prepared by Hillside Trees dated May 2014.

5.31 The above assessment identifies a number of category A and category B trees that may be affected by the development. Protection measures have been identified and, had the application have been recommended for approval, these could be secured by condition.

5.32 In order to protect the high quality trees that have been identified to make a significant positive contribution to the character and amenity of the area, the local planning authority has served a number of Tree Preservation Orders on the trees. This is considered sufficient to safeguard the trees from loss. The position of the houses is not considered to result in unreasonable demand for future works to the trees; at any rate, works to the protected trees would now be subject to assessment.

5.33 A landscaping scheme for the communal areas of the site would be required to assist in screening the development. This could be secured by condition.

5.34 Residential Amenity

Development should not be permitted that has a prejudicial impact on residential amenity or where new dwellings would enjoy a less than good standard of amenity. Amenity considerations should include nearby occupiers and the future occupiers of the proposed dwellings.

5.35 Starting with the existing dwelling on the site, it is not considered that the development would have a prejudicial impact on the living conditions of this house. The property would retain a reasonably sized garden to the south and sufficient vehicular parking. The new dwellings would not overlook the property and therefore an acceptable level of privacy is retained.

5.36 The proposed dwellings would benefit from a good standard of amenity. The proposed gardens are reasonably sized and are considered to be commensurate with the size of the dwellings. Sufficient separation distances are proposed between the new dwellings and nearby dwellings so that there would be minimal overlooking.

5.37 It is noted that the development would have a perceived impact on the living conditions of nearby occupiers. The site is going from being open in nature to being developed which would alter the character of the site. However, the site is located within a defined settlement and therefore a certain amount of development can be expected and a reasonable associated impact.

5.38 Between the proposed dwellings and the existing dwellings stand a notable separation. Between plot 1 and the dwellings to the rear on Shortwood Road

stands 28 metres and 27 metres to the properties on Birch Drive. For plot 2 the distances are 24.5 metres and 25 metres respectively; and plot 3, 22 metres and 25 metres. These distances are considered to be sufficient to protect levels of residential amenity as over approximately 22 metres it is unlikely to result direct visibility into rooms of other houses. It is noted that there would be some overlooking of gardens, however, within an established settlement this cannot be considered to be unreasonable. The distance from the proposed dwellings and the boundary mean that the proposed houses are unlikely to be overbearing, despite their mass.

5.39 Ecology

The application site consists of a well-maintained garden comprising mown lawn, ornamental shrubs and trees and vegetable beds of limited value for nature conservation. Mature gardens offer suitable habitat for hedgehog and slowworm. Slowworms are protected against intentional or reckless killing or injuring under the Wildlife & Countryside Act 1981 (as amended) and CROW Act 2000. They are also a species listed on the South Gloucestershire Biodiversity Action Plan (SGBAP). Conversely, hedgehog is a Priority Species nationally, being listed under Section 41 of the Natural Environment & Rural Communities (NERC) Act 2006.

5.40 Accordingly, as areas of the application site would offer suitable habitat for the two species, a mitigation strategy to avoid harming animals should be drawn up and agreed with the council prior to development commencing. This could be secured by condition.

5.41 Other Matters

Comments have been raised in the public consultation which has not been addressed in the above analysis. This section will cover those matters.

5.42 It has been stated that the proposal would contravene the Human Rights Act. Whilst human rights are a material planning consideration, the assessment is made against the policies of the Local Plan. In this instance, the development is not considered to fail to adequately address human rights and the development proposals are not considered contrary to the provisions of the Human Rights Act.

5.43 Whilst development finance can sometimes be a planning consideration, the impact of development on resale values of nearby private properties is not given any weight in determining this planning application.

5.44 Appropriate conditions could be attached to cover working hours and drainage. Land stability has identified as an issue by third parties, however the council have no specific concerns and it is considered that any issues arising could be addressed in the Building Control process.

5.45 Development is guided towards existing settlements and therefore, as a result, there may be increased levels of noise, light, or vehicular movements. In this instance, it is not considered to be sufficient grounds on which to refuse the application.

- 5.46 The relocation of the existing telegraph pole can be undertaken as permitted development the various statutory undertakers and therefore does not require planning permission.
- 5.47 Every planning application is assessed on its own merits and therefore if cannot be considered that if the planning application was granted this would necessarily set a precedent for other developments to also gain planning permission. However, it is acknowledged that should the application have been approved, it would be a material consideration for other applications for development nearby.

## **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 that a split decision is issued has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 set out above, and to all the relevant material considerations set out in the report.

## **7. RECOMMENDATION**

- 7.1 It is recommended that a **SPLIT-DECISION** is issued where the proposed three dwellings are REFUSED and the garage for the existing house is APPROVED, subject to the following conditions or reasons.

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

### **PART APPROVAL DETACHED GARAGE - CONDITIONS**

1. The erection of a detached garage for the existing dwelling hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason

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

2. The hours of working on site during the period of construction shall be restricted to 08.00 - 18.00 Mondays to Saturdays; 08.00 - 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 amenities of the occupiers of nearby dwelling houses, and to accord with Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

3. Prior to the first use of the garage hereby approved the existing garage shall be demolished.

Reason:

In the interests of the appearance of the area and access to the site and in accordance with Policies H4 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006 and Policy CS1 of the South Gloucestershire Core Strategy (Adopted) December 2013.

4. The tree protection fencing provided in the Hillside arboricultural report, submitted with planning application reference PK14/4164/F, shall be in place prior to commencement of the demolition of the existing garage and thereafter retained for the duration of the development.

Reason:

In order to minimise the possibility of accidental damage to these trees and in the interests of the visual amenity of the area and in accordance with Policies L1 and H4 of the South Gloucestershire Local Plan and Policy CS1 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013.

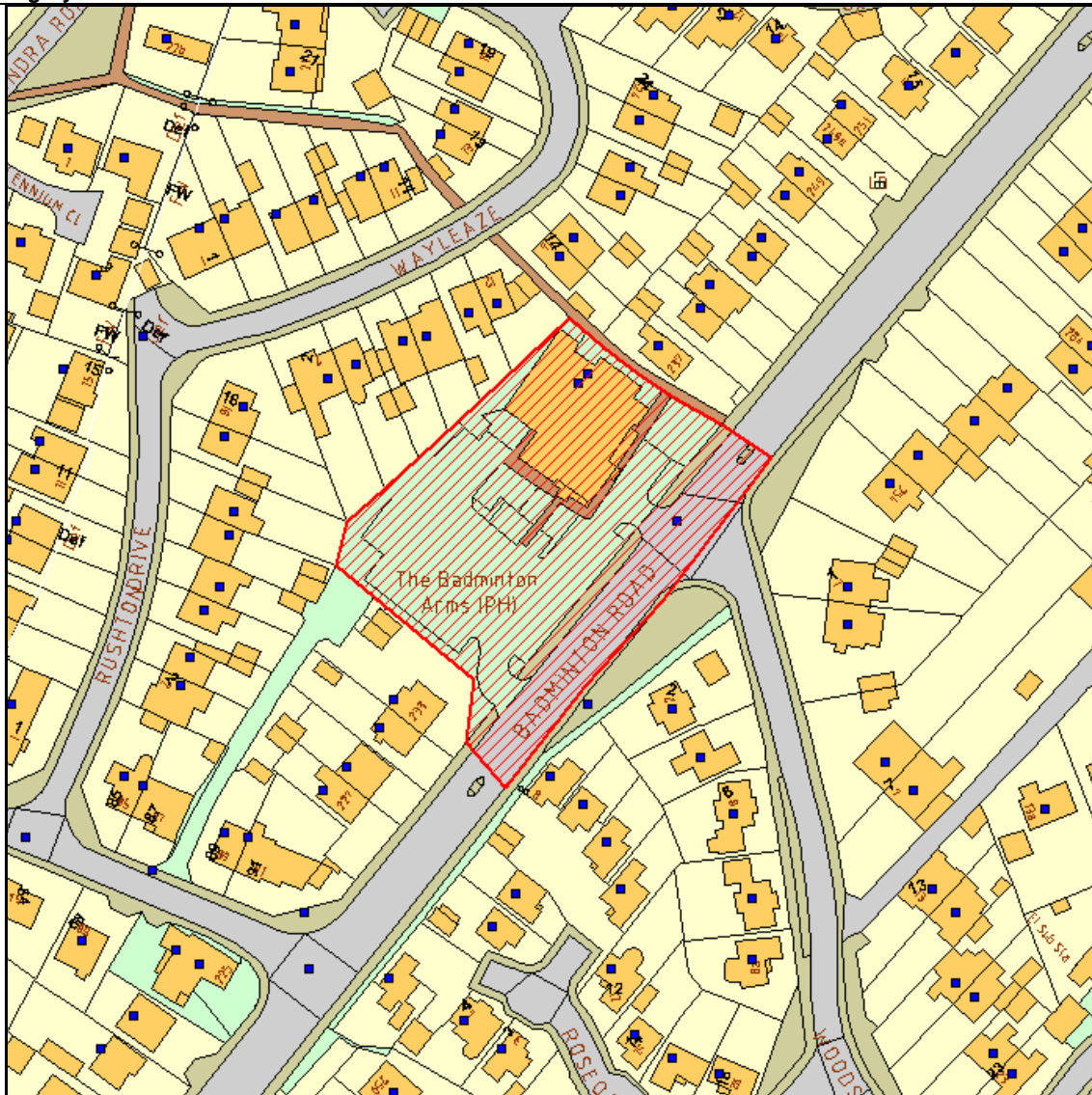
### **PART REFUSAL THREE DWELLINGS - REASON**

1. The erection of three dwellings, if permitted, would intensify the use of a substandard access by virtue of inadequate width at the junction with the public highway. The proposed access is unsuitable for two-way traffic movements and lacks a pedestrian footway. There is poor forward visibility along the access which increases the risk of conflicts of users. Movements to and from the site would interrupt the safe and free flow of traffic on the public highway. The proposal fails to make adequate provision for the access of service and refuse vehicles or the storage and collection of waste. The cumulative impact of the above is considered to be severe in relation to the scale of development proposed and detrimental to highway safety and the amenity of the area and cannot be overcome through the use of appropriate planning conditions. The proposed development is therefore contrary to policy CS1 and CS8 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013, policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006 (Saved Policies) and the provisions of the National Planning Policy Framework.



## CIRCULATED SCHEDULE NO. 07/15 – 13 FEBRUARY 2015

<b>App No.:</b>	PK14/4199/RVC	<b>Applicant:</b>	Sainsbury's Supermarkets Ltd
<b>Site:</b>	Land At The Badminton Arms Badminton Road Coalpit Heath Bristol South Gloucestershire BS36 2QJ	<b>Date Reg:</b>	7th November 2014
<b>Proposal:</b>	Variation of condition 13 of PK13/4401/F to now read All external lighting to be installed in accordance with the scheme and assessment set out in WYG Car Park Lighting Assessment (September 2014). No further external illumination to be installed unless submitted to and approved in writing by the Local Council	<b>Parish:</b>	Westerleigh Parish Council
<b>Map Ref:</b>	367819 181302	<b>Ward:</b>	Westerleigh
<b>Application Category:</b>	Minor	<b>Target Date:</b>	31st December 2014



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PK14/4199/RVC

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

The application is referred to the Circulated Schedule as the Parish Council objects the proposal.

### **1. THE PROPOSAL**

1.1 The application site is situated on the north side of Badminton Road, Coalpit Heath and currently comprises the Badminton Arms Public House and car park. Planning permission was granted for the erection of a convenience shop unit (Class A1), reorganisation of the car park, alterations to provide revised access/egress and servicing bay, re-provision of play facilities, landscaping and associated works.

1.2 This application seeks approval to vary condition 13 of the planning permission in order to allow the installation of external lighting on the proposed building and the car park. The applicant submitted a Car Park Lighting Assessment (September 2014) to support the proposal.

Condition 13 states 'Notwithstanding the submitted details, no external illuminations shall be installed on the proposed building hereby approved or within the application site. Reason: To protect the residential amenity of the neighbouring occupiers.

The applicant proposes to vary the above condition to be read as follow:

'All external lighting to be installed in accordance with the scheme and assessment set out in WYG Car Park Lighting Assessment (September 2014). No further external illumination to be installed unless submitted to and approved in writing by the Local Planning Authority.'

The site is situated within the settlement boundary of Coalpit Heath as defined in the adopted Local Plan. The application site is not situated on a Primary or Secondary shopping frontage, is outside the retail centre of Yate, and is outside Local Centres of Coalpit Heath/Frampton Cotterell/Winterbourne.

### **2. POLICY CONTEXT**

#### **2.1 National Guidance**

National Planning Policy Framework March 2012

National Planning Practice Guidance March 2012

#### **2.2 Development Plans**

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

RT1 Uses in town centres

RT5 Proposals for Out of Centre and Edge of Centre Retail Development

RT8 Small Scale Retail Uses within the Urban Area

T7 Cycle Parking

T8 Parking Standards

T12 Highway Safety



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

CS1 High Quality Design

CS4A Presumption in favour of Sustainable Development

CS9 Managing the Environment and Heritage

CS14 Town Centres and Retail

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist – August 2007

Town Centres and Retailing in South Gloucestershire (August 2013)

Village Design Statement (Frampton Cotterell & Coalpit Heath)

**3. RELEVANT PLANNING HISTORY**

- 3.1 P91/2866 Erection of single storey covered ways and foyer. Approved 12.02.1992
- 3.2 P99/0076/F Erection of Timber Fence 1.2m High to Flat Roof. Approved 02.12.1999
- 3.3 P99/1630 Erection of open porches, chimneys, alterations to car park, internal refurbishment. Approved 27.08.1999
- 3.4 P99/2124/A Display of internally illuminated post double sided 1.4 x 1 metre pub sign, freestanding double sided 0.9 metre x 1.5 metre car park directional sign, 1 metre x 0.3 metre bar and lounge entrance sign, two 2 metre x 1.2 metre brewery sign, two 0.7 metre x 0.7 metre car park disclaimer signs, 1.2 metre x 0.6 metre oval sign, two diachronic downlighters, 12 70 watt floodlight fitments, 3 sets of individual fixed externally illuminated letters to spell Badminton Arms, and two 0.7 metre x 0.7 metre directional signs. Approved 06.10.1999
- 3.5 P99/2169/A Display of various externally illuminated signs. Withdrawn.
- 3.6 PT00/2660/F Installation of plant equipment on flat roof behind existing roof top fence (retrospective) and provision of additional roof-top fencing. Approved 28.12.2000
- 3.7 PT08/1095/F Construction of enlarged front terrace, children play area and associated works. Approved 11.06.2008
- 3.8 PK13/4401/F Erection of convenience shop unit (Class A1), reorganisation of the car park, alterations to provide revised access/egress and servicing bay, re-provision of play facilities, landscaping and associated works. Approved 23.10.2014

**4. CONSULTATION RESPONSES**

- 4.1 **Frampton Cotterell Parish Council**  
No comment.

4.2 **Westerleigh Parish Council:**  
Object to this application and the existing permission granted should be adhered to.

4.3 Consultees [including internal consultees of the Council]

**Sustainable transport:**

No highway or transportation issues, therefore no objection.

**Highway Drainage:**

No comment.

**Lighting Engineer:**

No objection, the obtrusive light was kept to the minimal.

**Other Representations**

4.4 Local Residents  
No comments are received.

**5. ANALYSIS OF PROPOSAL**

5.1 The application seeks to vary Condition 13 of the planning permission PK13/4401/F so as to allow all external lighting to be installed in accordance with the scheme and assessment set out in WYG Car Park Lighting Assessment and no further external illumination to be installed unless submitted to and approved in writing by the Local council.

5.2 Principle of Development

The principle of the development is established through the planning permission PK13/4401/F. The development has not been implemented however, the applicant has submitted details for the discharge of pre-commencement conditions.

This application seeks to vary condition 13 as described in paragraph 5.1 above. The nature of this application is such that the Local Planning Authority cannot re-address the principle of the development and can only consider the impact of the changes when compared to the approved development. In this instance, the nature of the changes is such that the issues for consideration are the impact visual/design, and the impact upon the residential amenity (of the occupants of the surrounding dwellings and the occupants of the new dwellings) as a result of the installation of external light. This is considered below.

5.3 Impact on Residential Amenity

The approved convenience store is situated within a residential area of Coalpit Heath although it would be erected on an existing car park of the public house Badminton Arms.

The applicant submitted an indicative lighting layout and a lighting assessment. The Council Lighting Engineer has considered the submitted details, officers consider that the proposed lighting scheme is acceptable and would not cause unreasonable adverse impact upon the neighbouring occupiers.

5.4 Design and Visual Amenity

The submitted indicative lighting layout shows there would be a number of bollard lights, DW-Windsor Vector Bollard, mounted at a height of one metre. Officers consider that the design and the height of the proposed lighting are acceptable and they would not cause significant adverse impact upon the character and appearance of the locality given that they are relatively minor in scale.

5.5 Planning conditions

The applicant also submitted details to discharge pre-commencement conditions relating to samples of materials, Delivery Management Plan, acoustic assessment, site investigation (coal mining), boundary treatment, archaeological records, drainage details and Construction Management Plan. Officers and the statutory consultees considered the submitted details are acceptable, therefore the relevant conditions are varied accordingly to ensure the approved details will be implemented in full.

It should be noted that the applicant also submitted a separate planning application, PK14/4200/RVC, to vary Condition 11 of the same planning permission, to allow newspaper to be delivered before 9am. The application is being considered by the officers.

5.6 Legal Agreement

The principle planning application PK13/4401/F is subject to a Bilateral Undertaking (s106 legal agreement) which secures highway works, Traffic Regulation Order and Service Vehicle Management to offset the impact of the development. In this instance, the application details changes to the approved development under PK13/4401/F but does not alter the scope of the development. In particular there is no change to the scale of the unit as a result of the amendments. On this basis, it is considered that the extant legal agreement applies equally to this application and can be carried forward to it in the event of approval.

**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 consent to vary planning permission PK13/4401/F is 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 proposed development hereby permitted shall be finished with the approved brick sample, Ingle Red, with Eton Buff string course and the profiled roof Rigi System, Ziplok 400, 0.9mm gauge Plastisol BS18B25.

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. The approved Delivery Management Plan dated 19 August 2014 shall be implemented in full. For the avoidance of doubt, all deliveries shall only be taken or despatched in accordance with Condition 11 of this planning permission.

Reason

To protect the residential amenity of the neighbouring occupiers and to accord with Policies CS9 and CS14 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013) and Policy RT8 of the South Gloucestershire Local Plan (Adopted) January 2006.

4. The noise mitigation measures in accordance with BS4142 submitted / dated shall be carried out in accordance with the approved details.

Reason

To protect the residential amenity of the neighbouring occupiers and to accord with Policies CS9 and CS14 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013) and Policy RT8 of the South Gloucestershire Local Plan (Adopted) January 2006 and

5. The approved Geo-Environmental Report prepared by Earth Science Partnership 5480b.2102 Rev 1 dated August 2014 and the subsequent specifications and the cross section drawing no.: 13019 / ER201B submitted 6 January 2015, shall be fully implemented.

Reason

In the interest of the amenity of the locality and in accordance with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013).

6. Prior to the erection of any boundary treatment of the site, a plan detailing the positions, design, materials and type of boundary treatments shall be submitted to the Local Planning Authority for approval. Development shall be carried out in accordance with the approved details.

Reason

To ensure the satisfactory external appearance of the development in the interests of visual amenity and to protect the residential amenity of the neighbouring occupiers and to accord with Policies CS1 and CS14 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013) and Policy RT8 of the South Gloucestershire Local Plan (Adopted) January 2006.

7. Prior to the first occupation of the proposed development hereby approved, the full report of the watching briefing to observe the excavations and records archaeological remains uncovered during the work shall be submitted to the Local Planning Authority.

Reason

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

8. Prior to the implementation of the submitted drainage plan, drawing no. 14002/110 Rev T8. Should the ground conditions or water tables is shown to be an issue when construction is commenced, a revised drainage design shall be submitted to and approved in writing by the Local Planning Authority. The ground levels at the frontage of the unit hereby permitted shall be shaped to convey surface water away from the entrance door opening to provide flood provision. In addition, the existing car park drainage from the existing public house abutting the development hereby approved shall be maintained satisfactorily to restrict extreme rainfall event run-off entering the application site. Once the surface water drainage system is installed and prior to the occupation of the development hereby permitted, details of the management and maintenance operator shall be submitted to the Local Planning Authority.

Reason

To minimise the effect of any flooding which may occur and to comply with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013) and Policy EP2 of the South Gloucestershire Local Plan (Adopted) January 2006.

9. The surface water run off from the proposed development hereby permitted shall provide betterment over the existing discharge rates. The development shall be carried out in accordance with the approved details.

Reason

To minimise the effect of any flooding which may occur and to comply with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013) and Policy EP2 of the South Gloucestershire Local Plan (Adopted) January 2006.

10. The hours of working on site during the period of construction shall be restricted to 08.00am to 18.00pm Mondays to Fridays, and 08.00am to 13.00pm 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 Policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013).

11. No deliveries shall be taken at or despatched from the site outside the hours of 09.00am and 19.00pm Mondays to Saturdays. On Sundays, Bank and Public Holidays, deliveries shall only be taken at or despatched from the site between 09.00am to 17.00pm.

Reason

To protect the residential amenity of the neighbouring occupiers and to accord with Policies CS1 and CS14 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013) and Policy RT8 of the South Gloucestershire Local Plan (Adopted) January 2006.

12. Prior to first use of the proposed building hereby permitted, the parking, manoeuvring and service areas shall be completed in all respects with the approved plans and maintained as such thereafter.

Reason:

To ensure satisfactory parking, turning and servicing areas are provided in the interests of public highway safety and Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

13. All external lighting to be installed shall be carried out in accordance with the scheme and assessment set out in WYG Car Park Lighting Assessment (September 2014) and no further external illumination shall be installed unless such details have been submitted to and approved in writing by the Local Planning Authority.

Reason

To protect the residential amenity of the neighbouring occupiers and to accord with Policies CS9 and CS14 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013) and Policy RT8 of the South Gloucestershire Local Plan (Adopted) January 2006.

14. No outside storage of material/goods/waste or plant shall take place at the premises.

Reason

To protect the residential amenity of the neighbouring occupiers and to accord with Policies CS1 and CS14 of the South Gloucestershire Local Plan: Core Strategy

(Adopted December 2013) and Policy RT8 of the South Gloucestershire Local Plan (Adopted) January 2006.

15. The retail unit hereby approved shall not be open for business outside the hours of 0700 - 2300 Mondays to Sundays.

Reason

To protect the residential amenity of the neighbouring occupiers and to accord with Policies CS1 and CS14 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013) and Policy RT8 of the South Gloucestershire Local Plan (Adopted) January 2006.

16. No windows other than those shown on the approved plans under PK13/4401/F shall be inserted at any time in the side and rear elevation of the building hereby approved.

Reason

To protect the residential amenity of the neighbouring occupiers and to accord with Policies CS1 and CS14 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013) and Policy RT8 of the South Gloucestershire Local Plan (Adopted) January 2006.

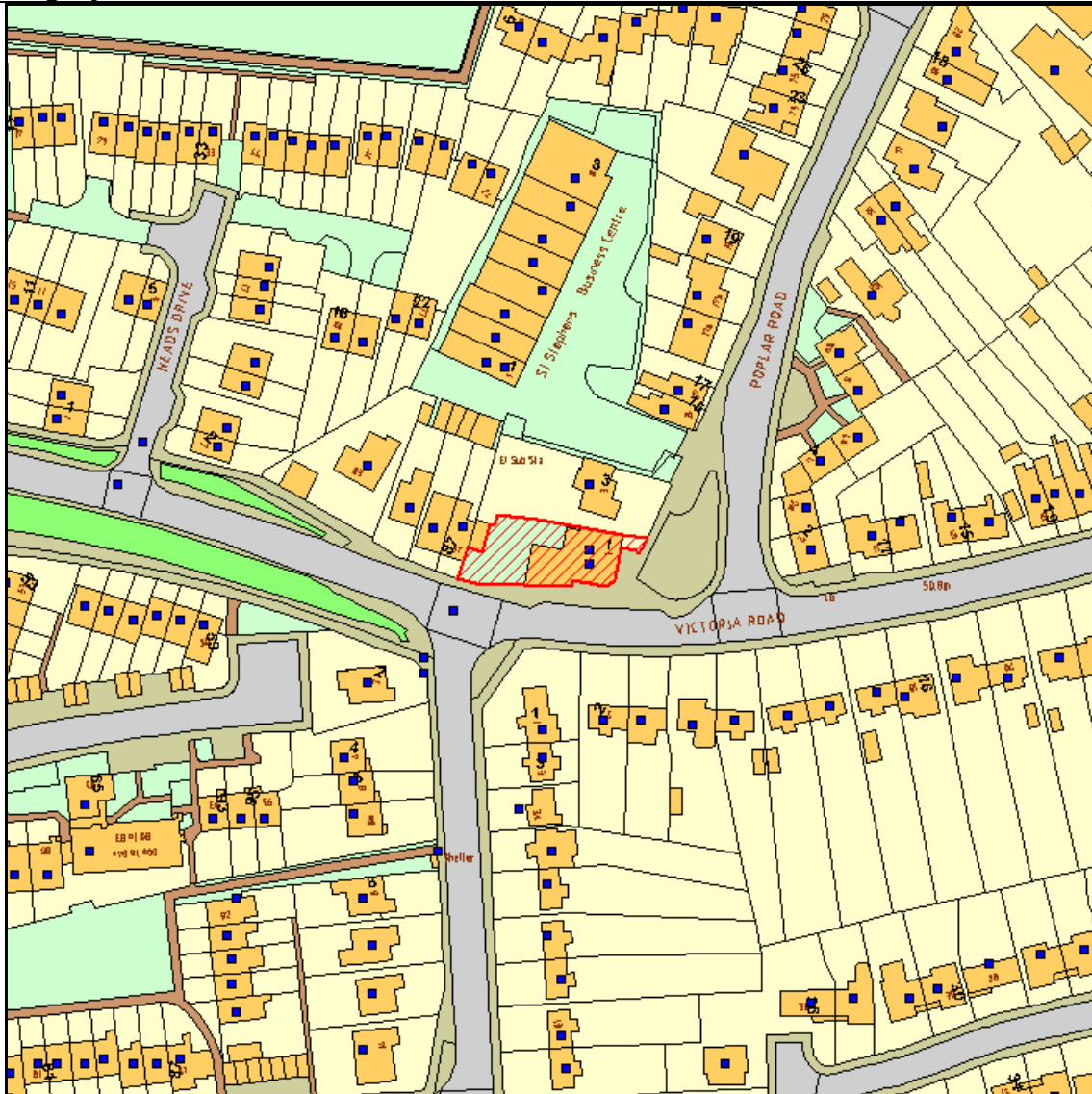
17. The approved Construction Management Plan Revision B, which was submitted 8 January 2015 shall be implemented in full.

Reason:

To ensure that the construction phase of the development does not result in a detrimental impact upon highway safety and to accord with the saved Policies T12 and RT8 of the South Gloucestershire Local Plan (adopted) January 2006 and Policy CS14 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013).

## CIRCULATED SCHEDULE NO. 07/15 – 13 FEBRUARY 2015

<b>App No.:</b>	PK14/4559/F	<b>Applicant:</b>	Mr Jason Sangha Jeeves Stores
<b>Site:</b>	Central Stores 1 Poplar Road Warmley Bristol South Gloucestershire BS30 5JX	<b>Date Reg:</b>	5th December 2014
<b>Proposal:</b>	Erection of single storey rear extension (Retrospective)	<b>Parish:</b>	Bitton Parish Council
<b>Map Ref:</b>	367419 172402	<b>Ward:</b>	Oldland Common
<b>Application Category:</b>	Minor	<b>Target Date:</b>	29th January 2015



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100023410, 2014.

N.T.S.

PK14/4559/F



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

This application appears on the Circulated Schedule because an objection has been received from a member of the public contrary to the Officer's recommendation.

### **1. THE PROPOSAL**

- 1.1. The application is for a retrospective planning permission to retain a small single storey rear extension. The application site is at a convenience store adjacent to Victoria Road / Mill Lane, Warmley, which is a residential area. The extension which is the subject of this application adjoins the larger extension permitted by PK10/0614/F to the east, and is largely shielded from public view by a large wall at the south of the site, adjacent to Victoria Road / Mill Lane.
- 1.2. The applicant's agent has stated in his covering letter that the extension "...ensures the transit cages are securely housed and that paper and cardboard for recycling is now kept dry prior to collection." Whilst I consider that this is partially what the extension is used for, I am aware that the extension is also used to house 2 freezer units.
- 1.3. The applicant resubmitted the proposed plan (plan ref: SP3 Revision B) in order to include a door to be inserted in the northern elevation. The door would open on to a narrow alleyway, with a tall boundary wall between the application site and 3 Poplar Road lying close to the northern elevation of the proposed extension. I have been informed by the applicant that the door is necessary in order to be able to inspect, and clear any blockages in, the drain pipe at the rear of the extension. As this change was minor and does not impact upon the amenity of neighbouring occupiers, it was not considered necessary to reconsult on the plan.
- 1.4. Planning application PK14/4563/RVC (relating to the removal of Conditions 7 and 8 of approved planning application PK10/0614/F regarding access) was approved subject to conditions on 6<sup>th</sup> February 2015. Both planning application PK14/4563/RVC and the application for the proposed development were invited by the Planning Enforcement Team in order to address two separate issues that had arisen on this site. It is not considered that planning permission PK14/4563/RVC should have a significant bearing on the assessment of the planning application for the proposed development.

### **2. POLICY CONTEXT**

#### **2.1. National Guidance**

National Planning Policy Framework March 2012  
National Planning Practice Guidance

#### **2.2. Development Plans**

South Gloucestershire Local Plan (Adopted) January 2006 (saved policies)  
RT8 Small Scale Retail Uses within the Urban Areas and Boundaries of Settlement  
T8 Parking Standards  
T12 Transportation Development Control Policy for New Development

2.3. Supplementary Planning Guidance

The South Gloucestershire Design Checklist SPD (Adopted)

**3. RELEVANT PLANNING HISTORY**

- 3.1. PK01/2393/F – Erection of ground floor and first floor rear extensions to form extensions to existing shop, extension to ancillary living accommodation and attached double garage. Withdrawn on 31<sup>st</sup> August 2001.
- 3.2. PK02/0139/F – Erection of single storey extension to shop to provide additional retail area and garage. Conditional planning permission was granted on 19<sup>th</sup> February 2002.
- 3.3. PK09/6015/F – Erection of single storey rear extension to form additional retail space. Installation of 1no. new window and enlargement of existing window in rear elevation of first floor flat. Provision of 7 air conditioning units on South elevation of the proposed extension. Withdrawn on 20<sup>th</sup> January 2010.
- 3.4. PK10/0614/F – Erection of single storey rear extension to form additional retail space. Installation of 1no. new window and enlargement of existing window in rear elevation of first floor flat. Installation of 3no. condensing units on South elevation of proposed extension. (Resubmission of application PK09/6015/F). Conditional planning permission was granted on 7<sup>th</sup> May 2010.
- 3.5. PK12/0396/F – Alterations to access to first floor flat and main retail entrance. Conditional planning permission was granted on 16<sup>th</sup> April 2012.
- 3.6. PK14/3717/F – Installation of an Automated Teller Machine (Retrospective). Planning permission was granted on 8<sup>th</sup> January 2015.
- 3.7. PK14/3718/ADV – The retention of an illuminated advertisement. Conditional planning permission was granted on 8<sup>th</sup> January 2015.
- 3.8. PK14/4563/RVC – Removal of Conditions 7 and 8 of approved planning application PK10/0614/F regarding access. Conditional planning permission was granted on 6<sup>th</sup> February 2015.

**4. CONSULTATION RESPONSES**

4.1. Bitton Parish Council

Councillors have found it difficult to understand this application, made at the same time as PK14/4563/RVC. The site lies at a very difficult junction of Mill Lane with Poplar Road and Cloverlea Road. It is well used by pedestrians, particularly pupils from local primary and secondary schools. It incorporates a very well used local mini-market where an ATM has recently been installed. Deliveries by lorry to the mini-market add to an already congested area. In considering this application, attention must be paid to the effect that any development has on the highway immediately

beyond the site where it is acknowledged that serious road safety concerns remain outstanding.

#### 4.2. Other Consultees

##### Transport Development Control

Retrospective planning permission is sought to erect a rear extension to provide a store.

The store does not affect vehicular access or parking. On that basis, there is no transportation objection to the proposed development.

The following further comments were received upon request:

In relation to the second application (i.e. application PK14/4559/F) - the applicant is seeking permission for a new single rear extension (already completed). The new extension to the rear of the shop is a single storey flat roof structure and it is understood to be used for keeping the outdoor cage, bins and paper/cardboard for recycling dry prior to collection associated with the shop.

As the result of the new extension, it is acknowledged that the available parking area on site has been reduced slightly but staff parking within the site is still possible. In respect of delivery vehicles to the shop, it is noted that this takes place from the roadside. It is considered that the existing parking situation for staff and the arrangement for delivery vehicles to the shop would not be altered.

In view of the above mentioned, there is no highway objection to the proposed [single storey] rear extension to the shop.

##### Highway Structures

The Highway Structures team has no comment.

##### Highway Drainage

Initially the Highway Drainage team gave the following comment: No Comment.

After further consideration, the Highway Drainage team gave the following response:

The application (PK14/4559/F) is seeking permission, retrospectively, for the erection of a new single storey extension to the rear of the shop for storing an outdoor cage, bins and both paper and cardboard for recycling.

Along with the rear extension a new concrete path was installed, replacing the original access path, that runs between the new shop extension and the garage of the neighbouring property providing an access point into the rear garden. The path itself does not fall within the site boundary of the application and it is worth noting that the installation of the new concrete access path is not covered by this retrospective application.

An issue of flooding to the garage of the neighbouring property was raised by the resident and a site visit was undertaken to assess the flooding issue and to determine the potential causes. From discussions and observations made on site it looks as if the cause of the flooding is rainwater, that is 'ponding' on the concrete path, running down the edge between the newly installed concrete path and the garage wall. The rainwater looks as if it is then entering the garage by seeping underneath the base of the garage wall causing the reported flooding. The new concrete path is uneven and has numerous depressions that allows rainwater to 'pond' which became apparent after carrying out a small 'water test' and it also looks to have been built up over the damp course level of the garage. According to the resident the flooding to the garage began to occur in May last year after the rear extension to the Central Stores and new concrete access path were constructed.

Also something observed on site and that would require more investigation is the condition of the gully pot located at the front corner of the garage that is connected to the guttering of the garage. It looks as if the gully pot has either been filled in with concrete or potentially damaged during the construction works blocking the system. If this is the case then rainwater running down the guttering will begin to back up and spill out onto the path below exacerbating the current situation. This is something that will need to be discussed separately as part of planned discussions between ourselves and the applicant.

However the application submitted only covers the proposed construction of the single storey rear extension to the shop (now built) and not for the installation of the new concrete access path and from our investigations the flooding issue seems to stem from the new path and not from the rear extension.

In view of the above, the drainage team has no objection to the application. Nonetheless we will look to organise discussions with the applicant regarding the aforementioned flooding issue and potential solutions.

### Coal Authority

#### **The Coal Authority Response: Material Consideration**

I have reviewed the proposals and confirm that the application site falls within the defined Development High Risk Area.

The Coal Authority records indicate that within the application site and surrounding area there are coal mining features and hazards which should be considered as part of development proposals.

Records indicate that the application site has been subject to past coal mining activities, which would include both recorded and likely historic unrecorded underground coal mining at shallow depth.

#### **The Coal Authority Recommendation to the LPA**

As you will be aware, The Coal Authority's general approach in cases where development is proposed within the Development High Risk Area is to recommend

that the applicant obtains coal mining information for the application site and submits a Coal Mining Risk Assessment to support the planning application.

However, when considering this particular proposal; the planning application is only seeking retrospective consent for a relatively minor development. In accordance with the letter from R & J Consultants (RG/B11794, 21 November 2014) the single storey extension is purely for storage which encloses an outdoor cage and recycling bin area. It would appear that the development would not have incurred significant foundation and / or earthworks and consequential loading placed on the ground by this building will be less than for other forms of development.

Accordingly as this is a retrospective application for a relatively minor development we do not consider that a Coal Mining Risk Assessment would be proportionate in this particular instance and do not object to this planning application.

Nevertheless, as the development has already taken place, it is recommended that ground conditions, including the ingress of mine gas are afforded due consideration as part of the subsequent Building Control process for this proposal.

In the interests of public safety, however, The Coal Authority would recommend that, should planning permission be granted for this proposal, the following wording is included as an Informative Note within the Decision Notice:

***The proposed development lies within an area that has been defined by The Coal Authority as containing potential hazards arising from former coal mining activity. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and previous surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of development taking place.***

***It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), be submitted alongside any subsequent application for Building Regulations approval (if relevant). Your attention is drawn to the Coal Authority policy in relation to new development and mine entries available at [www.gov.uk/government/organisations/the-coal-authority](http://www.gov.uk/government/organisations/the-coal-authority)***

***Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires the prior written permission of The Coal Authority. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain Coal Authority permission for such activities is trespass, with the potential for court action.***

***Property specific summary information on past, current and future coal mining activity can be obtained from The Coal Authority's Property Search Service at [www.groundstability.com](http://www.groundstability.com)***

***If any of the coal mining features are unexpectedly encountered during development, this should be reported immediately to The Coal Authority on 01623 646 333. Further information is available on The Coal Authority website [www.gov.uk/government/organisations/the-coal-authority](http://www.gov.uk/government/organisations/the-coal-authority)***

### **Other Representations**

#### **4.3. Local Residents**

The following objection has been received:

“1) This is yet again another retrospective planning application in a long list of retrospective planning applications that Mr Jason Sangha has had to make on advice of South Glos council planning enforcement department. Is he above our laws? Can South Gloucestershire Council Planning department control what is going on in our neighbourhood?

2) For Mr Jason Sangha to have built what is an unauthorised building in addition to the already large extension to his commercial property for which he had permission for. That the council’s different departments that check building sites where [sic] not aware that he had not followed the planning permission that he had been granted in 2010 until I brought this to their attention on July 21st 2014.

3) Mr Jason Sangha has then taken 4 months after being advised by planning enforcement to apply for the retrospective planning.

4) For the unauthorised building to have been erected Mr Jason Sangha took it open [sic] his self to allow his workman to

A) Trespass onto my property.

B) Pull down my existing fencing to the boundary of my garden.

C) Up root my plants and foliage.

D) To unsecure my electrical supply to my garage (and leave it still now unsecure and dangerous).

E) To remove my garden gate leaving my property exposed to anyone or anything that felt like entering my back garden.

F) Have in fact BUILT ONTO MY PROPERTY with no respect that this is my property and the home that I live in.

G) By building onto my property he has damaged my garden path.

H) By building onto my property he has reduced the amount of access I now have into my property on foot.

I) Since the erection of the unauthorised building my garage now floods - has Mr Sangha installed the correct drainage?

J) In building the unauthorised building Mr Sangha has changed the level of the path for my pedestrian access which again I think maybe effecting the flooding of my garage.

K) Even after the removal of my fencing from the boundary of my property Mr Sangha has failed to reinstate the full boundary of my property.

5) It states on the application that the unauthorised building is to ensure the transit cages are securely housed and that paper and cardboard for recycling is now kept dry prior to collection. This is a lie. This building has power and freezers located within it

which I and my family have seen for our own eyes. The cardboard is still kept continually at the front of the shop as I find it in the front garden of my home on a daily basis. This is after the environmental health officers have requested that Mr Sangha stores this to the back of his property. Also the transit cages are not stored within this unauthorised building and I and my family also witness this continually. This can also be verified by 2 police officers that were called to our property's on Saturday 27/12/2014 if this is required.

6) The part of the unauthorised building that now makes up part of my boundary has not be rendered as suggested but is a breeze block wall which has partial been painted and that has not been done well.

7) This unauthorised building makes what limited space the shop now has after their legal extension has been built that with the shared access pedestrian and garage that I have as a residential property I feel that it is putting my family and I at risk of a serious accident and as for children using my pedestrian access with bikes etc I hope that the council can feel 100% confident of their safety.

8) With the unauthorised building now erected Mr Sangha has no access to the complete one side of his property to enable him to keep this maintained he would have to have access onto my property. I can ensure that this I will not allow to happen. I am aware that Mr Sangha will have the right to take me to civil court to gain access but I want it be clear that I will ensure that the court is made aware that this was an unauthorised building along with all my objections as to why it should not be passed.”

The following neutral comment was also received:

“No objection to extension, so long as there are no further enlargements or change of use, and the far end of the extension opening is closed off to hopefully reduce noise from the fridge or fridges within the structure.”

## **5. ANALYSIS OF PROPOSAL**

### Principle of Development

5.1. The proposed extension will function as ancillary to the existing use of the convenience store. The main issues under consideration are the appearance and form of the proposal (Policy CS1 of the South Gloucestershire Local Plan Core Strategy Adopted December 2013 and Policy RT8 of the South Gloucestershire Local Plan (Adopted) January 2006), the impact on residential amenity (Policy RT8 of the South Gloucestershire Local Plan (Adopted) January 2006), transportation effects (Policies T12 and RT8 of the South Gloucestershire Local Plan (Adopted) January 2006) and whether it meets the required parking standards (Policy T8 of the South Gloucestershire Local Plan (Adopted) January 2006).

5.2. The proposal is acceptable in principle but should be determined against the analysis set out below.

## Design / Visual Amenity

- 5.3. Policy CS1 of the South Gloucestershire Local Plan Core Strategy Adopted December 2013 states that development will only be permitted where the highest possible standards of design and site planning are achieved; and that proposals will be required to demonstrate that the siting, form, scale, height, massing, detailing, colour and materials are informed by, respect and enhance the character, distinctiveness and amenity of both the site and its context.
- 5.4. Policy RT8 of the South Gloucestershire Local Plan (Adopted) January 2006 provides that, outside town centres, small scale proposals falling within Class A1 (shops) will be permitted within the existing urban areas, provided that the character of the area would not be adversely affected.
- 5.5. The small single storey extension is located at the rear of a convenience store, and is adjacent to Victoria Road / Mill Lane, Warmley. The extension adjoins the larger extension permitted by PK10/0614/F, which lies to the east. A residential flat is located above the convenience store and two residential properties adjoin the application site: 3 Poplar Road (located to the north of the application site) and 87 Mill Lane (located to the west of the application site).
- 5.6. The extension measures approximately 3 metres wide, 5.5 metres long and 2.5 metres high. It has a flat roof and, at the time of visit, was rendered and painted white on the southern and part of the western elevations (the elevations which can be seen from the public domain). The plan showing the proposed development (plan ref: SP3 Revision B) states that the building will have a painted render finish. There is a door on the southern elevation, which appears to be made of medium density fibreboard or the like.
- 5.7. There is a gap in the blockwork in the northern elevation measuring 0.65 metres wide by 2.16 metres high, within which the applicant intends for a timber fire resisting door, painted white, to be located. I have been informed by the applicant that the door on the northern elevation is necessary in order to be able to inspect, and clear any blockages in, the drain pipe at the rear of the extension. The door would open on to a narrow alleyway, with a tall boundary wall between the application site and 3 Poplar Road lying close to the northern elevation of the proposed extension. As this change was minor and does not impact upon the amenity of neighbouring occupiers, it was not considered necessary to reconsult on the revised plan (plan ref: SP3 Revision B). It is considered necessary to include a condition to fit a door in the opening in the block work in the northern elevation in the interests of design.
- 5.8. The building is notably smaller than the extension permitted by PK10/0614/F, and does read like an ancillary storeroom rather than an extension to the retail space of the shop, which is in character with the retail use of the site.
- 5.9. The materials used on the elevations visible from the public domain are in keeping with the character of the site, with the exception of the door on the southern elevation. The colour of the door appears at odds with the remainder of the shop; however, I consider that this issue can be dealt with by including a condition requiring that the door be painted white.



- 5.10. The extension is situated in such a position as to have a very minimal visual impact on neighbouring occupiers. The extension is located in close proximity to a residential garage, which lies to the west and, as a result, only the roof of the extension is likely to be visible from a small first floor window in 87 Mill Lane (which also lies to the west). There is a tall boundary wall which lies between the proposed extension and 3 Poplar Road, along with a number of tall trees, both providing screening from the house (although a section of the wall of the extension will be visible from the garden). It is unlikely that the occupiers of the residential flat above the convenience store (which lies to the east of the extension) could see the proposed extension, as the much taller extension permitted by PK10/0614/F with peaked roofs lies in between. Furthermore, a high boundary wall lies between the proposed extension and Victoria Road / Mill Lane, meaning that only a small section of the top of the extension is visible from the road (except when looking at an angle through the existing accessway). As a result, it is considered that the extension would not significantly detrimentally impact upon the visual amenity of neighbouring occupiers.
- 5.11. While the convenience store is located in a residential area, it is an established part of the street scene. It is not considered that the siting of the extension is out of character for the site or its context.
- 5.12. On balance, it is considered that the proposal accords with Policy CS1 of the South Gloucestershire Local Plan Core Strategy Adopted December 2013 and Policy RT8 of the South Gloucestershire Local Plan (Adopted) January 2006 in this regard.

#### Residential Amenity

- 5.13. Policy RT8 of the South Gloucestershire Local Plan (Adopted) January 2006 states that, outside town centres, small scale proposals falling within Class A1 (shops) will be permitted within the existing urban areas, provided that the development would not prejudice existing residential amenity; and (outside of a local centre) the development would improve the range of services to a local community and not harm the vitality and viability of an existing local centre.
- 5.14. The proposed development is a very small building and is not located close to neighbouring properties. As a result, the proposed development would not prejudice the amenity of local residents in terms of loss of sunlight, overshadowing or overbearing development.
- 5.15. One of the comments received from local residents requests that the far end of the extension opening is closed off to reduce noise from the fridge or fridges within the structure. At the time of the site visit, I did not notice any significant noise coming from the extension and I do not consider that noise from any freezers kept within the unit would have a significant detrimental impact on the residential amenity of neighbouring occupiers. Nevertheless, as stated at paragraph 5.7 above, on design grounds I have recommended a condition requiring that a door be fitted into the gap in the blockwork.
- 5.16. It is considered that the convenience store as a whole improves the range of services to the community, as there are a limited number of similar facilities in the

immediate vicinity of the site, and would not have an effect on an existing local centre.

- 5.17. It is considered that the proposal is in accordance with Policy RT8 of the South Gloucestershire Local Plan (Adopted) January 2006 in this regard.

### Parking

- 5.18. Policy T8 of the South Gloucestershire Local Plan (Adopted) January 2006 requires that, in new development for retail (A1) use, on site car parking should not exceed 1 space per 35 square metres where the total space is below 1,000 square metres. Furthermore, it states that the provision of on site car parking below the maximum standards will be expected at locations which have good accessibility by non car modes and where there is adequate public off-street or shared parking available. Car free development will also be permitted at such locations provided that the development would not result in unacceptable road safety and environmental problems.
- 5.19. Policy RT8 of the South Gloucestershire Local Plan (Adopted) January 2006 states that, outside town centres, small scale proposals falling within Class A1 (shops) will be permitted within the existing urban areas, provided that the development would not give rise to unacceptable levels of vehicular traffic or on-street parking to the detriment of the amenities of the surrounding area and highway safety.
- 5.20. In relation to parking, in accordance with Policy T8 of the South Gloucestershire Local Plan (Adopted) January 2006, on site car parking at the application site should not exceed 3/4 car parking spaces. This is based upon the total gross internal floorspace (including the proposed extension, which provides another 15 square metres of floorspace) of 139 square metres. There is no minimum standard in relation to this type of development.
- 5.21. As a result of the erection of the extension which is the subject of this application, there is now only space for one car at the rear of the store, which is not intended for use by the public. The Council's Transportation Development Control Officer has stated that, while it is acknowledged that the available parking area on site has been reduced slightly, staff parking within the site is still possible.
- 5.22. In addition, there is a parking bay outside of the shop where 3 or 4 vehicles are able to park; the site is close to 2 bus routes; and the convenience store is located in a residential area, where a significant number of its customers are likely to walk to use it. Furthermore, the proposed development will not impact upon the number of vehicles coming to, and parking in the area surrounding, the site, or on road safety or environmental problems.
- 5.23. Therefore, it is considered that no on-street parking is required as a result of this application and that it would not give rise to unacceptable levels of on-street parking.
- 5.24. Thus, in these respects, the proposed development accords with Policies T8 and RT8 of the South Gloucestershire Local Plan (Adopted) January 2006.

## Transportation and Highway Safety

5.25. Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006 states that new development will be permitted provided that in terms of transportation the proposal:

- Provides adequate safe, convenient and secure access and facilities for pedestrians, cyclists and people with disabilities;
- Provides safe access capable of accommodating traffic generated by the proposal;
- Would not create / unacceptably exacerbate traffic congestion, or have an unacceptable effect on road safety;
- Would not generate traffic which would unacceptably affect residential amenity / other environmentally sensitive areas;
- Incorporates traffic management / calming measures where required;
- Provides for safe, secure and convenient on-site loading, unloading and waiting facilities; and
- Provides for / does not obstruct existing emergency vehicle access.

5.26. Policy RT8 of the South Gloucestershire Local Plan (Adopted) January 2006 states that, outside town centres, small scale proposals falling within Class A1 (shops) will be permitted within the existing urban areas, provided that the development would not give rise to unacceptable levels of vehicular traffic or on-street parking to the detriment of the amenities of the surrounding area and highway safety.

5.27. Bitton Parish Council have highlighted that the application site lies within an area where highway safety has become the subject of concern and, therefore, in considering this application, attention must be paid to the effect that any development has on the highway immediately beyond the site.

5.28. The access arrangements to the convenience store by customers will not be changed as a result of the proposed development. Moreover, the proposed development should not affect the number of vehicles coming to the site, as it is only to be used for storage ancillary to the shop. Therefore, it is not considered that the proposed development will impact upon road safety, and traffic management measures are not considered appropriate to this planning application.

5.29. In relation to loading and unloading, the Council's Development Control Officer has commented that deliveries take place from the roadside, and it is considered that the arrangement for delivery vehicles to the shop would not be altered by the proposed development.

5.30. It is not considered that the proposed development would lead to the obstruction of emergency access vehicles.

5.31. A local resident has stated that the unauthorised building has been built close to her pedestrian access and garage, which she considers poses a risk to her family and visitors to her property. However, our Transportation Development Control Officer has raised no objection on this ground.

5.32. Therefore, it is my opinion that the proposed development accords with Policies T12 and RT8 of the South Gloucestershire Local Plan (Adopted) January 2006.

#### Other Issues

5.33. Some objections were received relating to other matters that have not been mentioned above.

5.34. The objection refers to the fact that this planning application is a retrospective planning application submitted due to the involvement of the Planning Enforcement Team. It should be noted that retrospective planning applications are an established means of resolving breaches of planning control in appropriate circumstances, and this practice is supported by Government guidance on Planning Enforcement. The fact that the application took 4 months to submit is unfortunate, however I understand that the applicant had extenuating circumstances for the delay.

5.35. Furthermore, the Planning Enforcement Team is a reactive service which relies upon complaints from members of the public. The Council's Monitoring Compliance Team did not monitor this site in relation to planning permission PK10/0614/F; and the Building Control team do not attend every building site in South Gloucestershire and do not monitor compliance with planning permissions.

5.36. The objection also raised a number of issues relating to trespassing; reducing the amount of access to property on foot; damage to property; the inability of the owner to maintain the parts of the proposed development due to a neighbour refusing to provide access; and building on to the adjacent property at 3 Poplar Road. All of these issues are civil issues between the parties, and cannot be taken into consideration when deciding this application.

5.37. The objection states that, since the proposed development was erected, the garage belonging to 3 Poplar Road now floods, and queries whether the correct drainage has been installed. The objector also mentions that they believe the flooding of their garage may have been affected by changing the level of the path for the pedestrian access to 3 Poplar Road. A site visit was undertaken by an Engineer in the Council's Drainage Team to assess the flooding issue and to determine the potential causes, and the Engineer considered that the cause of the flooding seems to stem from the new path and not from the rear extension. As a result, the Drainage Team has no objection to the application and I agree with their assessment.

5.38. Another point raised by the objection is that of the use of the building. It is highlighted that the application for the proposed development states that its purpose is to ensure the transit cages are securely housed and that paper and cardboard for recycling is now kept dry prior to collection, but freezers are actually located within it. I have seen that there are 2 freezer units located in the proposed development, and the owner of the application site has told me that the cages are stored in the proposed development overnight. In any event, I consider that the intended use of the proposed development is storage ancillary to the convenience store, and that this use is appropriate within the site.

- 5.39. During the day, I am aware that the majority of the cages are stored behind the wall adjacent to Mill Lane / Victoria Road, and a couple are stored in the front garden of the residential flat above the property. However, the Planning Enforcement Team do not currently consider this an issue in terms of causing significant harm to the amenity of the area, and I understand that the Environmental Health Team do not propose to take any action in relation to this issue at present.
- 5.40. Another comment was received from a neighbouring occupier stating that they would not object to the extension, so long as there are no further enlargements or changes of use. It is not possible to ensure that there are no further enlargements or changes of use at the property. However, any future planning application relating to the site will be dealt with on its planning merits and determined in accordance with planning policy.
- 5.41. Therefore, it is not considered that any of these issues constitutes a reason for refusal.

## **6. CONCLUSION**

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

## **7. RECOMMENDATION**

- 7.1 That the application be approved subject to the following conditions:

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

### **CONDITIONS**

1. Within 2 months of the date of this decision, the door on the southern elevation of the development permitted by this decision must be painted white.  
  
Reason  
In the interests of design and visual amenity in accordance with Policy CS1 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013.
2. Within 2 months of the date of this decision, a new ½ hour standard timber fire resisting door and frame must be fitted on the northern elevation of the development permitted by this decision in the location shown on plan reference SP3 Revision B and must be painted white.

Reason

In the interests of design in accordance with Policy CS1 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013.

## CIRCULATED SCHEDULE NO. 07/15 – 13 FEBRUARY 2015

<b>App No.:</b>	PK14/4578/F	<b>Applicant:</b>	Mr Dan Howlett
<b>Site:</b>	26 St Aldams Drive Pucklechurch South Gloucestershire BS16 9QQ	<b>Date Reg:</b>	25th November 2014
<b>Proposal:</b>	Erection of single storey rear extension and two storey side extension with integral garage, to provide additional living accommodation	<b>Parish:</b>	Pucklechurch Parish Council
<b>Map Ref:</b>	369912 176069	<b>Ward:</b>	Boyd Valley
<b>Application Category:</b>	Householder	<b>Target Date:</b>	16th January 2015



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

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

## **THE PROPOSAL**

- 1.1 The original submission was for the erection of a single rear and two storey side and front extension with integral garage. Following concerns raised relating to design/ impact on the streetscene and residential amenity, amendments to the plans were received that now incorporate a single storey rear extension and two storey side and rear extension. The amended plans have been full reconsulted
- 1.2 The property is a semi detached dwelling and is located within the residential area of Pucklechurch.

## **2. POLICY CONTEXT**

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

## **3. RELEVANT PLANNING HISTORY**

- 3.1 None relevant

## **4. CONSULTATION RESPONSES**

- 4.1 Pucklechurch Parish Council  
Upon initial consultation the Parish Council's comments were as follows:  
*'Councillors are concerned that the two-storey side extension, which projects beyond the front elevation of the house, will significantly reduce the level of daylight currently available through the window on the side of 24 St Aldams Drive.  
The side extension this semi-detached house is also not shown as subservient to the main property and appears to block all access to the rear of the property.'*

Upon reconsultation of the amended plans, the Parish Council's comments



were as follows:

*'Further to our previous correspondence regarding PK14/4578/F 26 St Aldams Drive Pucklechurch Bristol South Gloucestershire BS16 9QQ Re-consultation - Erection of single storey rear extension and two storey side extension with integral garage, to provide additional living accommodation.*

*This was discussed at last night's council meeting and it was agreed that the council wish to withdraw their objection based on the revised plans.'*

#### Trading Standards/Licensing

##### General Observations:

Comment: The property at 26 St Aldams Drive is itself not located within a vehicle weight restricted area. However, there are a number of large goods vehicle weight restrictions in the surrounding areas that the applicant/agent/contractor involved in the construction of the proposed works should be aware of, as they may have consequences for operators and drivers of large goods vehicles attending the site:

Abson Road, Abson 7.5 tonnes heavy commercial vehicle except for loading environmental weight restriction

B4465 Westerleigh Road, Pucklechurch 7.5 tonnes heavy commercial vehicle except for loading environmental weight restriction

Hinton and Feltham Road 7.5 tonnes heavy commercial vehicle except for access environmental weight restriction

Westerleigh 7.5 tonnes heavy commercial vehicle except for access environmental weight restriction

Siston Lane 7.5 tonnes heavy commercial vehicle except for loading environmental weight restriction.

In order to support business, it is advised that the applicant/agent/contractor be made aware of these vehicle weight restrictions to avoid inconvenience to local residents living in the confines of these weight restricted areas. It would be diligent for the applicant/agent/contractor to make all drivers visiting/departing the property aware of the weight restricted areas, should permission for the development of the site be granted.

Most builders merchant type vehicles are plated at around 18 tonnes; most construction type vehicles eg concrete mixers are typically plated at 26 tonnes or above. I would like to point out that Pucklechurch residents have recently had cause to complain to Safer South Gloucestershire regarding the number of LGV's travelling through the village allegedly in breach of the surrounding weight restrictions.

If there is any doubt of the affected roads for LGV's attending the site, the applicant/developer may wish to liaise with South Gloucestershire Council Transportation Development Control team and agree a Construction Management Plan prior to the commencement of any works at the site and agree a suitable route for large goods vehicles (and other plant machinery) to and from the site.

More information about weight restrictions can be obtained from Trading Standards

### Sustainable Transportation

Planning permission is sought to extend the existing dwelling to provide additional living accommodation. After development the dwelling will increase to five bedrooms. An integral garage is also proposed.

For new build garages to be considered suitable for the parking of a motor vehicle, they need to have internal dimensions of 3m wide by 6m deep. It is difficult to ascertain the internal dimensions of the proposed garage. A revised plan showing the internal dimensions of the garage needs to be submitted. The Council's residential parking standards state that a minimum of three spaces would be required, within the site boundary, for the size of the proposed dwelling. Each parking space needs to measure 2.4m wide by 4.8m deep. Two spaces can be provided on the existing driveway.

A revised plan showing the correct internal dimensions of the garage needs to be submitted, in addition to the two spaces on the driveway.

Subject to the above, there is no transportation objection to the proposed development.

### Highways Drainage

No comments

## **Other Representations**

### 4.2 Local Residents

One letter of objection was received following the consultation of the original submissions, as follows:

*'The proposals to erect a two storey side extension plus a single storey rear extension to the property are felt to be excessive as the mass of the extension will not be subservient to the main house as it is with the extensions at 28 and 18.*

*As neighbours at number 24, we have three windows and a door on the gable elevation which will face the new wall proposed. The current proposal will mean that there will only be approximately one metre between the two properties meaning that little light will pass into our property through the existing windows. If the side extension was to be set back or level with the existing front wall, then there would be little change to those windows and door.*

*We are also concerned that with the building of a wall so close to the boundary, any provision for rear access will be removed, to enable wheelie bins to be stored to the rear for example.*

*From a technical point of view, I believe the position of the sewer as shown on the drawings to the rear is inaccurate, the sewer runs approximately 3.5m from the rear wall of my house and as No 26 is set back, it must be closer to the rear wall of that house. As the public sewer, as it has become since October 2011, if it is to be built over or within 3m of it, then it is felt that this should be considered in the public consultations.'*

Following reconsultation of the revised plans, no further correspondence has been received.

Further to this however, and following the reconsultation of the revised plans, an objection was received from neighbours on the other side of the property, as follows:

I am writing with regard to your notification concerning the proposals to construct a one-story extension at the rear of the house. I object to the proposal for this extension as it would bring shade to a recently constructed wheelchair accessible platform and ramp which abuts the French window at the rear of my house.

We are both disabled and will be using the level stage at the top of the ramp to enjoy some fresh air and sunshine. The proposed elevation would, at times, compromise the open air benefits which would otherwise be available.

## **5. ANALYSIS OF PROPOSAL**

### **5.1 Principle of Development**

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

### **5.2 Design / Visual Amenity**

The revised proposals would incorporate a single storey lean-to extension to the front of the house and a two storey side extension that, from the front follows the building line and ridge height of the existing dwelling. To the rear the extension would incorporate a gable end extension, set lower than the current height of the roof of the dwelling above a single storey flat roof extension to the full width of the dwelling to a depth of approximately 5 metres. The second storey gable element would be to a width of 3.4 metres located on the detached side of the property. It is considered that the revised proposed extension is of an appropriate standard in design and is not out of keeping with the character of the main dwelling house and surrounding properties. The extension is of an acceptable size in comparison to the existing dwelling and the site and surroundings. Materials used would match those of the existing dwelling.

### **5.3 Residential Amenity**

The revised plans show the two storey element of the proposed extension to be set back level with the front of the existing dwelling (and replaced by a second storey gable end to the rear instead). It is considered that this satisfactorily addresses any reasonable concerns associated with overbearing impact to this elevation on the detached side of the dwelling, particularly taking into account the stepped back nature and orientation of the application dwelling in comparison with the neighbouring property on the detached side. It is not considered that the addition of the second storey gable to the rear in its place would in its own right give rise to any significant or material impacts on the rear

of adjacent properties. A condition restricting further windows in the side elevation is recommended.

5.4 To the attached side elevation would be the single storey, flat roofed element of the extension. This would be to a depth of approximately 5 metres. Its height would be approximately 2.8 metres. Given these dimensions, it is not considered that the proposals could be considered unreasonable or as such give rise to significant or material overbearing impacts or loss of light such as to warrant and sustain a refusal on these grounds.

5.5 Highways

Additional plans provided indicate that the internal dimensions of the proposed garage are 2.95 metres by 8.5 metres. The plans also indicate that the property would be extended to create a four bedroomed dwelling plus the existing nursery. It is however considered that the nursery could reasonably be construed as a bedroom, even if not used as such now, then certainly in the future, essentially providing a fifth bedroom. Notwithstanding this it is considered that the property can demonstrate adequate parking for a four bedroom dwelling and can also provide for the required 3 parking spaces, when assuming a five bedroomed property, in accordance with the Council's current parking standards.

5.6 Drainage

There are no drainage objections to the proposals

**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 extension is of an appropriate standard in design and is not out of keeping with the main dwelling house and surrounding properties. Furthermore the proposal would not harm the amenities of the neighbouring properties by reason of loss of privacy or overbearing impact. Sufficient off street parking space exists for the dwelling. As such the proposal accords with Policies H4 and T12 of the South Gloucestershire Local Plan (Adopted) 2006 and CS1 of South Gloucestershire Local Plan (Adopted) December 2013.

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

**7. RECOMMENDATION**

7.1 That planning permission is granted.

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

**CONDITIONS**

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

Reason

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

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

Reason

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

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

Reason

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

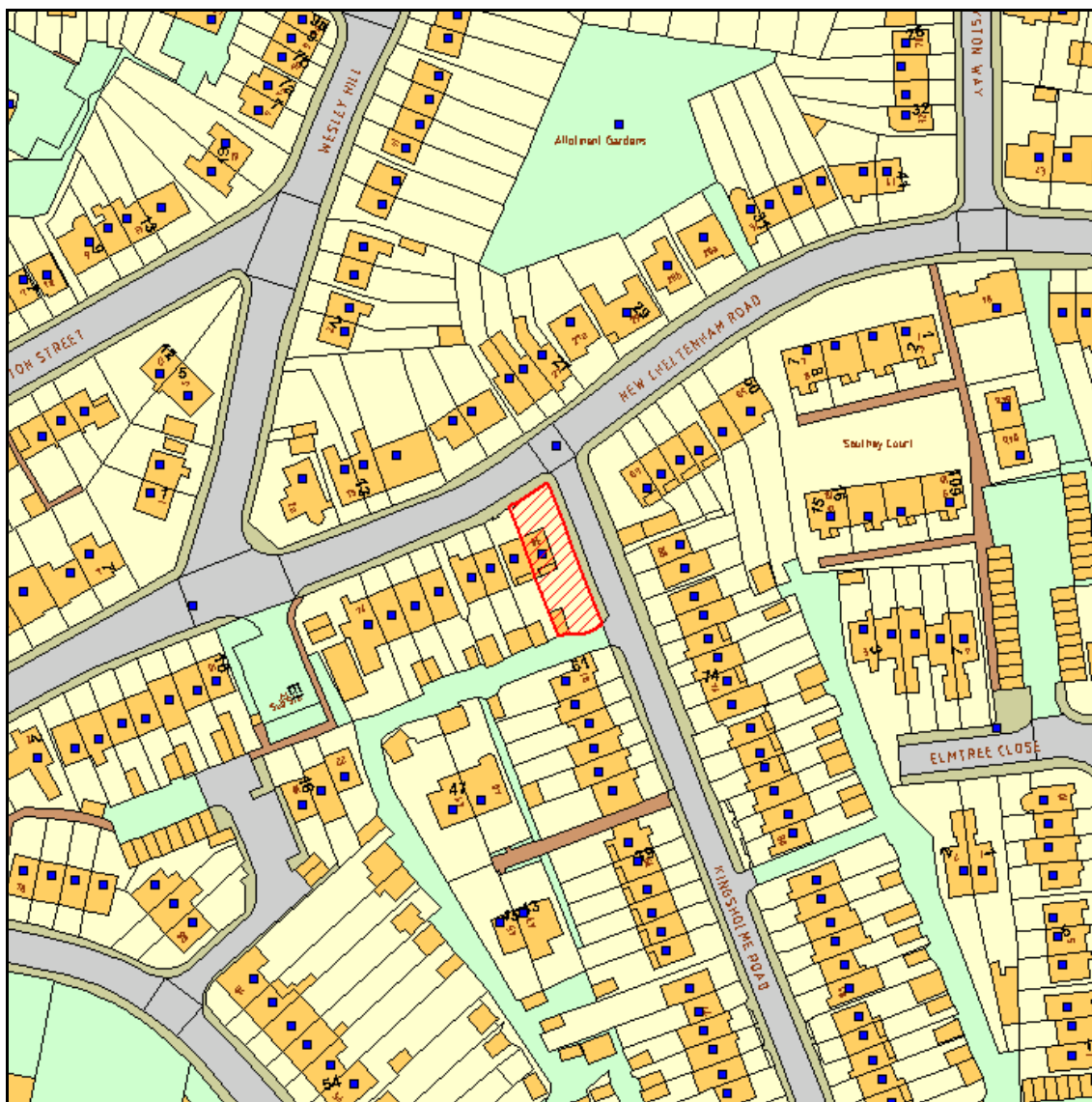
4. The hours of working on site during the period of construction shall be restricted to 08.00 - 18.00 hours, Mondays to Fridays; 08.00 - 13.00 hours on Saturdays and no working shall take place on Sundays or Public Holidays. The term 'working' shall, for the purpose of clarification of this condition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

Reason

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

## CIRCULATED SCHEDULE NO. 07/15 – 13 FEBRUARY 2015

<b>App No.:</b>	PK14/4627/F	<b>Applicant:</b>	Mrs Angela Moore
<b>Site:</b>	38 New Cheltenham Road Kingswood Bristol South Gloucestershire BS15 1TJ	<b>Date Reg:</b>	9th December 2014
<b>Proposal:</b>	Erection of 1no. attached dwelling with associated works and single storey rear extension to existing dwelling.	<b>Parish:</b>	None
<b>Map Ref:</b>	364787 174295	<b>Ward:</b>	Kings Chase
<b>Application Category:</b>	Minor	<b>Target Date:</b>	28th January 2015



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PK14/4627/F

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

This report appears on the Circulated Schedule following concerns expressed from a local resident.

### **1. THE PROPOSAL**

- 1.1 The applicant seeks full planning permission for the erection of 1no. attached dwelling house with associated works and a single storey rear extension to the existing dwelling. The property is located within the established urban area of Kingswood.
- 1.2 During the course of the application revised plans were requested to significantly reduce the proposed development. The dwelling was reduced from a three storey property with a ridge height higher than that of the host property to one being of two-storeys with a ridge height to match that of No. 38 New Cheltenham Road and for the roof to be hipped back to reflect the character of the area. The proposal still includes a large two-storey rear extension and a single storey rear extension to No. 38 itself.

### **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
CS8	Improving Accessibility
CS9	Environmental Resources and Built Heritage
CS15	Distribution of Housing
CS16	Housing Density
CS17	Housing Diversity
CS18	Affordable Housing

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

H4	Development within Existing Residential Curtilages, Extensions and New Dwellings	Including
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 No planning history

#### 4. CONSULTATION RESPONSES

4.1 Parish/Town Council  
The area is un-parished

4.2 Other Consultees

Highway Drainage

No objection in principle subject to a condition relating to SUDS and paving to the rear and informatives relating to surface water run-off, flood maps and the proximity of a public sewer.

The Coal Authority

Substantive concern:

The Coal Authority information indicates that 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, specifically the potential for historic unrecorded underground coal mining at shallow depth. This has been confirmed by the Coal Mining Report (51000578884001, 21 July 2014) submitted as part of the supporting documentation for this planning application.

The applicant has submitted some coal mining information to accompany the planning application; however, The Coal Authority does not consider this adequately addresses the impact of coal mining legacy on the proposed development.

The Coal Authority therefore **objects** to this planning application, and we consider that the applicant needs to submit the required Coal Mining Risk Assessment Report, or equivalent, to the LPA.

Revised comments

*Following the submission of a Coal Risk Assessment, The Coal Authority objection to the proposed development could be overcome subject to the imposition of a condition re:*

- *The submission of a scheme of intrusive site investigations for approval*
- *The undertaking of that scheme of intrusive site investigations*
  
- *The submission of a report of findings arising from the intrusive site investigations*
- *The submission of a scheme of remedial works for approval; and*
- *Implementation of those remedial works*

Sustainable Transport

There is no highway objection to the principal of a new house on this site subject to a planning condition not to occupy new building until two parking spaces are provided for both the existing (i.e. property no. 38 New Cheltenham Road) and the new dwelling on site. The said parking spaces shall then be maintained satisfactory thereafter.



## Highway Structures

No comment

## **Other Representations**

### 4.3 Local Residents

Two letters have been received from local residents as follows:

- At present number 36 and number 38 New Cheltenham Road are semi detached properties by building number 38a my property will become an end terrace. Could this affect the value of my property?
- I have a concern that once the garage is knocked down in number 38 New Cheltenham Road this will open up the back of my property number 36 New Cheltenham Road. Will measures be taken to secure my property? I at present have a high wall behind and at the side of the garage. Ideally can the wall be made complete to enclose my property?
- Looking at the plans of number 38a I'm concerned that the building may affect my daylight.
- I believe that the planned height of number 38a will not fit in with the surrounding properties within the area
- In the proposed plans on the website, there appears to be a contradiction. In the 'block plan' the roof heights of both number 38 and the new proposed 38a property appear to be the same (ie consistent with the existing height of the current property. However, on the diagrammatic plans, the roof height of the proposed new property ie No 38a appears to be higher than the current property, therefore showing the two properties with different roof heights. It may just be that the way the drawings are showing on the Internet makes the roof heights look different.

## **5. ANALYSIS OF PROPOSAL**

### 5.1 Principle of Development

The application stands to be assessed against the above listed policies and all other material considerations. Of particular importance is the overall design and appearance of the proposal which is required to be in-keeping with the character of the locality. New dwellings within the urban area are supported provided they would not adversely impact on the residential amenity of the existing property and that of neighbours. Highway implications and parking arrangements also need to be fully assessed.

The proposed is considered to accord with the principle of development and this is considered in more detail below.

### 5.2 Design and Visual Amenity

The application site relates to the side garden of No. 38 New Cheltenham Road, adjacent to Kingsholme Road. This is currently a semi-detached post war property. It is acknowledged that the street scene in the immediate area is varied comprising not only similar properties to the No. 38 but old cottages and more grand Victorian type dwellings with those close by being of two storeys. Materials therefore vary too and include stone, render and pebbledash finishes. As the proposal would hold a prominent corner position it was felt that the roof should follow on from that of the host property and also be hipped away from

the road. In this way the proposal would correspond to the property on the other side of Kingsholme Road, No. 40 New Cheltenham Road.

- 5.3 Revised plans indicate the proposed dwelling would now be a two-storey dwelling rather than as originally proposed a three storey property with a higher ridge height. In this way it is considered that the concerns regarding height and design expressed by a local resident have been addressed. It is acknowledged that the introduction of this dwelling to the side of No. 38 will change the existing pair of semis into a terrace of three dwellings. Terraces comprising of groupings of three and four dwellings are common along this road and the neighbouring streets. The property on the opposite corner, No. 40 New Cheltenham Road is itself an end of terrace house and as such this arrangement is not out of keeping with the area. The local resident has expressed concern that this design could reduce the value of their property, but this planning report can only assess the merits of the scheme against adopted policy and all other material considerations, which does not include property value.
- 5.4 The proposed two bed dwelling would mirror No. 38 to the front with matching windows, doors, front porch, brick detailing and external finishing. The host property, No. 38, would have a single storey lean-to roof extension across the full width of the rear elevation. This would have a depth of approximately 2.7 metres, eaves of approximately 2.6 metres and achieve a maximum height of 3.6 metres. Openings would be in the south elevation only, facing the garden. This is considered to be appropriate to the host property and acceptable to the area in general.
- 5.5 The proposed new two-storey dwelling would extend along the full length of No. 38 for approximately 8.1 metres and its rear building line would almost match that created by the new single storey extension, thereby achieving an overall length of 10.7 metres. Given its end of row position this would be acceptable and not out of keeping with the area where other two-storey structures that extend beyond the original building line can be seen. For the most part openings would be located in the front and rear elevations with the exception of a first floor obscure glazed window to the side elevation which would serve the proposed bathroom.
- 5.6 The proposal also includes the demolition of the existing garage currently located at the bottom of No. 38's garden and accessed by a rear lane. This garage is to be replaced by a parking area of hardstanding which will serve both properties. The area will provide two off street parking spaces for each property. It will not be enclosed where it meets the access lane to allow for easy manoeuvring into the space by vehicles. The garden however, will be fenced off closer to the houses to create private gardens for the respective houses. Comments has been received from a local resident expressing concern regarding the effect the removal of the garage would have on her property. Currently the garage of No. 38 forms part of the boundary between the two properties. When the garage is demolished it will be replaced by fencing of approximately 1.8 metres in height. This is a usual and acceptable boundary treatment between houses, although under the permitted development rights the neighbour at No. 36 would be entitled to erect a fence

of up to 2 metres. However, it is considered reasonable that the new dwelling have its permitted development rights removed under a condition so that any future development on the site can be fully assessed by the local planning authority.

5.7 Residential Amenity

Concern has been expressed that the proposed two-storey rear element of the new dwelling could impact on the amount of daylight entering a local property. The house in question would be next door but one to the site. The orientation of the properties is an important consideration when assessing impact on light. Currently the properties have a slight northwest-southeast orientation. It is therefore recognised that there would be changes to the neighbouring properties in the early mornings. The sun would then move around and the respective gardens would still benefit from their southern facing aspect. In built-up areas this situation is not unusual and in this particular instance would not be sufficient to warrant the refusal of the application.

5.8 It is acknowledged that the proposed garden space would be reduced for the existing dwelling and a small allocation for the proposed dwelling. This particularly true as some of the existing garden would be used as a shared parking area for both the new property and that of No. 38. However, it is considered that the space would be adequate for two-bedroom properties such as in this case and in a built-up area like Kingswood is not unusual. Currently South Gloucestershire Council has no defined space standards but this is being addressed in the form of new advice contained with a development plan document to be brought into use shortly. It is further noted that a park is close by for use of residents. On balance, it is therefore deemed that sufficient residential space will be provided to accommodate the respective two-bedroom properties.

5.9 Neighbours to the east at No. 40 New Cheltenham Road are separated from the proposed new dwelling by Kingsholme Road and given that the new dwelling would have one small obscure glazed window in its side elevation, it is considered that there would be no adverse impact on the residential amenity of this neighbour. To the south the closest property is No. 61 Kingsholme Road. This house is side on to the application site and furthermore, separated by the rear access lane serving the nearby dwellings. A single first floor window, which is assumed to serve a landing, is located in the side elevation of this neighbour, opposite the rear of No. 38. The proposed new dwelling would be slightly to the east, further away from this window and it is therefore considered that there would be no adverse impact on residential amenity over and above the existing situation. With regard to impact on residential amenity of neighbours and future occupiers, the proposal is considered to be acceptable.

5.10. 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, specifically probable shallow coal mine workings. The submitted Coal Mining Risk Assessment Mining Report (January 2015, prepared by Bristol Coalmining Archives Ltd), which now

accompanies the planning application has been informed by appropriate and up-to-date coal mining information for the proposed development site; including a Coal Authority Mining Report, a Bristol Coalmining Archives Mining Report, OS historical mapping, BGS geological mapping and information from past borehole records, memoirs, and site investigations undertaken close by.

- 5.11 The Coal Authority notes the contradictory nature of the Coal Mining Risk Assessment Report. As an example, Section 2.2.1 (h) confirms that old workings were proven within the immediate vicinity, with commentary on page 36 of the Report confirming evidence to suggest that there is one seam beneath the property which might have been worked at a depth to cause concern.
- 5.12 Notwithstanding the above, the Report confirms on page 40 by stating that only expensive and time consuming site investigations would prove this one way or another and that in all probability the coal is intact. The Report concludes by stating that such a precaution is unnecessary.
- 5.13 Consequently, The Coal Authority does not consider this to be an acceptable approach and that without a full knowledge of ground conditions any foundation design solution is not justified.
- 5.14 Based on there being no justification provided for the foundation design proposed, The Coal Authority recommends that the LPA advise the applicant that this does not provide the reassurance that any land instability can be satisfactorily overcome through its implementation.
- 5.15 The Coal Authority therefore considers that the recommendations of the Coal Mining Risk Assessment Report should be revised and amended for intrusive site investigation works in the form of boreholes to a depth of 30m to be undertaken prior to development in order to establish the exact situation regarding coal mining legacy issues on the site.
- 5.16 In the event that the site investigations confirm the need for remedial works to treat the areas of shallow mine workings to ensure the safety and stability of the proposed development, this should also be conditioned to ensure that any remedial works identified by the site investigation are undertaken prior to commencement of the development.
- 5.17 A condition should therefore be attached to the planning permission regarding:
- The submission of a scheme of intrusive site investigations for approval
  - The undertaking of that scheme of intrusive site investigations
  - The submission of a report of findings arising from the intrusive site investigations
  - The submission of a scheme of remedial works for approval; and
  - Implementation of those remedial works
- 5.18 Other matters  
A local resident has written expressing concern/confusion regarding the plans. It is not clear if this resident is referring to the original or the revised plans.

However, Officers can confirm that the current plans are those that show the roof height of the proposed dwelling following on from that of the existing property and that the most recent diagrammatic representations show this too.

## **6. CONCLUSION**

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

## **7. RECOMMENDATION**

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

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

## **CONDITIONS**

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

Reason

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

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

Reason

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

3. Prior to the first occupation of the new dwelling, a total of 4no. off street parking spaces, two for the existing and two for the proposed new dwelling, shall be provided to serve No. 38 and the dwelling hereby approved. The parking spaces shall then be appropriately maintained for the use of these properties thereafter.

Reason:

In the interests of highway safety and to accord with Policy T12 of the South Gloucestershire Local Plan (Adopted) 2006 and the South Gloucestershire SPD: Residential Parking Standards (Adopted) 2013.

4. 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 and approved by the Local Planning Authority

Reason

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

5. Appropriate permeable design and construction of proposed and replacement dwelling rear paving/tarmac exceeding 5 square metres in area is a requirement to ensure surface water run-off is retained at source. Use of permeable surfacing is required or rainfall to be directed to a permeable soakage area (provided it does not cause flooding of adjacent property) within the curtilage of the dwelling.

Reason

To ensure a satisfactory means of drainage control in order to comply with Policy EP2 of the South Gloucestershire Local Plan (Adopted) January 2006 , Policy CS9 of the South Gloucestershire Local Plan : Core Strategy (Adopted) 2013 and the NPPF (2012).

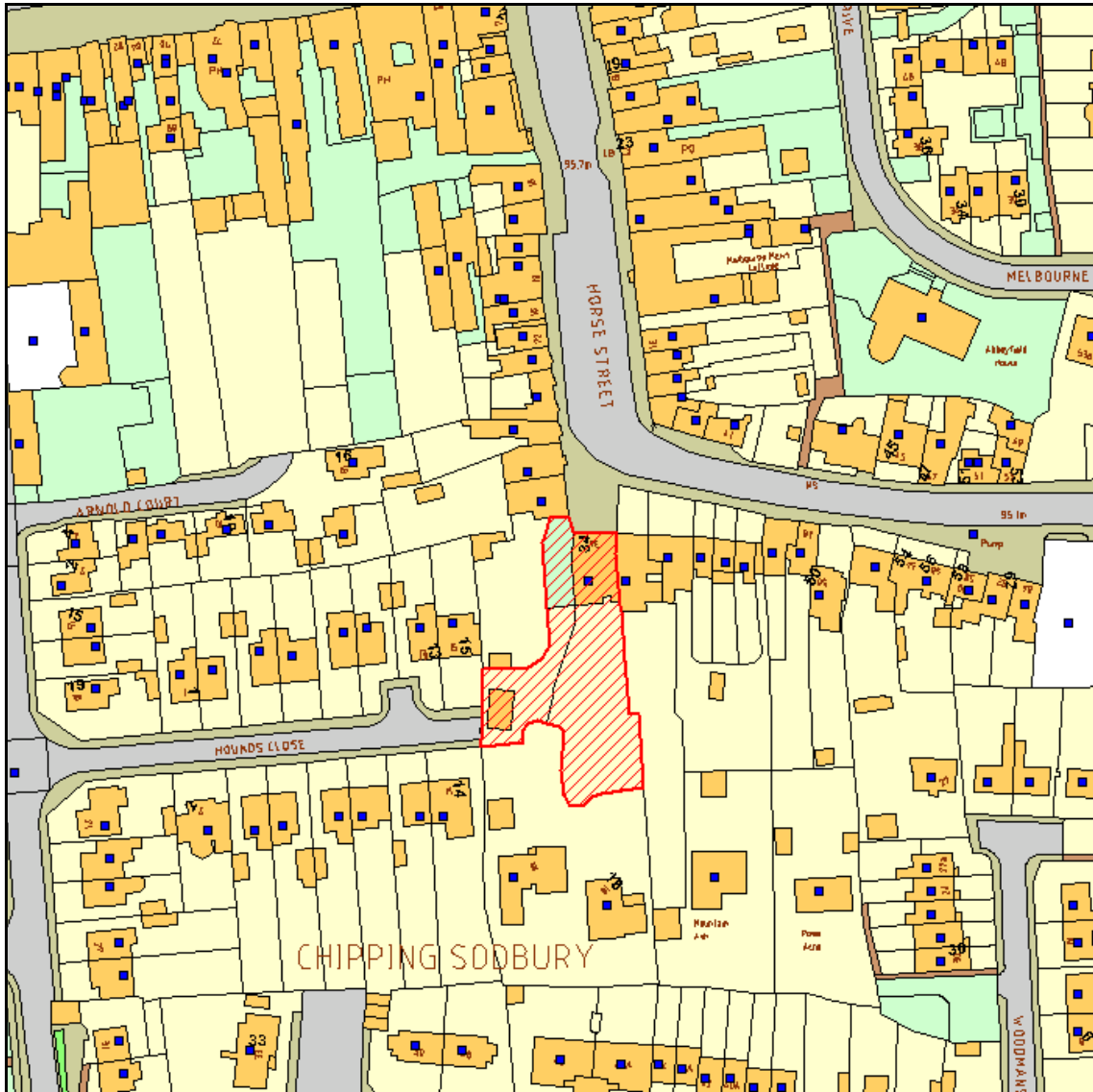
6. Prior to the commencement of development:
  - a. a scheme of intrusive site investigation approval shall be submitted to the LPA for written approval.
  - b. Investigations shall proceed as per the agreed method.
  - c. Following the investigations, a report of the findings arising from the intrusive site investigations and a scheme of resulting remedial works shall be submitted to the LPA for approval.
  - d. All works shall be implemented as per the approved scheme of remedial works

Reason:

In the interests of ensuring the suitability of the former coal field site for development and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) 2013

**CIRCULATED SCHEDULE NO. 07/15 – 13 FEBRUARY 2015**

<b>App No.:</b>	PK14/4692/LB	<b>Applicant:</b>	Mr J Griffiths
<b>Site:</b>	Cross Keys 34 Horse Street Chipping Sodbury Bristol South Gloucestershire BS37 6DB	<b>Date Reg:</b>	19th December 2014
<b>Proposal:</b>	Application to retain the works already carried out for erection of 1.8m maximum high gates.	<b>Parish:</b>	Sodbury Town Council
<b>Map Ref:</b>	372942 182088	<b>Ward:</b>	Chipping Sodbury
<b>Application Category:</b>	Minor	<b>Target Date:</b>	10th February 2015



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

This application has been referred to the Circulated Schedule on the grounds that the officer recommendation is contrary to objections from the Parish Council and from a local resident.

### **1. THE PROPOSAL**

- 1.1 The applicant seeks listed building consent for the retention of 1.8m high gates sited on the corner, between two properties, 34 and 32 Horse Street. The gates are painted, or plastic coated (black) steel gates that have been reclaimed from another site. The gates open back into the driveway of no. 34. The gates are attached to a pair of large 600mm x 600mm brickwork piers with built in pivot piers.
- 1.2 The application site is a Grade II listed building, first listed in 1983. It is a large, 3-storey property dating to the late 18<sup>th</sup> or early 19<sup>th</sup> Century. It is one of many listed buildings along Horse Street and one of a row of 7 on this side of the road. It is within the Chipping Sodbury Conservation Area.
- 1.3 There is a full planning application considered separately (PK14/4880/F)

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
National Planning Policy Framework March 2012  
Planning (Listed Buildings and Conservation Areas) Act 1990  
National Planning Practice Guidance 2014

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

- 3.1 No relevant planning history

### **4. CONSULTATION RESPONSES**

- 4.1 Sodbury Town Council  
Following a Planning Committee meeting on 14 January 2015 members object that the development is not in keeping with the character of the area (plastic coated gates) and that access is inhibited for all legitimate users. There followed a request to refer the application to the Sites Inspection Committee via the Local Member.
- 4.2 Other Consultees  
  
The Listed Building Officer has no objection.

#### **Other Representations**

- 4.3 Local Residents

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



- The opening forms the only pedestrian and vehicular access to the rear door, parking area and garden of no.32 who use the access on a daily basis. There have not been gates across the opening for many decades.
- A right of way was created in the 1950s giving both 32 and 34 equal rights over the area of access at all times and for all purposes. This includes unrestricted access for family, friends, workmen, deliveries etc.
- The gates are some 200mm wider than the brickwork opening overlapping the rear of the piers and the gates are crudely secured to the brick piers with makeshift hinges.
- When the gates are closed the height dimension exceeds 1.8m
- The gates are of flimsy construction made of lightweight hollow construction and are rusting and deteriorating with plastic coating peeling off.
- Plastic coated gates should not be acceptable on the listed building and in the conservation area.
- The vertical bolt has been replaced with a rusty piece of reinforcing bar.
- The original locking mechanism has been removed and replaced with a heavy weight chain and padlock which the applicant locks 24/7.
- Legal advice suggests the gates with locking mechanism are unlawful and any approval by the Council would be party to an unlawful act.
- The objector, his family, and workmen / contractors have been purposely locked in or out of the public right of way.
- It is difficult to get the padlock off so the objector's wife has had to park in front of the property rather than in the designated driveway space.
- A disabled relative would find it impossible to unlock and gain access unaided and this is a contravention of her rights.
- Emergency services would have to rely on a third party with a key, or the Fire Service to open the gates.
- The development is contrary to points 54 and 55 of the Design Checklist SPD. The gates do not enhance the local character and are not of good quality. The access is not designed so that all people can gain access.
- The objector has tried to compromise by an offer to pay 50% of the cost of automated gates or an agreement to leave gates unlocked in daylight hours.
- They have no objection to new gates being hung provided they are consulted on design, they are good quality to enhance the historic and architectural nature, they are disability friendly, easily accessible to emergency services and no locking device can be fitted.

## 5. **ANALYSIS OF PROPOSAL**

### 5.1 Principle of Development

This application stands to be assessed against the National Planning Policy Framework 2012 and the Planning (Listed Buildings and Conservation Areas) Act 1990. The application is an assessment of the impact of the development on the significance of the heritage asset in the context of it's fabric and it's setting.

### Assessment

- 5.2 The application seeks listed building consent for gates at the side of the property, between nos. 34 and 32 Horse Street. The metal gates have been reclaimed from another site and are far from new. They have been

painted/plastic coated in black, but the pole features are showing signs of deterioration and rust. The gates are of an open and ornamental style which is not considered to be out of keeping with the listed setting and the Conservation Area. The view through to the courtyard garden is preserved and being set back a considerable distance from the road and largely screened by the parked cars, there is minimal visual impact from the public realm. Viewed from the public realm, the deteriorating condition of the gates is not particularly discernible and it is actually the condition of the deteriorating paintwork on the pillars which is more prominent.

- 5.3 The Listed Building Officer has been consulted and has not raised any objection to the development which is considered to be in keeping with the setting of the listed building and the wider conservation area.
- 5.4 There is not considered to be any adverse impact upon the fabric of the listed building with the gates affixed to two brickwork pillars through hinges at the rear.
- 5.5 A number of matters have been raised by way of objection. Some of these have been considered above, notably the deteriorating condition of the gates, the design and the impact on the character and historical setting. The remainder of the objections are largely civil issues of rights of entry, shared ownership and obstruction. They are addressed in more detail in the full planning application

## **6. CONCLUSION**

- 6.1 The recommendation is to GRANT Listed Building Consent having taken regard to Section 16(2) of the Planning (Listed Building and Conservation Areas) Act 1990 and Government advice contained in the National Planning Policy Framework.

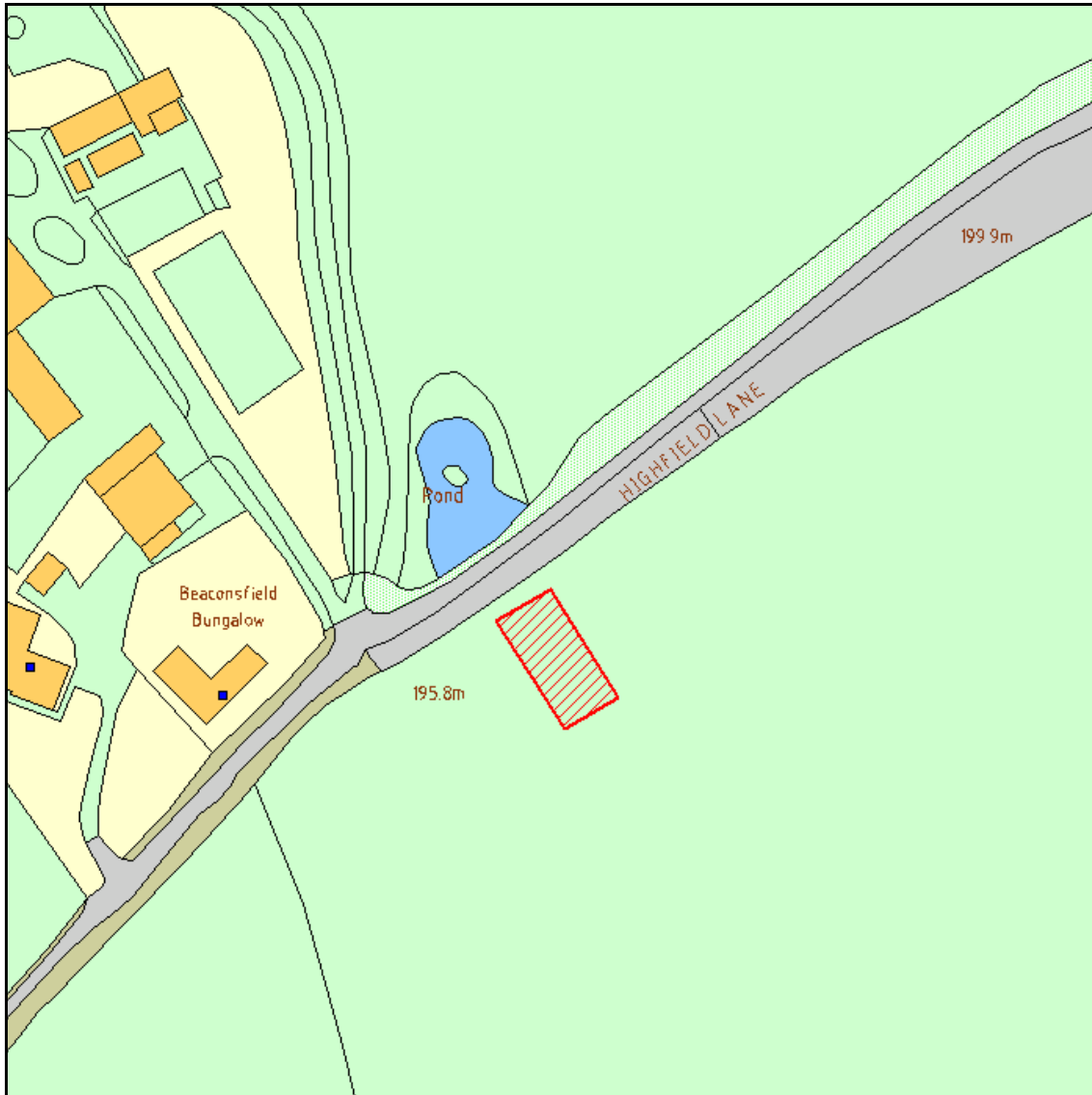
## **7. RECOMMENDATION**

- 7.1 That Listed Building Consent be granted.

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

**CIRCULATED SCHEDULE NO. 07/15 – 13 FEBRUARY 2015**

<b>App No.:</b>	PK14/4699/F	<b>Applicant:</b>	J P Fannon and Son
<b>Site:</b>	Highfield Farm Highfield Lane Horton Bristol South Gloucestershire BS37 6QU	<b>Date Reg:</b>	10th December 2014
<b>Proposal:</b>	Erection of an agricultural storage building.	<b>Parish:</b>	Horton Parish Council
<b>Map Ref:</b>	376721 184566	<b>Ward:</b>	Cotswold Edge
<b>Application Category:</b>	Minor	<b>Target Date:</b>	30th January 2015



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PK14/4699/F

## **REASONS FOR REPORTING TO CIRCULATED SCHEDULE**

This application has been referred to the Circulated Schedule following the receipt of objections from local residents; the concerns raised being contrary to the Officer recommendation.

### **1. THE PROPOSAL**

- 1.1 The application relates to a site at Highfield Farm, Horton. The site comprises a medium sized field, laid to pasture and located to the south-east of Highfield Lane. The field forms part of an overall agricultural holding of approximately 20ha; the farm complex lies almost directly opposite the site, on the north-western side of the lane. The field lies within the open countryside to the north-east of Horton and also lies within the Cotswolds AONB. There is an existing gated access into the field from Highfield Lane.
- 1.2 It is proposed to erect an agricultural building within the field, close to its boundary with Highfield Lane and just north-east of the existing access. The building would be used for the storage of grain, other produce and farm machinery.

### **2. POLICY CONTEXT**

#### **2.1 National Guidance**

National Planning Policy Framework March 2012  
The National Planning Practice Guidance 2014

#### **2.2 Development Plans**

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

CS1 High Quality Design  
CS4A Presumption in Favour of Sustainable Development  
CS5 Location of Development  
CS8 Improving Accessibility  
CS9 Managing the Environment & Heritage  
CS34 Rural Areas

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

L1 Landscape Protection and Enhancement  
L2 Cotswolds AONB  
L9 Species Protection  
EP2 Flood Risk and Development  
T12 Transportation Development Control Policy for New Development  
E9 Agricultural Development  
LC12 Recreational Routes

##### **Emerging Plan**

##### **The Draft Policies, Sites and Places Plan – June 2014**

PSP2 - Landscape  
PSP3 - Trees and Woodland

PSP14 - Active Travel Routes : Identification and Safeguarding of Existing and Proposed Routes  
PSP20 - Flood Risk, Surface Water and Watercourse Management  
PSP27 - Rural Economy

- 2.3 Supplementary Planning Guidance  
Trees on Development Sites SPD Adopted Nov 2005  
The South Gloucestershire Design Check List SPD Adopted Aug 2007  
SG Landscape Character Assessment as adopted Nov. 2014

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

- 3.1 None

### **4. CONSULTATION RESPONSES**

- 4.1 Horton Parish Council  
No objection

- 4.2 Other Consultees

Highway Drainage  
No comment

Highway Structures  
No comment

Sustainable Transport  
No objection subject to a condition relating to surfacing of the access.

Landscape Officer  
No objection subject to conditions to secure a scheme of landscaping.

#### **Other Representations**

- 4.3 Local Residents  
2no. e-mails of objection were received from the occupants of Top Farm, Highfield Lane. The concerns raised are summarised as follows:
- Adverse impact on the visual amenity of the AONB.
  - Increased traffic in Highfield Lane.
  - The visibility on the lane should be improved.
  - Would result in mud/debris on the highway.
  - The roof sheeting and wall cladding should be brown not gull-wing grey.
  - A planting scheme should be secured by condition.

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

- 5.1 Principle of Development  
It is proposed to erect a new agricultural storage building in open countryside to the east of the Highfield Farm complex. The building would comprise a single

unit with a footprint measuring 30m x 15m of simple gable ended form with a low angled roof pitch; the eaves would be set at approximately 5m and the roof ridge at 6.5m. The roof covering would comprise natural, grey fibre-cement sheeting and the walls, gull-wing grey profiled metal sheeting. Such agricultural development falls to be determined under saved policy E9 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006; the criteria attached to policy E9 are discussed below. Also of relevance is Local Plan Policy L1 which seeks to conserve and enhance the character, distinctiveness, quality and amenity of the landscape in general and Policy L2 which seeks to conserve and enhance the natural beauty of the Cotswolds AONB. Policy T12 relates to highway issues and Policy LC12 to recreational routes such as Highfield Lane. Regarding The South Gloucestershire Local Plan Core Strategy (Adopted) Dec 2013, Policy CS1 seeks to secure high quality designs and site planning for new development; Policy CS9 seeks to ensure that heritage assets and landscapes of historical importance are preserved and respected. Policy CS34 seeks to protect the character of rural areas, including the Cotswolds AONB, from inappropriate development, whilst also supporting farm diversification and local employment opportunities.

- 5.2 The NPPF supports the creation of a prosperous rural economy and states at Para. 28 bullet point 1 that local and neighbourhood plans should:

*‘Support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings.’*

- 5.3 Bullet point 2 also promotes the development and diversification of agriculture.

As such the proposal is supported by the NPPF.

- 5.4 Proposals for the erection of agricultural buildings is permitted by Local Plan Policy E9 subject to the following criteria:

- 5.5 **A. They are sited on land which is in use for agricultural purposes and there are no existing suitable underused buildings available; and**

- 5.6 Tungrove Farm is a long established farm, comprising a holding of 20ha. The application site lies close to the existing farm complex and the field is laid to pasture.

- 5.7 The scheme would provide additional storage facilities for grain, other produce and agricultural machinery, not otherwise available within the farm.

- 5.8 **B. Adequate provision is made for access and manoeuvring of machinery and livestock to avoid the perpetuation, intensification or creation of a traffic hazard; and**

- 5.9 Access to the proposed agricultural store would be through an existing gated access off Highfield Lane. The proposed building would be situated some 10/15m to the north-east to facilitate easy access. Some 30/50m to the west of the access is the existing farmhouse and associated outbuildings. The entrance

splay at the highway would be surfaced with consolidated hard-core to prevent stone scatter onto the highway; this can be secured by condition. The existing gateway is adequately recessed to ensure that all vehicles could safely leave the highway before stopping to open the gate. Adequate visibility splays are provided to either side of the access with Highfield Lane. From the information provided, officers are satisfied that a farm vehicle could adequately access the site and manoeuvre within the site to allow exit in forward gear. The lane is a typical country lane that is already used by farm vehicles already accessing this and other sites along it. The proposal would not intensify the use of the lane to such an extent as to justify refusal of this application. There are no highway objections to the proposal.

5.10 **C. Development would not have unacceptable environmental effects; and**

5.11 There are advantages to locating the storage unit in the field, where any noise or smell will be less evident to local residents.

5.12 The site lies within Environment Agency Flood Zone 1 and as such is unlikely to flood. Agricultural buildings have low vulnerability to flood risk impacts. The site is undulating and located at the top of a scarp slope with no prospect of flooding. Surface water would be disposed of to soakaways; the Council's Drainage Engineer has raised no objection. The scheme is therefore considered to comply with Policies E9 and EP2 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

5.13 **D. The proposal would not prejudice the amenities of people residing in the area.**

5.14 The proposed building would be located behind a high hedgerow and a sufficient distance from the nearest residential properties. Being only used for storage, the building would have little or no impact on residential amenity in what is after all a farming community well used to farming activities.

5.15 Landscape and Visual Amenity Issues

A key issue in the determination of this planning application is how the proposed buildings would sit within this rural landscape, located within the Cotswolds AONB

5.16 In design terms the scale, appearance and form is considered to be entirely appropriate for an agricultural building located in this rural location within the Cotswolds AONB. The proposed fibre-cement roof covering and profiled metal wall sheeting is typical of modern agricultural buildings. Some concerns have been raised by local residents about the proposed colour of the roof covering and profiled wall sheeting i.e. gull-wing grey, suggesting that these should be brown. Officers however disagree and consider that gull-wing grey would integrate perfectly well within the landscape, especially given the level of existing screening and additional planting that would be secured by condition.

5.17 The proposed location for the agricultural building is within a gently undulating landscape, at the top of the scarp slope, within the Cotswolds AONB. The field

in which it is located is a medium sized field sloping down towards the site. A public footpath passes north/south at the top of this field; there would be open views down to the building from this footpath. There is a good network of vegetation within the surrounding landscape and it has an intact rural character. There is a loose cluster of dwellings to the west. There is a wide verge along the country lane to the north-west, this area contains trees and scrub, though in the area of the proposed building the sub-canopy layer is more open. The hedgerow to the west is relatively robust but is in need of maintenance in order to maintain its effectiveness as a screen.

5.18 The proposed building would be associated with the group of dwellings to the north-west and due to the surrounding undulating topography would not be visible within extensive views. The building would be visible for a section of Highfield Lane when approaching from the south, glimpsed through the verge planting to the north and open to views from the public footpath to the east. The area is criss-crossed with public footpaths, including the Cotswold Way, which passes through a short distance to the north of the site. To help soften the visual impact of the building and help integrate it within the landscape, officers consider that the hedge to the south-west should be enhanced through new planting and a new hedge should be planted along the north-west boundary, or alternatively the understorey of the tree planting on the verge should be thickened and an area of scrub planted to the north-east of the building.

5.19 To protect and enhance the landscape character of the area, and to be in accordance with Policies L1 and L2, a condition should therefore be attached to any permission requiring a scheme of landscaping to be submitted and approved. This should include a five year maintenance schedule for any proposed and existing trees and shrubs.

5.20 Ecology

The site comprises intensely farmed agricultural fields and associated hedgerows. Much of the area where the building would be located appears to be rough and strewn with rubble. The site is not subject to any special ecological designations. None of the existing vegetation would be lost and additional planting would be secured by the landscape condition. There are no ecological constraints that would justify refusal of the planning application.

## 6. CONCLUSION

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

6.2 The recommendation to grant planning permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan Core Strategy (Adopted) Dec 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 be GRANTED subject to the conditions listed on the Decision Notice.

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

### **CONDITIONS**

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

**Reason**

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

2. Prior to the commencement of the development hereby approved, a scheme of landscaping, which shall include details of all relevant existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection during the course of the development; proposed planting (and times of planting); boundary treatments and areas of hardsurfacing, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the Development shall be carried out in accordance with the agreed details. Any trees/plants that become diseased, damaged or die within 5 years of planting shall be replaced by plants of a similar species and size within the first available planting season.

For the avoidance of doubt the landscape scheme should include enhancement planting within the hedge to the south-west and new hedge planting to the north-west of the building, or alternatively the understorey of the tree planting on the highway verge should be thickened and an area of scrub should be planted to the north-east of the building. Furthermore the landscape scheme should include a 5 year maintenance schedule for any proposed and existing trees and shrubs.

**Reason**

To screen the building in order to protect the natural beauty of the Cotswolds AONB and character and appearance of the area in general, to accord with Policies L1 and L2, of the South Gloucestershire Local Plan (Adopted) January 2006, Policy CS34 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11th Dec 2013 and the provisions of the NPPF.

3. Prior to the first use of the building hereby approved, the access into to the site, for a minimum distance of 5m from the edge of the carriageway, shall be surfaced with compacted hardcore and maintained as such thereafter.

**Reason**

To prevent stone scatter onto the public highway in the interests of highway safety and to accord with Policies T12 and E9 of The South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

**CIRCULATED SCHEDULE NO. 07/15 – 13 FEBRUARY 2015**

**App No.:** PK14/4845/F  
**Site:** 30A Church Road Hanham Bristol  
 South Gloucestershire BS15 3AL

**Applicant:** Mr Richard Wiseman  
**Date Reg:** 19th December 2014

**Proposal:** Erection of 1no detached dwelling and garage with associated works

**Parish:** Hanham Parish Council

**Map Ref:** 363632 172272

**Ward:** Hanham

**Application Category:** Minor

**Target Date:** 10th February 2015

**Category:**



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

This report appears on the Circulated Schedule following an objection from the Parish Council.

### **1. THE PROPOSAL**

- 1.1 The applicant seeks full planning permission for the erection of 1no. two bedroom detached dwelling and garage with associated works. The application site relates to a site, previously the side garden of No. 30a Church Road, Hanham, located within the existing settlement boundary of Hanham.
- 1.2 The site benefits from full planning permission for the erection of a two-storey four bed dwellinghouse and detached double garage.
- 1.3 During the course of the application additional information regarding the proposed boundary and entrance treatments were received by the Council. As these did not make a material difference to the proposed development the plans were not put out for re-consultation.

### **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
CS8	Improving Accessibility
CS15	Distribution of Housing
CS16	Housing Density
CS17	Housing Diversity

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

H4	Development within Existing Residential Curtilages, Extensions and New Dwellings	Including
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 K985/2                      Outline application for the erection of one detached dwelling with garage on approx. 0.16 acres, construction of new vehicular & pedestrian access.  
  
Approved                      13.12.76

- |     |                           |   |
|-----|---------------------------|---|
| 3.2 | K985/3<br>Approved        | Erection of detached dwellinghouse with garage.<br>Construction of new vehicular & pedestrian access.<br>31.10.78 |
| 3.3 | P97/4502<br>Approved      | Erection of extension to detached garage<br>18.9.97   |
| 3.4 | P98/4469<br>Approved      | Erection of single storey side extension<br>15.9.98   |
| 3.5 | PK12/4015/F<br>Approved   | Erection of 1no. detached dwelling with access and<br>associated works.<br>30.1.13                                |
| 3.6 | PK13/3718/CLP<br>Approved | Application for Certificate of Lawfulness for the<br>proposed erection of detached garage.<br>13.11.13            |
| 3.7 | PK14/1171/F<br>Approved   | Erection of 1no. detached dwelling and detached<br>double garage with access and associated works.<br>7.5.14      |

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

##### 4.1 Hanham Parish Council

###### OBJECTION:

Highway Hazards. Access and Egress on a bend and onto Vicarage Road which is a one way system. This would be detrimental to road safety

##### 4.2 Other Consultees

###### Sustainable Transport

No objection subject to conditions attached to the decision notice

###### Highway Drainage

No objection in principle subject to a condition regarding SUDS and an informative regarding surface run-off water are attached to the decision notice.

###### Highway Structures

No comment

##### **Other Representations**

##### 4.3 Local Residents

None received

## 5. ANALYSIS OF PROPOSAL

### 5.1 Principle of Development

The proposal stands to be assessed against the above listed policies and all other material considerations. In this instance the site benefits from extant planning permission for a two-storey dwelling house (PK14/171/F) and as such the principle of development of this site has already been established. However, given this is a new application for a single storey dwellinghouse issues of design, impact on residential amenity and transport need to be fully considered.

The proposal is considered to accord with the principle of development and this is discussed in more detail below:

### 5.2 Design and Visual Amenity

The application site was previously part of the garden belonging to a two-storey detached, modern style dwellinghouse in Church Road, Hanham and the proposal is for a single storey dwellinghouse. There are a variety of architectural styles along the street including modern and older terraced properties, post-war and single-storey semi-detached and individual detached dwellings. The application site holds a corner position along this road with Vicarage Road to its east boundary. On the other side of this road on the opposite corner is the beginning of a row of semi-detached bungalows which extend along Vicarage Road. No. 1a, the first of these dwellings, benefits from a large garden which contributes to the open feel present at this junction.

5.3 As mentioned above the styles of property along this road vary considerably and correspondingly so do the construction materials of these buildings. Stone, painted render, pebbledash and reconstituted stone as well as red brick are present. The neighbouring dwelling of No. 30a is a yellow reconstituted stone with a simple roof design. This property has a single attached garage to the west elevation and from this a small roof wraps around over the front porch. The property also benefits from an 'L' shaped structure in the garden which it is assumed is used for additional living space/annex to the main dwelling.

5.4 This proposal comprises a 2 bed dormer style bungalow with separate single garage and additional off street parking. The submitted Design and Access Statement states that the proposal will result in a slight increase in the overall footprint of the building over and above that already granted permission under PK14/1171/F. Notwithstanding this small increase, the front building line of the proposed bungalow would match that of No. 30a and follow the line of the recently approved scheme. Officers consider that the small increase to the overall footprint would be offset by the proposal being for a 2 bed dormer bungalow rather than a full two-storey 4 bed dwellinghouse. The introduction of a this size building is far preferable to a two-storey unit at this point in the street scene and a built form of the extent proposed would far better complement the single storey bungalow on the opposite corner of Vicarage Road. In this way the overall bulk and massing of the new built form in this particular location is reduced and this is to be welcomed.

- 5.5 The proposed dormer bungalow would have two main gables positioned to the north and south and a further gable to the east, lower than the main ridge height. The property would present a stepped elevation adjacent to Vicarage Road. Windows would be positioned in all four sides with the main openings being to the front and rear elevations. To the east alongside Vicarage Road would be a window serving the ground floor utility room and a roof light for the stairs leading to the upstairs bedroom would provide additional light here. A further window serving the ground floor en-suite wet room would be located in the west elevation next to No. 30a and an additional rooflight here would serve the first floor bathroom. A condition would secure obscure glazing for this ground floor wet-room window.
- 5.6 Materials proposed for the dormer bungalow and the garage include brown concrete double roman tiles, 'portcrete' shear stone Cotswold village walls with stone surrounds to the windows and doors. Given the prominent corner position Officers consider that the external finish is important and that the materials need to respond to and recognise the highly visible location. It is considered that the proposed materials should complement the area in general and as such samples of the materials are to be secured by condition. In addition, given the plot and its location Officers consider it reasonable that the permitted development rights associated with the development be removed.
- 5.7 Additional details show the boundary treatment for the site would comprise the retention of the existing natural stone wall with cock and hen topping adjacent to Church Road. This stone wall continues around Vicarage Road where the introduction of vertical boarding above the wall would take the boundary's overall height to approximately 1.8 metres. In addition a set of metal gates would open into the site here and a further 1.2 metre high boarded fence and gate would separate the garden of the bungalow from the parking and garage area.
- 5.8 Residential Amenity  
The proposed dwelling is to be located within the previous garden of No. 30a Church Road. It is noted that the garden space allocated for the dwelling is quite small however, there are currently no set minimum space requirements with which the proposal must comply although it is acknowledged that a council produced development planning document due shortly will give advice on this matter. Given the dormer bungalow would have two bedrooms it is considered there would be sufficient room for some amenities such as washing line and sitting out areas for this size of property.
- 5.9 The windows, with the exception of the ground floor wet room window and the utility window, would be positioned either to face the garden of the bungalow or to face the main road, approximately 20 metres away. Neighbours to the east at No. 1a and 1b would be approximately 18 metres distant and also angled slightly away from the application site so Officers are satisfied that there would be no adverse issues of inter-visibility from the development here. To the south the closest property is some distance away and off to the west and would furthermore, be separated from the new dwelling by their respective garages. It is therefore considered that there would be no negative impact on the residential amenity of neighbouring properties resulting from the development.

#### 5.10 Sustainable Transport

This proposal is for a 2no. bed dwelling and single garage plus off street parking space situated within an existing urban area. Officers note that planning permission has been granted for a larger dwelling on the site and on that basis there can be no transport objection to this scheme for a smaller dwelling for which there is less parking requirement.

5.11 The concerns of the Parish are noted, however, it must be recognised that the entrance/exit to the site is away from the junction of Church Road and on a comparatively straight section of Vicarage Road. It is acknowledged that the site is close to a bend, but not on it, and as such speeds are expected to be relatively low. Highway Engineers consider there would be no adverse highway safety issues resulting from the proposal. Two parking spaces are being provided for the development and this complies with policy and, therefore, acceptable. These parking spaces will be secured by a condition.

### 6. CONCLUSION

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

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

### 7. RECOMMENDATION

7.1 That the application be **APPROVED** subject to the conditions written 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. 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 and approved by the Local Planning Authority.

Reason:

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

3. Notwithstanding the provisions of Schedule 2 of the Town & Country Planning (General Permitted Development) Order 1995 (as amended) (or any Order revoking and re-enacting that Order with or without modification) no development as specified in Part 1 (Classes A, B, D, E, F, G and H), or any minor operations as specified in Part 2 (Class A), other than such development or operations indicated on the plans hereby approved, shall be carried out without the prior written consent of the Local Planning Authority.

Reason

To ensure the satisfactory external appearance of the development in the interests of visual amenity and to protect the residential amenity of the neighbouring occupiers and to accord with Policy CS1 of the South Gloucestershire Local Plan: core Strategy (Adopted) December 2013 and saved Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

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

Reason

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

5. No machinery shall be operated, no process shall be carried out and no deliveries taken at or despatched from the site outside the following times Monday to Friday 8:00 to 18:00 and Saturdays 8:00 to 13:00 nor at any time on Sunday or Bank Holidays

Reason

In the interests of visual amenity and to protect the amenity enjoyed by those living in the locality to accord with Policy CS5 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013

6. The off-street parking facilities and the proposed garage shown on the plan Site plan and detached garage - drawing TWO A hereby approved shall be provided before the building is first occupied, and thereafter retained for that purpose.

Reason

To ensure the satisfactory provision of parking facilities and in the interest of highway safety and the amenity of the area, and to accord with saved Policies T7 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006 and SPD: Residential Parking Standards (Adopted) 2013



7. Prior to the use or occupation of the extension hereby permitted, and at all times thereafter, the proposed ground floor window on the 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 residential amenity of the neighbouring occupiers and to accord with Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

**CIRCULATED SCHEDULE NO. 07/15 – 13 FEBRUARY 2015**

**App No.:** PK14/4880/F  
**Site:** Cross Keys 34 Horse Street Chipping  
 Sodbury South Gloucestershire BS37  
 6DB

**Applicant:** Mr J Griffiths  
**Date Reg:** 19th December 2014

**Proposal:** Erection of 1.8m max high gates.  
 (Retrospective).

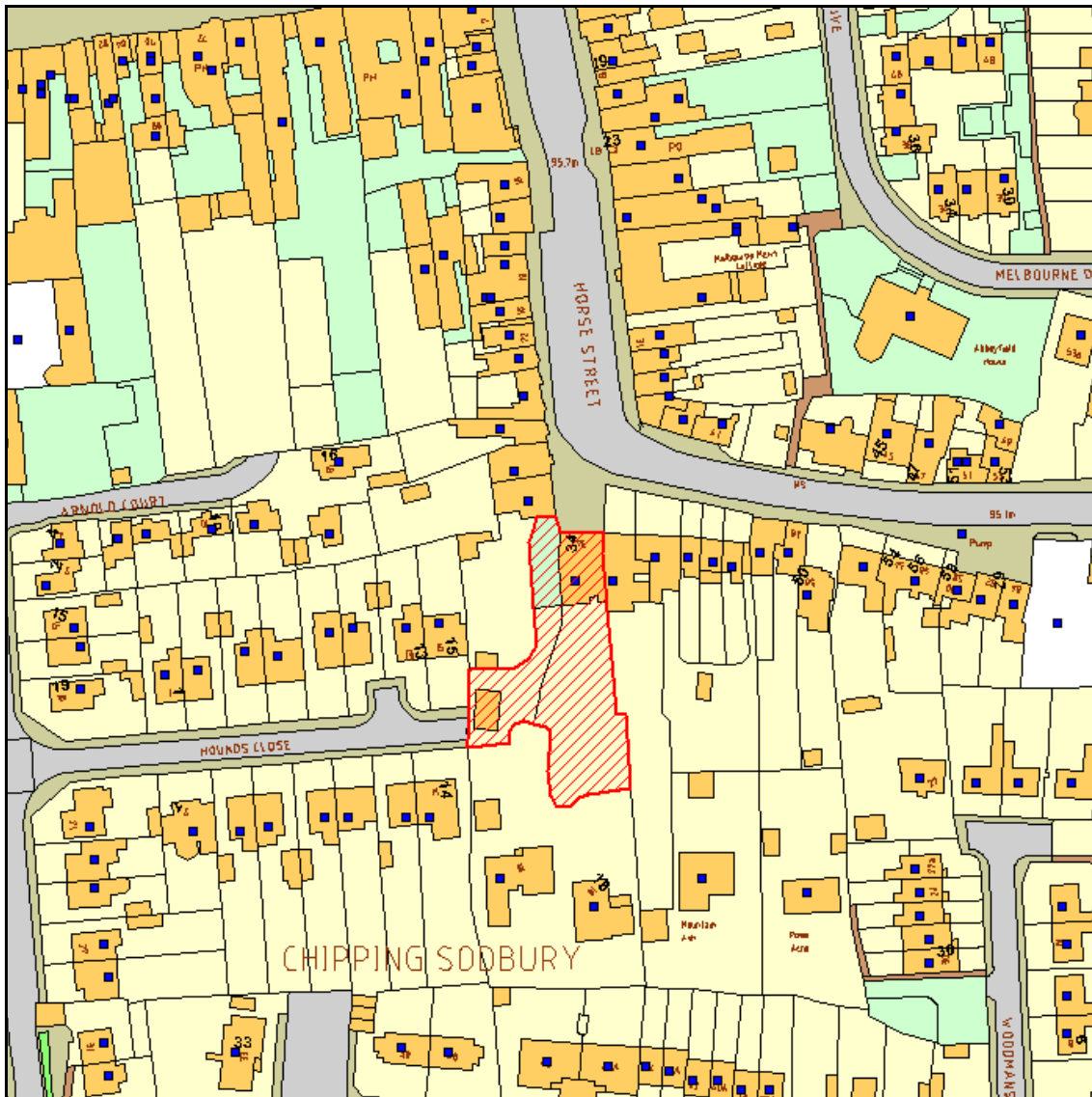
**Parish:** Sodbury Town Council

**Map Ref:** 372942 182088

**Ward:** Chipping Sodbury  
**Target** 10th February 2015

**Application** Householder  
**Category:**

**Date:**



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

This application has been referred to the Circulated Schedule on the grounds that the officer recommendation is contrary to objections from the Parish Council and from a local resident.

### **1. THE PROPOSAL**

- 1.1 The applicant seeks planning permission for the retention of 1.8m high gates sited on the corner, between two properties, 34 and 32 Horse Street. The gates are painted, or plastic coated (black) steel gates that have been reclaimed from another site. The gates open back into the driveway of no. 34. The gates are attached to a pair of large 600mm x 600mm brickwork piers with built in pivot piers.
- 1.2 The application site is a Grade II listed building, first listed in 1983. It is a large, 3-storey property dating to the late 18<sup>th</sup> or early 19<sup>th</sup> Century. It is one of many listed buildings along Horse Street and one of a row of 7 on this side of the road. It is within the Chipping Sodbury Conservation Area.
- 1.3 There is a listed building consent application considered separately (PK14/4692/LB).

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
National Planning Policy Framework March 2012  
Planning (Listed Buildings and Conservation Areas) Act 1990
- 2.2 Development Plans  
  
South Gloucestershire Local Plan (Adopted) January 2006 (saved policies)  
L13 Listed Buildings  
  
South Gloucestershire Local Plan Core Strategy Adopted December 2013  
CS1 High Quality Design  
CS9 Managing the Environment and Heritage
- 2.3 Supplementary Planning Guidance  
South Gloucestershire Design Checklist SPD 2007

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

- 3.1 No relevant planning history

### **4. CONSULTATION RESPONSES**

- 4.1 Sodbury Town Council  
Following a Planning Committee meeting on 14 January 2015 members object that the development is not in keeping with the character of the area (plastic coated gates) and that access is inhibited for all legitimate users. There

followed a request to refer the application to the Sites Inspection Committee via the Local Member.

#### 4.2 Other Consultees

The Listed Building Officer has no objection.

Transportation Development Control have no objection.

Highway Drainage have no comment.

#### **Other Representations**

#### 4.3 Local Residents

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

- The opening forms the only pedestrian and vehicular access to the rear door, parking area and garden of no.32 who use the access on a daily basis. There have not been gates across the opening for many decades.
- A right of way was created in the 1950s giving both 32 and 34 equal rights over the area of access at all times and for all purposes. This includes unrestricted access for family, friends, workmen, deliveries etc.
- The gates are some 200mm wider than the brickwork opening overlapping the rear of the piers and the gates are crudely secured to the brick piers with makeshift hinges.
- When the gates are closed the height dimension exceeds 1.8m
- The gates are of flimsy construction made of lightweight hollow construction and are rusting and deteriorating with plastic coating peeling off.
- Plastic coated gates should not be acceptable on the listed building and in the conservation area.
- The vertical bolt has been replaced with a rusty piece of reinforcing bar.
- The original locking mechanism has been removed and replaced with a heavy weight chain and padlock which the applicant locks 24/7.
- Legal advice suggests the gates with locking mechanism are unlawful and any approval by the Council would be party to an unlawful act.
- The objector, his family, and workmen / contractors have been purposely locked in or out of the public right of way.
- It is difficult to get the padlock off so the objector's wife has had to park in front of the property rather than in the designated driveway space.
- A disabled relative would find it impossible to unlock and gain access unaided and this is a contravention of her rights.
- Emergency services would have to rely on a third party with a key, or the Fire Service to open the gates.
- The development is contrary to points 54 and 55 of the Design Checklist SPD. The gates do not enhance the local character and are not of good quality. The access is not designed so that all people can gain access.
- The objector has tried to compromise by an offer to pay 50% of the cost of automated gates or an agreement to leave gates unlocked in daylight hours.
- They have no objection to new gates being hung provided they are consulted on design, they are good quality to enhance the historic and

architectural nature, they are disability friendly, easily accessible to emergency services and no locking device can be fitted.

One letter of support has been received with the following comments;

- There have been gateposts and gates since before the house was listed and the existing substantial gateposts and fittings look incomplete without the gates in situ.
- Lockable gates are mandatory to secure this and neighbouring properties from unwanted interest and access.

## 5. **ANALYSIS OF PROPOSAL**

### 5.1 Principle of Development

Policy L13 of the South Gloucestershire Local Plan (Adopted) 2006 deals with the assessment of applications for development including alteration or addition affecting a listed building or its setting. Such applications will not be permitted unless the building and its setting would be preserved, features of architectural or historic interest would be retained; and the character, historic form and structural integrity of the building would be retained. Policy CS9 of the South Gloucestershire Local Plan Core Strategy (Adopted) 2013 expects heritage assets to be conserved, respected and where possible enhanced.

5.2 The application seeks permission for gates at the side of the property, between nos. 34 and 32 Horse Street. The metal gates have been reclaimed from another site and are far from new. They have been painted/plastic coated in black, but the pole features are showing signs of deterioration and rust. The gates are of an open and ornamental style which is not considered to be out of keeping with the listed setting and the Conservation Area. The view through to the courtyard garden is preserved and being set back a considerable distance from the road and largely screened by the parked cars, there is minimal visual impact from the public realm. Viewed from the public realm, the deteriorating condition of the gates is not particularly discernible and it is actually the condition of the deteriorating paintwork on the pillars which is more prominent.

5.3 The Listed Building Officer has been consulted and has not raised any objection to the development which is considered to be in keeping with the setting of the listed building and the wider conservation area.

5.4 There is not considered to be any adverse impact upon the fabric of the listed building or its setting. The gates are of sufficient design to preserve the architectural and historic interest of the building; its character, historic form and structural integrity. Whilst the gates are not in a new or immaculate condition, the development is not of a scale that it would be reasonable to expect enhancement of the listed building and the design is not one that would merit objection.

#### Other Matters

- 5.5 There has been one objection and one letter of support received.
- 5.6 There appears to be consensus that the site has not had gates in position for many years, probably decades. There also appears to be consensus that gates were once there though and the existing pillars and hinges certainly lead one to conclude that gates once existed at this entrance. The point is not critical to the assessment of the application which is about whether the gates now fitted are appropriate. It is considered above that the gates are appropriate for the site and the setting.
- 5.7 A number of issues have been raised over the right of way and the lock that is fitted to the gate. The terms of the right of way are entirely a matter for the affected parties and are not for consideration in this planning application. The fitting of the gates does not in itself obstruct access, or the parking space provision.
- 5.8 The application of the padlock itself is clearly a contentious issue between parties and there is both support and objection to the principle of the gate being locked. A question has also been raised by the objector as to whether a condition could be attached requiring the gate to be unlocked during the day. The locking or unlocking of the gate is not a matter for consideration in this application which is purely about the gates. The fitting of a padlock does not amount to development and does not form part of the application. The proposal to impose a condition requiring the gates to be unlocked at any particular time is not reasonable or necessary to permit the development. The planning system should not intervene in matters of civil law and matters that can be controlled by other legislation. Given that there appears to be a right of way established on site, the terms of the access are matters for the affected parties and not the Local Planning Authority. Where security measures can be agreed between the parties it is not reasonable for the Council to impose this. Access is not obstructed by a lock, provided that the affected parties have a key and this obligation appears to be sufficiently protected by the civil agreement of the right of access.
- 5.9 There is an objection that the height of the gates exceeds 1.8m however the gates as in position are the subject of this application. If the height measurement is slightly inaccurate this does not appear to be a material discrepancy. The gates are an appropriate size to be in keeping with the building and particularly, the existing support pillars.

## **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.

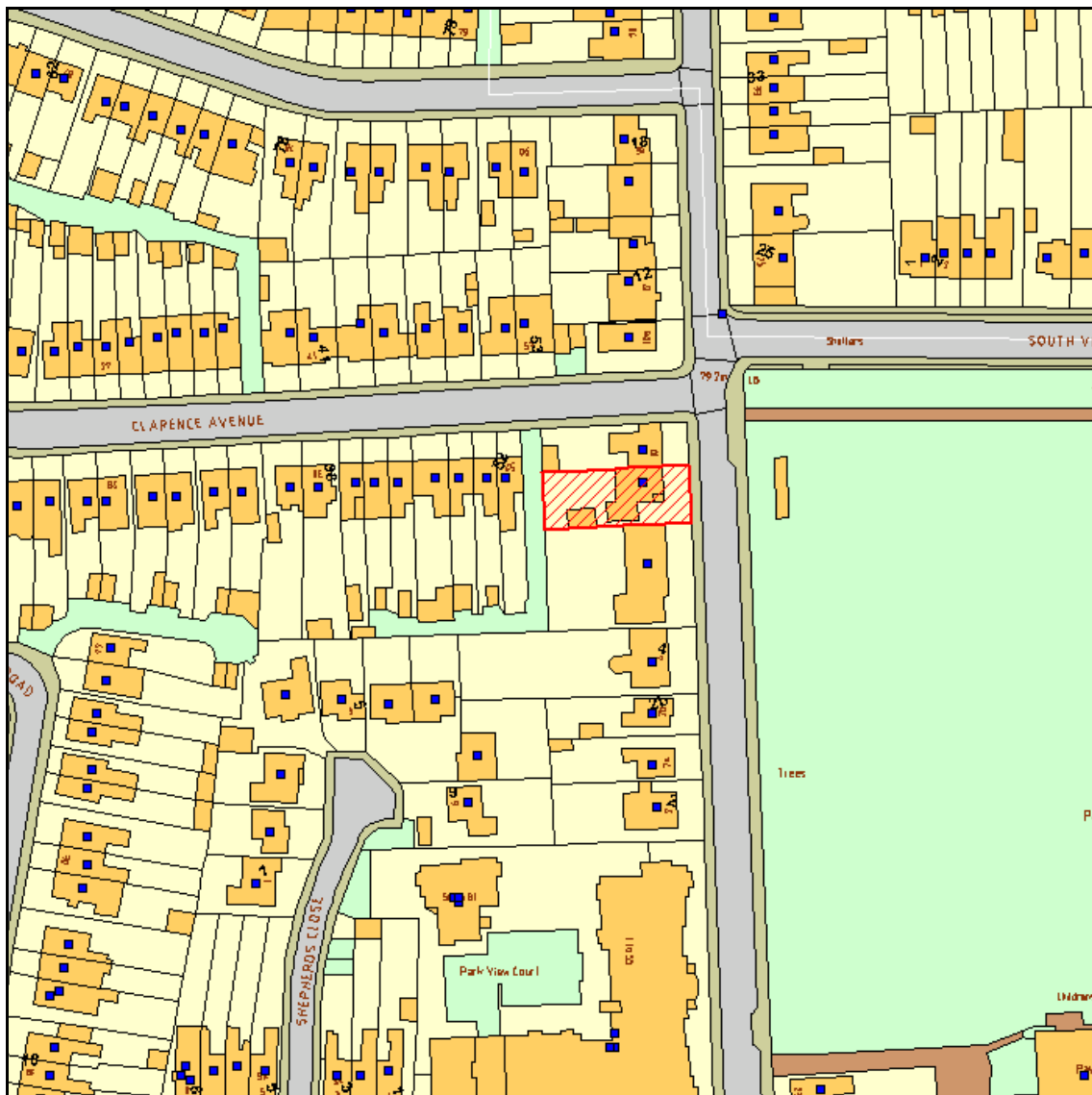
**7. RECOMMENDATION**

7.1 That planning permission be granted.

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

## CIRCULATED SCHEDULE NO. 07/15 – 13 FEBRUARY 2015

<b>App No.:</b>	PK15/0016/F	<b>Applicant:</b>	Mr R Williams
<b>Site:</b>	8 Park Road Staple Hill South Gloucestershire BS16 5LD	<b>Date Reg:</b>	14th January 2015
<b>Proposal:</b>	Erection of first floor rear extension to provide additional living accommodation and single storey link extension from house to garage.	<b>Parish:</b>	None
<b>Map Ref:</b>	365319 176133	<b>Ward:</b>	Staple Hill
<b>Application Category:</b>	Householder	<b>Target Date:</b>	10th March 2015



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

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

### **1. THE PROPOSAL**

- 1.1 The proposal seeks planning permission to erect a first floor rear extension to provide additional living accommodation, and also to erect a single storey extension to link and existing house and garage.
- 1.2 The host dwelling is set back from Park Road, located within the residential area of Staple Hill, with Page Park to the east.
- 1.3 There are two components to this proposal. Firstly, the first floor rear extension which will extend from the rear elevation of the main dwelling by 2.7 metres above the existing ground floor. The second component is the proposed single storey extension which will link the main dwelling to the existing detached garage. Both components will not be visible from the front of the host dwelling or Park Road.

### **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  
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
- 2.3 Supplementary Planning Guidance  
Residential Parking Standard SPD (Adopted) December 2013  
South Gloucestershire Design Checklist SPD (Adopted) August 2007

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

- 3.1 K701/2 Approval 05/04/1982  
ERECTION OF FIRST FLOOR EXTENSION AND DOMESTIC GARAGE.  
(Previous ID: K701/2)

- 3.2 K701/1 Approval 09/02/1977  
SINGLE STOREY EXTENSION TO PROVIDE PLAYROOM & STUDY.  
(Previous ID: K701/1)
- 3.3 K701 Approval 15/05/1975  
ALTERATIONS & TWO STOREY EXTENSION TO PROVIDE GARAGE &  
KITCHEN OVER SINGLE STOREY EXTENSION TO PROVIDE BREAKFAST  
AREA & LOUNGE DINING ROOM SPACE. (Previous ID: K701)

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

4.1 Downend and Bromley Heath Parish Council  
None received.

4.2 Other Consultees

Highway Drainage

No Objection, however, the Officer has suggested an informative be attached to any decision made to alert the applicant to the position of a public sewer.

Transportation Development Control

No Objection.

Archaeology

No Objection.

#### **Other Representations**

4.3 Local Residents

Two letters of objection were received by the Council, there comments are summarised below:

- The building above the existing extension will block sunlight to the patio and main living room of no. 10 Park Road, Staple Hill. It will also block light and the occupiers view from our second bedroom window.
- There is a privately owned lane used by residents of 40-52 Clarence Avenue, it is in constant use and some residents park their cars at the rear of their properties as stipulated in their insurance properties. This narrow lane will not cope with lorries and other plan using it. It will be disruptive to our lives. Work vehicles will further compact the rear lane and cause standing water/flooding.

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

5.1 Principle of Development

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

wider transport networks; safeguard and enhance important existing features through incorporation into development; and contribute to strategic objectives.

- 5.2 Saved Policy H4 of the South Gloucestershire Local Plan (adopted January 2006) is supportive in principle of development within the curtilage of existing dwellings. This support is provided proposals respect the existing design; do not prejudice residential and visual amenity, and also that there is safe and adequate parking provision and no negative effects on transportation.
- 5.3 Design and Visual Amenity  
The rear first floor extension will only extend for the length of the existing single storey extension which has a flat roof. The proposed extension will have the same width as the existing single storey rear extension and will have a dual pitched roof, with a maximum height of 6.4 metres, 0.5 metres lower than the ridge height of the main dwelling and approximately 1 metre lower than the existing two storey extension, set back from the principle elevation on the southern side of the plot.
- 5.4 This first floor rear extension will be finished in a mixture of render and exposed brick, with white PVCu window frames and matching roof tiles. The form and scale of this development is judge to be acceptable in terms of design and so is the choice of materials.
- 5.5 The single storey rear extension will link the two storey component set back from the front elevation of the main house and the existing detached garage. The proposal has a pitched roof with a lower maximum height than the existing single storey garage and with a pitched roof. The proposal will also have matching materials to the existing dwelling.
- 5.6 Accordingly, it is judged that both components of this proposal have an acceptable standard of design and is considered to be in-keeping with policy CS1 of the adopted Core Strategy.
- 5.7 Residential Amenity  
The residential amenity of the neighbouring occupiers must not be detrimentally impacted as a result of this proposal. The occupiers of no. 10 Park Road have raised concerns regarding the first floor rear extension blocking light to their patio which is within a gap between the no. 10 Park Road and the existing single storey rear extension above which the first floor extension is proposed.
- 5.8 This two storey component of the proposal is at a lower height than the surrounding built form and due to its position with the existing two storey extension at the south of the plot is not expected to result in a material loss of light to the neighbouring dwellings.
- 5.9 As expressed above, the first floor rear extension will be above an existing rear extension. This component has a lower ridge height than the maximum height

of the proposal and when compared to the existing situation will not result in a materially overbearing impact on the neighbouring occupiers.

5.10 The proposal will only have windows in the rear elevation of the proposal, and two of these will be at a first floor level. This does not cause concern in terms of a loss of privacy, as there are already existing windows at a first floor level in the existing rear elevation and the proposed first floor windows will only result in minor indirect views in to neighbouring rear gardens.

5.11 The proposed single storey rear extension which links the existing garage and dwelling is only a minor development and is not judged to result in any materially negative impacts on the neighbouring occupiers.

5.12 Accordingly, both proposals are not expected to result in a materially detrimental impact on the residential amenity of the neighbouring occupiers, and therefore accord with saved policy H4 of the adopted Local Plan.

5.13 Highways

The proposal will result in an additional bedroom at the property, meaning the property would have a total of four bedroom should the proposal be approved. To accord with the Council's Residential Parking Standard SPD, the property would require two car parking spaces within the residential curtilage of the property; this is provided through a hardstanding on the south eastern side of the plot. Accordingly, there are no transport objections.

5.14 Other Matters

The lane to the rear of the host property is used for rear access for some of the dwellings in Clarence Avenue and also the host dwelling has a gate at the rear which is accessed from this lane. The ownership of this lane is unclear, but an objector has raised concerns regarding lorries/plant vehicles using the rear lane during the construction of the proposals and causing disruption. In order to minimise any potential disruption to this lane, a condition will be imposed on any permission granted in order to keep any negative impact on the neighbouring occupiers minimal.

## 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** with conditions.

**Contact Officer: Matthew Bunt**

**Tel. No. 01454 863131**

### **CONDITIONS**

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

Reason

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

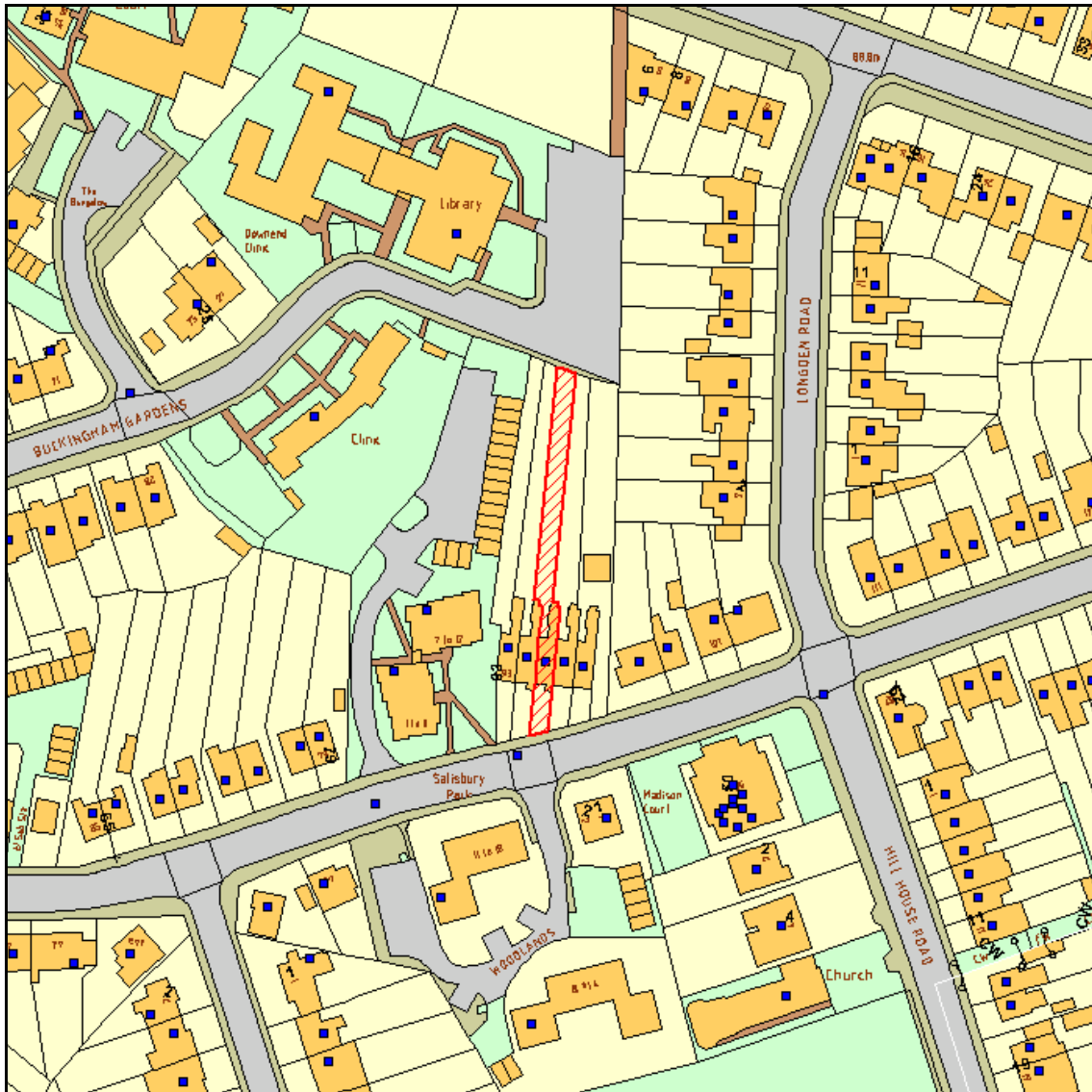
2. The hours of working on site during the period of construction shall be restricted to Monday - Friday 7.30 - 18.00 and Saturday 8.00 - 13.00 and no working shall take place on Sundays or Public Holidays. The term 'working' shall, for the purpose of clarification of this condition include: the use 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 amenity enjoyed by those living in the locality and minimise the disruption to the lane at the rear of the host dwelling, in accordance with saved Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

## CIRCULATED SCHEDULE NO. 07/15 – 13 FEBRUARY 2015

<b>App No.:</b>	PK15/0195/F	<b>Applicant:</b>	Ms Amy Brooks
<b>Site:</b>	97 Salisbury Road Downend Bristol South Gloucestershire BS16 5RJ	<b>Date Reg:</b>	23rd January 2015
<b>Proposal:</b>	Erection of rear garden store. (Retrospective) (Resubmission of application PK14/3464/F with adjustments removing the two storey rear extension, but retaining garden store).	<b>Parish:</b>	Downend And Bromley Heath Parish Council
<b>Map Ref:</b>	365457 176621	<b>Ward:</b>	Downend
<b>Application Category:</b>	Householder	<b>Target Date:</b>	17th March 2015



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PK15/0195/F

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

The application has received an objection from the Parish Council, against the officer's recommendation for approval.

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

- 1.1 The applicant seeks retrospective planning permission for the erection of a shed in the rear garden of 97 Salisbury Road. This application is a resubmission of a previously refused application (PK14/3464/F) which was refused on grounds of visual and residential amenity due to the size and scale of the extensions which have been removed from this proposal.
- 1.2 The application site consists of a two storey terraced cottage in Salisbury Road located in the established residential area of Downend. The dwelling is one of five terraces which make up a distinctive row of cottages set back from the main road. To the rear, the dwellings share a communal path between the dwellings and associated rear gardens which are long and thin.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
National Planning Policy Framework 2012  
National Planning Policy Guidance 2014
- 2.2 Development Plans  
  
South Gloucestershire Core Strategy (Adopted) December 2013  
CS1 High Quality Design  
CS8 Improving Accessibility  
  
South Gloucestershire Local Plan (Adopted) January 2006  
H4 Development within Existing Residential Curtilages, Including Extensions and New Dwellings
- 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 PK14/3464/F - Erection of garden shed (retrospective), and erection of two storey rear extension to form additional living accommodation.  
Refused 25/11/2014

### **4. CONSULTATION RESPONSES**

- 4.1 Downend and Bromley Heath Parish Council  
Objection based on the overall size of the building and detrimental impact on the visual amenity for residents of 6 – 12 Salisbury Park.

#### 4.2 Other Consultees

Highway Drainage  
No comment

#### **Other Representations**

4.3 Local Residents  
No comments received

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

#### 5.1 Principle of Development

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

#### 5.2 Visual Amenity

As previously described, the row of cottages have an open and communal nature to the rear with a communal path between the dwellings and gardens and low rise post and wire fencing between each garden. The majority of gardens have some sort of shed/outhouse to the rear end of the garden, which is screened from the library to the rear by tall hedgerows. It should also be noted that there is a large pitched roof double garage to the rear of the cottages which belongs to No. 101 Salisbury Road.

5.3 The shed has been built to the rear of the garden in line with existing sheds and outbuildings. It is brick built with a light painted render and a roman tiled pitched roof, measuring 4.2 metres to the ridge and some 3.5 metres in width and depth. In the previous submission officers stated the pitch of the shed was too tall and together with the detrimental impact of the proposed extensions, the proposal was refused. Now that the large extensions have been removed, the impact of the existing shed is substantially reduced. Whilst it is acknowledged that the pitch of the roof is higher than the surrounding sheds and appears out of character due to its light coloured rendering, it is still officers' opinion that the shed is not overly detrimental due to its concealed location. The Parish Council expressed concern that the shed would have a detrimental impact on the visual amenities of the occupier of flats in Salisbury Park to the southwest of the site. The top of the pitch would be visible from the library parking area to the rear and the shed would be visible to the flats to the southwest, however considering they are some 50 metres away, the extent of the impact on visual amenity is not adverse enough to warrant a refusal. Overall, the existing shed is not considered harmful to the character and appearance to the extent that the application should be refused. As such, it is considered acceptable in terms of visual amenity.



5.4 Residential amenity

Given the shed is located to the rear of the garden away from neighbouring dwellings, it is not considered to harm the living conditions of occupiers of neighbouring dwellings.

**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 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 the application be **approved**.

**Contact Officer: Hannah Minett**  
**Tel. No. 01454 862495**

## CIRCULATED SCHEDULE NO. 07/15 – 13 FEBRUARY 2015

<b>App No.:</b>	PT14/3878/RM	<b>Applicant:</b>	Mr Ruman Mohammed
<b>Site:</b>	Catbrain Hill Almondsbury Catbrain BS10 7TH	<b>Date Reg:</b>	17th October 2014
<b>Proposal:</b>	Erection of 1no. dwelling with access to be determined (Approval of Reserved Matters to be read in conjunction with Outline Planning Permission PT13/0737/O and appeal APP/PO119/A/13/2200996)	<b>Parish:</b>	Almondsbury Parish Council
<b>Map Ref:</b>	357618 180416	<b>Ward:</b>	Patchway
<b>Application Category:</b>	Minor	<b>Target Date:</b>	3rd December 2014



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PT14/3878/RM

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

This application has been referred to the Circulated Schedule due to the receipt of letters of objection.

### **1. THE PROPOSAL**

- 1.1 This reserved matters application relates to the erection of 1 no. dwelling on a plot of land located on the eastern side of Catbrian Hill, Almondsbury. Outline planning permission has been allowed by the Planning Inspector for the erection of a dwelling on the plot. This application only seeks to agree the layout, appearance, landscaping, and scale of the site, and the access has already been agreed.
- 1.2 The application site comprises an irregular shaped plot of land approximately 0.07 hectares located on the eastern side of Catbrian Hill. The site is located within the defined Patchway settlement boundary. The applicant states that the proposed dwelling will be used as a family home.

### **2. POLICY CONTEXT**

#### **2.1 National Guidance**

National Planning Policy Framework March 2012  
Technical Guidance to National Planning Policy Framework March 2012  
National Planning Practice Guidance

#### **2.2 Development Plans**

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

L1 Landscape Protection and Enhancement  
EP2 Flood Risk and Development  
L5 Open Areas within Existing Urban Areas and Defined Settlements  
L9 Species Protection  
T7 Cycle Parking  
T12 Transportation Development Control

##### **South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013**

CS1 High Quality Design  
CS4A Presumption in Favour of Sustainable Development  
CS5 Location of Development  
CS8 Improving Accessibility  
CS9 Managing the Environment and Heritage  
CS15 Distribution of Housing  
CS16 Housing Density  
CS17 Housing Diversity  
CS26 Cribbs / Patchway New Neighbourhood

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

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

### 3. RELEVANT PLANNING HISTORY

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

- 3.1 PT13/0737/O Erection of 1no. dwelling (Outline) with access to be determined. All other matters reserved. (Resubmission of PT12/1516/O).  
Allowed 2.12.2013

### 4. CONSULTATION RESPONSES

- 4.1 Almondsbury Parish Council  
No objection

- 4.2 Conservation Officer  
No comment.

- 4.3 Drainage Engineer  
No objection.

The site is accepted by the EA to be in flood zone 1. Condition 5 of outline appeal requires a scheme of surface water drainages and the applicant submitted SuDs scheme. Highway Drainage Engineer raises no objection to the proposal and considers that the submitted details are acceptable.

It is however advised that the Council Emergency Planning Unit needs to determine whether the flooding risk is acceptable as the site is within the Cribbs Causeway Inundation Zone.

- 4.4 Transportation DC Officer

This development has been the subject of an outline planning application (ref PT13/0737/O) and an appeal (Ref APP/PO119/A/13/2200996). Highway Officer had no comments in response to the original planning application. Hence, at the appeal all matters of detail apart from access are reserved for future consideration. Consequently, the suitability of the proposed access to this site has already been agreed and Highway Officer has no comments about the current application.

- 4.5 Public Rights of Way Officer

PROW Officer raised concerns over the original proposal as it appears from the plans submitted that the new dwelling will be right against the southern boundary of the site and immediately adjacent to the public footpath. This is a very well used path and the applicant must be made aware that there must be no encroachment onto any of its width, nor must it be obstructed.

To address officers' concerns, the applicant submitted a revised proposal showing that the building is moved back from the edge of the footpath. PROW Officer therefore has no objection to the revised scheme, and advises that no debris from the building site must be allowed to fall onto the path and the safety of the public using the path must be taken into account at all times.

#### 4.6 Arboricultural Officer

Arboricultural Officer has no objections in principle but was concerned over any excavations within RPAs. Subsequently the applicant submitted an addendum to the Tree Report to address this particular concern. Officers consider that the submitted addendum has included all required information and therefore no objection to the proposal.

#### 4.7 Environment Agency

The Environment Agency has no objection to the outline application and has no comments to make on this application. However, the Agency advised that the siting of the proposed dwelling is within the inundation breach zone of the Catbrain Reservoir, however the Agency are unable to provide any further detailed information from the breach analysis, such as depth and velocities of flood water.

#### 4.8 Emergency Planning Unit

The development is situated within an inundation area for the Cribbs Causeway reservoir, however, the Council Emergency Planning Unit have no details relating to the flood water depth/volume and the velocity.

On the subject of flood evacuation plans, a key part of these plans were the trigger points of EA Flood Alerts and Met Office Severe Weather warnings. As this site would be at risk of a no notice failure of the reservoir wall, there would be no pre-warning to enable a successful evacuation.

With regard to the application, the Emergency Planning Unit (EPU) has no statutory powers in this area. The Unit advises that the development sits in the inundation zone, an area at risk of no notice flooding by a considerable amount of water, therefore it is unwise to build residential properties which could be at significant risk in the event of a breach.

#### 4.9 Highway Structures

No comments.

#### 4.10 Council Ecologist

No objection to the proposal but advises that a special care will be required if any tree is to be felled on site as there is always the possibility of bats being present at any time of the year.

### Other Representations

#### 4.11 Local Residents

Two letters of objection have been received from local residents of No. 1 and No. 4 Catbrain Hill, and the concerns have been summarised as follows:

Design and scale concerns::

- This house is not in keeping, it is on three levels, it is too high.
- Object to the size and design proposed.

- 3-storey design is far too dominating and not in keeping with the rest of the houses along Catbrain Hill, some of which date back to the 18<sup>th</sup> century, the design needs to be altered to blend in with the existing dwelling and not go against the traditional / rural architecture of Catbrain Hill.

Transportation concerns:

- Concerns on the number of cars likely to require access to a 6 bedroom house with only 4 parking spaces, which will likely result in vehicles parked outside the main entrance.
- The bottom of Catbrain Hill serves as an important turning point for vehicles including HGVs and therefore any car parked in this area will likely cause significant traffic issues.

## 5. **ANALYSIS OF PROPOSAL**

### 5.1 Principle of Development

The principle of residential development and the mean of access have been allowed by the outline planning consent PT13/0737/O. The only matters reserved for considerations are relating to the appearance, layout, landscaping and scale of the proposed dwelling.

5.2 The appeal decision allows the erection of a two storey house with associated car parking area subject to a no. of conditions. It is noted that the proposed block plan, 1379 PL04 A, is different from the approved 382-PL101 D under outline planning permission, PT13/0737/O, however the location of the building is almost similar to the approved location, as such, it is considered that the proposal would not material different from the approved plan.

### 5.3 Layout, Scale and Appearance

The approved block plan submitted with the outline application indicated that the new dwelling would be a two-storey detached building in the position now for consideration. Officers also took into consideration the Inspectorate decision and imposed conditions. Condition 4 states that the development hereby permitted shall be carried out in accordance with the approved plans: 00382-PL001, 382-PL101D, 00382-PL003 (tree survey) and the reason for such condition is in the interests of the presence of protected trees.

5.4 In considering the layout, attention has been paid to the need to provide both adequate private amenity space and adequate off street parking. As a result, the proposed dwelling would have a reasonable large private garden with mature trees along the site boundary. In addition, there would be adequate off-street parking spaces within the site. It is therefore considered that the proposed layout is acceptable in all respects.

5.5 Although the shape and scale of the proposed dwelling is different from the previously submitted scheme, the location of the proposed dwelling would be very similar to the location which was allowed by the Inspector. Regarding the height of the proposed building, the Council Arboricultural Officer has no objection to the proposed height as three storey instead of two storey.

- 5.6 Officers acknowledge that the proposed dwelling would not be small in scale; nevertheless, the new building would sit at a lower topography compared with surrounding properties as such the dwelling would not cause significant adverse impact upon the character of the area. The scale of the dwelling is therefore considered to be appropriate for its setting.
- 5.7 In terms of appearance, most of surrounding properties are finished with render in white or beige colour. The proposed dwelling would be of a contemporary design, which is very different from other surrounding properties in the locality. Paragraph 60 of National Planning Policy Framework states that planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness.
- 5.8 The applicant's design and access statement indicated that the proposed dwelling has been designed to meet the various medical needs of the applicant's family members in order to provide a 'lifetime homes' accommodation. The footprint of the dwelling has been heavily constrained by the existing trees and requirement not to encroach significantly into areas of the site which may affect their roots and potentially damage trees.
- 5.8 Due to the discreet location and low topography of the site, officers consider that the proposed contemporary design with recessed openings and appropriate solid and void ratio would not cause significant harm to the character of the area. Additionally, the proposed mix use of render and timber cladding for the external wall of the building would help the new building integrate with the character of the locality. Officers therefore considered that the proposal would be of good quality in design and the overall design including layout, scale and appearance are acceptable.
- 5.9 Impact on Residential Amenity  
The nearest neighbouring properties to the proposed new dwelling would be No. 1 Catbrain Hill, which lies to the west of the site and would be more than 20 metres from the proposed dwelling, and the new build dwellings of 24 and 42 Medlar Close, which are located to the north of the site.
- 5.10 Although there would be a number of windows on the all elevations, there would be a considerable distance between the new dwelling and the neighbouring properties as such, the proposed dwelling would not cause unreasonable loss of privacy, inter-visibility, or overbearing impact upon the neighbouring occupiers.
- 5.11 With regards to the level of amenity for future residents, adequate garden space is provided to meet the needs of this family house.
- 5.12 Parking  
Officers acknowledge residents' concerns over the parking and highway issues.

Means of access to the site has been agreed as part of the outline permission. The layout plan shows sufficient space for four off street parking spaces for the proposed new dwelling. This level of parking is in accordance with the minimum standards as set out in the Residential Parking Standards SPD.

#### 5.13 Flooding issues

The site lies within the inundation zone for the Cribbs Causeway reservoir and the Council Emergency Planning Team and Environment Agency have been consulted on this application.

The development is situated within an area at risk of no notice flooding by considerable amount water, however, there are currently no precise details relating to flood water depth and velocity. As this site would be at risk of a notice failure of the reservoir wall, there would be no pre warning to enable a successful evacuation. The Emergency Planning Unit therefore advised that a residential property at this location could be at significant risk in the event of a breach.

Regarding the flooding issues, the Environment Agency has confirmed the site is situated within Flood Zone 1, considered the proposal and raised no objection to the proposal, however the Agency are unable to provide technical detailed information, such as depths and velocities of flood water.

In this instance, officers give significant weigh on the Environment Agency's advice given that the Agency is a statutory consultee, who raise no objection. It should also be noted that planning permission was also granted for 51 no dwellings to the north of the site, which are also within the inundation zone, and the potential flooding issues have been considered in the outline planning application, officers therefore consider that there would not be any material and significant risk of flooding issues caused by the proposed residential property at this particular location, which has been agreed by the Planning Inspector. Nevertheless, a planning condition is imposed to seek a detailed emergency evacuation plan and a detailed flood resilient and resistant construction method and an informative is attached to advise of the location of the site. .

#### 5.14 Arboricultural and landscaping issues

A tree report has been submitted including a tree protection plan. Adequate protection has been afforded the retained trees in the form of ground protection and fencing. T7 and T14 (B category oaks) have an encroachment into their root protection area which has been acknowledged in the tree report and a justification reason to alter the shape of the RPA has been offered, as suggested in BS5837:2012.

In addition, addendum to the Tree Report has also been submitted to address comments from the Tree Officer relating to the operation of excavation the strip foundations within RPAs. Officers are satisfied with the submitted details and have no objection to the proposal provided that a planning condition is imposed to ensure the works will be carried out in accordance with the submitted details.



5.15 Noise from Filton Airport

Planning Inspector imposed a planning condition to seek an acoustic report detailing potential impacts on the development of noise from Filton airport and any required mitigation measures. The Council Environmental Protection Team has confirmed that the said Airport has ceased operation since 2012, therefore the condition would no longer be necessary.

**6. CONCLUSION**

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

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

**7. RECOMMENDATION**

7.1 That the reserved matters application is APPROVED subject to the conditions on the decision notice

**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 first occupation of the dwelling hereby approved, the surface water drainage of the proposed development hereby permitted shall be carried out in accordance with the submitted foul and surface water arrangement plan, drawing no. J-3844-V2 3011 Rev B and surface water attenuation calculations received by the Council on 30 January 2015.

Reason

To comply with the requirements of appeal decision APP/P0119/A/13/2200996 and to minimise the effect of any flooding which may occur and to comply with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013.

3. No building or structures shall be erected, or ground levels raised, within five metres of the watercourses running to the north of the site.

Reason

To comply with the requirements of appeal decision APP/P0119/A/13/2200996

4. Finished floor levels shall be set no lower than 44.35m AOD.

Reason

To comply with the requirements of appeal decision APP/P0119/A/13/2200996.

5. All works shall be carried out in accordance with recommendations set out in the JPC Ecology Protected Species Survey Report (June 2012).

Reason

To comply with the requirements of appeal decision APP/P0119/A/13/2200996.

6. All works shall be carried out in accordance with the Addendum of Arboricultural Method Statement dated January 2015, Tree Protection Plan and Arboricultural Implications Assessment received on 3 October 2014.

Reason

To comply with the requirements of appeal decision APP/P0119/A/13/2200996 and in the interest of protected trees.

7. Construction works shall not take place outside 0730 hours to 1800 hours Mondays to Fridays and 0800 hours to 1300 hours on Saturdays nor at any time on Sundays or Bank and Public Holidays.

Reason

To comply with the requirements of appeal decision APP/P0119/A/13/2200996 and to protect the amenity of the neighbouring residents.

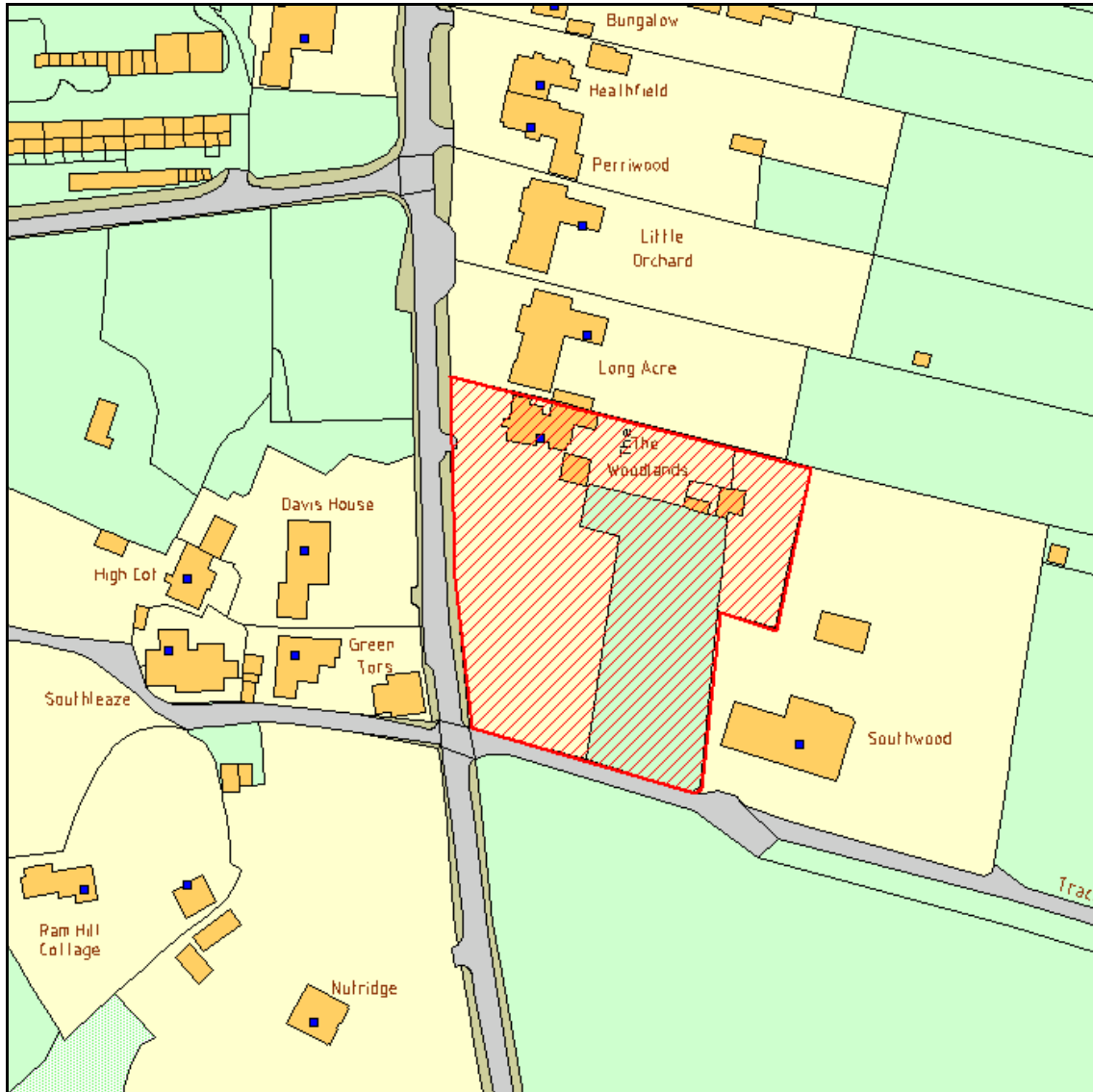
8. Prior to the commencement of the proposed development hereby permitted, details of emergency evacuation plan and details of resilient and resistance construction method shall be submitted to and approved in writing by the Local Planning Authority. The proposed works shall be carried out in accordance with the approved details.

Reason

In the interest of future occupiers of the site to accord with National Planning Policy Framework March 2012.

## CIRCULATED SCHEDULE NO. 07/15 – 13 FEBRUARY 2015

<b>App No.:</b>	PT14/4274/CLE	<b>Applicant:</b>	Mr And Mrs K Brock
<b>Site:</b>	Woodlands Ram Hill Coalpit Heath Bristol South Gloucestershire BS36 2UF	<b>Date Reg:</b>	17th November 2014
<b>Proposal:</b>	Certificate of lawfulness for the existing use of land shown on the submitted plan as a residential garden (Use Class C3)	<b>Parish:</b>	Westerleigh Parish Council
<b>Map Ref:</b>	367835 179793	<b>Ward:</b>	Westerleigh
<b>Application Category:</b>		<b>Target Date:</b>	12th January 2015



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 100023410, 2014. **N.T.S.** **PT14/4274/CLE**

## **REASON FOR REPORTING 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 the existing use of the land edged in red as residential garden (Use Class C3).
- 1.2 The application site relates to 'Woodlands', which is a detached bungalow situated within the open countryside and within the Bath/ Bristol Green Belt. The red line outlines the land on which the bungalow sits, its curtilage, and the large area of land to the south.
- 1.3 During the course of the application additional evidence has been submitted in the form of affidavits.

### **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. National Planning Practice Guidance 2014

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

- 3.1 PT14/3442/F - Demolition of existing house and outbuildings and erection of 1no replacement dwelling with associated access drive and landscaping. (resubmission of PT14/1904/F). Pending Consideration
- 3.2 PT14/1904/F - Demolition of existing house and outbuildings and erection of 1no replacement dwelling with associated access drive and landscaping. Withdrawn 10<sup>th</sup> July 2014

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

- 4.1 Six signed statutory declarations (sworn) from five individuals. These are summarised as follows:

Amanda Jayne Brock 10 <sup>th</sup> November 2014	<ul style="list-style-type: none"><li>• Joint Freeholder of The Woodlands purchased with her husband in July 2013. It has been tenanted since October 2013.</li><li>• Copy of registered title and title plan ('The Garden')</li><li>• Throughout period of ownership the land edged blue on the title plan has been used as a domestic garden.</li><li>• The garden has at no point during ownership been used for any purpose other than as a</li></ul>
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	<p>garden to the house.</p> <ul style="list-style-type: none"> <li>• Throughout ownership the Garden has been maintained by carrying out activities such as mowing the lawn, planting a tree, pruning the ornamental trees where required and associated garden maintenance.</li> <li>• Lived in Ram Hill for 17 years passing the property on a daily basis. From viewing it for most of this period aware that it has been used for no other purpose. Confirmed by several neighbours and previous owner's son – exhibit 2 Letter from Mr May, reference comments on PT14/3442/F.</li> <li>• Undated photographs enclosed from period of ownership.</li> <li>• No features such as troughs on the land.</li> <li>• There are oak and sycamore trees planted – leaves and acorns of oaks trees are poisonous to horses, pigs and sheep. Leaves and seeds of sycamore are poisonous to horses.</li> <li>• Enclosed Tree Schedule.</li> <li>• Enclosed internet articles r.e. poisonous plants</li> </ul>
<p>Keith Barry Brock 10<sup>th</sup> November 2014</p>	<ul style="list-style-type: none"> <li>• Joint Freeholder of The Woodlands purchased with his wife in July 2013. It has been tenanted since October 2013.</li> <li>• Copy of registered title and title plan ('The Garden')</li> <li>• Throughout period of ownership the land edged blue on the title plan has been used as a domestic garden.</li> <li>• The garden has at no point during ownership been used for any purpose other than as a garden to the house.</li> <li>• Throughout ownership the Garden has been maintained by carrying out activities such as mowing the lawn, planting a tree, pruning the ornamental trees where required and associated garden maintenance.</li> <li>• Lived in Ram Hill for 17 years passing the property on a daily basis. From viewing it for most of this period aware that it has been used for no other purpose. Confirmed by several neighbours and previous owner's son – exhibit 2 Letter from Mr May, reference comments on PT14/3442/F.</li> <li>• Undated photographs enclosed from period of ownership.</li> <li>• No features such as troughs on the land</li> </ul>

	<ul style="list-style-type: none"> <li>• There are oak and sycamore trees planted – leaves and acorns of oaks trees are poisonous to horses, pigs and sheep. Leaves and seeds of sycamore are poisonous to horses.</li> <li>• Enclosed Tree Schedule.</li> <li>• Enclosed internet articles r.e. poisonous plants</li> </ul>
<p>Keith Barry Brock – Supplementary Declaration 12<sup>th</sup> December 2014</p>	<p>The supplementary declaration outlines the following which has not already been outlined above:</p> <ul style="list-style-type: none"> <li>• No livestock has been kept on land for at least ten years.</li> <li>• Grass maintained as a lawn and a garden.</li> <li>• In September 2013 Mr Brock introduced himself to Mr and Mrs Oakley at Southwood, a neighbouring property. They specifically requested that no bonfires are lit near to their garden as the previous owner had frequently done so. This confirms that the Garden was maintained on a regular bases. To make such a comment indicates that this was a real problem.</li> <li>• Reference Exhibit 5 – undated photographs to demonstrate that the property would be prominent in open views from the public footpath to the south. Whole garden visible from the PROW. Extra hedging has been included in planning application to screen views confirming the openness of views available in this direction.</li> <li>• Owner of Davis House – Mr Wilkinson – has a raised elevation and overlooks the property. Neighbouring properties have a clear vision of the property, unobstructed by vegetation.</li> </ul>
<p>Simon David Blackmore 10<sup>th</sup> November 2014</p>	<ul style="list-style-type: none"> <li>• Local resident of Coalpit Heath for 22 years and knows the property known as The Woodlands.</li> <li>• Throughout residency the land edged blue on the title plan has been used as a domestic garden.</li> <li>• Passed property on a regular basis, including walking the dog past the property. From external viewing it would seem this has always been used as a domestic garden and for no other purpose.</li> </ul>
<p>Karen Hayward 12<sup>th</sup> December 2014</p>	<ul style="list-style-type: none"> <li>• Lived in Mangotsfield since September 2014 having previously lived in Coalpit Heath between 1992 and 2006.</li> <li>• Knows the property known as The</li> </ul>

	<p>Woodlands.</p> <ul style="list-style-type: none"> <li>• During the time she lived in Coalpit Heath Ms Hayward would pass the property on a regular basis, including walking her dog.</li> <li>• Throughout this time she confirms that she has never known the land edged blue on the title deed to be used for anything other than as a residential garden.</li> <li>• The garden was always well maintained and visually attractive.</li> <li>• Since moving from Coalpit Heath in 2006 she has regularly returned to the area and not aware that the garden as been used for any other purpose.</li> </ul>
Emily Simmons 12 <sup>th</sup> December 2014	<ul style="list-style-type: none"> <li>• Lived at Ram Hill for the last 15 years having moved into Old Station House in October 1999. Previously between 1965 and 1981 her mother lived at Ram Hill.</li> <li>• Knows the property known as The Woodlands.</li> <li>• During her childhood, whilst visiting her mother, Ms Simmons was friends with the children of the property's previous owner. Throughout this period she frequently visited the property, which includes playing in the garden (edged blue on title plan).</li> <li>• The entire garden was used for no other purpose other than as a residential garden.</li> <li>• Between 1981 and 1999 Ms Simmons would visit Ram Hill every one or two weeks and regularly enjoyed walking in the area. She would speak to the owners if they were in their garden.</li> <li>• Throughout the last 15 years, Ms Simmons has regularly travelled past the property and has never seen evidence of the garden being used for any other purpose other than as a residential garden.</li> <li>• Not aware that any animals, other than small domestic pets have been kept in the garden.</li> </ul>

4.2 Four letters of correspondence (unsworn) from three individuals (including the letter from Mr May exhibited in the statutory declarations of Mr and Mrs Brock). These are summarised as follows:

Martyn May (undated letter)	<ul style="list-style-type: none"> <li>• Executor for his later Mother (Mrs D May) who owned the property jointly with his late Father from 1954 until July 2013.</li> <li>• Part of the property to the south was originally a paddock which was incorporated</li> </ul>
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	<p>into the garden by his father approx.. 25/30 years ago</p> <ul style="list-style-type: none"> <li>• Part of this original paddock was then divided, the part to the east (closest to Southwood) was originally intended as a paddock.</li> <li>• This part (the east) has certainly not been used as a paddock for at least some 18years. The area was kept regularly mown for some years until his father's death in 2000.</li> <li>• They continued to keep the grass cut until 2013.</li> <li>• It was always considered by the family as part of the garden, often used by grandchildren for playing football and cricket etc.</li> </ul>
<p>Martyn May (Email dated 1<sup>st</sup> December 2014)</p>	<ul style="list-style-type: none"> <li>• No animals have been kept there since his father died in October 2000 and believe several years before.</li> <li>• There was once a small pony (one) but that was a long time ago.</li> <li>• After talking to his sister they both think that would have been at least 18 years ago.</li> </ul>
<p>Richard Castor Jeffery – FIT Architects (Email dated 11 December 2014)</p>	<ul style="list-style-type: none"> <li>• Davis House is set to the west of the area in question on an elevated position overlooking the open land.</li> <li>• Their ground floor is raised at least 4m above the site and with a roof terrace approximately 7m above the site. The house is only 26 meters from the boundary at its closest point. It appears that the principal living rooms of Davis House are to the front of the property and would overlook the site.</li> <li>• Of all the houses in the vicinity of the site, Davis House is certainly afforded the clearest view of the land in question, due to its proximity and elevated position.</li> </ul>
<p>Mr Wilkinson (Davis House) (Letter dated 3<sup>rd</sup> December 2014)</p>	<ul style="list-style-type: none"> <li>• Live opposite Woodland and have done since 1983.</li> <li>• At one point a Shetland pony was kept on the land but for the last 15 years at least no livestock has been kept there.</li> <li>• The grass in what was the paddock has been maintained as a lawn, and a number of shrubs planted.</li> <li>• When the May family were resident, after the departure of the pony, the area was used as a play area for their grandchildren.</li> </ul>



- 4.3 Undated photographs. Photographs show the following:
- Views from public right of way and highway.
  - Grassed land.
  - Trees.
  - Post and wire fence.
  - Metal gate.
- 4.4 Application for Certificate of Lawful Use Further Information. Prepared by Zyda Law – dated 16<sup>th</sup> December 2014
- 4.5 Application for Certificate of Lawful Use Further Information. Prepared by Zyda Law – dated November 2014

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

- 5.1 No contrary evidence has been received from third parties.
- 5.2 The Council's own evidence consists of aerial photographs for the following years: 1991, 1999, 2005, 2006, 2008-2009. A brief summary of each photograph is provided below:

1991: Bungalow at north of site with rear garden area enclosed by boundary treatment/ planting. Outbuildings approx. 21 metres to east of bungalow. Front garden/ driveway area enclosed by a boundary treatment/ hedgerow approximately 14 metres from south elevation of bungalow. Area of land to south is open, grassed and unplanted.

1999: Bungalow at north of site with rear garden area enclosed by boundary treatment/ planting. Outbuildings approx. 21 metres to east of bungalow. Previous boundary treatment/ hedgerow (which was 14 metres from south elevation of bungalow as described above) has been removed. Area of land to the south grassed. Some trees/ planting on western half of land to the south. Hedgerow/ planted boundary splitting land to the south in half. No trees or planting on eastern half of land to the south.

2005 and 2006: As above. Trees on western half of land to south are clearer as is the central hedgerow. One tree visible on eastern half.

2008/2009: As above. Trees canopies appear larger.

## **6. CONSULTATION RESPONSES**

- 6.1 Westerleigh Parish Council  
No objection
- 6.2 Public Rights of Way  
No objection

## Other Representations

### 6.3 Local Residents

Seven comments have been submitted by local residents in support of the application. The comments are as follows:

Mrs Karen Hayward	<ul style="list-style-type: none"><li>• Having lived in Coalpit Heath from 1992 until 2006 and since moving from the village, regularly visiting Bitterwell Lake and friends in the surrounding area, I can confirm I have never known the land surrounding the property in question to have been used for anything more than a very pretty garden.</li></ul>
Mr Trotman	<ul style="list-style-type: none"><li>• Having lived near to this property for the past 5 years, both my wife and I pass the property on a daily basis. It would be our understanding that the land in question is a garden. We witnessed the previous owner tending it in such a way that we considered it a very tidy, well maintained garden. As per previous comments made by others, at no stage have we ever witnessed livestock in the garden.</li></ul>
Mr McCullough	<ul style="list-style-type: none"><li>• I have grown up in the Henfield area and over the last 32 years I have enjoyed dog walks, playing with and visiting friends who lived on Ram Hill, fishing with my father at Bitterwell Lake, and I know the neighbourhood well.</li><li>• For as long as I can remember the property in question has appeared to have a large and attractive garden; indeed it is in a position that my parents would point out enviously as we would go past.</li></ul>
Mrs Andrews (plus one duplicate)	<ul style="list-style-type: none"><li>• Having been Landlady of the Ring O Bells since February 1997 and frequently walked from the pub to Bitterwell Lake I have passed the property in Ram Hill known as the Woodlands on a regular basis. Whilst walking my dog daily I would observe that the garden has always been well maintained and always noticed the variety of trees in the garden.</li></ul>
Mrs Simmons	<ul style="list-style-type: none"><li>• I have lived on Ram Hill for 15 years and also grew up on Ram Hill. The children of the previous occupiers of this property were my school mates. I have never known of this whole plot as anything other than a residential garden. I am not aware</li></ul>

	that any animals other than family pets have been kept there within the 15 years of my most recent residence on Ram Hill.
Mrs Fay	<ul style="list-style-type: none"> <li>• I have lived on Ram Hill for many years and have always known this plot of land as a garden.</li> <li>• For a short time a shetland pony was used to keep the grass down but this is not unusual in the country. I keep my pony in our garden in the winter and another resident of Ram Hill grazes her pony in her garden. Another resident sometimes has sheep in as 'lawnmowers'.</li> <li>• This is a country area and this is common practice.</li> <li>• I am sure if this application is allowed a covenant can be imposed forbidding any further development on the plot.</li> </ul>

6.4 One comment has been received objecting to the application. This is as follows:

Miss Cox	<ul style="list-style-type: none"> <li>• I am a neighbour the proposed property and it should only be allowed on top the foot print of the old building, also this property (so say garden)is green belt and green belt sensitive area, also the land has been used for keeping of shetland ponies etc and will provide evidence if required. If this gets a change to residential private garden it lends to further number housing developments on this plot.</li> </ul>
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## 7. **EVALUATION**

7.1 The application is for a certificate of lawfulness for the existing use of the land as residential garden (Use Class C3). The application therefore seeks to demonstrate that the land has been in residential use for a continuous period of at least 10 years prior to the date of the submission. It 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 land has been in a consistent residential use for not less than ten years and whether or not the use is in contravention of any Enforcement Notice which is in force.

7.2 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.

### 7.3 Assessment of Evidence

In terms of the sworn statements submitted in support of the application it is noted that six statutory declarations have been submitted by five individuals who have local knowledge of the property and the land. In all cases the declarants state knowledge of the site for a period in excess of 10 years with the shortest period being since 1992 and the longest being since 1965. It is noted that this is predominantly external knowledge with Mr and Mrs Brock having only had an intimate connection with the land since July 2013 when they purchased the property. Ms Simmons is the only declarant to have internal knowledge of the site from more than ten years ago, stating that she frequently visited friends there in her childhood. In all cases the declarants state that all of the land has, to the best of their knowledge, been used a domestic garden throughout the period they have known it.

7.4 From the declarations submitted it is noted that Mr Blackmore, although confirming that he considers the land to have been used as a domestic garden, does not go into any further detail or explanation on how this conclusion has been reached. Ms Hayward describes the land as having always been well maintained an attractive but again does not provide any additional detail on its use other than that she consider it to be a domestic garden. It is noted that this is also the case for a number of the supporting comments submitted by local residents. The declarations and comments therefore, although carrying weight such that the external views of the land would have the appearance of what the declarants/ local residents consider to be a domestic garden, do not lend more than limited weight to substantiating the residential use of the land.

7.5 The declarations of Mr and Mrs Brock state that all of the land has been maintained as a garden throughout the period of their ownership by carrying out activities such as mowing the lawn, planting a tree, pruning the ornamental trees where required and associated garden maintenance. Their ownership period has been since only July 2013 however other correspondence submitted by local residents also confirms that the land has always been well maintained. There is no reason to dispute the maintenance of the land as described which is also documented by the Council's own aerial photographs. It should be noted however that land maintenance (including mowing and, tree planting and pruning) does not necessarily mean that a material change of use has taken place or indeed that it is in a residential use. It is not unusual for land to be maintained in such a way in areas that are not in a residential use. Open spaces and orchards for example are often maintained in this way but are not necessarily classed as falling under Class C3 (residential) for the purposes of defining land use in planning terms. It is also not unusual for land which is annexed or under the same ownership, such is the case in this instance, to be maintained with a lawnmower but to not be in a residential use. It is therefore not considered that this evidence is sufficiently clear to demonstrate that a material change of use to residential has taken place or that the land is currently in a residential use.

- 7.6 The statutory declaration of Mr Brock states that on purchasing the property the neighbouring occupiers had brought up the issue of bonfires on the land directly adjacent to the curtilage of Southwood. Mr Brock suggests that this confirms that the land has been regularly maintained. This statement is not disputed by Officers and whilst it would indicate that there is likely to have been bonfires near the curtilage of Southwood a bonfire is not clear evidence of a residential use. It only indicates that maintenance has taken place. Again, as already discussed the maintenance of the land is not disputed but it does not precisely relate to a purely residential use, which is the use which this certificate seeks to confirm.
- 7.7 As an additional matter it is further noted that none of the statutory declarations make any reference to the changes in the planting of the land which can be clearly seen on the aerial photographs. There is for example a clear line between the eastern and western halves of the southern area of land which can be seen up until the Council's most recent aerial photographs (2008-2009). This line, which appears to be a hedgerow, has since been removed (within the last 6 years) but none of the evidence submitted within the statutory declarations suggests when this was despite this matter being brought up by Officers on a number of occasions. This issue is noted because anyone who has or has had direct knowledge on the use of the land would surely have noticed this physical feature and would be able to provide some comment on it. Although the applicant's have made it clear that external views into the land are available, which is not disputed by Officers, it is nonetheless noted that the majority of the statutory declarations are based on external views only. They therefore cannot be expected to have a detailed knowledge of the land use.
- 7.8 The only evidence to make any reference to the physical feature described above is from Mr May, who does have an intimate relationship with the property since it was owned by his late mother and father. Mr May has provided evidence in the form of an unsworn letter and email, which although carrying less weight than a sworn statement is nonetheless material and useful in gaining past intimate knowledge. Mr May confirms that the part of the property to the south was originally a paddock which he states was incorporated into the garden by his father approx. 25/30 years ago. He states that part of this original paddock was then divided, the part to the east (closest to Southwood) was originally intended to remain as a paddock. This is consistent with the Council's own aerial photographs which show that part of the southern boundary to the bungalow's curtilage was removed at some point between 1991 and 1999. Given the consistency of Mr May's evidence with the aerial documentation it is considered that Mr May's correspondence holds more weight in the determination of the land use.
- 7.9 Mr May goes on to describe the activities that took place on the land to the south, which was used by grandchildren for playing football and cricket. He also confirms that the grass was regularly cut. This is consistent with the statutory declaration of Ms Simmons who recalls playing in this area as a child. In terms of the activities described by Mr May it is considered that the activities described would not necessarily have materially changed the use of the land to residential. The use of land for recreational purposes such as playing football and cricket is not an activity that precisely, clearly or unambiguously directs

towards a purely residential use. These activities are common on recreational land and on land that is in an agricultural use especially in a rural location such as this. These activities described therefore do not demonstrate that a change of use has taken place and do not demonstrate that the land is in a residential use now.

- 7.10 It is considered that for a change of use to take place the land would have been used more intensely for residential purposes. For example, Officers would expect to see items such as garden chairs and tables, domestic hardstandings, washing lines, paths and patios and other domestic paraphernalia. As existing all of the items that indicate a domestic use, such as footways, hardstandings, garden lights and outbuildings, are sited directly adjacent to the bungalow itself as would be expected. There are no domestic items anywhere in the land to the south, which is enclosed to the southern, eastern and western boundaries by natural hedgerows, post and wire fencing and a metal gate which has a more agricultural appearance. Officers also note that the grass, although clearly cut and maintained, does not have a 'lawn' appearance that would be expected from a residential use. The applicants argue that the Council's photographs are not of sufficient quality to show such items but none of the photographs submitted by the applicant indicate any different and, none of the evidence has described anything that could be defined as a more intense residential use.
- 7.11 In terms of the above Officers accept that maintenance of the land has been undertaken and the evidence suggests that it has always been visually attractive as is the case now. It is also accepted that the land has been used for recreational purposes such as playing football and cricket. The evidence, however, relies entirely on the land maintenance and tree planting/ pruning to confirm a residential use. It is acknowledged from the aerial photographs that tree planting has taken place on the western half of the land to the south and that the original boundary to this half of the land was removed between 1991 and 1999. This does suggest that the western half of the southern land would have a more intimate relationship with the bungalow than prior to 1991. The eastern half, which up until the 2008 to 2009 photograph appears separate, however does not. It is not however considered that the evidence provided is sufficiently or clear to confirm that on the balance of probability a change of use to residential has taken place or indeed that the land is currently used for residential purposes on either halves of the land to the south.
- 7.12 The applicant's supporting statement refers to the entirety of the land as one planning unit stating that both the previous owners and the current owners have had a single main purpose of occupying the land. Reference is made to the principles set out in *Burdle and Another v Secretary of State for The Environment and Another* [1972] 1 W.L.R 1207, which sets out the different criteria for determining a 'planning unit'; Reference is also made to secondary and ancillary land uses and activities that are incidental or ancillary to the whole unit of occupation.
- 7.13 The concept of a planning unit can cause some difficulty in practice however what is clear from the courts is that each case should be considered on its merits as matters of fact and degree. The applicant's argument is acknowledged and it is accepted that the entirety of the land is within the

ownership of the applicant however this is not the only test of a planning unit. The assessment of a planning unit, as confirmed by Case Law, also requires an assessment of both functionality and physicality.

- 7.14 Within the Council's aerial photographs it is considered that the earliest record (1991) shows a clear physical separation of the bungalow and its curtilage, and the annexed land to the south and a small parcel of land to the far east. It is acknowledged that this alone is not an indication of a planning unit however, given the very modest scale of the bungalow and its siting, it is considered that the land which is seen to be physically separated in the 1991 aerial would be reasonable defined as the planning unit.
- 7.15 This physical separation was partially removed as previously described through the opening of the western half of the land to the south. It could therefore be argued that the physical separation has changed the planning unit although the physical boundaries suggest that this would only extend to the western half of the disputed land. Case law establishes that physical separation must however be considered alongside functionality. In terms of functionality it is considered that the bungalow, which is modest in scale and situated to the far north of the site, has a clear functional area of land which lies directly to its front and rear which would be expected to intimately serve the residential use of the dwellinghouse. The evidence submitted does not suggest that the land to the south has this same functional relationship and on the small scale of the dwellinghouse it is considered that the land to the south is unlikely to have a direct function with the bungalow itself. The mere fact that it is under the same ownership and has been maintained under the same ownership is not considered sufficient to establish that the entirety of the land is in the same planning unit. Therefore, whilst the applicant's argument is acknowledged, in assessing the merits of the site individually, it is not considered that this argument justifies the grant of a certificate.
- 7.16 The applicant's evidence further argues that the land does not contain any items such as troughs and has not been used for keeping livestock for at least 18 years (at which point it had been used to keep a pony). It also refers to the type of trees planted which are known to be poisonous to animals. These statements are all noted however this only provides neutral evidence that the land is not used for grazing livestock. It does not demonstrate that a change of use has taken place or that the land is currently in a residential use.
- 7.17 Overall and in conclusion to the above it is considered that on the balance of probability the use of the land as residential has not been proven. This is because the evidence provided does not clearly or unambiguously describe a use that could be defined as falling under use class C3. The Council's own evidence in the form of aerial photographs similarly is not considered to show a land use that could be described as residential. This application for a certificate of lawful development for an existing use is therefore refused on these grounds.

**8. CONCLUSION**

- 8.1 It is considered that the evidence submitted does not demonstrate that, on the balance of probability, the entirety of the land has been in residential use for a consistent period of at least ten years.

**7. RECOMMENDATION**

- 7.1 That the Certificate of Lawfulness is REFUSED.

**Contact Officer: Sarah Fordham**  
**Tel. No. 01454 865207**

**REASONS FOR REFUSAL**

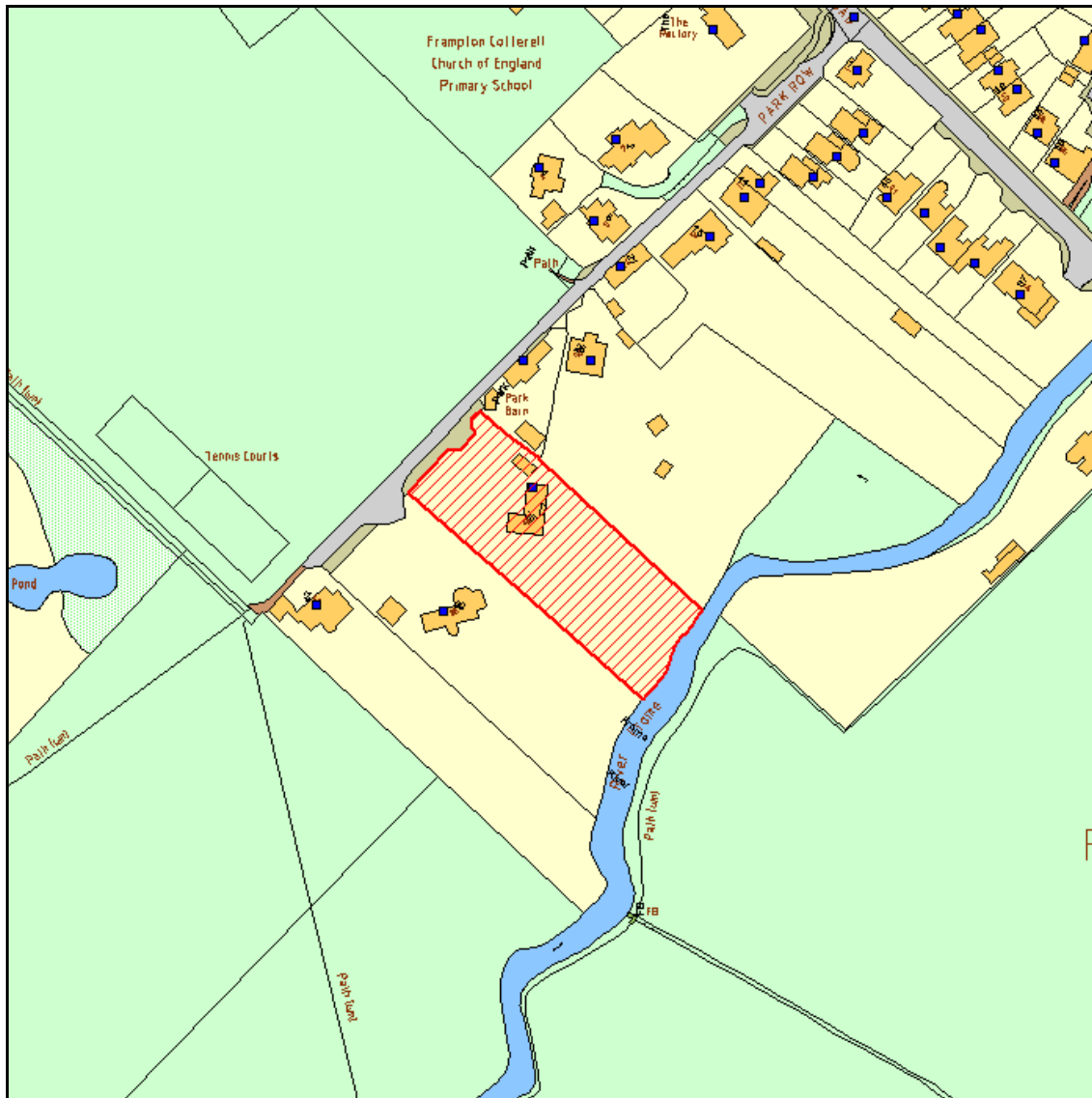
1. It is considered that the evidence submitted does not demonstrate that, on the balance of probability, the entirety of the land has been in residential use for a consistent period of at least ten years.



## CIRCULATED SCHEDULE NO. 07/15 – 13 FEBRUARY 2015

**App No.:** PT14/4296/F  
**Site:** 35 Park Row Frampton Cotterell South  
 Gloucestershire BS36 2BS  
**Proposal:** Demolition of existing dwelling and  
 garage and erection of 1 no. detached  
 dwelling and detached garage/store  
 with associated works.  
**Map Ref:** 366337 181652  
**Application Category:** Minor

**Applicant:** Mr Lee England  
**Date Reg:** 17th November  
 2014  
**Parish:** Frampton Cotterell  
 Parish Council  
**Ward:** Frampton Cotterell  
**Target Date:** 7th January 2015



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100023410, 2014.

N.T.S.

PT14/4296/F

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

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

### **1. THE PROPOSAL**

- 1.1 The proposal seeks to demolish an existing detached dwelling and detached garage and erect 1no. replacement dwelling and 1no. replacement detached garage with associated works, within the curtilage of the existing dwelling.
- 1.2 The application site is within the Bristol/Bath Green Belt and is outside of a recognised settlement boundary.
- 1.3 The existing dwelling is a two-storey detached house with a traditional style located back from Park Row, but still toward the front of the plot, with an existing detached triple garage on the northern boundary of the site. To the rear of the house is an existing swimming pool (which will remain), and a lawn which slopes down to the River Frome at the bottom of the garden.
- 1.4 During the course of the application revised plans have been submitted to incorporate amendments to the proposed detached garage, the amendments decreased the maximum height of the garage by 0.97 metres. An appropriate period of consultation then occurred.
- 1.5 To the south east of the site is the River Frome, a non-statutory Site of Nature Conservation Interest (SNCI), in addition to this, there are two further SNCIs which lie within 1km of the site.
- 1.6 The existing swimming pool to the south of the proposed dwelling and existing house will be retained and unaffected by this proposal.

### **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)
  - H3 Residential Development in the Countryside
  - H4 Residential Development within Existing Residential Curtilages, Including Extensions and New Dwellings
  - H11 Replacement Dwellings in the countryside
  - L1 Landscape Protection and Enhancement
  - L9 Species Protection
  - T12 Transportation Development Control Policy for New Development

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design

CS4A Presumption in Favour of Sustainable Development

CS5 Location of Development

CS8 Improving Accessibility

CS9 Managing the Environment and Heritage

CS15 Distribution of Housing

CS16 Housing Density

CS17 Housing Diversity

2.3 Supplementary Planning Guidance

Residential Parking Standard SPD (Adopted) December 2013

South Gloucestershire Design Checklist SPD (Adopted) August 2007

Development in the Green Belt SPD (Adopted) June 2007

**3. RELEVANT PLANNING HISTORY**

- 3.1 PT14/1460/CLP Approve with Conditions 04/06/2014  
Application for certificate of lawfulness for the proposed erection of a single storey side extension and front porch.
- 3.2 PT14/1524/PNH No Objection 15/05/2014  
Erection of single storey rear extension, which would extend beyond the rear wall of the original house by 8 metres, for which the maximum height would be 4 metres and for which the height of the eaves would be 2.2 metres.
- 3.3 N640 Approve with Conditions 18/11/1974  
Conversion of existing garage to living accommodation. Erection of 3 car garage.

**4. CONSULTATION RESPONSES**

- 4.1 Frampton Cotterell Parish Council  
No objection.

4.2 Other Consultees

Transport

No objection, the existing vehicular access will not change and the parking proposed conforms with the Council's residential parking standard.

Highway Drainage

The drainage officer recommended a number of conditions regarding Sustainable Drainage Systems (SUDS); irrigation for effluent overflow; flooding from mining drainage areas; and the water from the existing swimming pool.

Highway Structures

No Comment.

Ecological Officer

The officer originally requested an Ecology Appraisal; this was submitted by the agent. In response to this appraisal the officer suggested a number of conditions and informative notes which will be discussed within the 'Ecology' Section.

Landscape Officer

No objection.

Environmental Agency (South West)

None received.

**Other Representations**

4.3 Local Residents

One letter has been received by the Council from a member of the public, this neighbouring resident (Orchard House, Park Row), neither objected nor supported the application, but had the following comments:

- The sunroom will look directly at 'The Orchard', additional evergreen planting should be planted within Fairview;
- Park Row is a narrow lane, there is no room for turning/parking in this lane, this should be provided within Fairview House;
- Noise, dust and disruption should be minimised;
- Fairview has no mains drainage, if the intention is to install this, it would cause disruption to the lane;
- Would prefer not to have to look onto a roof of solar panels;
- Why does the house need to be any taller than it currently is?

**5. ANALYSIS OF PROPOSAL**

5.1 The proposal is to demolish an existing garage and an existing dwelling to be replaced with a detached dwelling and detached garage. The site is located outside of a designated settlement and within the Green Belt.

5.2 Principle of Development

Policy CS5 of the adopted Core Strategy requires development outside of the settlement boundaries and within the Green Belt to comply with the provisions in the NPPF or relevant local plan policies.

5.3 Saved policy H3 of the adopted Local Plan is supportive of replacement dwellings outside existing settlement boundaries, so long as saved policy H11 of the adopted Local Plan is satisfied.

5.4 Saved policy H11 of the adopted Local Plan supports the replacement of a single existing dwelling outside of existing urban areas and settlement boundaries so long as the replacement dwelling is of a similar size and scale to the existing dwelling, within the same curtilage, and of a design in keeping with the locality and which minimises intrusion in the countryside.

## 5.5 Green Belt

Paragraph 87 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. However, Paragraph 89 of the NPPF sets out exception categories where the construction of new buildings within the Green Belt should be considered to be appropriate development. Importantly for this application the pertinent exception category is:

- *'The replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces'.*

5.6 Therefore, so long as the proposal satisfies the exception category set out above, the proposed development does not represent a departure from policy as the proposal would be pursuant to the Paragraph 89 of the NPPF and consequently appropriate development within Green Belt.

5.7 This conflicts with the advice within the Council's adopted Green Belt guidance, which suggests the existing dwelling must be beyond repair. Limited weight is attached to Council policy and guidance which is considered to be dated (Council's Green Belt Guidance adopted 2007), and does not accord with the guidance within the NPPF, accordingly, the development is pursuant to relevant policy in the NPPF, as long as the proposed dwelling and garage are not materially larger than the existing dwelling and garage.

## 5.8 Green Belt – comparative scale

When considering the issues of the size of proposed development within the Green Belt, volume calculations are considered to be a useful indicator of the materiality of the increase in size.

5.9 The existing dwelling and garage has a cumulative volume of 794m<sup>3</sup>. However, the properties permitted development rights are in tact, and through these the property has two forms of permission:

- PT14/1524/PNH – a single storey rear extension;
- PT14/1460/CLP – a single storey side extension and front porch.

5.10 It is reasonable prospect that these two permissions will be implemented. Cumulatively, these permitted proposals and the existing dwelling and garage would have a volume of 1,619m<sup>3</sup>.

5.11 The proposed dwelling and garage would have a cumulative volume of 1,283m<sup>3</sup>, and this does not include what else could be added to the existing dwelling through permitted development.

5.12 It is clear that the potential development through permitted development and the two extensions represents a larger addition than the proposed development. The potential development permissible through the two consents represents a volume increase of 104% above the existing dwelling, whereas the proposal would represent a 61.6% increase above the existing dwelling. However, as noted above further development still could be permitted through

the properties permitted development rights, such as further outbuildings and extensions.

- 5.13 Therefore, with regard to Paragraph 89 of the NPPF, the officer finds it reasonable to treat the existing dwelling to include the potential additions to the existing dwelling through permitted development in what constitutes the existing dwelling. Accordingly, the proposal represents a materially smaller dwelling and garage and satisfies Paragraph 89 of the NPPF.
- 5.14 As part of the justification for identifying the existing dwelling is including the potential dwelling achieved through permitted development, the householder permitted development rights will be removed through condition, to ensure that any future additions/extensions are submitted to the Local Planning Authority for further consideration.
- 5.15 Design and Visual Amenity  
Policy CS1 of the adopted Core Strategy requires development to be of the highest possible design.
- 5.16 The existing dwelling is orientated at an angle within the existing plot, whereas the proposed dwelling would be situated so the principle elevation of the dwelling would be parallel with Park Row. This is considered to make a more efficient use of the plot, when compared to the existing dwelling.
- 5.17 The proposed dwelling represents a more aesthetically pleasing design when compared to the existing dwelling. The existing dwelling has a rather garish window arrangement and a dated rough stone finish to the first floor elevations. Whereas the proposed dwelling would have a more distinct design of higher architectural standard.
- 5.18 The area lacks a distinct character, with the majority of houses positioned at different locations within their respective curtilage. In addition to this, the majority of the dwellings are set back from Park Row, and most of the houses have differing finishes, styles and scales.
- 5.19 The existing detached triple garage positioned on the northern elevation of the plot is in a poor state and does not contribute positively to the visual amenity of the site or its context. It has mono-pitch roof, rough stone finish and dated garage doors. The proposed garage has a hipped gable end pitched roof and represents a design which is much more visually pleasing and sits well in relation to the design of the proposed dwelling.
- 5.20 A comment from a neighbour included a comment regarding the introduction of solar panels at the proposed dwelling. Although the design and access statement mentions solar panels, there are no plans which include this renewable technology. As well as this, solar panels can be installed on houses through Schedule 2, Part 40 of the General Permitted Development Order without the need for consent from the Local Planning Authority. Accordingly, the installation of solar panels on the proposed dwelling is not considered to be a concern of this application in terms of visual amenity.

- 5.21 The proposed dwelling and garage would represent a higher standard of design when compared to the existing dwelling and garage, especially when considering what the applicant could erect through the properties permitted development rights and the two permissions it has. The potential dwelling would be subject to additions which would cause the dwelling to have a sprawling/clumsy form, whereas the proposed has a well thought out and high quality design.
- 5.22 Saved policy H11 has seeks to limit the size and scale of the proposed dwelling as to be similar to the existing dwelling. Although the proposed dwelling is larger than the existing, the proposal is much smaller than what can be achieved through permitted development as expressed within the Green Belt sections.
- 5.23 As well as this, saved policy H11 calls for a design which is in keeping with the locality and limits intrusion into the countryside. The proposal has high quality design and the dwelling limits intrusion into the countryside by having a smaller footprint than what the applicant could achieve through the two applications (PT14/1460/CLP and PT14/1524/PNH).
- 5.24 The proposed dwelling has a number of sustainability measures as identified within the 'Thermal Efficiency and Sustainability' section, and would represent a much more sustainable dwelling than the existing dwelling or what could be achieved through permitted development.
- 5.25 Overall, the design of the proposal is considered to be appropriate and an improvement in terms of the visual amenity of the site and accordingly, the proposal satisfies policy CS1 of the adopted Core Strategy.
- 5.26 Residential Amenity  
Saved policy H4 of the adopted Local Plan requires development not to prejudice the amenities of nearby occupiers.
- 5.27 The north-eastern elevation of the proposal will only have a small window in the first floor elevation, which will be bathroom window. The south west elevation will have no first floor windows, but will have a sunroom on the ground floor which has caused the neighbouring occupiers of the adjacent dwelling Orchard House some concern regarding the possibility of a the sunroom resulting a loss of privacy. From reviewing the plans and a site visit, the single storey structure is not expected to result in a loss of privacy to the neighbouring occupiers, especially when considering the existing vegetation which marks the boundary with the adjacent dwelling.
- 5.28 On the rear elevation there will be a proposed balcony on the first floor. This is not expected to result in a material loss of privacy to the neighbouring dwelling due to the distance to the adjacent dwelling Orchard House and the existing vegetation which marks the boundary between the two properties.

- 5.29 The proposed dwelling is positioned in a sensible location within the plot and the scale of the proposal is considered acceptable, accordingly, it is not expected to have a materially overbearing impact on the neighbouring occupiers.
- 5.30 The proposed garage on the northern edge of the plot would be located in the position of an existing detached triple garage. Although the proposed garage will be larger than the existing garage, it is not thought that it will result in a significantly overbearing impact, especially when considering the neighbouring garage/annexe which is located adjacent to the proposed garage.
- 5.31 The proposal will result in a shadow being cast to the north; however, this is not judged to result in material loss of light to any neighbouring occupiers.
- 5.32 Overall, the proposed dwelling and garage will not result in a detrimental impact to the residential amenity of the neighbouring occupiers. As well as this, the proposal has an adequate level of private amenity space, with the dwelling being occupied in the centre of a large plot. Accordingly, the proposal satisfies saved policy H4 of the adopted Local Plan and also policy CS16 of the adopted Core Strategy.
- 5.33 Highways  
The proposal will retain the existing access and there is a sufficient level of parking space within the residential curtilage of the proposed dwelling. Accordingly, the Council's residential parking standard is satisfied, and there are no highways objection to this proposal.
- 5.34 Drainage  
The Drainage Plan (dwg no. SU 01), denotes a foul water connection treatment plant which appears to discharge water into the River Frome. As a result of this, the Council's drainage officer has suggested a condition be applied to any permission granted to ensure the method of irrigation for the effluent overflow is appropriately treated. This is deemed to be relevant and necessary to the development.
- 5.35 The drainage engineer has also requested a SUDS condition be applied to any consent. The application is for one dwelling and it is therefore considered by the case officer that a SUDS condition would be excessive for the nature of the site and that drainage and soakaways are adequately covered under permitted development rights and building regulations.
- 5.36 A condition has also been suggested with regard to a flooding from mining drainage levels with reference to the former Bristol coalfields. However, the site is not located within a coal referral area, subsequently; an informative note will be attached to any planning permission granted with regard to this.
- 5.37 Two informative notes have been suggested by the drainage officer, involving the flooding from mining drainage levels and also the existing swimming pool. These will both be included with any permission granted.



- 5.38 Ecology  
The Council's Ecology Officer requested an ecological appraisal of the site be submitted to the Council before any permission was granted. The agent did so, and the report raised little concerns, suggesting the proposal would not impact the River From SNCI nor the Rockwell Wood SNCI which the river feeds.
- 5.39 From viewing this report the Council's ecology officer suggested a condition accompany any permission granted regarding the storage of potential polluting chemicals due to the proximity to the River Frome, this is not deemed to necessary when considering the River Frome is approximately over 60 metres from the proposed dwelling, and also there would be difficulty in enforcing such a condition. An informative is more appropriate in this case.
- 5.40 The ecological appraisal suggested that bats may forage on the site and use the River Frome, but no evidence suggested that either the existing house or garage were being used by bats. The Council's ecology officer suggested a condition regarding providing bat roosts and bird boxes on the site. From the evidence produced by the ecological appraisal, this is not reasonable and does not meet the requirements that conditions must meet as required by Paragraph 206 of the NPPF. Therefore, an informative note will alert the applicant to the potential of bats using the site.
- 5.41 The Council's ecological officer also suggested a condition be attached to any permission granted regarding a limiting additional lighting spill to the River Frome from the proposed dwelling. Such a condition is disproportionate, when considering the site is already being used for residential purposes and the proposed dwelling will only result in a minor increase in the amount of light spill from the dwelling.
- 5.42 The ecological officer also suggested a number of informative notes which will be attached to the decision notice.
- 5.43 Other Matters  
The size of the garage has been reduced through the course of this application; this was requested in terms of design, the Green Belt and also the future use of the garage. To ensure the garage is used for purposes incidental to the enjoyment of the dwellinghouse, rather than in an ancillary capacity such as a residential annexe, the use of the garage will be conditioned. This would give the Local Planning Authority an opportunity in the future to review any future use or additions of the existing garage
- 5.44 A neighbouring resident made a comment regarding the potential of the proposal to disrupt the occupiers of the neighbouring dwelling during construction. The scale of development is not deemed to be of such a size that the proposal will cause material disruption for a significant period of time; accordingly, no condition will be imposed to restrict working hours.
- 5.45 Conclusions  
The proposal does not represent a dwelling and garage materially larger than the existing, as the permitted development rights of the property are in tact,

and the property has two permissions which are reasonably expected to be implemented if this application is not permitted. In addition to this, the proposal has a high quality of design and the dwelling would include a number of measures meaning the property would have a high level of sustainability. Overall, the proposal represents a higher quality development when compared to the existing dwelling and what could be implemented through permitted development.

## **6. CONCLUSION**

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

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

## **7. RECOMMENDATION**

7.1 That the application is **APPROVED** with conditions.

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

## **CONDITIONS**

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

Reason

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

2. Prior to the use of the package treatment plant demonstrated on the Drainage Plan (dwg no. SU 01), details of the method of irrigation for the effluent overflow and a percolation test for discharge to a soakaway, must be indicated and submitted in writing to the Local Planning Authority. The details shall then be implemented strictly in accordance with the agreed details.

Reason

To ensure a satisfactory means of pollution control, in accordance with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013

3. Notwithstanding the provisions of Schedule 2 of the Town & Country Planning (General Permitted Development) Order 1995 (as amended) (or any Order revoking

and re-enacting that Order with or without modification) no development as specified in Part 1 (Classes A, B, D, E, F, G and H), other than such development or operations indicated on the plans hereby approved, shall be carried out without the prior written consent of the Local Planning Authority.

Reason

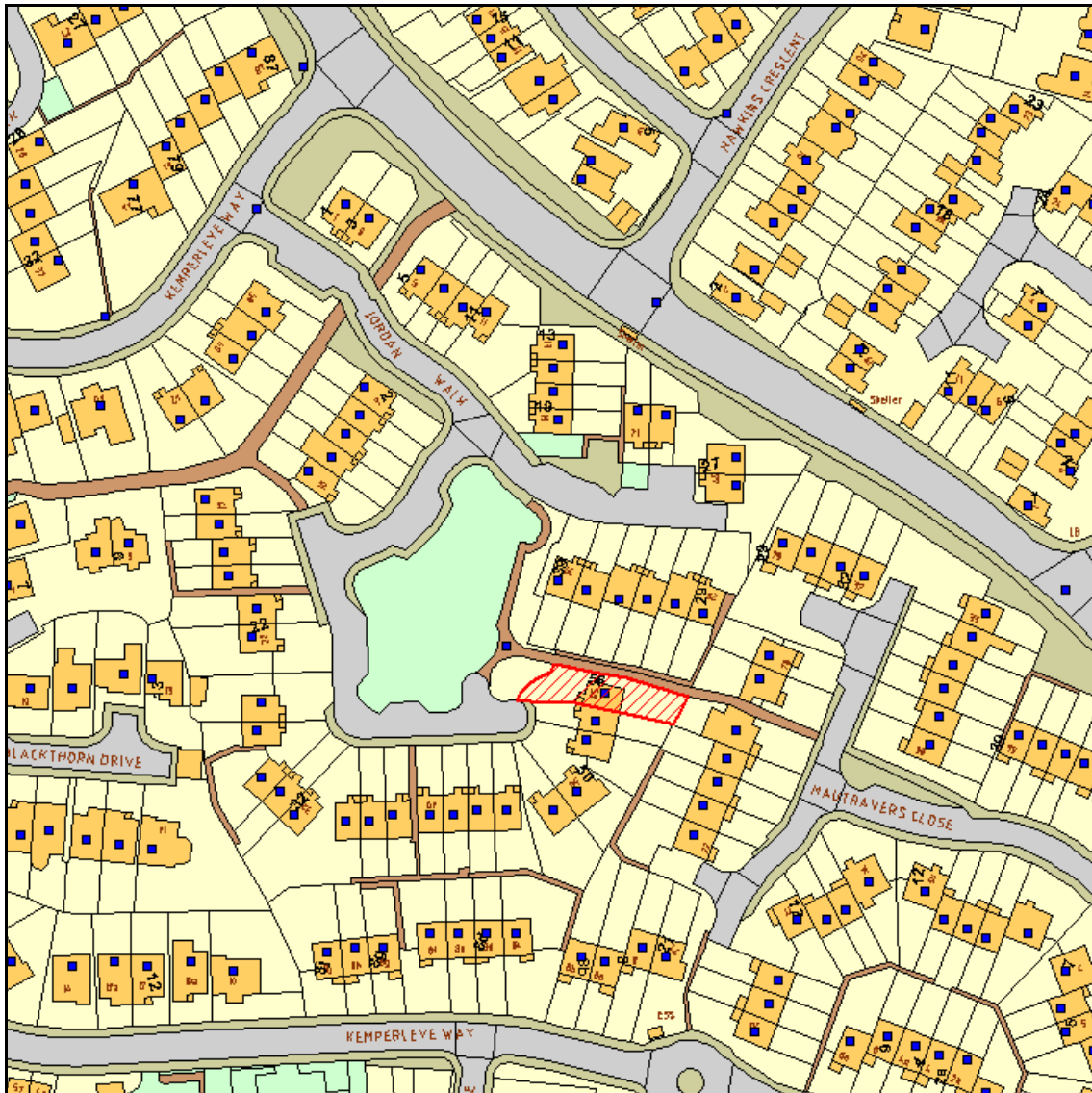
In the interests of visual amenity and the openness of the Green Belt, in accordance with Policy CS1, CS9 and CS17 of the Core Strategy (adopted) December 2013; saved Policy H4 of the South Gloucestershire Local Plan (adopted) January 2006; the Development in the Green Belt SPD (Adopted) June 2007; and the relevant Green Belt policy within the NPPF.

4. The hereby permitted detached garage on the north eastern side of the plot, shall only be used for purposes incidental to the enjoyment of the dwellinghouse, and not for any residential purposes.

In the interests of visual and residential amenity; and to give the Local Planning Authority an opportunity to review any proposed alterations/additions, in accordance with Policy CS1 of the Core Strategy (adopted) December 2013; saved Policy H4 of the South Gloucestershire Local Plan (adopted) January 2006; the Development in the Green Belt SPD (Adopted) June 2007; and the relevant Green Belt policy within the NPPF.

## CIRCULATED SCHEDULE NO. 07/15 – 13 FEBRUARY 2015

<b>App No.:</b>	PT14/4850/F	<b>Applicant:</b>	Mr And Mrs Hollbrook
<b>Site:</b>	56 Jordan Walk Bradley Stoke Bristol South Gloucestershire BS32 8JW	<b>Date Reg:</b>	19th December 2014
<b>Proposal:</b>	Erection of single storey rear extension to provide additional living accommodation (Retrospective)	<b>Parish:</b>	Bradley Stoke Town Council
<b>Map Ref:</b>	361894 181457	<b>Ward:</b>	Bradley Stoke South
<b>Application Category:</b>	Householder	<b>Target Date:</b>	12th February 2015



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## **REASONS FOR REFERRING TO CIRCULATED SCHEDULE**

This application has been referred to the Circulated Schedule following the receipt of objections from local residents and Bradley Stoke Town Council; the concerns raised being contrary to the officer recommendation.

### **1. THE PROPOSAL**

- 1.1 The application relates to a two-storey, end of terrace of 3, dwelling house, located towards the end of a residential cul-de-sac within the Bradley Stoke estate. The property is owned by Knightstone Housing Association.
- 1.2 The application seeks planning permission for the retention of a single-storey rear extension that has been erected for additional living accommodation. The extension, whilst not yet complete, is at an advanced state of construction and is currently being used for storage purposes only.

### **2. POLICY CONTEXT**

#### **2.1 National Guidance**

National Planning Policy Framework March 2012  
The National Planning Practice Guidance 2014

#### **2.2 Development Plans**

##### **The South Gloucestershire Local Plan (Adopted) 6<sup>th</sup> January 2006**

L1 - Trees and landscape  
L9 - Species Protection  
H4 - Development within Residential Curtilages  
EP2 - Flood Risk and Development  
T7 - Cycle Parking  
T12 - Highway Safety

##### **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  
CS8 - Improving Accessibility  
CS17 - Housing Diversity

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

Trees on Development Sites SPG (Adopted) Nov. 2005.  
The South Gloucestershire Design Check List (SPD) Adopted Aug 2007.  
South Gloucestershire Council Residential Parking Standards (SPD) Adopted.

#### **2.4 Emerging Plan**

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

PSP1 - Local Distinctiveness  
PSP2 - Landscape  
PSP3 - Trees and Woodland  
PSP6 - Onsite Renewable & Low Carbon Energy

PSP8 - Settlement Boundaries and Residential Amenity  
PSP16 - Parking Standards  
PSP20 - Flood Risk, Surface Water and Watercourses  
PSP39 - Private Amenity Space Standards

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

3.1 None

### **4. CONSULTATION RESPONSES**

#### **4.1 Bradley Stoke Town Council**

Objection - on the following grounds:

- The construction materials are out of keeping with the surrounding area.
- Loss of privacy for neighbouring property.

#### **4.2 Other Consultees**

Highway Drainage

No objection.

#### **Other Representations**

#### **4.3 Local Residents**

Letters of objection have been received from the occupiers of the other two houses within the terrace i.e. nos 52 & 54 Jordan Walk. The concerns raised are summarised as follows:

- The bricks used in construction do not match those of the existing house.
- Workmanship is of a poor standard to detriment of visual amenity.
- The boundary fence has been removed leaving the brickwork exposed.
- A side window overlooks nos. 52 & 54 resulting in loss of privacy.
- The side window is not shown on the plans.
- Loss of light to no.52.
- The back access to no.54 has been blocked off.
- The extension is too large.
- Loss of light to rear patio of no. 54.
- The side window overlooking no.54 should be removed.
- Overbearing impact on rear garden of no.54.
- No notification from LPA or applicant of intention to build.

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

#### **5.1 Principle of Development**

The South Gloucestershire Local Plan Core Strategy was adopted 11<sup>th</sup> Dec 2013 so the policies therein now form part of the Development Plan. Policy CS4 replicates the NPPF in enforcing the presumption in favour of sustainable development. In accordance with para.187 of the NPPF, Core Strategy Policy CS4A states that, when considering proposals for sustainable development, the Council will take a positive approach and will work pro-actively with applicants to find solutions so that sustainable development can be approved wherever

possible. The NPPF Para.187 states that Local Planning Authorities should look for solutions rather than problems and decision-takers at every level should seek to approve applications for sustainable development where possible.

- 5.2 Chapter 4 of the NPPF promotes sustainable transport and states that development should only be prevented on transport grounds where the residual cumulative impacts of development are severe.
- 5.3 Paragraph 50 of the NPPF sets out the importance of delivering a wide range of residential accommodation. This policy stance is replicated in Policy CS17 of the Core Strategy which makes specific reference to the importance of planning for mixed communities including a variety of housing type and size to accommodate a range of different households, including families, single persons, older persons and low income households, as evidenced by local needs assessments and strategic housing market assessments.
- 5.4 Policy CS17 goes on to say that building on gardens will be allowed where this would not adversely affect the character of an area and where, cumulatively, it would not lead to unacceptable localised traffic congestion and pressure on parking. Such development will be allowed where each home has adequate private/semi-private and/or communal outdoor space and where occupiers have access to adequate open and play space within the immediate vicinity.
- 5.5 Saved Policy H4 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 permits development within existing residential curtilages, including extensions to existing dwellings and new dwellings subject to criteria that are discussed below. Policy CS1 of the South Gloucestershire Local Plan Core Strategy (Adopted) Dec 2013 seeks to secure good quality designs that are compatible with the character of the site and locality.
- 5.6 Design  
Policy CS1 of the Core Strategy and Policy H4(A) requires development within residential curtilages to respect the massing, scale, proportions, materials and overall design and character of the existing property and the character of the street scene and surrounding area.
- 5.7 The applicant has erected the extension having mistakenly believed that the permitted development rights were in place for this property, which in fact they are not. This does not necessarily mean that a rear extension cannot be built, it merely means that it requires planning permission and the Council will assess any application on its individual merits, having regard to government guidance, the adopted policies of the Development Plan and all other material considerations.
- 5.8 The extension that has been built is a single-storey, lean-to construction with a mono-pitch, tiled roof. The extension is close to completion and measures 4.3m deep, 5.025m wide with eaves at 2.5m with the roof rising to 3.5m at the highest point where it adjoins the main rear elevation of the house. In terms of scale alone, whilst this is quite a large extension for a 2-bedroom terraced house it is not excessive in scale, especially given the amount of rear garden

(56sq.m. minimum) that would remain. Indeed, it is noted that if the property had its permitted development rights in tact, a much larger extension up to 6m deep and 4m high, could currently, subject to a neighbour consultation scheme (see the neighbours reference in paragraph 4.3 above), be erected under permitted development rights and this is considered to weigh in favour of the scheme (see GPDO Schedule 2 Part 1 Class A (A.1 (ea))).

- 5.9 Concerns have been raised by neighbours about the appearance of the extension in terms of the bricks used and the standard of workmanship. Brown concrete interlocking roof tiles have been used to match those of the existing house and it is noted that no objections to these tiles have been specifically raised by the local residents.
- 5.10 Officers have viewed the extension from both within and outside the rear garden of no.56 and noted that the extension is not generally visible from the street scene or from the public domain to the northern side of the garden, there being a high boundary wall here, enclosing the site in view from the path beyond. In terms of the bricks used to erect the extension; these are only slightly lighter in colour than those of the house, which have most likely discoloured since it was built some 20 years ago.
- 5.11 Officers note that the conditions of permitted development for extensions listed at Para. A3 under the GPDO Schedule 2 Part 1 Class A states the following:
- “the materials used in any exterior work (other than materials used in the construction of a conservatory) shall be of a similar appearance to those used in the construction of the exterior of the existing dwelling-house.”*
- 5.12 In the first instance the government only require ‘similar’ materials to be used for extensions erected under permitted development rights whereas for conservatories no such restrictions are required. The extension as built, with windows to the rear and side has a high ratio of void to solid and as such has the appearance of a conservatory. With this in mind, officers are satisfied that the materials used in construction are acceptable, and do not represent an incongruous element in the street scene.
- 5.13 The extension does at present have a somewhat unfinished appearance but subject to some outstanding remedial works, is otherwise acceptable in visual terms. The applicant has three children and is desperate for the extra living accommodation that the extension would provide. The outstanding works are on hold pending the outcome of this planning application. There is therefore every reason to believe that the extension would be completed in a timely fashion, should planning permission be granted. Officers have given consideration to imposing a condition to secure the outstanding works within a certain timeframe but given that such limitations are not normally imposed on planning consents, this would be unreasonable; furthermore, given the above, such a condition is not considered necessary. Such a condition is not therefore in this case considered to meet the tests of imposing conditions, as listed in the National Planning Practice Guidance para. 206. It should also be noted that the works are subject to Building Regulation control. Conversely, in the event that planning permission is not forthcoming, it would be for the Council’s



Enforcement Officer to consider how expedient it would be to serve any enforcement notice for the removal of the extension.

- 5.14 On balance therefore, the proposal accords with the requirements of Policy H4(A) of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 and Policy CS1 of The South Gloucestershire Local Plan Core Strategy (Adopted) Dec. 2013.

5.15 Landscape

Policy L1 of the South Gloucestershire Local Plan (Adopted) 6th January 2006 seeks to conserve and enhance those attributes of the landscape, which make a significant contribution to the character of the landscape. The extension would have no adverse impact on any features of the landscape and having considered its position within a large, modern housing estate, officers are satisfied that the proposal would not be prominent in wider views.

- 5.16 It is considered therefore that the proposals are in accordance with Policy L1 as they are sufficiently in-keeping with the local and wider landscape context as they respect and enhance the character, distinctiveness and amenity of both the site and the locality.

5.17 Impact Upon Residential Amenity

Adequate private amenity space (minimum 57 sq.m.) would be retained to serve the property; emerging policy PSP39 requires a minimum of 50sq.m. for a 2 bedroom house. The only neighbouring property likely to be affected by the scheme is the 'adjoining' dwelling no.54 although no 52 has also raised some concerns.

- 5.18 The site is well enclosed by high walls and fences to the north and east respectively. Unusually for this estate, the side boundaries between no.56/54 and 54/52 respectively are relatively open. As such the side elevation of the extension is readily visible from the rear gardens of nos. 54 and 52.

- 5.19 The flank elevation of the extension is set back 0.3m from the boundary with no.54. The applicant has indicated an intention to erect a 1.8m close boarded fence on the entire boundary with no.54's rear garden and this is shown on the submitted plans. To this extent, negotiations are currently taking place with Knightstone Housing Association for the erection of the fence.

- 5.20 Notwithstanding the presence or otherwise of a high boundary fence, the extension as built is not excessively high and overbearing on the neighbouring patio of no.54. Such relationships are common place in modern estates and to some extent the patio of no.54 is made a more private, secluded and sheltered place as a result of the scheme. Given that the extension lies to the north of the nos. 54 and 52 any loss of light is considered to be minimal and certainly not sufficient to warrant refusal of planning permission.

- 5.21 There is at present, a side window in the extension that directly overlooks the patio of no.54. This clearly has the potential to result in a significant loss of privacy. The applicant has acknowledged this problem and as such intends to

brick up this opening in due course; hence this window is not shown on the submitted plans. In the interim, the window has been temporarily blocked up with wooden boards. Officers consider that notwithstanding what is or isn't shown on the plans, a condition is justified to ensure that the window void is blocked up, with bricks to match the existing extension, no less than 8 weeks from the date of any consent granted and in the interim to remain blocked up with boarding; the applicant is happy to accept such a condition.

5.22 Subject therefore to the above mentioned condition, the scheme would not have a significant adverse impact on residential amenity and therefore accords with Policy H4(B) of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

5.23 Transportation Issues

Parking within the cul-de-sac is unrestricted and there is a turning head at the end of the cul-de-sac. The extension would be used as a family room and would not increase the number of bedrooms (2) within the house. Two off-street parking spaces are already provided within the driveway and the extension does not encroach upon them. Adequate parking space would be retained to satisfy the recently adopted Residential Parking Standards. Given that there would remain sufficient access and parking provision, officers have no objections to the development. The scheme is considered to accord with Policies T12 and H4 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006, Policy CS8 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11<sup>th</sup> Dec. 2013 and the adopted Residential Parking Standards SPD.

5.24 Environmental and Drainage Issues

There are no objections on environmental or drainage grounds. The site is not prone to flooding and has not been undermined for coal in the past.

5.25 Other Issues

The occupant of no.54 has raised an objection on the basis that the development blocks a rear access to that property. It is noted that on the OS Plan for this area, rear access-ways are common place to the houses in Jordan Walk. Such an access-way is not however shown on the OS Map for nos.52-56. If however such an access-way exists, the extension does not block it. Whether or not the access-way should be enclosed by fencing is a matter between the respective parties and is not considered to be material to the determination of this planning 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 Government policy within the NPPF promotes sustainable development and the efficient use of land within the urban area. It also promotes mixed communities and the improvement of conditions in which people live as well as good design.

It is evident from the recent relaxation in permitted development rights that the Government is sympathetic to the erection of larger house extensions in sustainable locations, such as that built at no.56 Jordan Walk. Officers are therefore satisfied that on balance the scheme, the subject of this application, meets these objectives.

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

## **7. RECOMMENDATION**

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

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

## **CONDITIONS**

1. Notwithstanding the details shown/not shown on the submitted plans; within 56 days of the date of this planning permission, the existing window void on the southern side elevation of the extension as built, shall be permanently blocked up with bricks to match those of the extension hereby approved; whilst in the interim the void shall remain blocked up with wooden boarding at all times. Thereafter, at no time shall any windows be inserted in the southern side elevation of the extension 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 and the requirements of the NPPF.

## CIRCULATED SCHEDULE NO. 07/15 – 13 FEBRUARY 2015

<b>App No.:</b>	PT14/4858/F	<b>Applicant:</b>	Mr And Mrs A Williams
<b>Site:</b>	19 Southlands Tytherington Wotton Under Edge South Gloucestershire GL12 8QF	<b>Date Reg:</b>	5th January 2015
<b>Proposal:</b>	Erection of 2no. semi detached dwellings with associated works, (Amendment to previous application PT13/0633/F).	<b>Parish:</b>	Tytherington Parish Council
<b>Map Ref:</b>	366884 188014	<b>Ward:</b>	Ladden Brook
<b>Application Category:</b>	Minor	<b>Target Date:</b>	25th February 2015



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100023410, 2014.

N.T.S.

PT14/4858/F

## **REASON FOR SUBMITTING THE CIRCULATED SCHEDULE PROCEDURE**

The application has been submitted to the Council's Circulated Schedule procedure following objections received from local residents which are contrary to the recommendation detailed in this report.

### **1. THE PROPOSAL**

- 1.1 The application seeks full planning permission for the erection of 2no. semi detached dwellings with associated works, which is an amendment to the scheme previously approved under PT13/0633/F which was for 1no. detached dwelling within the same footprint.
- 1.2 The application relates to part of the residential curtilage associated with an existing semi-detached two-storey property fronting Southlands, Tytherington. The proposal would face Station Lane that runs to the rear of this dwelling. The site falls within the Tytherington settlement boundary that is washed over by the Green Belt. The site falls outside of the Tytherington Conservation Area.
- 1.3 Amended plans were received at the officer's request to show design changes, and a period of re-consultation was undertaken for 7 days from 2<sup>nd</sup> February 2015.

### **2. POLICY CONTEXT**

#### 2.1 National Guidance

National Planning Policy Framework March 2012  
National Planning Policy Guidance 2014

#### 2.2 Development Plans

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

H4 Development within Existing Residential Curtilages  
T7 Cycle Parking  
T12 Transportation

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

CS1 High Quality Design  
CS4A Presumption in Favour of Sustainable Development  
CS5 Location of Development  
CS8 Improving Accessibility  
CS9 Environment and Heritage  
CS15 Distribution of Housing  
CS16 Housing Density  
CS17 Housing Diversity  
CS34 Rural Areas

#### 2.3 Supplementary Planning Guidance

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

### 3. RELEVANT PLANNING HISTORY

- |     |   |                         |            |
|-----|---|-------------------------|------------|
| 3.1 | PT14/4436/F   | Approve with conditions | 08/01/2015 |
|     | Replacement of concrete panel façade with brickwork                                     |                         |            |
| 3.2 | PT13/0633/F   | Approve with conditions | 05/04/2013 |
|     | Erection of 1 no. detached dwelling with associated works (resubmission of PT12/3871/F) |                         |            |
| 3.3 | PT12/3871/F   | Refusal                 | 21/01/2013 |
|     | Erection of 1 no detached dwelling and associated works                                 |                         |            |

#### *Refusal Reason*

1. *By reason of the size, scale and position of the proposed dwelling and the loss of vegetation proposed, the proposal would appear an over-development of this restricted plot that would detract from the visual amenities of the rural locality. The proposal is therefore considered to be contrary to Planning Policies D1, L1, H2, H4 and GB1 of the South Gloucestershire Local Plan, the South Gloucestershire Design Checklist (Adopted) Supplementary Planning Document and Development within the Green Belt (Adopted) Supplementary Planning Document.*

### 4. CONSULTATION RESPONSES

- 4.1 Tytherington Parish Council  
The Parish Council support this application.

4.2 Other Consultees

Sustainable Transport

No objection subject to conditions on the decision notice.

Public Rights of Way

It appears that the proposal will generate more traffic than the already permitted single dwelling and although it is recognised that cars already use this lane there is a point where conflict with pedestrians and other cars will become an issue. Although there is no major objection in principle, there are concerns over safety. If the proposal is permitted the applicant should be made aware that the right of way must not be obstructed at any time, that no materials are stored on the right of way and that the safety of the public using the footpath is ensured at all times.

Archaeology

No comment.

Highway Drainage

No objection subject to condition and informative on the decision notice.

### Highway Structures

There are structures on Itchington Road that have a height restriction. Please route vehicles appropriately.

### Landscape

Initially, the proposal in the previous application was to have stone walling along the front boundary. The landscape officer commented "the garden is currently well vegetated with a mixed hedge along what will be the front boundary of the property. This hedge is predominantly ivy and contains a number of ornamental species and is maintained at approximately 4". It is proposed to replace this hedge with a stone wall. Whilst the hedge does not have a high visual amenity in its own right and the proposed wall would be an appropriate boundary treatment the lack of vegetation along the front boundary would be out of keeping with the leafy character of Station Road." Subsequently a plan was approved that showed the stone wall and hedgerow being retained and two small trees in the front garden.

There is no in principal landscape objection to the amendment but the applicant will need to demonstrate how the leafy character of Station Road can be retained.

## **Other Representations**

### 4.3 Local Residents

24 letters of objection have been received from 15 local residents. Their concerns can be summarised as follows:

#### *Design*

- The property will be substantially larger than other properties in the area, none of which go beyond two stories
- Townhouse properties in a village
- UPVC windows and doors are proposed, rather than the timber previously agreed, which is more out of keeping with the rest of the properties on Station lane
- Site is going to be overdeveloped
- The development is approaching a density of 40 dwellings per hectare which is acceptable in a city but not in a rural setting with an average of 15 dwellings per hectare
- Two large windows on front of plot will have obscure glazing
- The dormer windows are too large and bulky
- The chimney stack from the previous application, which is typical of the area, has been lost
- The boundary fence of the new plot comes too close to 19 Southlands and this isn't typical of the area

#### *Residential Amenity*

- It is a small estate and the amendment jeopardises our privacy and tranquillity
- Splitting the plot so much means that the amenity space for each property is not in keeping with the surrounding area, including the additional hardstanding required for parking

- The number of windows and scale of overlooking has been increased in this application
- Three bathrooms is too much for a three-bedroom property and one of the obscure glazed bathrooms will be used as a habitable room in the future
- The proposed side windows will overlook the kitchen/utility room window at Rocktop, and amenity space at 19 Southlands
- The internal rooms are very small and the properties have little storage which is difficult to access

#### *Transport and drainage*

- It will double the amount of people and vehicles within Station Lane
- Station Lane is only a single lane farm track with no passing places and not an adopted road but is private land
- There is no footpath and pedestrians have to stand on the verge, which can be muddy in winter
- Station Lane is in a poor state of repair, and should be repaired first
- Additional vehicular movements would present a danger to existing residents including children who play in the lane and walk along it to access the school bus
- The properties and parking spaces will increase by 60% as there are only five properties on the Lane at present, noise pollution will double at least
- Station Lane is an access point for Network Rail to the Tytherington Line, and the electricity and water plants
- The farmer is only able to gain access to his land via the lane which is often hindered by parking on the lane. This includes large vehicles such as tractors and combine harvesters
- The lane is blind and traffic use it like a race track
- The junction to Itchington Road is unsighted and dangerous
- The sewerage system within the village is at breaking point, and this will exacerbate the problem

#### *Other Matters*

- The overhead power lines would need to be relocated due to this close proximity of the proposed dwellings
- The applicant already has permission for a detached house that should be enough
- The previous application required details to be submitted showing trees and bushes to be retained. The site has already been destroyed and all plants removed, in breach of this condition
- Corrections to the planning statement submitted by one objector have been noted
- Why was no public notice displayed at the site and we were not informed of the development
- The application is misleading as the property is described as being at 19 Southlands when it is actually on Station Lane

## **5. ANALYSIS OF PROPOSAL**

### 5.1 Principle of Development

Section 9 of the NPPF states that Local Planning Authorities should consider the erection of new buildings in the Green Belt as inappropriate development.



Exceptions to this are outlined in paragraph 89 of the NPPF. Amongst other exceptions paragraph 89 identifies the following as not inappropriate: *'limited infilling in villages, and limited affordable housing for local community needs under policies set out in the local plan'*. Policies CS5 and CS34 of the Core Strategy (Adopted December 2013) state that in the Green Belt small scale infill development may be permitted within the settlement boundaries of villages shown on the policies map. Infill development is defined within the Development in the Green Belt SPD (Adopted 2007) as *'development that is small in scale and which fits into an existing built up area in a defined settlement boundary, normally in-between existing buildings, in a linear formation'*.

5.2 The application proposes amendments to a previously approved scheme for 1 no. dwelling, to split the proposal into 2 no. dwellings within the same footprint, so it is considered to fit in to the existing pattern of development, and the application site falls within the defined settlement boundary. The proposed development is therefore considered to fall within the exception of development 'limited infilling' as identified within paragraph 89 of the NPPF and policies CS5 and CS34 of the Core Strategy. The principle of the proposed development is therefore considered acceptable subject to criteria relating to design, residential amenity, highway safety and parking provision, and other environmental considerations.

5.3 Design/Visual Amenity

The application relates to part of the residential curtilage comprising 19 Southlands; a two-storey semi-detached dwelling that forms part of a small post war housing estate. 19 Southlands sits beyond the highway (and associated hammerhead) with a pedestrian footpath running in front of the property. Vehicle access to the dwelling is via Station Lane; a single width road runs along the side/ rear northeast property boundary.

5.4 The site has been subdivided into two since the previous application (PT13/0633/F) so the density of the site has been increased from one dwelling to two. The design proposed in this submission was originally quite different with a lean-to shared porch structure, many more windows including four dormer windows creating a third-storey. The principal elevation of the dwelling appeared cluttered and out of keeping with the surrounding dwellings which have a rural character, and the third storey front dormer windows gave the appearance of an urban townhouse. Amendments were sought and received on 2<sup>nd</sup> February 2015 showing the front dormers to be omitted and replaced with rooflights, and the lean-to porch to be replaced with two individual pitched roof porches which gives the development a more traditional feel. Concerns have been raised regarding the lack of chimney stack compared to the previous proposal, however it would be unreasonable to insist that the developer erected a chimney, as it is not considered to be necessary at this location which is situated outside the Tytherington Conservation Area. Slate, stone and render have been proposed to finish the dwellings, as with the previous planning permission, and a condition on the decision notice will require the applicant to submit details to ensure the stone, slate and UPVC proposed is an appropriate style and colour for the location, and to accord with policy CS1 of the Core Strategy (Adopted) December 2013.

- 5.5 The original submission (PT13/0633/F) was subject to a condition that details of trees and hedgerows to be retained will be submitted as part of a landscaping plan. The site has since been cleared of most vegetation, and so a recommendation of approval here will be subject to a full landscaping scheme being submitted, approved and implemented. This is to accord with policy L1 of the Local Plan, and to maintain the leafy rural character of Station Lane.
- 5.6 Impact on the Green Belt  
Green Belt policy is permissive of proposals for infill development; the issue of whether a new dwelling in this position would constitute infill development was considered, as part of the previous application and ultimately, the principle of one dwelling at this location was deemed to meet Green Belt policy. As such, it was noted that with the application site is adjoined by residential development on either side, thus the proposal could be considered to comprise infill development in accordance with the definition within the Councils Supplementary Planning Guidance on Green Belts:
- 'Infill development is development that is small in scale and which fits into an existing built up area in a defined settlement boundary, normally in-between existing buildings, in a linear formation.'*
- 5.7 As the proposal is to be a similar footprint to the previously approved dwelling, the subdivision of one house into two is not considered to be contrary to Green Belt policy.
- 5.8 Residential Amenity  
Rocktop alongside the application site comprises a two-storey detached dwelling with a two-storey projecting extension that extends alongside the application site: its main outlook is to the front and rear (i.e. away from the site of the proposal). A first floor side window is proposed facing Rocktop and, despite objections to the contrary, the window will predominately face the garage, front garden and the utility window, which is not a principal room. The view into the kitchen window will be indirect and is not considered to harm residential amenity. A first floor side window is also proposed facing south, however, as before, this would primarily overlook the associated side garden area of the application site with views directed away from the host dwelling. As before, on balance, the proposed relationship is considered to be acceptable.
- 5.9 First floor and second floor rear windows are proposed to be obscure glazed to protect the privacy of no. 20 Southlands and beyond, and a condition will ensure this remains the case in the future. All other neighbouring dwellings are positioned at an appreciable distance from the application site thus it is not considered that any significant adverse impact in residential amenity would be caused. Concerns about the size of the rooms within the dwellings have been raised, however planning legislation does not give minimum room standards and they appear to be adequate for a small family home.
- 5.10 Highway safety and parking  
As the site benefits from an extant permission for a single dwelling, the principal of residential infill at the site has been established. The addition of a second

three bedroom dwelling would result in a further 4 to 6 vehicle trips a day using Station Lane. Station Lane is generally a single track lane, although cars can pass one another at the residential accesses along its length and there is sufficient space for pedestrians to safely pass cars. Visibility at the junction to Itchington Road is restricted, however the rural nature and narrow width of the roads limits vehicle speeds through the junction. Despite many objections being received about the safety of the junction and the road, there have been no recorded injury vehicle collisions at the junction over the last 5 years. The objection letters which mention the use of the lane for agricultural vehicles have been noted, but it is considered that this will happen infrequently. The Council's Transport Officer has no objection to the increased vehicular movement and new accesses, subject to a 45 degree splay vehicle crossover being secured by condition.

5.11 With regards to parking, two spaces have been proposed for each dwelling including the existing house, which meets the Council's Residential Parking Standards. Adequate cycle parking facilities can be secured by condition, and accordingly there are no transportation objections to the proposal.

5.12 Public Rights of Way

The Council's Public Rights of Way Officer has advised that the proposal would affect the nearest recorded public right of way (OTY20) that runs along the class 5 adopted highway that would provide the access to the development. As such, although there is no objection in principle to the proposal the applicant should be made aware that the right of way must not be obstructed at any time. It is recommended that an informative be attached to any planning permission that is granted.

5.13 Drainage

The Council's Drainage Engineer has raised no associated objection to the application. In the event that planning permission is granted, it is considered that a condition in respect of sustainable drainage systems should be applied.

5.14 Other Matters

Comments have been received querying the method of consultation, wondering whether a site notice should have been displayed, and why it was registered as being situated on Southlands rather than Station Lane. The objections were responded to and the consultation process explained.

## 6. CONCLUSION

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

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

## 7. **RECOMMENDATION**

- 7.1 Planning permission is **GRANTED** subject to the conditions listed on the decision notice.

**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**

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

**Reason**

In the interests of visual amenity and to accord with policy CS1 of the Core Strategy (Adopted) December 2013 and policy L1 of the Local Plan (Adopted) January 2006.

3. 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 and approved by the Local Planning Authority.

**Reason**

To ensure adequate drainage and to prevent flooding, and to accord with Policy CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and National Planning Policy Framework 2012.

4. Prior to the commencement of development details of the UPVC and samples of the slate and stone proposed to be used shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

**Reason**

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

5. Prior to the use or occupation of the development hereby permitted, and at all times thereafter, the proposed first and second floor windows 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, and maintained thereafter. No new windows shall be installed in the first or second floor of the south-west elevation at any time.

Reason

In the interest of protecting residential amenity and to accord with policy H4 of the Local Plan (Adopted) January 2006.

6. The dwellings shall not be occupied until the access and parking arrangements have been provided in accordance with the submitted details and that the parking spaces shall be provided with 45 degree splay vehicle crossovers surfaced with a bound material.

Reason

In the interest of highway safety and to accord with policy T12 of the Local Plan (Adopted) January 2006 and the Residential Parking Standards SPD (Adopted) December 2013.

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

Reason

To promote sustainable transport choices and to accord with policy T7 of the Local Plan (Adopted) January 2006.

**CIRCULATED SCHEDULE NO. 07/15 – 13 FEBRUARY 2015**

<b>App No.:</b>	PT14/4923/F	<b>Applicant:</b>	Mrs Sharon Vaughan
<b>Site:</b>	22 The Culvert Bradley Stoke Bristol South Gloucestershire BS32 8AB	<b>Date Reg:</b>	22nd December 2014
<b>Proposal:</b>	Erection of 1no. attached dwelling with associated works.	<b>Parish:</b>	Bradley Stoke Town Council
<b>Map Ref:</b>	361975 181765	<b>Ward:</b>	Bradley Stoke South
<b>Application Category:</b>	Minor	<b>Target Date:</b>	11th February 2015



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

The application has been submitted to the Council's Circulated Schedule procedure, following representations received from local residents and comments from the Parish Council which are contrary to the Officer's recommendation.

### **1. THE PROPOSAL**

- 1.1 The application seeks planning permission for the erection of 1 no. new dwelling on The Culvert in Bradley Stoke. Bradley Stoke is within the Bristol North Fringe Urban Area.
- 1.2 The new dwelling is to be situated on a parking area used by no. 22, and a piece of amenity land.
- 1.3 Amendments were requested to allow for adequate parking provision to meet the Council's Residential Parking Standards, and to correct the red line indicating the site boundary. A period of re-consultation was undertaken on 28<sup>th</sup> January 2015 for 10 days.

### **2. POLICY CONTEXT**

#### **2.1 National Guidance**

National Planning Policy Framework March 2012  
National Planning Policy Guidance 2014

#### **2.2 Development Plans**

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

H4 Development within Existing Residential Curtilages  
T7 Cycle Parking  
T12 Transportation  
L1 Landscape  
L5 Open Areas within Existing Urban Areas

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

CS1 High Quality Design  
CS4A Presumption in Favour of Sustainable Development  
CS5 Location of Development  
CS8 Improving Accessibility  
CS9 Environment and Heritage  
CS15 Distribution of Housing  
CS16 Housing Density  
CS17 Housing Diversity  
CS25 Communities of the East North of Bristol Urban Area

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

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

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

3.1 P96/2922 Approve with conditions 01/05/1997  
Erection of 108 dwellings and associated works

*Conditions included removal of permitted development rights relating to extensions to the dwellings and the placing of walls, fences, gates, and other means of enclosure forward of the principle elevation of the dwellinghouses.*

### 4. **CONSULTATION RESPONSES**

#### 4.1 Bradley Stoke Town Council

Objection due to overdevelopment of the site, reduced/inadequate/contrived car parking provision, inadequate residential amenity/garden provision for the new dwelling, and the new building is too close to the public highway and may cause significant problems during construction.

#### 4.2 Other Consultees

##### Highway Drainage

Initially queried what method of drainage was intended as there is inadequate space for soakaways. Following further information submitted from the application, the drainage engineer advised they have no objection to the proposal subject to an informative.

##### Sustainable Transport

No objection subject to conditions.

##### Highway Structures

Details of excavations and temporary support that is to be provided during construction are to be submitted to satisfy the highway authority that support to the highway is provided at all times.

#### **Other Representations**

#### 4.3 Local Residents

Four letters of support have been received. Their comments can be summarised as follows:

- Will cause minimal disruption and a family will get a home
- People have dumped and hidden rubbish among the bushes at the site, so a new house will make the area look newer and prettier
- Great use of available space

#### 4.4 Two letters of objection have been received from one local resident, whose concerns are summarised below:

- Two storey property will block further light to my ground floor lounge which is quite dark, reducing the amount of daylight and heat
- View of trees and bushes will be replaced with a brick wall, reducing our house value



- Leading into the driveway is a set of matching walls that adds character to the driveway, due to the symmetrical nature of the walls coupled with a large tree. This picturesque and attractive view will be lost
- Numerous trees have already been felled at the site, which were a habitat for hedgehogs, nesting birds and other small woodland creatures. Currently on the edge of the proposed site is a single fully grown tree which nests two kinds of birds; Robin and Gold Finch. The foundations for this proposal would damage the roots of this tree and it would die, leaving the affected wildlife without shelter, leaving them vulnerable to harm or death.
- The four home owners who support the development are not affected as they are not in direct sight of the development.
- The development is an eyesore which may have an affect on the market value and saleability of my house due to the impact on the front window

## 5. ANALYSIS OF PROPOSAL

### 5.1 Principle of Development

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

### 5.2 Design and Visual Amenity

The application site relates to four terraced two-storey dwellings which sit perpendicular to the main branch of The Culvert. Their design is simple, with a gable roofline and a pale brick and render finish with red brick detailing. No. 20 has a pitched roof feature on the front elevation atop a mock Tudor style façade. The proposed new dwelling is to mirror the design of no. 22 and continue along the same building line and ridge height. Comments have been received from the Town Council raising concerns regarding the overdevelopment of the site and the contrived layout, however it is considered that a two bedroom property can be accommodated within the space.

5.3 A local resident who lives opposite the site on the main stretch of the Culvert states that visual amenity will be lost by replacing the trees and bushes with a brick wall. Much of the vegetation has already been removed and the bushes which are left are not considered to have a high enough amenity value to warrant protection. A condition on the decision notice will ensure that the applicant plants a small landscaping scheme along the southern elevation to soften the impact of the development on the public realm and to reduce visibility of the bin store, which will partially restore the benefit of amenity land as detailed in policy L5 of the Local Plan. As with the previously approved planning permission for the existing terrace (P96/2922), it is appropriate to remove permitted development rights relating to extensions from the property in the event of an approval, in the interests of visual amenity, and to prevent the small area of garden being built on. Subject to these conditions, it is considered

that the proposal is acceptable in terms of policy CS1 of the Core Strategy (Adopted) December 2013.

5.4 Residential Amenity

The proposed dwelling is an extension to an existing terrace, with the front windows looking across the parking area and front gardens and the rear having only an indirect view into neighbouring properties. No side windows are proposed, and so overlooking is not considered to be an issue. The position of the development on a prominent corner plot means that the proposal is unlikely to cause any significant over shadowing, although the rear garden of no. 22 will have a slight reduction in sunlight. Concerns have been raised about the development blocking daylight to no. 58, however this is very unlikely as no. 58 is situated over 12 metres away to the south.

5.5 The proposed amenity space for the two bedroom dwelling is very small, and is proposed to be adjacent to a new parking space for the proposed development. This will create an area of 'shared space' which can be used as garden space if the occupant does not drive, doubling the size of the garden. This is not considered appropriate as the access to the parking space would be open to the public realm, compromising the privacy of the small area of amenity space. It is preferable that the parking space for the new dwelling, marked on the Block Plan as 22A, be adjacent to the other parking spaces whilst the small area of amenity space is enclosed. This can be achieved with a condition on the decision notice stating that notwithstanding the submitted boundary treatments, alternative details will be submitted prior to the commencement of development. Subject to the amenity space being adequately enclosed, on balance it is concluded that the amount of amenity space available is suitable to serve the small dwelling that is proposed, and the proposal is considered acceptable in terms of policy H4 of the Local Plan (Adopted) January 2006.

5.6 Transport

The development will be accessed by an existing access, and an existing dropped kerb to the parking area. The parking to the existing dwellings remains the same number, but has been re positioned to allow an additional space for the new dwelling. This additional space is considered adequate for the proposed two-bedroom property, and in order to encourage sustainable transport, two covered and secure parking spaces will be secured by a condition. There is no transportation objection to the proposal.

5.7 Environment

A Sustainable Urban Drainage System will be used as a method of surface water disposal. The Council's drainage engineer had reservations that the site was large enough for a soakaway, and that a public sewer was not available. Following this, the applicant advised that Wessex Water stated that they would be happy, in principle, for the dwelling to be connected directly to their mains sewer system. Therefore, it appears feasible that adequate drainage can be achieved through a subsequent Building Regulations application.

- 5.8 Wildlife  
An adjacent tree to the site is thought to be used as a nesting site for two species of bird, according to a local resident. An informative on the decision notice will advise the applicant of their responsibility towards the protection of nesting birds.
- 5.9 Other Matters  
The location of the residents who have supported the scheme and the impact (or lack of) it may have on them has been considered as part of the decision making process.
- 5.10 A local resident has raised concerns that the value of his house will decrease and that it will be more difficult to sell should this development proceed. Market value of property is not a planning issue and so this point has been given very limited weight in the decision making process.
- 5.11 The elevations submitted by the applicant do not show it to be attached to no. 22, and so for the avoidance of doubt, a condition will be attached to the decision notice to state that notwithstanding the submitted elevations, the dwelling will be attached to no. 22 forming an end terrace dwelling.

## 6. CONCLUSION

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

## 7. RECOMMENDATION

- 7.1 That planning permission is **GRANTED** subject to the conditions on the decision notice.

**Contact Officer: 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

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

2. Notwithstanding the provisions of Schedule 2 of the Town & Country Planning (General Permitted Development) Order 1995 (as amended) (or any Order revoking and re-enacting that Order with or without modification) no development as specified in Part 1 (Class A) other than such development or operations indicated on the plans hereby approved, shall be carried out without the prior written consent of the Local Planning Authority.

Reason

In the interest of visual amenity and the adequate provision of amenity space to accord with policies CS1 of the Core Strategy (Adopted) December 2013 and H4 of the Local Plan (Adopted) January 2006.

3. Prior to the commencement of development and notwithstanding the submitted details, a small scheme of landscaping including proposed planting (and times of planting) and boundary treatments shall be submitted to the Local Planning Authority for approval. Development shall be carried out in accordance with the agreed details.

Reason

In the interests of visual amenity and privacy and to accord with policies L5 and H4 of the Local Plan (Adopted) January 2006 and policy CS1 of the Core Strategy (Adopted) December 2013.

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

Reason

To promote sustainable transport choices and to accord with policy T7 of the Local Plan (Adopted) January 2006.

5. The dwelling shall not be occupied until the parking arrangements have been provided in accordance with the submitted drawing no. 02 Rev C titled Block Plan.

Reason

In the interests of highway safety and to accord with policy T12 of the Local Plan (Adopted) January 2006, policy CS8 of the Core Strategy (Adopted) December 2013 and the Residential Parking Standards SPD (Adopted) December 2013.

6. Prior to the commencement of development, details of excavations and the temporary support that is to be provided during construction are to be submitted to the Council to satisfy the Highway Authority that support to the highway is to be provided at all times. The development shall then proceed with the approved details in place.

Reason

In the interests of highway safety and to accord with policy T12 of the Local Plan (Adopted) January 2006.

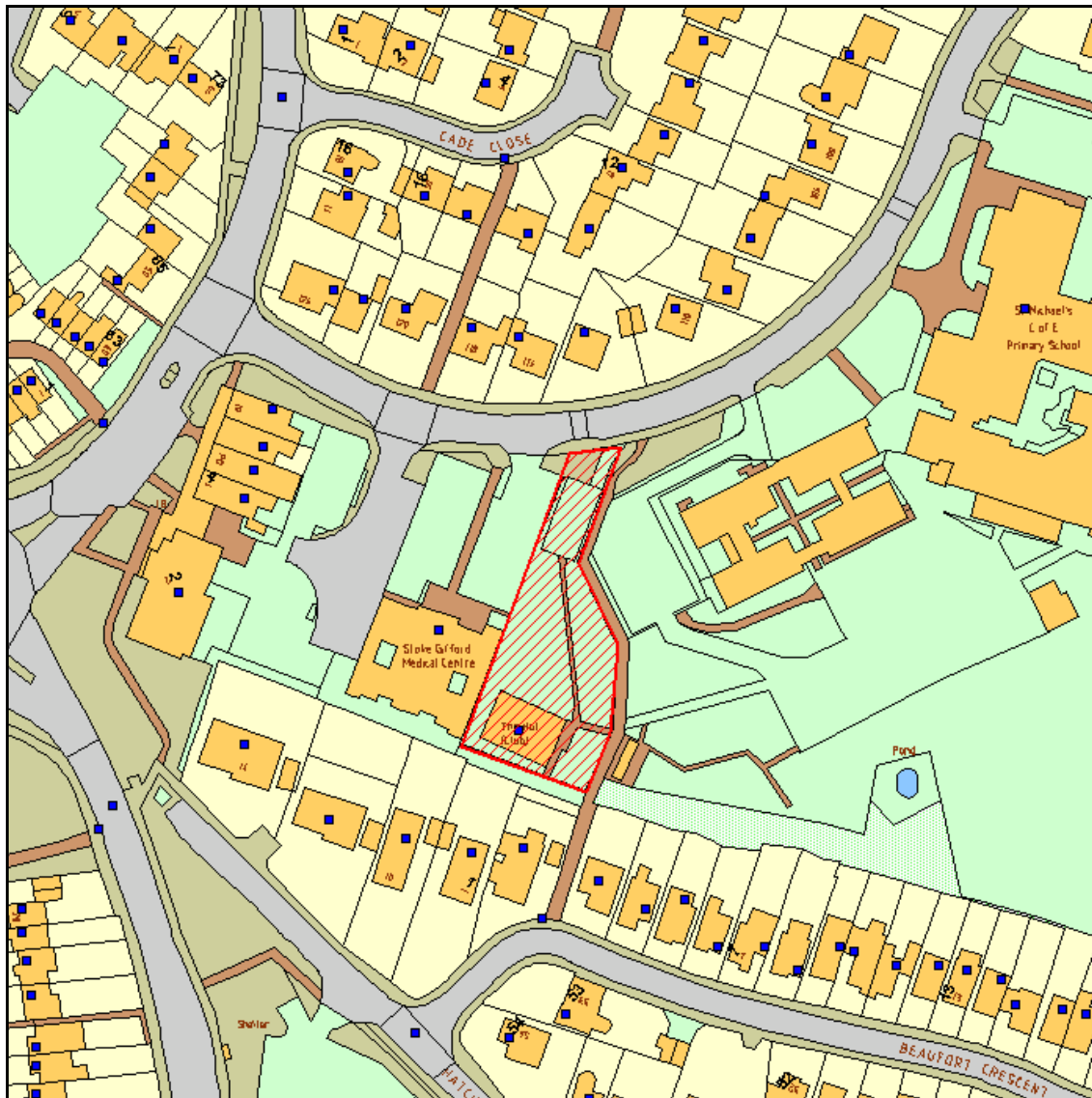
7. Notwithstanding the submitted elevations (drawing no. 3), the development hereby approved shall be attached to no. 22 The Culvert to form an end terrace dwelling.

Reason

In the interests of clarity and good design, and to accord with policy CS1 of the Core Strategy (Adopted) December 2013.

## CIRCULATED SCHEDULE NO. 07/15 – 13 FEBRUARY 2015

<b>App No.:</b>	PT14/5004/RVC	<b>Applicant:</b>	Wessex RFCA
<b>Site:</b>	Cadet Hut Ratcliffe Drive Stoke Gifford Bristol South Gloucestershire BS34 8UE	<b>Date Reg:</b>	29th December 2014
<b>Proposal:</b>	Variation of Condition 2 attached to planning permission PT03/1845/C84 to alter the opening house of After School Club to 07:00 to 09:00 and 15:00 to 21:30 term time and 07:00 to 21:30 all other times	<b>Parish:</b>	Stoke Gifford Parish Council
<b>Map Ref:</b>	362233 179954	<b>Ward:</b>	Stoke Gifford
<b>Application Category:</b>	Minor	<b>Target Date:</b>	13th February 2015



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PT14/5004/RVC

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

This application is listed on the Council's Circulated Schedule of applications as a representation has been received raising views contrary to the Officer recommendation.

### **1. THE PROPOSAL**

- 1.1 The application site is situated in Stoke Gifford in the Bristol North Fringe Urban Area. The site is situated within a mainly residential area adjacent to a school to the east and doctor's surgery to the west.
- 1.2 Planning Permission PT03/1845/C84 grants planning permission for the 'siting of a portacabin for use by the Army Cadet Force and after-school club'. This is a 'Sui-Generis' Use. The application proposes variation of condition 2 attached to PT03/1845/C84 to extend the hours where the site and building can be used for the purposes of the planning consent. The condition restricted the hours of use to 9am until 9.00pm on Monday to Friday inclusive, and; 9am until 5pm on Saturday, Sunday and Bank Holidays.
- 1.3 Planning Permission PT13/2669/RVC varied the original hours such that the current restriction is restricted to 9am until 9.30pm on Monday to Friday inclusive, and; 9am until 5pm on Saturday, Sunday and Bank Holidays.
- 1.4 This application effectively seeks consent to vary the condition further such that the hours of use would be 7am until 9.30pm on Monday to Friday inclusive, and; 7am until 9.30pm on Saturday, Sunday and Bank Holidays.

### **2. POLICY CONTEXT**

#### 2.1 National Guidance

National Planning Policy Framework March 2012  
National Planning Practice Guidance

#### 2.2 Development Plans

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

EP1 Environmental Pollution

LC04 Education and Community Facilities within the Urban Area

T8 Parking Standards

T12 Transportation for New Development

South Gloucestershire Local Plan Core Strategy (adopted December 2013)

CS25 Communities of the North Fringe of Bristol Urban Area

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

- 3.1 PT03/1845/C84 Siting of portacabin for use by Army Cadet Force and after school club.  
  
Approved (7<sup>th</sup> August 2003)

- 3.2 PT13/2669/RVC Variation of Condition 2 attached to PT03/1845/C84 to restrict the use permitted to 9am to 9.30pm Monday to Friday inclusive and 9am to 5pm Saturday, Sunday and Bank Holidays.

Approved (1<sup>st</sup> November 2013)

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

- 4.1 Stoke Gifford Parish Council  
No Objection

- 4.2 Highway Authority  
The proposed development would not have any material impact upon traffic movements associated with the current use of the site.

#### **Other Representations**

- 4.3 Local Residents

Two letters have been received raising the following objections (in summary),

The Cadet Hut is 4 metres from the boundary of adjacent residential dwellings.

The noise levels from the site are bad and to allow this to continue up to 9.30 every night would be unbearable.

The hut is a hollow structure with no sound insulation and generates an irritating 'thumping' noise as a result of activities in the building. This is worsened in the summer months when the door is open.

Noise can be heard from the site even within nearby dwellings.

There is no objection to the activities as they benefit the local community but it is felt that opening to 9.30 pm seven days per week would have a detrimental impact on the amenity of the occupants of nearby dwellings.

The site is untidy

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

- 5.1 Principle of Development

The principle of the development is established by virtue of Planning Permission PT03/1845/C84. The permission allows the use of the building by Cadets and an 'after school club'. This application is submitted under section 73 of the Town and Country Planning Act and seeks to vary the hours of use allowed by the planning consent. The hours of use have been varied previously under planning permission PT13/2669/RVC. That consent effectively allows the use to continue up to 21:30 (compared to 21:00 on the original consent) during Monday to Friday; and 09:00 to 17:00 Saturday, Sunday and Bank Holidays. This application seeks approval to allow the use to continue between 07:00 and 21:30 everyday, including weekends and bank holidays.



- 5.2 It is noted that the description of the proposal contained on the application form makes reference to both the Cadet Force and 'after school club' in that the proposal looks to provide separate time constraints for each group. However, it is considered that a condition worded in such a way is not enforceable and in any case would not have any specific benefit in planning terms. The matter of sharing of the building between the groups during the opening time is one for the management/operator of the building and site to enforce. In this instance, the applicant has confirmed that the Cadet Force and the 'after school club' would not use the building at the same time for practical reasons. On this basis, and of the purpose of this application, the proposed time extensions has been taken as a whole and the segregation of those times is not considered relevant to the assessment of this application.
- 5.3 Noise and residential amenity  
The reason for the restricted use times is to protect the residential amenity of the occupants of nearby dwellings. Comments have been received which highlight concern relating to noise from the site during its use. The objections focus on the potential for further disturbance in the event that the use is allowed to continue until 9.30pm on a Saturday, Sunday and Bank holiday where currently the restriction means that on these days the use must cease at 5pm.
- 5.4 The finishing time of the use would remain as currently permitted during week days. However, the proposal requests that the start time is extended to 07:00 (from 09:00) during the week days. It is noted that there are no specific objections to this element of the proposal. Officers consider that the additional two hours in the weekday mornings would occur when that is a general increase in activity in the locality associated with the adjacent school and general movements associated with the 'rush hour'. It is not considered that the proposed opening times would create a significant impact in noise and amenity terms and as such this element of the proposal is acceptable.
- 5.5 Objections are received which relate to the extended opening hours in the evenings Saturday, Sunday and Bank Holidays and the comments raise concern over the increased level of noise during these times. The objections allude to activities associated with the Army Cadets who use the site. For clarity, the applicant has confirmed that the Army Cadets use the site and building only between 19:00 and 21:30 on Tuesdays and Thursdays. This is within the currently prescribed time limitations. The proposed time extensions relate to the use of the site and building by the 'after school club'. Officers acknowledge that the application site is located within a predominantly residential area, and in particular the subject building is very close to residential dwellings on Hatchet Lane and Beaufort Crescent. On this basis, it is considered that additional weekend use between 07:00 and 09:00 and 17:00 and 21:30 would lead to potential for unacceptable and anti-social levels of noise to the detriment of the amenity of the surrounding residential area. Subsequent discussion with the applicant means that the proposed hours have been negotiated such that the earlier opening during the weekend and bank holidays is now not requested; and that the closing time is adjusted to 18:30 (rather than 21:30). Officers consider that the revisions to the proposed times are now acceptable and in particular would remove the potential for unacceptable noise during sensitive times in the early morning and early to mid

evening. Accordingly, the proposed variation of the condition is acceptable subject to the following wording;

*The use hereby permitted shall be restricted only to the following times 07:00 until 21.30, Monday to Friday inclusive; and 09:00 until 18:30 on Saturday, Sunday and Bank Holidays.*

*Reason*

*In the interests of the amenity of the occupants of nearby residential dwellings and to accord with saved policy EP4 of the South Gloucestershire Local Plan (Adopted) January 2006.*

5.6 Transportation and Highway Safety

It is noted that the suggested variation of the planning condition would effectively allow longer activity associated with the site during the weekday mornings. However, the Highway Authority have confirmed that this would not lead to a material increase in the numbers of vehicular movements, or to unacceptable traffic conflict in the locality. In particular, officers note that the site is located in a sustainable location where the site is easily accessible on foot and by means other than a private car. The proposed variation of the planning condition is therefore considered 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 grant permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

7.1 That the variation of the planning permission is granted subject to the following condition;

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

CONDITIONS

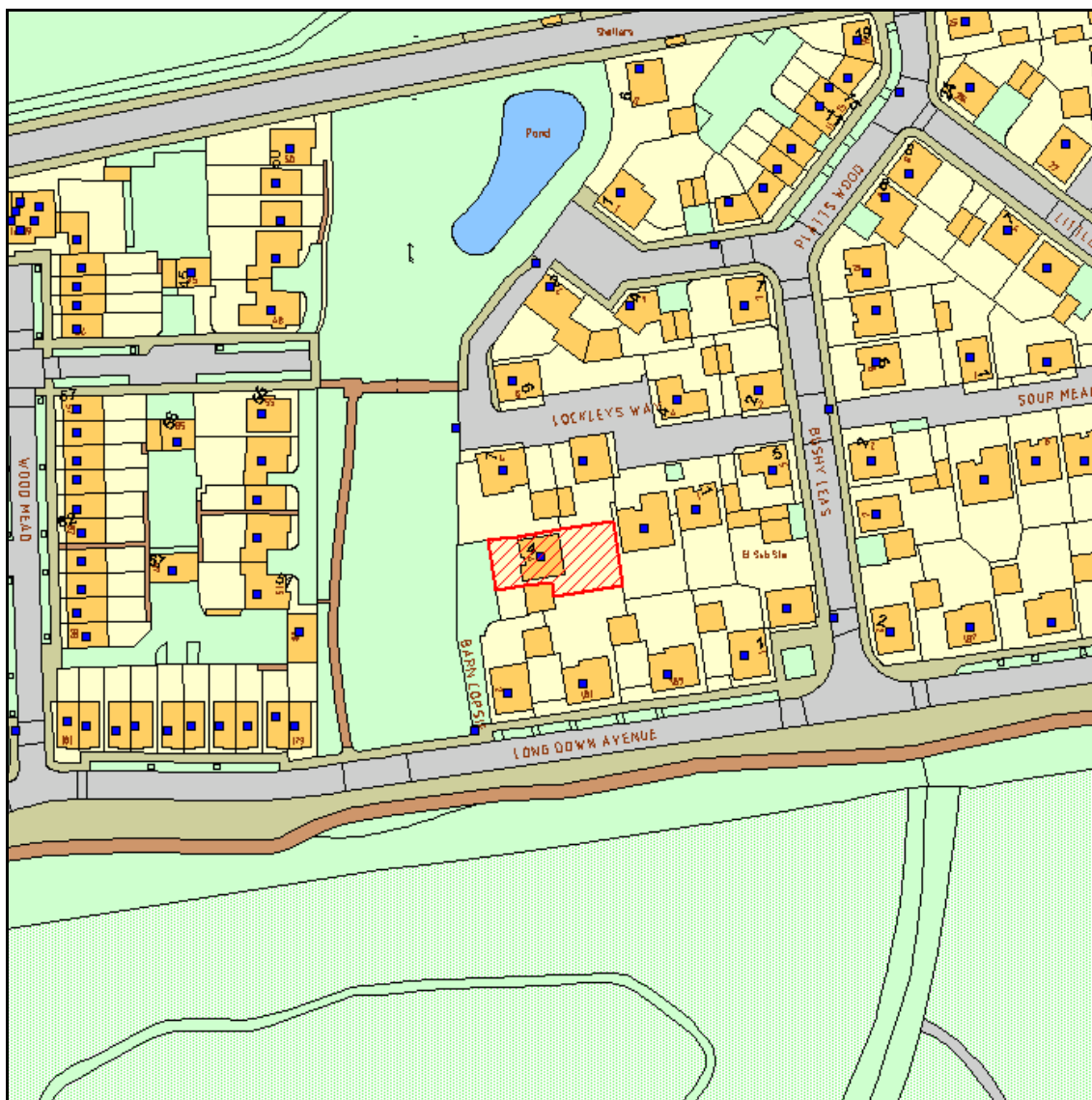
1. The use hereby permitted shall be restricted only to the following times 07:00 until 21.30, Monday to Friday inclusive; and 09:00 until 18:30 on Saturday, Sunday and Bank Holidays.

Reason

In the interests of the amenity of the occupants of nearby residential dwellings and to accord with saved policy EP4 of the South Gloucestershire Local Plan (Adopted) January 2006.

## CIRCULATED SCHEDULE NO. 07/15 – 13 FEBRUARY 2014

<b>App No.:</b>	PT15/0150/PNH	<b>Applicant:</b>	Mr Philip Walker
<b>Site:</b>	4 Barn Copsie Stoke Gifford South Gloucestershire BS16 1GB	<b>Date Reg:</b>	15th January 2015
<b>Proposal:</b>	Erection of a rear conservatory which would extend beyond the rear wall of the original house by 4 metres, for which the maximum height would be 3.2 metres and the height of the eaves would be 2.1 metres.	<b>Parish:</b>	Stoke Gifford Parish Council
<b>Map Ref:</b>	361714 177726	<b>Ward:</b>	Frenchay And Stoke Park
<b>Application Category:</b>		<b>Target Date:</b>	22nd February 2015



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PT15/0150/PNH

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

The application has been reported to the circulated schedule because an objection has been received from an adjoining neighbour. It should however be noted that as this is an application for prior notification it has been referred to the schedule for information only.

### **1. THE PROPOSAL**

1.1 This application is for the Prior Notification of a rear conservatory extension at 4 Barn Copsie. The property is a two storey detached house located within an established residential area of Stoke Gifford. The extension would extend beyond the rear wall of the dwellinghouse by 4 metres, with a maximum height of 3.2 metres and eaves height of 2.1 metres.

1.2 This application is for a Prior Notification, which is a process that allows a household to notify the Local Planning Authority of intent to use their permitted development rights to build an extension of up to 8 metres in depth and no more than 4 metres in height for a detached dwellinghouse.

### **2. POLICY CONTEXT**

#### **2.1 National Guidance**

Town and Country Planning (General Procedures) Order 1995 Article 24 Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008, Schedule 2, Part 1, Class A.

2.2 Statutory Instrument 2013 No.1101 The Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2013

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

3.1 PT07/3519/RM                      Erection of 225 no. dwellings with car parking, landscaping and associated works (Approval of Reserved Matters to be read in conjunction with planning permission PT04/0684/O)  
Approved 16.05.08  
Permitted development rights removed for Part 1, Class A, parts B (alterations to roof) and D (porch)

### **4. CONSULTATION RESPONSES**

4.1 Stoke Gifford Parish  
No objection.

#### **Other Representations**

4.3 Local Residents  
Two comments have been received from local residents.

- 4.4 One local resident has no objection to the proposal as it would not appear to affect their property.
- 4.5 Another local resident has objected to the application over concerns the conservatory will be overbearing when viewed from their house and garden (No. 5) and will reduce the amount of sun they receive in their house and garden.

## **5. ANALYSIS OF PROPOSAL**

### **5.1 Principle of Development**

It stands to be determined whether the proposed development falls within the limits set out in Part 1 of The Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008, and the Statutory Instrument 2013 No.1101 The Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2013.

- 5.2 The application site is not located on article 1(5) land nor is it on a site of special scientific interest. The proposed extension would measure no more than 6 metres in depth and has a maximum height of less than 4 metres as such the proposal is considered to comply with the criteria set out in Part 1, Schedule 2 (development within the curtilage of a dwellinghouse), Class A, of the Town and Country Planning (General Permitted Development) (Amendment) Order 2013.

- 5.3 Because an objection has been raised by a neighbouring resident this application also needs to be considered in terms of the proposals impact on amenity.

### **5.4 Impact on Amenity**

Concern has been raised by a local resident that the proposed rear conservatory extension would appear overbearing and reduce the amount of daylight to their house and garden as a result.

- 5.5 The conservatory extension would be located on the northern edge of the rear elevation of the property. The conservatory would not extend by the side elevation of No.5s single garage and shed (located at the rear of the garage), directly to the north of the application site. The properties are separated by boundary treatments as well as built form. It is considered that the proposed conservatory is unlikely to appear overbearing due to the distance between the extension and the neighbouring property being approximately 10 metres.

- 5.6 The conservatory would be located on the east elevation of the dwelling. The eaves height would be 2.1 metres, which is relatively modest. As the extension is only a single storey and would largely consist of glazing, it is not considered that the proposal would have a significant impact on No.5s access to daylight into their house or south-facing garden. The proposed extension is a substantial distance from the neighbouring property to the north and it is unlikely that this would have any material impact on their residential amenity.

**6. RECOMMENDATION**

6.1 That prior approval is required and approved.

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