



**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. 33/15

Date to Members: 14/08/15

Member's Deadline: 20/08/15 (5.00pm)

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

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

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

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

NOTES FOR COUNCILLORS - FORMAL ARRANGEMENTS

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

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

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

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

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

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

GUIDANCE FOR 'REFERRING' APPLICATIONS

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

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

Dates and Deadlines for Circulated Schedule
During August Bank Holiday Period 2015

Schedule Number	Date to Members 9am on	Members Deadline 4.30pm on
No.35/15	Friday 28 August	Friday 04 September

Above are details of the schedules that will be affected by date changes due to August Bank Holiday.

CIRCULATED SCHEDULE - 14 August 2015

ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
1	PK15/1316/F	Approve with Conditions	The Barn High Street Hawkesbury Upton Badminton South Gloucestershire GL9 1AU	Cotswold Edge	Hawkesbury Parish Council
2	PK15/1651/F	Approved Subject to	Land At The End Of Irving Close Soundwell South Gloucestershire BS16 4TE	Staple Hill	None
3	PK15/2662/R3F	Deemed Consent	Kings Oak Academy Brook Road Kingswood South Gloucestershire BS15 4JT	Kings Chase	None
4	PK15/2912/PDR	Approve with Conditions	123 Malvern Drive Warmley South Gloucestershire	Oldland	Bitton Parish Council
5	PK15/2941/CLP	Refusal	81 Meadgate Emersons Green South Gloucestershire BS16 7BB	Emersons	Emersons Green Town Council
6	PK15/3032/F	Approve with Conditions	Lower Ledge Farm Doynton Lane Dyrham South Gloucestershire SN14 8EY	Boyd Valley	Dyrham And Hinton Parish Council
7	PT13/0250/F	Approve with Conditions	Land Adjacent To Crossland Cottage Severn Road Pilning South Gloucestershire	Pilning And Severn Beach	Pilning And Severn Beach Parish Council
8	PT15/0648/F	Approve with Conditions	The Little House Beckspool Road Frenchay South Gloucestershire BS16 1ND	Frenchay And Stoke Park	Winterbourne Parish Council
9	PT15/0924/CLE	Approve with Conditions	The Barn 127 Bristol Road Frampton Cotterell South Gloucestershire BS36 2AU	Frampton Cotterell	Frampton Cotterell Parish Council
10	PT15/2259/RVC	Approve	Colmar Woodhouse Avenue Almondsbury South Gloucestershire BS32 4HT	Severn	Olveston Parish Council
11	PT15/2308/RVC	Approve with Conditions	Applegarth Village Road Littleton Upon Severn South Gloucestershire BS35 1NR	Severn	Aust Parish Council
12	PT15/2313/CLP	Approve with Conditions	Grace Cottage 5 The Down Alveston South Gloucestershire BS35 3PH	Thornbury South And Alveston	Alveston Parish Council
13	PT15/2587/F	Refusal	Land At 1 Woodlands Tytherington South Gloucestershire	Ladden Brook	Tytherington Parish Council
14	PT15/2602/F	Approve with Conditions	41 Casson Drive Stoke Gifford South Gloucestershire BS16 1WP	Frenchay And Stoke Park	Stoke Gifford Parish Council

CIRCULATED SCHEDULE NO. 33/15 – 14 AUGUST 2015

App No.:	PK15/1316/F	Applicant:	Mr P Roberts
Site:	The Barn High Street Hawkesbury Upton Badminton South Gloucestershire GL9 1AU	Date Reg:	27th April 2015
Proposal:	Change of use of agricultural land to residential use. Demolition of existing barn to facilitate the erection of 1 no. dwelling and associated works. (Resubmission of PK13/4488/F).	Parish:	Hawkesbury Parish Council
Map Ref:	377787 187038	Ward:	Cotswold Edge
Application Category:	Minor	Target Date:	21st May 2015



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 100023410, 2008. N.T.S. PK15/1316/F

INTRODUCTION

This application has been referred to the Circulated Schedule due to the receipt of objections from the Hawkesbury Parish Council and local residents.

1. THE PROPOSAL

- 1.1 The applicant seeks full planning permission for the demolition of an existing barn and the erection of 1 no. detached dwelling with associated works at the Barn, High Street, Hawkesbury Upton. The proposal also includes the change of use of the agricultural land from agricultural use to residential use for the proposed dwelling. It should however be noted the barn and the associated land are currently used for keeping horses.
- 1.2 The application site just lies within the established settlement boundary of Hawkesbury Upton and within the Hawkesbury Upton Conservation area.

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 Core Strategy (Adopted December 2013)

CS1	High Quality Design
CS4A	Presumption in Favour of Sustainable Development
CS5	Location of Development
CS8	Improving Accessibility
CS9	Environmental Resources and Built Heritage
CS16	Housing Density
CS17	Housing Diversity

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

H4	Development within Existing Residential Curtilages, Including Extensions and New Dwellings
T12	Transportation Development Control
L12	Conservation Areas

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted 2007)
South Gloucestershire SPD: Residential Parking Standards (adopted) 2013
Hawkesbury Upton Advice note 17 (2000)

3. RELEVANT PLANNING HISTORY

- 3.1 PK13/4488/F Demolition of existing barn to facilitate the erection of 1 no. dwelling and associated works. Withdrawn 10.02.2014

4. CONSULTATION RESPONSES

4.1 Hawkesbury Upton Parish Council

Objection to the proposal for the following reasons:

- There should be a change of use from agricultural but there is no reference on the application form.
- To take into consideration neighbours concerns especially neighbours adjacent to the boundary. All neighbours boundary conditioned to ensure privacy for neighbouring gardens
- The Beech hedge over looking The Row may not obscure the view
- Lack of visibility splays
- Cotswold stone rather than Natural stone should be used for the cavity walls

Other Consultees

Conservation Officer

No objection subject to conditions regarding materials, finish of all windows and doors, alterations to the front boundary wall.

Highway Officer

No objection subject to conditions seeking a provision of adequate car and cycle parking spaces. The parking arrangements have been improved to provide a larger turning area and enable access to the paddock behind the development.

Highway Drainage

No objection subject to condition to ensure the submitted drainage plan be implemented.

Landscape officer

No objection. The landscape proposals have been amended and the hedge on the eastern boundary would be a mixed native hedge which is preferable to the previously proposed beach hedge.

Highway Structures Team

No comments.

Archaeology Officer

No objection subject to condition seeking to monitor the ground works associated with the demolition and the erection of the new dwelling.

Ecologist

No objection subject to following conditions seeking a final bat survey check of the building prior to the immediate demolition of the building and the details of bird nesting boxes.

Other Representations

4.3 Local Residents

Four letters of objection and one letter of support have been received. The residents' concerns are summarised as follows:

Landscaping issues:

- The garden to the east should be enclosed with hawthorn, blackthorn and elder bushes / trees to be in keeping with the existing species.
- A Beech hedge would cut-off light to the existing growth and vegetation with the potential to permanently damage the existing hedge. The proposed hedge will also give a more enclosed feel, where as at present there are some open views.
- A stone wall of limited height may be acceptable, just for that stretch at the bottom of the garden, but existing vegetation should be left untouched.

Impact upon the rural character

- Remove the last remaining field entrance, which is part of the rural character and also makes drives through the village more cautious
- Loss of existing stables that is important aspect of Hawkesbury.
- Every available piece of land has had housing shoehorned onto it.
- In-filling by residential property would destroy the character of the conservation area. The village would become urban ghettos.
- If it were allowed, there should be strict conditions imposed to prevent further development
- The proposed development would pose a precedent for development in the future and is outside the development line within the conservation area.
- The proposed siting would impact on the peaceful enjoyment of my home and garden giving the proximity of the neighbouring properties.

Safety

- The driveway would also add yet more vehicular access from both sides on this short stretch of the high street
- This is already a problem to negotiate safely especially when the children are on their way to school

Other concerns

- The Paddock to the North which is currently used by horses stabled in the existing building. If this is no longer retained as a Paddock for horses that will again be a further loss to the rural look and feel of the area.
- The plans do not include a storage location for rubbish and recycling bins

Support comments

- We are pleased to see that the comments made on the earlier application have been addressed in this resubmission. Consequently, there are further comments or objections to this application.

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 scale of the building within its plot and its design given its conservation area location (CS1; CS5 and CS9 of the adopted Core Strategy, L12 of the adopted Local Plan); the impact on residential amenity for future occupiers and adjacent neighbours must be considered (H4); and the impact on highway safety and off street parking (T12; SPD residential parking standards).

Although the site is situated within a rural area, which is defined by the adopted Core Strategy, the proposed dwelling and its residential curtilage would be situated within the settlement boundary of Hawkesbury Upton, it is therefore considered that there is no principle objection to the proposed residential development at this plot.

5.2 Design and Visual Impact upon Conservation Area

The barn is located in a field to the rear of the unlisted property known as Winfield and is accessed via a narrow track that runs alongside it. It has a simple, linear form and is built from a mix of concrete block, natural stone and timber cladding with a corrugated sheet metal roof. From the access, the timber clad gable of the building is visible and it has a distinctly agrarian character which is reinforced by its rural setting and the open views across the fields to the north. Based on the OS map evidence, it formed part of a group of small barns or outbuildings built c1910 to the east of the Vicarage, possibly part of a small smithy. Whilst it incorporates some natural stone walling, the building is not of any particular architectural interest and its early 20th century date mean that it is of limited historical value. Glimpsed views of the gables can be obtained from the High Street where it can be seen as one of a number of similar outbuildings and barns in the village that contribute to the rural character and appearance of the conservation area.

The design of the replacement building has been simplified from the earlier withdrawn scheme and is acceptable in principle. The external materials have been changed to natural stone and clay tiles with hardwood windows/doors and weatherboarding to the kitchen window and these are acceptable subject to samples and sample panels. The windows are proposed as flush fitting casements which are acceptable. It is also considered that the revised plan has addressed officers' concerns regarding the detailed design.

The site layout is as discussed on site, with new stone boundary walls defining the northern side of the site and a timber field gate providing access into the orchard and fields beyond. A planning condition is imposed seeking details of the gate and gate piers and also ensuring that the wall would be dry stone wall to match the orchard walls in terms of stone type, coursing and coping.

Officers therefore consider that the revised scheme would not cause significant adverse impact upon the character and appearance of the conservation area.

5.3 Residential Amenity

The proposal is to demolish the existing barn and to erect a single storey dwelling. The location of the new dwelling is similar to that of the existing barn although the new building would be larger in footprint and height. The nearest neighbouring property to the proposed dwelling would be Winfield. The proposed dwelling would be single storey building and would be approximately 10.5 metres from the rear elevation of the neighbouring property. All primary windows would be looking out over the adjacent orchard/paddock, which is not part of this application site, or the garden area of the new dwelling. Given that there is an existing 1.2 metres high retaining wall and there is no primary window on the front elevation, it is considered that there would not be significant overlooking or over bearing impact upon the neighbouring residents.

There are a number of dwellings to the east of the site facing the garden area of the proposed dwelling. There is a living room patio door on the side east elevation of the new dwelling. Given that there is a reasonable distance, which would be approximately 12 metres from the boundary of the neighbouring properties, it is considered that there would not be any significant overlooking and overbearing impact to be detrimental to the living conditions of the nearby residents.

Regarding the waste storage, the proposed dwelling would benefit a reasonable sized private garden to provide a storage area for keeping bin and recycling bins. However, given that the property is located within a conservation area, it is considered that it would be necessary to impose a condition seeking details and location of the bin storage area.

5.4 Sustainable Transport

The proposal is to construct a two-bedroom dwelling and the existing access would be utilised for the proposed development. The parking arrangements have been improved to provide a larger turning area and enable access to the paddock behind the development. Additionally, there would be adequate space within the site to provide adequate parking spaces to meet the Council's required parking standards. Subject to conditions seeking the provision of car and cycle parking spaces within the site, there is no highway objection to the proposal.

5.5 Landscape issues

With regard to the landscape impact, the site is open to views from the north, though it would be seen in context of the settlement edge. Nevertheless, the proposed dwelling would not be highly visible within the wider landscape. Additionally, a revised landscaping scheme has been submitted to replace the original proposed beech hedge along the eastern boundary with a mix native hedges species. Officers therefore support the revised landscaping scheme as the proposal would accord with Policy CS9 of the adopted Core Strategy and the saved Policy L1 of the Local Plan.

5.6 Archaeological issues

The current proposal includes subtly revised plans for the layout of the dwelling, along with associated landscape works. The footprint of the proposed dwelling would be larger than that of the existing barn. Whilst officers consider

that any archaeology that would be present would not be significant to preclude the proposal, it is considered that it would be necessary to impose a condition to record any remaining archaeological deposits that may be present.

5.7 Ecological issues

The application site consists of a freestanding barn within the property of The Vicarage, Hawkesbury Upton. It is located to the north of the High Street and the barn is adjacent to housing on the west and east, and open countryside to the north. The walls comprise stone blocks patched with breeze block, with a wooden slatted gable end and a corrugated iron roof. The applicant submitted an ecological survey and additional bat surveys report to support the proposal.

The barn was considered to have medium bat roosting potential due to cavities in stonework, mainly in the eastern aspect of the structure, with lower bat roosting potential in the northern and western elevations. No signs of bat presence were found during the building inspection. Two bat emergence surveys were also carried out and no bats emerged from the barn on the nights of the survey. The report recommends a pre-demolition survey immediately prior to demolition and soft demolition of the eastern aspect of the building supervised by a bat ecologist. Officers are therefore satisfied with the submitted report and recommendations. It is considered that there is no ecological objection to the proposal subject to planning conditions seeking a final bat survey check and details of the bird nesting boxes.

5.8 Other issues

Residents raise concerns regarding the potential loss of the existing paddock adjacent to the proposed dwelling. As the adjacent paddock does not form part of this application, therefore it would be unreasonable to impose condition regarding the use of the land.

5.9 Removal Permitted Development Rights

Given that the sensitive location of the site and the proximity of the neighbouring properties, it is considered that there are special circumstances in this instance to justify the removal of permitted development rights to protect the visual amenity and residential amenity of the locality.

6. CONCLUSION

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

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

7. RECOMMENDATION

7.1 That the planning permission be granted subject to the following conditions.

Contact Officer: Olivia Tresise
Tel. No. 01454 863761

CONDITIONS

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

Reason

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

2. Notwithstanding the provisions of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no development as specified in Part 1 (Classes A, B, C, D, E, 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 protect the character and appearance of the area and the residential amenity of the neighbouring residents and to accord with Policy CS1 and CS9 of the South Gloucestershire Core Strategy (adopted) December 2013 and Policy L12 of the South Gloucestershire Local Plan (Adopted) January 2006.

3. The dwelling shall not be occupied until the car parking spaces have been provided in accordance with the submitted details (Drawing Nos. 51544/01/101 rev G).

Reason:

To ensure adequate parking spaces provided within the site 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, and the South Gloucestershire Residential Parking Standards Adopted December 2013.

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

Reason:

To promote sustainable transport choices and to comply with the Council's cycle parking standards and to accord with Policy CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013) and the saved Policy T12 of the South Gloucestershire Local Plan (Adopted January 2006) and the Council's Residential Parking Standards (Adopted December 2013).

5. Prior to the first occupation of the proposed development hereby permitted, the planting scheme, drawing no. 51544/01/103 rev B received by the Council on 17 July 2015, shall be carried out in the first planting season.

Reason

To protect the character and appearance of the area to accord with Policy CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013) and the saved Policy L1 and L12 of the South Gloucestershire Local Plan (Adopted) January 2006.

6. Samples of the proposed roofing and external facing materials proposed to be used shall be submitted to and approved in writing by the Local Planning Authority before the relevant parts of the work are commenced. Development shall be carried out strictly in accordance with the approved samples.

Reason:

To maintain and enhance the character and appearance of the Conservation Area, and to accord with Policy CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013) and Policy L12 of the South Gloucestershire Local Plan (Adopted) January 2006.

7. A sample panel of stonework, demonstrating the stone, coursing, pointing and finish shall be erected on site and approved in writing by the Local Planning Authority before the relevant parts of the work are commenced. The approved sample panel shall be kept on site for reference until the development is complete. Development shall be carried out in accordance with the agreed sample.

Reason:

To maintain and enhance the character and appearance of the Conservation Area, and to accord with Policy CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013) and Policy L12 of the South Gloucestershire Local Plan (Adopted) January 2006.

8. Prior to their construction or installation, the detailed design including materials and finishes of the following items shall be approved in writing by the local planning authority:

- 1.. All new vents, flues, extracts.
- 2.. Lintels.
- 3.. Eaves and verge

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

Reason:

To maintain and enhance the character and appearance of the Conservation Area, and to accord with Policy CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013) and Policy L12 of the South Gloucestershire Local Plan (Adopted) January 2006.

9. Prior to their construction or installation, details of the proposed finish and colour of all external joinery shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the agreed details.

Reason:

To maintain and enhance the character and appearance of the Conservation Area, and to accord with Policy CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013) and Policy L12 of the South Gloucestershire Local Plan (Adopted) January 2006.

10. The new dry stone boundary wall shall match the existing dry stone walling within the orchard in respect of materials used, construction, coping and finished appearance.

Reason:

To maintain and enhance the character and appearance of the Conservation Area, and to accord with Policy CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013) and Policy L12 of the South Gloucestershire Local Plan (Adopted) January 2006.

11. The proposed rooflight shall be a conservation style rooflight installed with its uppermost surface flush with the surrounding roof tiles.

Reason:

To maintain and enhance the character and appearance of the Conservation Area, and to accord with Policy CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013) and Policy L12 of the South Gloucestershire Local Plan (Adopted) January 2006.

12. Prior to the commencement of development a programme of archaeological investigation and recording for the site shall be submitted to and approved by the Local Planning Authority. Thereafter, the approved programme shall be implemented in all respects, unless the Local Planning Authority agrees in writing to any variation.

Reason

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

13. The submitted drainage plan Drawing No. 51544/01/104 rev A, received by the Council on 17 July 2015, shall be strictly implemented prior to the commencement of the development hereby permitted.

Reason

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

14. A bat survey shall be carried out immediately pre-demolition of the existing barn as a final check of the building and the survey report shall be submitted to and approved in

writing by the Local Planning Authority. The demolition shall be carried out between late August and mid-October.

Reason

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

15. Prior to the first occupation of the proposed dwelling hereby approved, details of bird nesting boxes including the type and the location of the nest boxes shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be carried out before the first occupation of the building hereby approved.

Reason

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

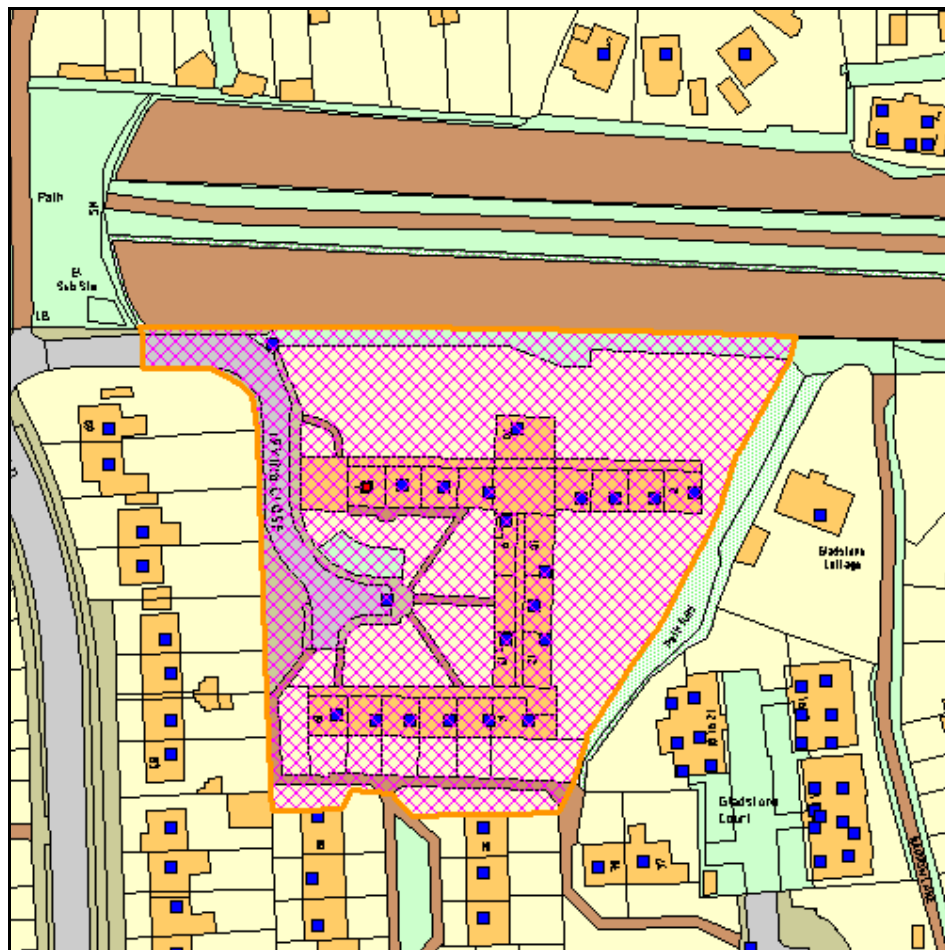
16. Prior to the construction of the proposed dwelling hereby permitted, details and location of bin storage area shall be submitted to and approved in writing by the Local Planning Authority. The approved works shall be carried out prior to the first occupation of the proposed development hereby approved.

Reason

In the interests of visual amenity and the residential amenity of the residents and to accord with Policy CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013) and the saved Policy L12 of the South Gloucestershire Local Plan (Adopted January 2006).

CIRCULATED SCHEDULE NO. 33/15 – 14 AUGUST 2015

App No.:	PK15/1651/F	Applicant:	Merlin Housing Society
Site:	Land At The End Of Irving Close Soundwell Bristol South Gloucestershire BS16 4TE	Date Reg:	30th April 2015
Proposal:	Demolition of existing building and erection of 25no. dwellings with access, landscaping and associated works.	Parish:	None
Map Ref:	365106 175633	Ward:	Staple Hill
Application Category:	Major	Target Date:	27th July 2015



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application is referred to the Circulated Schedule in accordance with procedure as objections have been received that are contrary to the officer recommendation

1 THE PROPOSAL

1.1 The application seeks full planning permission for the demolition of the existing buildings comprising 20no. bungalows and their replacement by 25 no. units of two storey semi-detached units of affordable housing. The breakdown of the development is as follows:

2no. 1 bed flats
2no. 2 bed flats
13 no. 2 bed houses
8 no. 3 bed houses

A total of 42 no. parking spaces are to be provided on site. Hard and soft landscaping is proposed. The existing access is to be retained and access can also be gained from a retained right of way along the northern boundary. A home-zone approach to the road is provided to ensure a reduction in traffic speeds. A footpath connection is provided at the southern end of the site. In accordance with affordable housing policy all properties will meet lifelong living standards and meet the "secured by design" standard.

1.2 The site is currently vacant. To the west, east and south lie residential properties including to the south, a further group of properties managed by the applicant. To the north lies a public right of way beyond which is the Bristol/Bath former railway path. The site rises up from the entrance to the north and then levels out.

1.3 In support of the application aside from the design and access, the applicant has provided an ecological appraisal and coal mining risk assessment

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework (March 2012)
National Planning Policy Framework Technical Guidance (2012) including updates in the Autumn Budget Statement November 2014

2.2 Development Plans

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

H4 Development within Existing Residential Curtilages
T12 Transportation Development Control Policy for New Development
L1 Landscape Protection and Enhancement

South Gloucestershire Local Plan Core Strategy (Adopted) December 2013

CS1 High Quality Design
CS4a Presumption in Favour of Sustainable Development

CS5 Location of Development
CS6 Infrastructure and Developer Contributions
CS9 Managing the Environment and Heritage
CS17 Housing Diversity
CS18 Affordable Housing
CS23 Community Infrastructure and Cultural Activity
CS29 Communities of the East Fringe of Bristol Urban Area

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

3. **RELEVANT PLANNING HISTORY**

3.1 There is no relevant planning history

4. **CONSULTATION RESPONSES**

4.1 Parish/Town Council

The area is unparished

4.2 Other Consultees

Drainage Engineer

No objection subject to securing sustainable urban drainage.

Sustainable Transport

There is no objection to the proposed development subject to the following conditions:

- No development shall commence until an application has been made to the Secretary of State to permit the formal "stopping up" of the public highway and until a copy of such permission is submitted to the planning authority.
- Prior to occupation of dwellings on site, provide off-street parking and turning area in accordance with the submitted and approved plan and subsequently maintain this satisfactory thereafter.
- Prior to occupation, the new road, footway, public Right of Way and traffic calming together with all associated highway works as shown in principal on drawing no. 4216/P/10 Rev. E and to the satisfaction of the Highway Authority.

Coal Authority

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

Wessex Water

Agreement must be reached with Wessex for the connection to the public sewer.

Avon and Somerset Police

Sections 58 and 69 of the National Planning Policy Framework March 2012 both require crime and disorder and fear of crime to be considered in the design stage of a development.

Having viewed the information as submitted we find the design to be in order and complies appropriately with the crime prevention through environmental design principles.

Environmental Protection

There is no objection to the proposed development.

Ecology Officer

The site consists of a sheltered accommodation block and associated hardstanding and landscaped grounds at the eastern end of Irving Close off Seymour Road to the south of the Bristol – Bath cycle path in Soundwell. The site is not covered by any statutory or non-statutory nature conservation designations. There is no objection to the proposal in principle subject to conditions to secure the protection/mitigation measures for reptiles, hedgehogs and to secure the submission of and Landscape and Ecological Management Plan. In addition conditions are requested to secure bat roosting niches/boxes and bird boxes to accord with the recommendation set out in the submitted ecological appraisal.

Highway Structures

No objection subject to an informative to be included on the decision notice relating to construction near the highway.

Wales and West Utilities

There may be gas pipes in the area. Wales and West utilities have no objection to these proposals however our apparatus may be at risk during construction works and should planning permission be approved the applicant is advised to contact Wales and West to discuss requirements – an informative to this effect will be attached to the decision notice

Public Rights of Way Team

The proposal will incorporate approximately 35m of the public right of way, which is on land owned by South Gloucestershire Council, and also provides service access for Gladstone Cottage. No objection in principle to the proposal following amendments to the scheme. Informatives to remind the applicant of their duties and responsibilities in relation to the footway are recommended.

Housing Enabling Team

There is no objection to the proposed development subject to a legal agreement being drawn up to secure affordable housing provision to accord with Policy CS18 of the Core Strategy and the Affordable Housing SPD.

Other Representations

4.3 Summary of Local Residents Comments

Two letters have been received raising concerns. These can be summarised as follows:

- The proposal will result in an increase of traffic to an already congested Seymour Road
- The siting of parking spaces close to the entrance could be a highway safety issue
- The width of the lane needs to be maintained for use by all vehicles as (vegetation currently lessens the width)
- Roots from the felled tree must be completely removed
- The development will result in the overlooking of properties in Teewell Close

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The application site is situated within the Urban Area and is previously developed (brownfield land) not considered of high environmental value.

Para 17 of the National Planning Policy Framework (NPPF) which sets out the basic core planning principles states:

Planning should “encourage the effective use of land by reusing land that has been previously developed (providing it is not of high environmental value”

In addition the NPPF carries a strong presumption in favour of sustainable development and speaks of the need to ‘boost significantly the supply of housing’ (paragraph 47) and to deliver a wide choice of high quality homes and widen opportunities for home ownership and create sustainable, inclusive and mixed communities (paragraph 50). Further, it is advised that ‘Policies *in Local Plans should follow the approach of the presumption in favour of sustainable development so that it is clear that development which is sustainable can be approved without delay*’. These considerations should be attributed significant weight in the assessment of this application.

5.2 Notwithstanding the above, given that the application site is located within the urban area, planning policy H4 of the adopted South Gloucestershire Local Plan 2006 (saved policy), and policies CS1, CS5 and CS9 of the adopted core strategy all apply. Whilst these are permissive of proposals for new residential development, this is subject to considerations of design, impact upon landscape, residential amenity and highway safety whilst adequate amenity space should be provided for any new separately occupied dwelling. The proposed development is therefore considered acceptable in principle subject to consideration of the following material planning considerations.

5.3 Design/ Visual Amenity

The site is approximately 0,62 hectares in size and currently occupied by 20 bungalows which are not in a good state of repair and do not benefit the visual amenity of the area in any way. As such the current proposal is considered to be of significant benefit.

The scheme has been designed with a "home zone approach with different surface treatments and parking courts. The site is linked to another application in James Road and a pedestrian link between these two schemes will be retained.

A number of changes have been negotiated with the applicant to improve the design of the development. These include a revision to the orientation of buildings at the entrance of the site to ensure additional surveillance along the footpath on the northern boundary. In addition revision to garden sizes to improve amenity, improved landscaping. A principle concern was the almost uniform use of brick and the applicant has amended the scheme to include render which ensures that it blends with the surrounding area.

It is considered that the design of the development is acceptable and that it will benefit the visual amenity of the area.

5.4 Sustainable Transport

Policy T12 of the South Gloucestershire Local Plan 2006 (saved policy) requires that new development makes "*adequate, safe and appropriate provision for the transportation demands which it will create and minimises the adverse impact of motorised traffic*". Of relevance to this development, having regard to Policy T12, is the suitability of the access, off-street parking provision both for occupiers and visitors and the ability of the site to accommodate service delivery.

In terms of access to the development this will be from Irving Close which is an existing small cul-de-sac. The existing roadway is retained as the primary route into the site and this road joins Seymour Road and the wider highway network where visibility is considered acceptable. In addition a public right of way runs to the north of the site which joins to Irving Close. In addition to this there is a pedestrian access retained at the southern side of the site providing a link into the development from James Close and James Road to the south. As part of the proposal an area of highway will need to be stopped up and it is considered appropriate to apply a condition to ensure that no development takes place until an application has been made to the Secretary of State to permit the formal

“stopping up” of the public highway (and a copy of that permission submitted to the planning authority).

In addition, a new section of footway is to be provided at the entrance to the site and improvement to a small area of public footpath as well as traffic calming. A condition will be attached to the decision notice to secure these works prior to first occupation

Turning to the parking provision, the development that comprises 8 no. 3-bed dwellings, 13 no. 2-bed dwellings and 4 no. 1-bed dwellings will provide a total of 42 parking spaces. This meets the Council Residential parking standards.

Subject to the above recommended conditions the proposed development is considered acceptable in highway terms.

5.5 Residential Amenity

In assessing the impact of development upon neighbouring occupiers it is necessary to assess the physical impact of the development upon the outlook of the adjoining occupiers and whether it would appear oppressive or overbearing. In addition the impact of the development in terms of whether it would result in overlooking to the detriment of the privacy of neighbouring occupiers is a key material consideration. In addition to an assessment of the impact upon the amenity of neighbouring occupiers it is also material as to whether sufficient amenity space is provided for future occupiers.

Concern has been raised that the proposed development would result in the loss of amenity through overlooking to a property/occupier in Teewell Close. It should be noted that there is a distance of approximately 57 metres to the nearest properties in Teewell Hill from the development site and the cycle path with associated landscaping. Given this relationship it is not considered that any significant overlooking would occur. Given the scale and location of the development in relation to all surrounding properties it is not considered that the development will result in any significant overlooking nor will it result in a development that would result in the loss of outlook to those properties. The scheme has also been designed to ensure that there is an acceptable relationship between the new houses within the site such that there are appropriate window to window distances and where overlooking of amenity space occurs this is at distance and at an angle. It is not considered that any building would have an adverse impact upon any other such as their would be a loss of outlook.

Future Occupiers

It is considered that the proposed dwellings will be provided with sufficient outdoor private amenity space within the south facing rear gardens shown.

It is considered reasonable given the close proximity of adjoining properties to impose a condition to control the hours of construction to protect the immediate of neighbouring residential occupiers during the construction period.

5.6 Landscape/Trees

A small number of trees are to be removed as part of the proposal however these are not trees that are worthy of protection. A small amount of planting is proposed both to the rear of the properties and to the front adjoining the parking areas and as such it is considered appropriate to attach an appropriate landscaping condition to the decision notice.

5.7 Drainage

No objection is raised to the proposal by the Council Drainage Engineers however a condition is attached to the decision notice in order to secure details of sustainable urban drainage.

5.8 Ecology

The applicant has submitted a detailed Ecological Appraisal with the application which has been viewed by officers.

The site predominantly consists of a single-storey complex of flats with associated hardstanding set amid a frequently mown lawn to the west and south and less well-managed and more diverse semi-improved grassland to the east and north. There are frequent ornamental flowerbeds and a number of trees as well as dense bramble scrub along the north-east and northern boundaries. Overall the site was considered to be of limited value for nature conservation. It is considered however that there is the possibility for the presence of endangered species/priority species on the UK Biodiversity Action Plan on the site and in addition there is the opportunity to provide improved habitat conditions.

Conditions are therefore recommended to require that avoidance measures for reptiles are put in place (in accordance with the recommendations of the submitted ecological appraisal) and that a mitigation strategy for hedgehogs is drawn up. A condition is also recommended to secure a landscape and ecological management plan (to specifically ensure the clearance of Cotoneaster). Additional recommended conditions relate to the provision of bird nesting boxes and bat roosts as well as a requirement that details of external lighting are provided to ensure that bats are not affected. Lastly while it is noted that badger survey has been undertaken as part of the ecological report, a condition is recommended to ensure that there is a re-survey should development not have commenced within 12 months. Subject to these conditions the proposed development is considered acceptable in ecological terms.

5.9 Planning Obligations

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

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

In this instance, it is considered that the planning obligations (set out in detail below) relating to affordable housing, public open space, transportation children & young people and highway works are required to mitigate the impacts from the development and are consistent with the CIL Regulations (Regulation 122).

The only requirement is for the provision of affordable housing as set out below:

Affordable Housing

This application for 25 units on a site measuring 0.60 hectares of land within the urban area falls within the affordable housing threshold as set down under the Core Strategy Policy CS18. This requires 35% of all new housing developments of 10 or more dwellings or with a gross area of at least 0.33 hectares to be provided as affordable housing.

In the event that not all the affordable housing is delivered or the site is subsequently sold on the open market, Enabling will secure the Council's planning policy requirement of 35% affordable housing in perpetuity via a Section 106 agreement. In this instance there will be 25 dwellings, of which 8 dwellings would be provided as affordable housing as follows:

4 x 2 bed houses at 77 sq.m Plots to be agreed
2 x 3 bed houses at 90 sq.m .Plots to be agreed
2 x 2 bed flats at 69 sq.m. Plots to be agreed

The proposed gross internal floor space is 2055.6m² whilst the existing gross internal floor space measures 1130.00 m². The proportional increase in floor space as a percentage of the development is 45%, leaving a 'credit' of 55% to be deducted from the affordable housing contribution, which equates to an affordable housing contribution of four units.

35% of dwellings (8 units) to be delivered as affordable housing, as defined by the NPPF. 35% of 25 dwellings (taking into account Vacant Building Credit) equates to 4 affordable homes when rounded up.

5.9.1 The following will therefore be secured through an appropriate legal agreement:

- 4 x 2 bed houses at 77 sq.m Plots to be agreed
- 2 x 3 bed houses at 90 sq.m .Plots to be agreed
- 2 x 2 bed flats at 69 sq.m. Plots to be agreed

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

- Design and specification criteria: All units to be built in line with the same standards as the market units (if higher) and to fully comply with the latest Homes and Communities Agency (HCA) standards applicable at the time the S.106 will be signed, to include at least Level 3 of the

Code for Sustainable Homes, Lifetime Homes standard, Part 2 of Secured by Design, and compliance of RP design brief.

- Delivery is preferred through a Housing Delivery Panel (HDP) RP. The HDP is set up to deliver affordable housing across the West of England to local development and management standards. The Council encourages the developer to work with a member of the HDP, and in the event of the developer choosing a Registered Provider from outside this panel then the same WoE standards will need to be adhered to.

5.10 List of Informatives

Standard Land not within ownership advice
Standard landownership consent required advice
Ecology advice re possible presence of bats
Advice regarding duties in relation to breeding birds
Permission to be read in conjunction with legal agreement advice
Advice relating to Community Infrastructure Levy
Advice relating to the public right of way

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.

RECOMMENDATION

- 7.1 That authority be delegated to the Director of Environment and Community Services to grant permission, subject to the conditions set out below and
- (i) The applicant first voluntarily entering into an agreement under section 106 of the Town and Country Planning Act 1990 (as amended) to secure the following:
- 4 x 2 bed houses at 77 sq.m Plots to be agreed
 - 2 x 3 bed houses at 90 sq.m .Plots to be agreed
 - 2 x 2 bed flats at 69 sq.m. Plots to be agreed
- at affordable rent where rents are set at 80% of market rent but not to exceed Local Housing Allowance.
- The other provisions as set out in Paragraph 5.9.1 above

To accord with Policy CS18 of the South Gloucestershire Core Strategy 2013 and the Affordable Housing and Extra Care SPD 2014

- 7.2 That the Head of Legal and Democratic Services be authorised to prepare and seal the agreement.
- 7.3 Should the agreement not be completed within 6 months of the date of the Committee resolution that delegated authority be given to the Director of Planning, Transport and Strategic Environment to refuse the application.

Contact Officer: David Stockdale
Tel. No. 01454 866622

CONDITIONS

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

Reason

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

2. All works shall be carried out fully in accordance with the reasonable avoidance measures for reptiles set out in paragraph 6.1.4 of Section 6 (Recommendations) of the Ecological Appraisal (Avon Wildlife Trust Consultancy October 2014)

Reason

To protect the wildlife and the ecological interests of the site, in accordance with Policy L9 of the South Gloucestershire Local Plan (Saved policy) 2006 and Policy CS9 of the South Gloucestershire Local Plan Core Strategy 2013

3. Prior to the commencement of development a mitigation strategy for hedgehogs be drawn up and agreed with the Council in writing. All works are to be carried out in accordance with the agreed scheme.

Reason

To protect the wildlife and the ecological interests of the site, in accordance with Policy L9 of the South Gloucestershire Local Plan (Saved policy) 2006 and Policy CS9 of the South Gloucestershire Local Plan Core Strategy 2013

A pre-commencement condition is required because this is a matter that cannot be mitigated against once the works have started

4. Prior to the commencement of development a scheme of new bird nesting boxes/features to accord with Section 6 (Recommendations) of the Ecological Appraisal (Avon Wildlife Trust Consultancy October 2014) The scheme should include the type and location of all nest boxes and design features, to cover a variety of species including house martin and house sparrow. All works shall be carried out in accordance with the approved details.

Reason

To protect the wildlife and the ecological interests of the site, in accordance with Policy L9 of the South Gloucestershire Local Plan (Saved policy) 2006 and Policy CS9 of the South Gloucestershire Local Plan Core Strategy 2013

A pre-commencement condition is required because this is a matter that cannot be mitigated against once the works have started

5. Prior to the commencement of development a scheme of new Schwegler bat roosting niches/boxes shall be drawn up and agreed with the Council in writing to accord with paragraph 6.2.1 of Section 6 ('Recommendations') of the Ecological Appraisal dated October 2014 by the Avon Wildlife Trust Consultancy. The scheme should include their type and location. All works shall be carried out in accordance with approved scheme

Reason

To protect the wildlife and the ecological interests of the site, in accordance with Policy L9 of the South Gloucestershire Local Plan (Saved policy) 2006 and Policy CS9 of the South Gloucestershire Local Plan Core Strategy 2013

A pre-commencement condition is required because this is a matter that cannot be mitigated against once the works have started

6. Prior to the commencement of development a Landscape and Ecological Management Plan (LEMP) shall be drawn up and agreed in writing by the Local Planning Authority. The plan should include details of the existing habitat to be safeguarded (trees, bramble scrub); any new habitat to be created; and a scheme of management. It should also include a programme of monitoring of all works for a period of 5 years and the clearance of Cotoneaster (Schedule 9 of the Wildlife & Countryside Act 1981 (as amended) from the site following a recognised methodology. All works shall be carried out in accordance with the approved details.

Reason

To protect the wildlife and the ecological interests of the site, in accordance with Policy L9 of the South Gloucestershire Local Plan (Saved policy) 2006 and Policy CS9 of the South Gloucestershire Local Plan Core Strategy 2013

A pre-commencement condition is required because this is a matter that cannot be mitigated against once the works have started

7. Should 12 months have elapsed between the original ecological survey (Ecological Appraisal dated October 2014 by the Avon Wildlife Trust Consultancy). and the commencement of the development the site shall be re-surveyed for badgers and a report provided to the Local Planning Authority. The report should provide details of any works subject to the licensing provisions of the Protection of Badgers Act 1992. All works are to be carried out in accordance with the approved details.

Reason

To protect the wildlife and the ecological interests of the site, in accordance with Policy L9 of the South Gloucestershire Local Plan (Saved policy) 2006 and Policy CS9 of the South Gloucestershire Local Plan Core Strategy 2013

A pre-commencement condition is required because this is a matter that cannot be mitigated against once the works have started

8. Prior to the commencement of development details of a scheme of external lighting shall be submitted to and approved in writing to avoid light spill impacting on nocturnal wildlife (bats) and to accord with para 6.1.2 of Section 6 ('Recommendations') of the Ecological Appraisal dated October 2014 by the Avon Wildlife Trust Consultancy. All works are to be carried out in accordance with the approved details.

Reason

To protect the wildlife and the ecological interests of the site, in accordance with Policy L9 of the South Gloucestershire Local Plan (Saved policy) 2006 and Policy CS9 of the South Gloucestershire Local Plan Core Strategy 2013

A pre-commencement condition is required because this is a matter that cannot be mitigated against once the works have started

9. No development shall commence until an application has been made to the Secretary of State to permit the formal "stopping up" of the public highway and until a copy of that permission has been submitted to the Local Planning Authority.

Reason

In order to implement the development the formal stopping up of the highway is required under Section 247 and 248 of the Town and Country Planning Act 1990 (incorporating changes to application requirements following the Growth and Infrastructure Act 2013).

This is a pre-commencement condition as it is required in order to implement the development.

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

Reason

In the interests of highway safety, and to accord with Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006 and Policy CS8 of the South Gloucestershire Local Plan Core Strategy 2013.

11. Prior to the first occupation of the development hereby permitted, the new road, public right of way and traffic calming with all associated highway works shall be completed in full as shown in principle on drawing no. 4216/P/10 Rev E

Reason

In the interests of highway safety, and to accord with Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006 and Policy CS8 of the South Gloucestershire Local Plan Core Strategy 2013.

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

Reason

To ensure that a satisfactory means of drainage is provided, and to accord with policies CS1 and CS9 of the South Gloucestershire Local Plan Core Strategy 2013

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

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

Reason

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policy CS1 of the South Gloucestershire Local Plan Core Strategy 2013

14. 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 L1 of the South Gloucestershire Local Plan 2006 and Policy CS1 and CS9 of the South Gloucestershire Local Plan Core Strategy 2013

A pre-commencement condition is required in order to avoid the need for future remedial action

15. This decision relates only to the plans identified below:

Received 16th April 2015

4216/P/01 Rev A 1:1250 A3 Site Location Plan

4216/P/200 Rev A 1:100 A3 Ground Floor Plan Plot 1-2

4216/P/201 1:100 A3 First Floor Plan Plot 1-2

4216/P/202 Rev A 1:100 A3 Ground Floor Plan Plot 3-4
4216/P/203 1:100 A3 First Floor Plan Plot 3-4
4216/P/206 Rev A 1:100 A3 Ground Floor Plan Plot 7-8
4216/P/207 1:100 A3 First Floor Plan Plot 7-8
4216/P/208 1:100 A3 Ground Floor Plan Plot 9
4216/P/209 1:100 A3 First Floor Plan Plot 10
4216/P/210 Rev A 1:100 A3 Ground Floor Plan Plot 11-12
4216/P/214 Revision A 1:100 A3 Ground Floor Plan Plot 15-16
4216/P/215 1:100 A3 First Floor Plan Plot 15-16
4216/P/218 Rev A 1:100 A3 Ground Floor Plan Plot 19
4216/P/219 1:100 A3 First Floor Plan Plot 20
4216/P/220 Rev A 1:100 A3 Ground Floor Plan Plot 21-23
4216/P/221 1:100 A3 First Floor Plan Plot 21-23
4216/P/222 Rev A 1:100 A3 Ground Floor Plan Plot 24-25
4216/P/223 1:100 A3 First Floor Plan Plot 24-25
4216/P/701 1:200 A3 Proposed Elevation Plot 3-4
4216/P/703 1:200 A3 Proposed Elevation Plot 7-8
4216/P/710 1:200 A3 Proposed Elevation Plot 21-23
4216/P/711 1:200 A3 Proposed Elevation Plot 24-25

Received 20th May 2015
4216/P/600 1:500 A3 Section A-A

Received 29th June 2015
4216/P/05 Rev A 1:500 A3 Existing Site Plan
4216/P/204 Rev A 1:100 A3 Ground Floor Plan Plot 5-6
4216/P/205 Rev A 1:100 A3 First Floor Plan Plot 5-6
4216/P/212 Rev A 1:100 A3 Ground Floor Plan Plot 13-14
4216/P/213 Rev A 1:100 A3 First Floor Plan Plot 13-14
4216/P/216 Rev B 1:100 A3 Ground Floor Plan Plot 17-18
4216/P/217 Rev A 1:100 A3 First Floor Plan Plot 17-18
4216/P/702 Rev A 1:200 A3 Proposed Elevation Plot 5-6
4216/P/705 Rev A 1:200 A3 Proposed Elevation Plot 11-12
4216/P/706 Rev B 1:200 A3 Proposed Elevation Plot 13-14
4216/P/707 Rev A 1:200 A3 Proposed Elevation Plot 15-16
4216/P/708 Rev A 1:200 A3 Proposed Elevation Plot 17-18

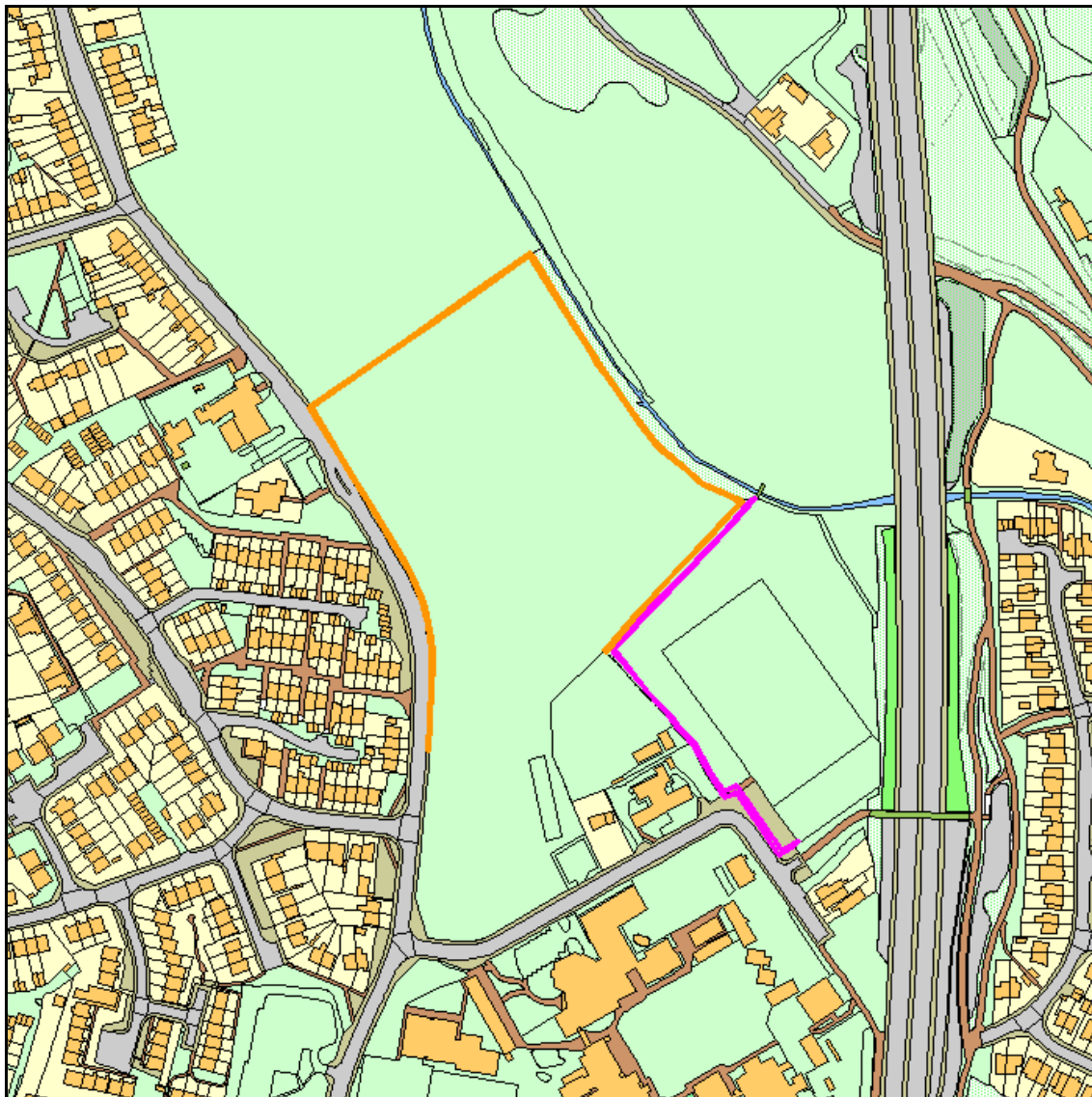
Received 24th July 2015
4216/P/700 Rev A 1:200 A3 Proposed Elevation Plot 1-2
4216/P/704 Rev A 1:200 A3 Proposed Elevation Plot 9-10
4216/P/801 Rev A A3 Indicative 3D Image

Received 5th August 2015
4216/P/10 Rev E 1:500 A3 Proposed Site Plan
4216/P/11 Rev B 1:500 A3 Proposed Site Plan: Proposed Highways Info

Reason
For the avoidance of doubt

CIRCULATED SCHEDULE NO. 33/15 – 14 AUGUST 2015

App No.:	PK15/2662/R3F	Applicant:	South Gloucester Council
Site:	Kings Oak Academy Brook Road Kingswood South Gloucestershire BS15 4JT	Date Reg:	7th July 2015
Proposal:	Erection of 2.4m high fence to the perimeter of playing fields.	Parish:	None
Map Ref:	366443 173688	Ward:	Kings Chase
Application Category:	Minor	Target Date:	31st August 2015



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100023410, 2008. **N.T.S.** **PK15/2662/R3F**

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application is referred to the Circulated Schedule in accordance with procedure given that the application is made by South Gloucestershire Council itself.

1. THE PROPOSAL

- 1.1 The application proposes the erection of a 2.4 metre perimeter fence (mesh fence). It will run around the playing field area which is to be associated with the school and will be a weld green mesh.
- 1.2 Consent was previously given for a new school associated landscape and parking (see history below). The school itself is under construction and about to be completed ready for the new school year.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework March 2012

2.2 South Gloucestershire Local Plan (Adopted January 2006)

L1 Landscape Protection and Enhancement
L5 Open Areas with the Existing Urban Area
LC4 Proposals for Education and Community Facilities
T8 Parking Standards
T12 Transportation
LC9 Protection of Open Space and Playing Fields

2.3 South Gloucestershire Core Strategy (Adopted Dec 2013)

CS1 High Quality Design
CS2 Green Infrastructure
CS5 Location of Development
CS8 Improving Accessibility
CS23 Community Infrastructure and Cultural Activity

2.4 Supplementary Planning Guidance

Trees on Development Sites (Adopted November 2005)
South Gloucestershire Design Checklist (Adopted August 2007)

3. RELEVANT PLANNING HISTORY

- 3.1 PK14/025/SCR Erection of primary school with associated landscaping and parking (Environmental Impact Not required)

PK14/1938/R3F Erection of primary school with associated landscaping and parking (Deemed consent)

4. CONSULTATION RESPONSES

4.1 Parish/Town Council

The site is in an unparished area

4.2 Other Consultees

4.3 Landscape Officer

No objection received

4.4 Drainage Engineers

No comment

4.5 Sustainable Transport

No objection

4.6 Local Residents

One letter of objection neither supporting or objecting to the application

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The site is situated within the urban boundary and will be associated with the recently approved development for the erection of a Primary School and associated works on an area currently used as School Playing Fields. Policy LC4 of the South Gloucestershire Local Plan 2006 (saved policy) and Policy CS23 support community infrastructure including proposals for the improvement of education and community facilities within the existing urban area and within the boundaries of settlements.

The proposed development will secure/facilitate the effective and safe use of the playing fields associated with the new school shortly to be used. Subject to the following considerations the proposed development is considered acceptable in principle.

5.2 Design/Visual Amenity

Policy CS1 indicates that development will only be permitted where the highest possible standards of design are achieved; Design includes siting, layout, height, detailing, scale and materials.

The design of the fence, coloured green with a narrow mesh is considered entirely appropriate to the context and of a form and scale that would not detract from the visual amenity of the area.

The design is considered to be of a high quality which fully accords with the aims and objections of Policy CS1 of the Local Plan: Core Strategy.

5.3 Transportation

The proposed development will have no impact upon highway safety and no objection is raised.

5.4 Residential Amenity

Given the scale and the location of the proposed development there will be no significant impact upon the residential amenity of neighbouring occupiers

5.10 Landscape/Trees

Policy L1 of the South Gloucestershire Local Plan Adopted January 2006 seeks to ensure that those attributes of the landscape that make a significant contribution to the character of the landscape are conserved and where possible enhanced. Policy L1 seeks to protect areas that contribute to local character and distinctiveness. Policy CS2 of the Core Strategy seeks to protect and enhance existing landscape features. The proposed development will not impact upon any landscape features and is considered acceptable in these terms.

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 planning permission be approved subject to the condition set out on the decision notice

Contact Officer: David Stockdale

Tel. No. 01454 866622

CONDITIONS

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

Reason

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

CIRCULATED SCHEDULE NO. 33/15 – 14 AUGUST 2015

App No.:	PK15/2912/PDR	Applicant:	Mr S Vines
Site:	123 Malvern Drive Warmley Bristol South Gloucestershire BS30 8UY	Date Reg:	16th July 2015
Proposal:	Erection of single storey rear extension to form additional living accommodation.	Parish:	Bitton Parish Council
Map Ref:	367232 172194	Ward:	Oldland Common
Application Category:		Target Date:	8th September 2015



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 100023410, 2008. **N.T.S.** **PK15/2912/PDR**

REASON FOR SUBMISSION TO THE CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 This application seeks planning permission for the erection of a single storey rear extension. The existing will be 3.3 metres in length, with a width of approximately 4.8 metres and a maximum height of 3.1 metres (2.3 metres from ground level to eaves).
- 1.2 The application site is no. 123 Malvern Drive, a two storey end terrace within a residential 'Radburn-style' estate within Warmley.
- 1.3 The property's permitted development rights were removed for the site under the original planning permission that permitted the residential estate under planning ref. SG8536/18 (Condition D).
- 1.4 Previously the applicant applied for a similar rear extension through the permitted development 'larger household extension' prior notification process (planning ref. PK15/1533/PNH), the applicant withdrew this application on receipt of the knowledge that the permitted development rights for the property were removed.

2. POLICY CONTEXT

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

South Gloucestershire Local Plan Core Strategy Adopted December 2013
CS1 High Quality Design
CS4A Presumption in Favour of Sustainable Development
CS5 Location of Development
CS8 Improving Accessibility

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

3. RELEVANT PLANNING HISTORY

- 3.1 PK15/1533/PNH Withdrawn 07/05/2015
Erection of single storey rear extension which would extend beyond the rear

wall of the original house by 3.5 metres, for which the maximum height would be 3.5 metres and the height of the eaves would be 2.5 metres.

4. CONSULTATION RESPONSES

4.1 Bitton Parish Council

No objections. The Parish Council did note that the owner of the adjacent property wishes the existing boundary fence remain and that any development does not physically impact the adjacent property.

4.2 Lead Local Flood Authority

No comment.

Other Representations

4.3 Local Residents

One letter has been received from a local resident regarding this planning application. The letter relates to the proposal's impact on no. 122 Malvern Drive, the adjacent property, and contains the following comments:

- The outer wall of any development must not form any part of the boundary fence;
- The local resident requested a site visit before and after should planning permission be granted to ensure the height and width of the extension be restricted.

5. ANALYSIS OF PROPOSAL

5.1 This application seeks planning permission for the erection of a single storey rear extension within the residential curtilage of an end terraced two-storey dwelling.

5.2 Principle of Development

Policy CS1 'High Quality Design' of the South Gloucestershire Core Strategy (adopted December 2013) states development proposals will only be permitted if the highest possible standards of site planning and design are achieved. 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.

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

5.4 Design and Visual amenity

The proposal has a lean-to roof with 2no. rooflights, and a double casement widow and double 'French-doors' on the proposed rear elevation. The side elevations of the proposal are both finished in brick. All the materials used in the proposal will match those utilised in the existing dwelling. In terms of design, the size and scale of the proposal is acceptable, commensurate with the site and its context. The officer is also mindful that the existing rear elevation has a rear conservatory, and that neighbouring properties in the area also have rear extensions, such as no. 119 Malvern Drive. Overall, the proposal has an acceptable scale and design, which is congruent with the surrounding area and respects the existing dwelling.

5.5 Residential Amenity

Saved policy H4 of the adopted Local Plan aims to ensure that residential development within established residential curtilage does not prejudice the residential amenity of any neighbouring occupiers.

5.6 Due to the position of the proposed windows in the rear extension, no nearby occupiers will be materially overlooked. As well as this, although on the southern elevation of the dwelling, the proposal will not result in a material loss of light to adjacent dwelling due to its scale. In addition to this, the officer is mindful that the existing extension is already positioned on the southern elevation, and that any shadowing caused by the existing extension would not materially differ from that of the proposal.

5.7 The proposal would reduce the outlook of the occupiers of the adjacent dwelling by nature of its position and size. However, such outlook is already reduced through the position of boundary fences and garages positioned to the rear of the host dwelling and no. 122 Malvern Drive. Accordingly, the proposal would reduce the outlook of the no. 122 Malvern Drive, but such a reduction would be minimal, and thereby is not considered to materially prejudice the residential amenity of the occupiers of no. 122 Malvern Drive.

5.8 The occupiers of no. 122 Malvern Drive have requested that the proposal does not affect the existing boundary fence, similarly the Parish Council requested that this fence is maintained. The proposed development would not materially impact this fence due to the single storey rear extension being set 0.1 metres back from this fence. In addition to this the proposed rear elevation drawings show the fence being retained. Accordingly, the case officer does not deem it appropriate to condition that such a fence is maintained as in terms of this proposal the maintenance of such a fence is not essential to protect the residential amenity of the adjacent dwelling.

5.9 Overall the proposal has an acceptable impact on the residential amenity of the nearby occupiers and accordingly, the proposal satisfied saved policy H4 of the Local Plan.

5.10 Other Matters

The Parish Council noted that the adjacent neighbour wished their property not be impacted physically by the proposal. If planning permission is granted, that permission would not permit any works that are within the adjacent property,

two informative notes will be included within the decision notice to alert the applicant of this.

5.11 A local resident objected to the application, part of their comments asked if a member of the Local Planning Authority (LPA) could visit the site during the application phase and after should planning permission be granted. The case officer visited the site on the 06th August 2015. It is not part of the LPA's procedure to do post-planning permission visits. Should planning permission be granted and a local resident suspect the proposal to be not built in accordance with the submitted and approved plans, this matter should be reported to the LPA's enforcement team for investigation.

5.12 Transport and Parking

The proposal does not represent an additional bedroom at the property, additionally the proposal does not impact upon the provided parking area. Accordingly, the proposal has an acceptable impact on highway safety.

6. CONCLUSION

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

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

7. RECOMMENDATION

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

Contact Officer: Matthew Bunt
Tel. No. 01454 863131

CONDITIONS

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

Reason

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

CIRCULATED SCHEDULE NO. 33/15 – 14 AUGUST 2015

App No.:	PK15/2941/CLP	Applicant:	Mrs Reeves
Site:	81 Meadgate Emersons Green Bristol South Gloucestershire BS16 7BB	Date Reg:	9th July 2015
Proposal:	Erection of single storey side link extension and conversion of part of garage.	Parish:	Emersons Green Town Council
Map Ref:	366636 177480	Ward:	Emersons Green
Application Category:		Target Date:	1st September 2015



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1. THE PROPOSAL

- 1.1 The applicant is seeking a formal decision as to whether the proposed single storey side extension to 81 Meadgate, Emersons Green, would be lawful.
- 1.2 The application is a formal way of establishing whether the proposal requires planning permission or not. Accordingly there is no consideration of planning merit, the decision is based solely on the facts presented.
- 1.3 It should be noted that under application no. K8041, the Permitted Development Rights associated with this property and the proposed development have been restricted and as such a certificate of lawfulness proposed development cannot be ascertained and an application for planning permission is deemed necessary to obtain the consent for the proposed development.

2. POLICY CONTEXT

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

The submission is not a planning application thus the Development Plan is not of relevance to the determination of this application; the decision rests upon the evidence that has been submitted. If the evidence submitted demonstrates that the proposed use is lawful on the balance of probabilities, the Local Planning Authority must grant a Certificate confirming that the proposed development is lawful.

3. RELEVANT PLANNING HISTORY

- 3.1 There is no relevant planning history

4. CONSULTATION RESPONSES

- 4.1 Emersons Green Town Council
No Objection
- 4.2 Councillor
No Comments Received
- 4.3 Local Lead Flood Authority
No Comment

Other Representations

- 4.3 Local Residents
No Comments Received

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

- 5.1 Proposed Plans and Elevations – 15050_CLD03, Existing Plans and Elevations – 15050_CLD02, Site Location Plan – 15050_CLD01, all of which were received on 6th July 2015.

6. **ANALYSIS OF PROPOSAL**

6.1 Principle of Development

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

The dwellinghouse to which this certificate of lawfulness of proposed development is made against has previously had its permitted development rights restricted under application K8041 conditions 4, 5 and 6.

Cond 4: Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 (or any Order revoking and re-enacting that Order), no walls, fences or other means of enclosure shall be erected, positioned or placed in front of a wall of a dwelling which fronts onto a highway unless it is in accordance with the approved guidelines.

Cond 5: Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 (or any Order revoking and re-enacting that Order), the dwelling houses should not be extended without prior permission of the Local Planning Authority.

Cond 6: Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 (or any Order revoking and re-enacting that Order), the garage(s) forming part of the dwelling(s) hereby permitted shall be retained as such and shall not be used for any other purpose other than the garaging of private motor vehicles and ancillary domestic storage without the prior permission of the Local Planning Authority.

As such a certificate of lawfulness proposed development cannot be granted as the permitted development rights attributed to the application dwellinghouse have previously been restricted and as such a full application would be required.

7. **CONCLUSION**

7.1 The dwellinghouse for which this application has been made in regards to has had its permitted development rights restricted which would apply to the proposed development; as such a lawful implementation of development can not be achieved.

8. **RECOMMENDATION**

8.1 That a certificate of Lawfulness for Proposed Development is **refused** for the following reason:

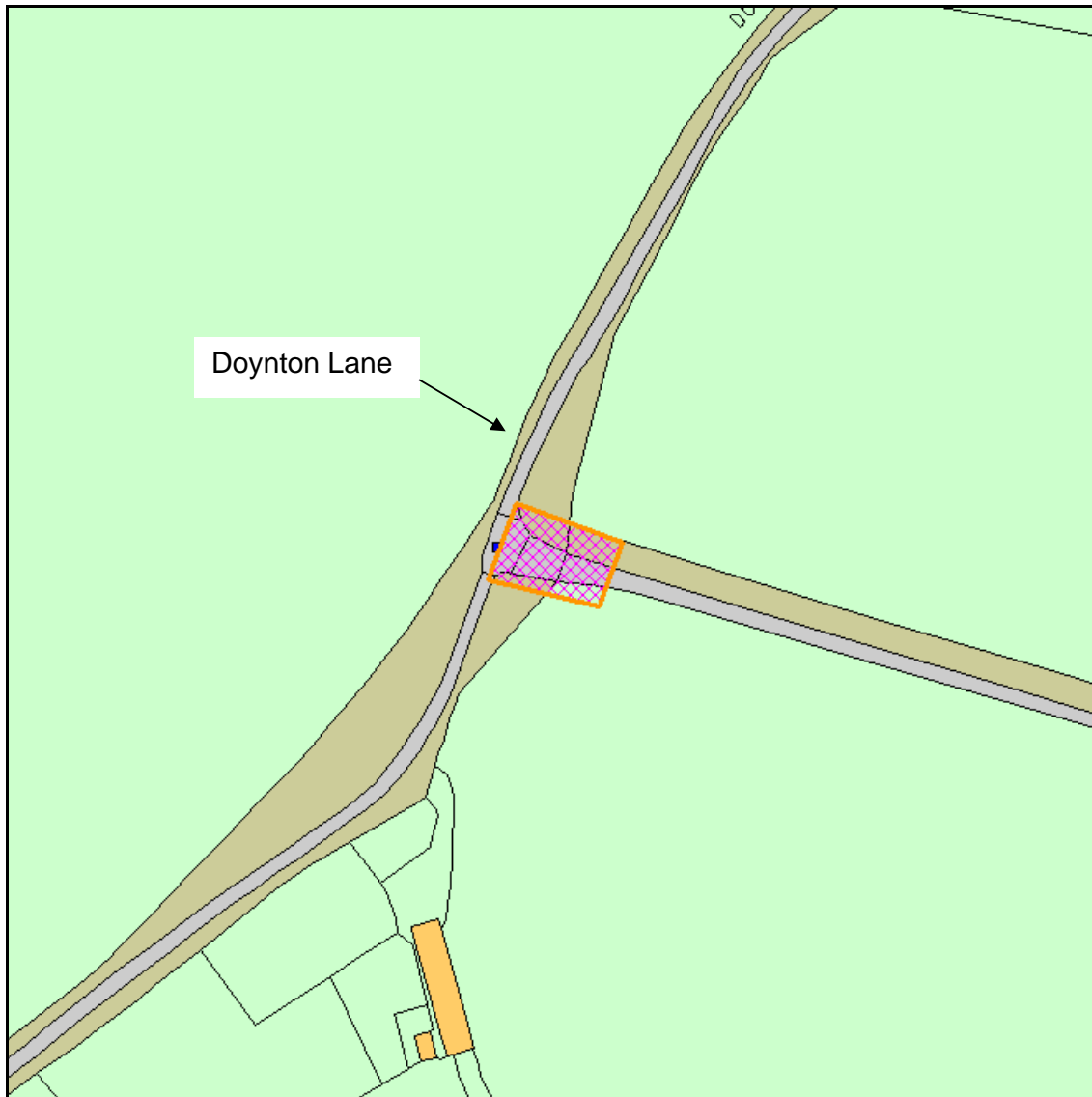
Contact Officer: Jessica Robinson
Tel. No. 01454 868388

REASONS FOR REFUSAL

A certificate of lawfulness proposed development cannot be granted as the permitted development rights attributed to the application dwellinghouse have previously been restricted and as such a full application would be required.

CIRCULATED SCHEDULE NO. 33/15 – 14 AUGUST 2015

App No.:	PK15/3032/F	Applicant:	Beeswax Farming (Spice) Ltd
Site:	Lower Ledge Farm Doynton Lane Dyrham South Gloucestershire SN14 8EY	Date Reg:	14th July 2015
Proposal:	Erection of 2no. 1.5 metre high dry stone walls, and the increase in the width of the existing access.	Parish:	Dyrham And Hinton Parish Council
Map Ref:	373314 174926	Ward:	Boyd Valley
Application Category:	Minor	Target Date:	7th September 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 recommendation.

1. THE PROPOSAL

- 1.1 The planning application originally included the erection of gates and walls to a maximum height of 1.8 metres and the increase in the width of access. The gates will serve a private driveway, which for the purposes of The Town and Country Planning (General Permitted Development) (England) Order 2015 is not considered to be a highway. In addition to this, the majority of the walls either side of the proposed gate do not require planning permission. Accordingly, the only components of this proposal that require planning permission are as follows:
- The erection of a 1.5 metre high dry stone wall (for clarity this only includes the first 2 metres of the wall measured from the closest point to Doynton Lane);
 - The increase in the width of the existing access.
- 1.2 The proposal relates to Lower Ledge Farm which is set back approximately 0.4 miles from Doynton Lane (a classified highway) within Dyrham. The application site is within the Bristol/Bath Green Belt and also the Cotswolds Area of Outstanding Natural Beauty. The site is also located within Area 6 'Pucklechurch Ridge and Boyd Valley' of the South Gloucestershire Landscape Character Assessment.
- 1.3 The access serves a collection of residential units and a light industrial unit, one of these buildings, Lower Ledge Farmhouse is grade II listed.
- 1.4 The existing access is composed of two piers that support two galvanised metal gates. The existing hedgerow abuts the existing capped concrete piers, these caps will be reused in the proposed gates and piers which are considered to be permitted development. For clarity the existing gates, which are likely to require planning permission due to their distance from the highway, are not lawful.
- 1.5 There is a public right of way approximately 0.5 miles to the east and south east of the proposal. In addition to this, to the west lies a public right of way which runs in north-south direction. Due to distance and intervening features within the landscape, the proposal is not expected to materially impact upon these public rights of way.

2. POLICY CONTEXT

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

South Gloucestershire Local Plan Core Strategy Adopted December 2013

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

South Gloucestershire Local Plan Adopted January 2006 Saved Policies

- L1 Landscape
- L2 Cotswolds Area of Outstanding Natural Beauty (AONB)
- L12 Conservation Areas
- L13 Listed Buildings
- LC12 Recreational routes
- T12 Transportation Development Control Policy for New Development

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
- Revised Landscape Character Assessment (Adopted) November 2014

3. RELEVANT PLANNING HISTORY

- 3.1 PK12/0016/F Approve with Conditions 07/03/2012
Change of use of Units 1,2 and 3 from Offices (Class B1a) to Residential (Class C3) to form 2no. dwellings with parking and associated works as defined in Town and Country Planning (Use Classes) Order 1987 (as amended).
- 3.2 PK09/0896/RVC Approve with Conditions 26/06/2009
Variation of conditions 2 & 5 attached to planning permission PK04/3009/RVC to limit the numbers working at the site to 25.

4. CONSULTATION RESPONSES

- 4.1 Dyrham and Hinton Parish Council
The Parish Council registered a comment of support for the planning application, but requested that the gates be wrought iron rather than wood.
- 4.2 Lead Local Flood Authority
No Comment
- 4.3 Sustainable Transport
No objection.
- 4.4 Landscape Officer
The Landscape Officer has objected to the proposal on the following grounds:

- The current entrance is considered to be appropriate – the proposal introduces an unnecessary domestic element in the landscape;
- The style of the gate is not in keeping and is unnecessary solid causing visual block that has a negative impact on the visual amenity of the recreational route;

Other Representations

- 4.5 Local Residents
None received.

5. ANALYSIS OF PROPOSAL

- 5.1 This application seeks planning permission for the erection of 1.5 metre high wall within the Cotswolds AONB and the Bristol/Bath Green Belt. The application site is outside of any designated settlement boundary and is therefore considered to be within the open countryside.
- 5.2 Principle of Development
Paragraph 79 of the NPPF states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. The proposal seeks planning permission for the erection of a wall, the proposal is largely in keeping with paragraph 80 of the NPPF which lays out the five purposes of the Green Belt.
- 5.3 Policy CS34 'Rural Areas' of the South Gloucestershire (adopted December 2013) aims to protect, conserve and enhance the rural areas' distinctive character, beauty, wildlife, landscape, biodiversity and heritage. In addition to this, policy CS34 reinforces the importance of the designated Green Belt and the Cotswolds AONB.
- 5.4 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.
- 5.5 Saved Policy L2 of the South Gloucestershire Local Plan (adopted January 2006) will not permit development that would harm the natural beauty of the Cotswolds AONB. Similarly, saved policy L1 of the adopted Local Plan only permits development that conserves and enhances the character, distinctive, quality and amenity of the landscape.
- 5.6 The access is approximately 0.4 miles from the grade II listed building, the proposal does not affect the character or setting of the listed building due to the considerable distance.

5.7 Green Belt

Within this planning application all what is being assessed is the proposed walls which are considered to be adjacent to the highway, for clarity the only sections of the proposed walls being considered are the sections which are within 2 metres from the part of the proposed wall closest to the highway.

5.8 The access currently has a hedgerow composed mainly of shrubbery in a similar position to the proposed wall. The existing shrubbery ranges in height between approximately 1 metre and 1.3 metres, the proposal will have a maximum height of 1.5 metres. Although the proposal represents a much more solid structure within the landscape, it does not significantly differ in height when compared to the existing situation. By nature of this, the proposed wall which requires planning permission does not materially harm the openness of the Green Belt. Accordingly, the proposal is considered acceptable in terms of the aims of the Green Belt.

5.9 Cotswolds AONB and Visual amenity

Before assessing the impact the proposal will have on the AONB, it is important to be clear on what specifically requires planning permission, as this is what can actually be assessed within the determination of this planning application. Accordingly, all that is being assessed is:

- the increase in the width of the existing access; and
- the erection of a 1.5 metre high dry stone wall (for clarity this only includes the first 3 metres of the wall measured from the closest point to Doynton Lane).

5.10 The increase in the width of the access is only minimal and is not considered to materially harm the characteristics of the Cotswolds AONB. The Landscape Officer has objected to this application, however, the majority of the officer's objections relate to the proposed gates, which since have been determined to be permitted development and accordingly are not being considered within this planning application.

5.11 The proposed dry stone wall has an acceptable height and utilises a material which is common within the Cotswolds. Similarly, the wall and gate arrangement set back from the highway is also common with the Cotswolds on sites such as these.

5.12 The Parish Council have requested that wrought iron gates are utilised instead of the proposed wood. However, the proposed gates do not require planning permission and therefore cannot be considered within the determination of this planning application.

5.13 Accordingly, the proposed walls and widened access do not detrimentally harm the rural character of the area. The proposed walls may have certain domestic aspects, but the dry stone wall is relatively rural in character. The proposal does not disturb the tranquil setting and would also not harm views of the Cotswolds Escarpment to the west. Overall, the proposal has an acceptable impact on the Cotswolds AONB.

5.14 Transport and Parking

The proposal would represent an improvement when compared to the existing access arrangement. Through the access being wider and set back from the highway, vehicles accessing the site would have more off-road room to stop and wait if additional vehicles were met on the driveway. Accordingly, such a proposal has a beneficial impact on highway safety and is therefore considered pursuant to saved policy T12 of the Local Plan and policy CS8 of the Core Strategy.

5.15 Residential Amenity

Through reviewing the planning history of the site and the surrounding area, it appears the building to the south is a residential dwelling. In addition to this, there are residential dwellings within Lower Ledge Farm to the east. After reviewing the context of the area and the proposal, it is clear that the proposal would not harm the residential amenity of the area.

5.16 Summary and Planning Balance

Overall the proposal has an acceptable impact on the Cotswolds AONB and does not materially harm the openness of the Green Belt. In addition to this, the proposal would improve the existing access in terms of highway safety.

6. CONCLUSION

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

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

7. RECOMMENDATION

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

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

CONDITIONS

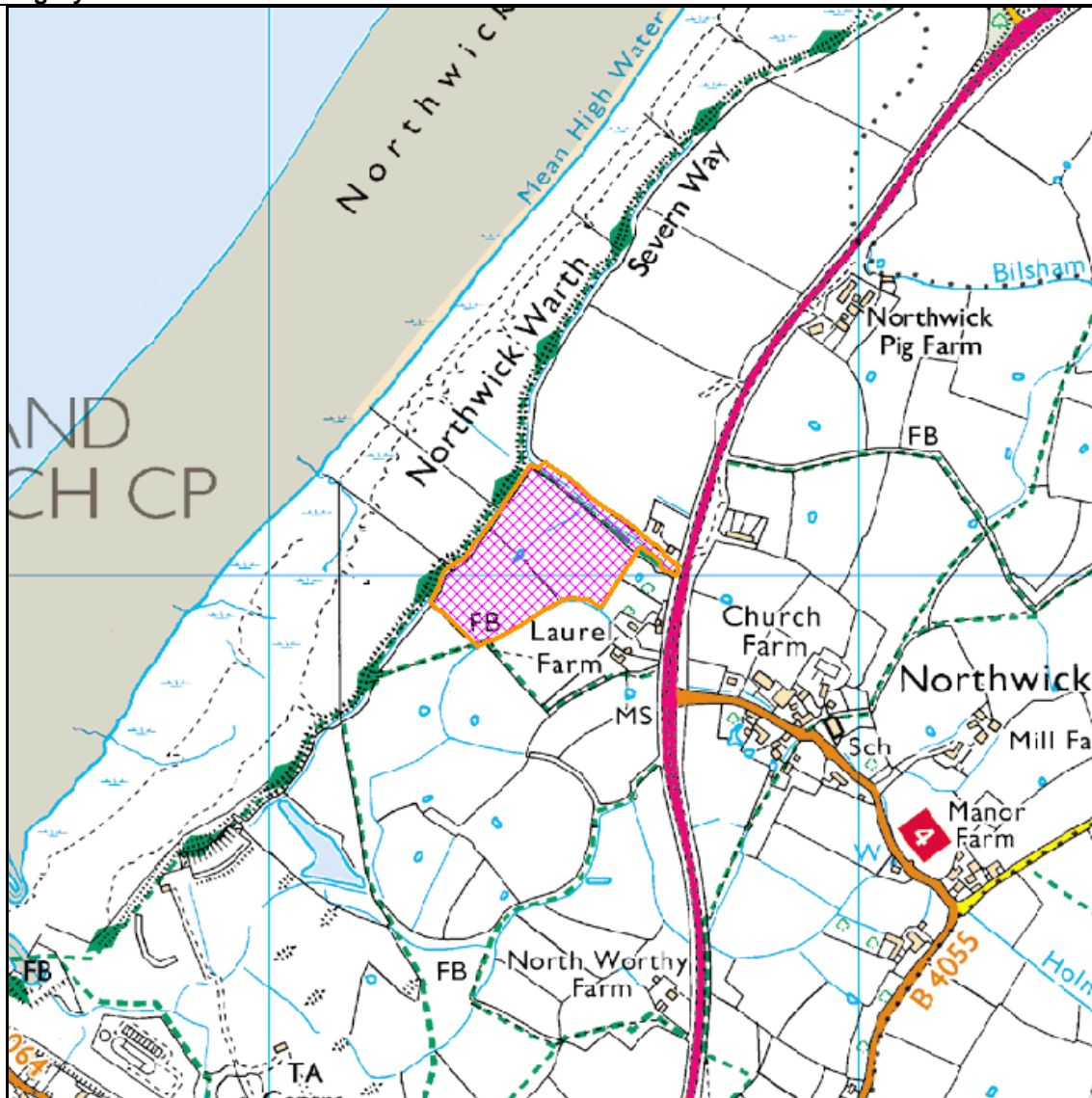
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason

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

CIRCULATED SCHEDULE NO. 33/15 – 14 AUGUST 2015

App No.:	PT13/0250/F	Applicant:	Mr & Mrs Dave And Jackie Grose
Site:	Land Adjacent To Crossland Cottage Severn Road Piling Bristol South Gloucestershire BS35 4HW	Date Reg:	31st January 2013
Proposal:	Change of use of land from agricultural to land for the keeping of horses. Erection of stables, tack room, barn and associated works. Construction of outdoor manage.	Parish:	Piling And Severn Beach Parish Council
Map Ref:	355666 186922	Ward:	Piling And Severn Beach
Application Category:	Major	Target Date:	30th April 2013



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application has been referred to the Circulated Schedule following the receipt of objections from Pilning & Severn Beach Parish Council, local residents, the R.S.P.B and Natural England.

1. THE PROPOSAL

- 1.1 The application site consists of two agricultural fields totalling approximately 5.6 hectares and situated between the A403 and the foreshore of the Severn Estuary. Access is off Warth Lane, a P.R.O.W/Bridleway to the north of the site, beyond which lies the Northwick Farm landfill between Aust and Pilning. The site lies outside any settlement boundary, within the open countryside and within the Bristol/Bath Green Belt. Isolated dwellings lie to the north-east and south-east of the site, adjacent to the A403.
- 1.2 The application seeks a full planning consent for the change of use of the land from agricultural to land for the recreational keeping of horses (although some sheep would also be kept on the site on a non-commercial basis); the erection of a stable block, including four stalls and a tack room with W.C., barn and associated works to include hard-standing and insertion of a Cess Pit. It is also proposed to construct an all-weather riding arena or manege. It is proposed to locate the stables and barn on the north-eastern boundary of the site with the manege to the front of the stables and the barn to the west.
- 1.3 Metal gates have already been erected at the entrance to the field off Warth Lane, hard-standing laid within the site next to the entrance, the Cess Pit installed to the south of the hard-standing and a container sited within Warth Lane, all of which are now immune from enforcement action, having been in situ for more than 4 years. Since acquiring the site the applicant has already commenced keeping horses on the site. To this extent, the scheme is part retrospective.
- 1.4 The applicant has confirmed in writing that a maximum of 4no. horses would be kept on the site and that these would be the applicant's horses only. There would be no livery or riding school uses on the site.
- 1.5 The application is supported by the following documents:
 - Bird Survey by Abricon 22nd June 2012
 - Ecological Management & Enhancement Plan by Abricon 24th Dec. 2012
 - Habitat Regulations Assessment by Abricon 24th Jan. 2013
 - Protected Species Survey by Abricon 24th Dec. 2012
 - Flood Risk Assessment

2. POLICY CONTEXT

- 2.1 National Guidance
The National Planning Policy Framework (NPPF) March 2012
National Planning Practice Guidance (NPPG) 2014

Technical Guidance to the NPPF March 2012

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) 6th January 2006

- L1 - Landscape Protection and Enhancement
- L7 - SSSI's
- L9 - Species Protection
- L16 - Protecting the Best Agricultural Land
- EP2 - Flood Risk and Development
- E10 - Horse related development
- T8 - Parking Standards
- T12 - Transportation
- LC5 - Proposals for Outdoor Sports and Recreation outside Existing Urban Area and Defined Settlement Boundary
- LC12 - Recreational Routes

2.3 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
- CS9 - Managing the Environment and Heritage
- CS34 - Rural Areas

2.4 Emerging Plan

Proposed Submission : Policies Sites and Places Plan – March 2015

- PSP2 - Landscape
- PSP7 - Development in the Green Belt
- PSP11 - Development Related Transport Impact Management
- PSP16 - Parking Standards
- PSP20 - Flood Risk, Surface Water and Watercourse Management
- PSP21 - Environmental Pollution and Impacts
- PSP27B - Horse Related Development

2.5 Supplementary Planning Guidance

- The South Gloucestershire Design Checklist (SPD) – Adopted August 2007
- Development in the Green Belt SPD – Adopted June 2007
- Trees on Development Sites – Adopted Nov. 2005
- SG Landscape Character Assessment (Revised and Adopted) Nov 2014..
- Character Area LCA 20, Piling Levels .

3. RELEVANT PLANNING HISTORY

- 3.1 PT11/2592/F - Change of Use of land from agricultural to land for the keeping of horses. Erection of stable block, barn and construction of hard-standing parade ring and hard-standing preparation area (in accordance with amended plans, received by the Council on 14th Sept. 2011. Withdrawn 23 Sept. 2011

- 3.2 PT12/2262/F - Change of Use of land from agricultural to land for the keeping of horses. Erection of stable block, construction of manege and hard-standing area. (Re-submission of PT11/2592/F).
Withdrawn 3 Oct 2012

4. CONSULTATION RESPONSES

4.1 Pilning & Severn Beach Parish Council

Further to our original letter of 14th September 2011 your ref: PT/11/2592/F, the Parish Council of Pilning & Severn Beach strongly objects to the development of this site for equestrian use. The A403 is not a suitable road to enter and exit an equestrian establishment because of its high speed limit and high usage by heavy good vehicles. Equestrian establishments attract many visits per day and often by slow-moving vehicles. In addition to the unsuitable road, the area is within Greenbelt and it is felt that a development of this scale is not for private use and will be for livery services so creating more visitors and more traffic to the site.

The Parish Council wishes to convey their strong objection also on the grounds of wildlife habitation and the monitoring of the area in the future.

4.2 Other Consultees [including internal consultees of the Council]

Sustainable Transport

No objection

Wessex Water

No response

P.R.O.W

No objection subject to standard informatives.

Open Spaces Society

No response

Police Community Safety

No response

Lower Severn Drainage Board

Provided the applicant is aware of the requirement for emptying and they believe their usage will be minimal, a cesspit is a suitable option and we would have no objection.

British Horse Society

No response

Urban Design Officer

No comment

Historic Environment Officer

The application area lies within the archaeologically sensitive north Avon levels where Significant archaeological structures and deposits can lie within 1m of the current surface, the normal approach would be to require a predetermination archaeological assessment, however in this case the work can be covered by condition, I suggest that a pre-commencement archaeological condition (Standard Condition HC11) should be added to any planning permission for the site.

Tree Officer

No significant trees will be affected by this application. No objections.

Landscape Officer

No objection subject conditions to secure additional planting, replacement of high metal gates, surface materials of hard-standing, storage of jumps, vehicles on site and sub-division of the field.

Environmental Protection

Previously stated *no objection*.

Environment Agency

Providing the Local Planning Authority (LPA) is satisfied the requirements of the Sequential Test under the National Planning Policy Framework (NPPF) are met, the Environment Agency would have no objection, in principle, to the proposed development.

The development is located within an area of high flood risk - Flood Zone 3a. The Avonmouth/Sevenside Level 2 Strategic Flood Risk Assessment (SFRA) states that this area is currently at risk of flood depths up to 0.5m in an extreme event. Over the next 100 years this increases to depths exceeding 2.0m. Clearly the risk is significant, however we would consider domestic stables as water compatible development providing that the following conditions and comments are included on any Decision Notice:

CONDITION:

The development hereby permitted shall not be commenced until such time as a scheme to mitigate the flood risk has been submitted to, and approved in writing by, the LPA:

1. Ensure no raising of ground levels.
2. Improve the existing surface water disposal system.
3. Incorporate flood-proofing measures into the proposed development.
4. Ensure the building is porous.
5. The site is for domestic use only.

The following informatives and recommendations should be included in the Decision Notice.

The development site falls within an area controlled by the Lower Severn Internal Drainage Board, and they should therefore be consulted on these proposals.

The site must be drained on a separate system with all clean roof and surface water being kept separate from foul drainage.

Any manure/dung heaps must be sited in an area where it/they will not cause pollution of any watercourse or water source by the release of contaminated run-off.

The subsequent disposal of collected wastes must be undertaken in accordance with, Protecting our Water, Soil and Air, DEFRA 2009.

There must be no discharge of foul or contaminated drainage from the site into either groundwater or any surface waters, whether direct to watercourses, ponds or lakes, or via soakaways/ditches.

The application form indicates that foul drainage is to be discharged to a non-mains drainage system (cesspool). We aim to resist the proliferation of cesspools on the grounds of sustainability, however we do recognise that there will be certain circumstances where there is no viable alternative option. If this is the case the following comments must be noted:

The cesspit should be a pre-formed, watertight structure designed for the purpose and for domestic use only.

The cesspit should be installed as far away as possible from the nearest watercourse, spring, borehole or well and maintained to the satisfaction of the LPA.

There should be a high level warning device to ensure timely emptying, and the prevention of pollution following overflows.

There should be no pre-formed overflow.

Any discharge from the structure to any watercourse/soakaway will be unconsented and illegal under the Water Resources Act 1991 and therefore subject to legal proceedings.

Lead Local Flood Authority

The use of a Cesspit is noted. Due to the frequency of use it is a feasible option. The applicant must be aware of the implications of the use of a cesspit.

The development lies within a flood zone as defined on the Environment Agency Section 105 flood maps and Environment Agency Standing Advice Developments and Flood Risk Matrix (January 2009).

It is assessed as Development category 'Less Vulnerable' Red Cell (High Risk) within Flood Zone 3a.

However a FRA has been provided in support of this application. This FRA must be forwarded to the Environment Agency with a request that they confirm their approval.

Ecology Officer

No objection subject to a condition to restrict the use of the riding arena and construction of the buildings and manege proposed to between 1st April and 30th Sept. only. This will avoid the sensitive winter months when the European waterfowl will be present on the adjoining foreshore of the Severn Estuary SPA/Ramsar.

Natural England

Objection : Insufficient information to fully assess impact on bird life and habitat.

R.S.P.B.

Objection: The applicant has still not demonstrated beyond reasonable doubt that this application would not give rise to adverse effects on the Severn Estuary SPA or Ramsar Site.

Other Representations

4.3 Local Residents

Objections have been received from 21no. local residents; the concerns raised are summarised as follows:

- The bird survey does not acknowledge the importance of the Upper Saltmarsh ('The Flash') which lies in the estuary adjacent to the site.
- The field is an important area for roosting waders.
- Over intensification of 'horsiculture' in the locality.
- Adverse impact on bird life and newts.
- Adverse impact on ecological diversity (see The Forgotten Landscape project).
- The land has become churned up i.e. poached.
- The manure heap is too near the rhine.
- Loss of hedgerow at the entrance.
- Adverse impact on the rural character of the area.
- Many bird watchers visit the area.
- Inadequate area of land to exercise the horses.
- Would set precedent for future similar applications.
- The site is in the flood plain.
- The site is a SSSI.
- The bird survey is flawed – only carried out over a limited period of time.
- Dangerous access off the A403 and PROW.
- Will the Severn Way be used as a gallop?
- The proposal would be for a business use.
- Insufficient ecological information.
- The site is visible from the path on top of the flood bank.
- Contrary to policies in the NPPF and Development Plan.
- Disturbance during the Construction Phase.
- Excessive smells and contaminants.

- Not sustainable.
- Cess Pit already concreted in.
- The Bridleway has already been re-surfaced.
- The horse wash would be located next to the manure heap resulting in run-off into the rhine.
- Inappropriate location next to SSSI, SPA, SAC, Ramsar Site and Coastal Zone.
- Climate change and flood risk.
- Poor Design.
- Horses already on site.
- The site has already been used for the purposes applied for.

4.4 Alderman Peter Tyzack

- Other more suitable land is available for the use proposed.
- Adverse impact on wildlife.
- Contrary to the Council's project to restore the landscapes of the estuary.
- Landscape improvements are proposed to the north of Warth Lane i.e. just north of the site.
- A signalised bridleway crossing over the A403 is justified as at ORN 52 south of Severn Beach.
- Traffic volumes have increased recently on the A403.

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

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

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

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

5.4 In accordance with para.187 of the NPPF, Core Strategy Policy CS4A states that; when considering proposals for sustainable development, the Council will take a positive approach and will work pro-actively with applicants to find solutions, so that sustainable development can be approved wherever possible. NPPF Para.187 states that Local Planning Authorities should look for solutions rather than problems and decision-takers at every level should seek to approve applications for sustainable development where possible.

- 5.5 Chapter 4 of the NPPF promotes sustainable transport and states that development should only be prevented on transport grounds where the residual cumulative impacts of development are severe.
- 5.6 Saved Policy LC5 of The South Gloucestershire Local Plan (Adopted) 6th Jan 2006, states that proposals for outdoor sports and recreation outside the urban area and defined settlement boundaries will be permitted, subject to a number of criteria being met.
- 5.7 Furthermore Policy E10 of the South Gloucestershire Local Plan reinforces the view that '*proposals for horse related development... will be permitted outside the urban boundaries of settlements*', subject to the following criteria being met:
- A. Development would not have unacceptable environmental effects; and
 - B. Development would not prejudice the amenities of neighbouring residential occupiers; and
 - C. Adequate provision is made for vehicular access, parking and manoeuvring and would not give rise to traffic conditions to the detriment of highway safety; and
 - D. Safe and convenient access to bridleways and riding ways is available to riders; and
 - E. There are no existing suitable underused buildings available and capable of conversion; and
 - F. The design of buildings, the size of the site and the number of horses to be accommodated has proper regard to the safety and comfort of horses.

The analysis of the proposal in relation to these criteria is considered below.

- 5.8 Impact on the Openness of the Green Belt and Landscape Issues
Paragraph 79 of the NPPF states that the government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.
- 5.9 Inappropriate development is by definition harmful to the openness of the Green Belt and should not be approved except in very special circumstances (para. 87).
- 5.10 Para. 89 of the NPPF states that planning authorities should regard the construction of new buildings as inappropriate in the Green Belt but lists exceptions which include "*provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it.*" The proposal includes the erection of a stable block and a barn but these are considered to be entirely appropriate facilities for a riding establishment, which is a recreational pursuit, of the scale proposed.
- 5.11 The NPPF at para. 90 goes on to say that "*certain other forms of development are also not inappropriate in the Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including*

land in the Green Belt". A list of those developments that are not considered to be inappropriate is given but these do not include the change of use of land.

- 5.12 The application includes the change of use of agricultural land to land for the recreational keeping of horses and the construction of an all weather riding arena or manege. Officers must therefore conclude that the proposed change of use is inappropriate development. Furthermore case law has established that changes of use are inappropriate. On this basis therefore, very special circumstances are required for these elements of the scheme if the application is to be approved.
- 5.13 In this case the proposed use is a recreational one i.e. equestrianism, which retains the open nature of the fields and would not compromise any of the five purposes listed at para. 80 of the NPPF for designating land as Green Belt. The actual impact on openness is negligible, and can be further protected by the use of conditions. Officers consider that this clearly outweighs any harm to openness by reason of inappropriateness and amounts to very special circumstances to justify a departure from Development Plan Policy.
- 5.14 In general landscape terms, other than being Green Belt, the land has no special landscape designation; The Severn Way, which is a Major Recreational Route runs approximately North-South adjacent to the site.
- 5.15 The South Gloucestershire Landscape Character Assessment states that this is a distinct and sensitive landscape and that "as a whole, this larger landscape is visually interrelated. Therefore any change within the Estuary or within an adjacent area, has the potential to influence the character over a much wider area."
- 5.16 The stable and barn would be fairly well screened by a robust network of hedges and have a tall hedge as a backdrop. The location of the stable is close to the access point and is the optimal location within the site. Although the adjacent area is a unique and special landscape and is sensitive to change, it is considered that this site is adequately screened to minimise the visual impact. In addition the site is not highly visible from the Severn Way.
- 5.17 The Ecological management and Enhancement Plan states that a new length of hedge and a number of black poplars would be planted. This would enhance the landscape character of the area. It is proposed to use electric fencing to protect the hedge and trees – officers consider however that it would be preferable to use stock proof fencing as it is more in keeping with the character of the area and would provide more secure protection during the time it takes for the planting to become established.
- 5.18 The high solid metal gate that has been erected at the entrance way is not in keeping with the rural character of the area, and notwithstanding the fact that the gate is immune from enforcement action, in the event of planning permission being granted, a condition should still be attached to replace the gate with a field gate of a more typical agricultural style.

- 5.19 It is understood that some sections of hedgerow have already been removed. In the event of planning permission being granted a landscape condition would be attached to replace the removed hedgerow. A detailed planting plan would need to be submitted and approved indicating the location, species, density of planting, size of plants and methods of protecting from grazing animals and maintaining a weed free area around the plants while they are becoming established.
- 5.20 Details of the construction of the proposed manege by Pengelly Equestrian Services have now been submitted. Any spoil would be removed from the site under waste management regulations.
- 5.21 There is potential for the storage of jumps, horse boxes and divisions of fields to have a detrimental impact on the landscape character of the area and in the event of planning permission being granted a condition would also be attached restricting the storage of jumps and vehicles on the site and any further subdivision of the field.
- 5.22 If planning permission is granted, the number of horses kept on the site would be limited to 4no. max. and stabling erected to house the horses during periods of inclement weather. This would allow the site to be better managed and thus prevent poaching.
- 5.23 It is considered that, subject to the conditions noted above, that the proposals would be in accordance with the policies L1 and LC12 of the adopted local plan.

Ecology

- 5.24 The application site itself is not covered by any statutory or non-statutory nature conservation designations. However, it adjoins the foreshore of the Severn Estuary which is a Site of Special Scientific Interest (SSSI) and protected under the Wildlife & Countryside Act 1981 (as amended) and designated as a Special Protection Area (SPA) under EC Directive 79/409 on the Conservation of Wild Birds ('the Birds Directive') and Ramsar site under the Ramsar Convention on the Conservation of Wetlands of Importance.
- 5.25 The Estuary is also a Special Area of Conservation (SAC) under European Directive 92/43/EEC on the Conservation of Natural Habitats and Wild Fauna and Flora ('the Habitats Directive 1992'), implemented in Britain by the Conservation (Natural Habitats & c) Regulations 2010 ('the Habitat Regulations'), otherwise known as European or Natura 2000 (N2K) Sites.
- 5.26 The application includes a series of supporting ecological documents - a (wintering waterfowl) bird survey dated 22nd June 2012; two versions (Revision A and Revision B of a protected species survey (comments relate to Revision B dated 14th June 2012); an ecological management and enhancement plan dated 24th December 2012; and a Habitat Regulations Assessment dated 24th January 2013, all by Abricon (ecological consultants).

- 5.27 It is noted that additional survey work to that informing the earlier application PT12/2262/F has not been carried out although the protected species survey presented as part of that application has been revised. The ecological management and enhancement plan and Habitat Regulations Assessment are new documents and did not form part of PT12/2262/F.

Protected Species

Water Vole

- 5.28 No signs of the presence of water voles were recorded in any of the ditches on or within 50m of the application site.

Great Crest Newt

- 5.29 A desk top study recorded 9 ponds and several ditches within a radius of 500m of the fields as well as a great crested newt record 1km to the south of the application site. Ponds 3 and 6 were both dry at the time of the survey. Access could not be arranged to four ponds - 2, 4, 5 and 8 – to the south of the application site. However, their suitability as habitat for great crested newts and thus the potential for the species to be present was assessed using the habitat suitability index (HSI) scoring. Three ponds had an 'average' score with a third – pond 8, 143m to the south east – being scored as 'good'.

- 5.30 Pond 9 was missed during the scoping work for the original newt surveys for PT12/2262/F (it is along a drainage ditch some 11m from the northern boundary) and consequently wasn't surveyed. It has subsequently been included within the revised (B) version of the survey report although the presence of a large number of fish scoped it out from further amphibian surveys. Pond 1 was located adjacent to the hedge separating the two fields forming the application site and was found to hold a medium-sized breeding population of great crested newts with a peak count of 13 animals. Smooth newts but not great crested newts were recorded in the east ditch and pond 7.

- 5.31 The report indicates that great crested newt record was associated with pond 8 located to the south of the application site. Given this, the report assumes that the breeding colony of great crested newts recorded within pond 1 on site forms part of a meta-population covering a wider number of ponds in the vicinity.

- 5.32 Great crested newts are protected under the Wildlife & Countryside Act 1981 (as amended), the CROW Act 2000 and the Habitats Regulations 2010, which implements European Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Fauna and Flora ('The Habitats Directive 1992'). As a European Protected Species (EPS), a licence under Regulations 53/56 of the 2010 Habitat Regulations is required for development to be lawful.

- 5.33 Judicial review in 2009 (Woolley v East Cheshire BC) directed that, to fully engage with the Directive/Regulations, local authorities should subject planning applications to the same 'tests' under Article 16/Regulation 53/56 as European Protected Species licences. Satisfying these 'tests' necessitates providing the detail of a mitigation strategy prior to determining the application.

The three 'tests' are:-

- *For the purposes of preserving public health or public safety or other imperative reasons of overriding public interest including those of social or economic nature and beneficial consequences of primary importance for the environment;*
- *There is no satisfactory alternative to the work specification;*
- *The action authorised will not be detrimental to the maintenance of the population of the species at a favourable status in their natural range.*

The first two are planning 'tests'.

- 5.34 Regarding the third test, that of 'favourable status', paragraph 4 of section 4.1 describes the application site as '*a 0.7ha agricultural field currently grazed tightly by sheep and horses with areas of bare ground and a gravel drive. It is considered this is sub-optimal foraging habitat for newts*'. As Field 1 totals almost 2ha, it is assumed that this refers to the footprint of the manege and associated hard-standing and bare earth. This area of habitat lies some 89m from pond 1 and therefore within the immediate 100m of terrestrial habitat surrounding the breeding colony which is generally acknowledged as being critically important for the species. This area would also have previously been under a Countryside Stewardship Scheme (CSS), being managed by traditional late summer hay cut(s) followed by stock-grazing which would have provided good-quality terrestrial habitat for great crested newts and thereby connectivity with terrestrial habitat and ponds beyond that 100m to the north.
- 5.35 Section 6 comprises an outline mitigation statement to avoid development resulting in offences under the Habitat Regulations 2010. This predominantly consists of rendering habitat unsuitable for the species ('habitat manipulation') to drive any newts off the footprint of the stables, ménage and hard standing. They will then be physically prevented from returning during construction by using a combination of newt-proof fencing and continued habitat manipulation. A 'wildlife corridor' of rough grassland (2.5m to 3m in width along the dividing hedge and eastern boundary ditch) will be allowed to establish, to provide habitat to off-set that lost to the manege and hard-standing; and to enable free dispersal to the other ponds likely to support part of the great crested newt meta-population. Section 6 also indicates that two new hibernacula (hibernation sites) will be created adjacent to ponds 1 and 9, providing niches that are presently not available to the species near to the two ponds.
- 5.36 With regard to the third 'favourable conservation status' test, whilst the survey correctly identifies that development will result in the permanent loss of 0.618ha of grassland habitat formerly available to the colony of great crested newts during the terrestrial phase of their year, the outline mitigation proposed within Section 6 of the report will adequately compensate for this loss. Intensive grazing or even over-grazing is moreover not considered by Natural England to be an offence under the Habitat Regulations 2010: and the mitigation will

furthermore introduce two hibernacula, one close to the breeding pond, which will offer over-wintering and foraging niches for the newts. Given this, it is considered that the scheme would not be *'detrimental to the maintenance of the species at a favourable status in their natural range'* under Regulations 53/56.

- 5.37 This opinion is supported by Natural England in their letter of 4th September 2013.

Skylark

- 5.38 The bird report is dated 22nd June 2012 and is not annotated as a 'revision'. It is therefore assumed that it is the same report as PT12/2262/F and is not augmented by any further field surveys.
- 5.39 Skylarks were found to be associated with the application site. The bird survey recorded two territories – one in each field subject to the application – with the behaviour and considerable activity strongly indicative of breeding.
- 5.40 Skylarks are protected under the Wildlife & Countryside Act 1981 (as amended) and CROW Act 2000. They are also included on the UK Biodiversity Action Plan (UKBAP) and listed under Section 41 of the NERC Act 2006 as 'a species of principal importance for biological diversity in Britain', (a 'priority species'). As such they are protected under saved Policy L9 of the South Gloucestershire Local Plan.
- 5.41 The survey indicates that the south-west and northern fields within the application site (fields 2 & 3) of the application site will be cut for hay in 'late summer' (the bird survey cites *'July at the earliest'*). Successful skylark breeding is predicated on 2-4 broods a year between March and August, although this will vary with seasonal weather and temperatures. Cutting for hay prior to broods becoming fully fledged could potentially result in a loss of nests, eggs or young birds and thus impact upon the conservation status of the species locally.
- 5.42 The application includes an ecological management and enhancement plan for the site. The plan proposes that hay will not be cut in fields 2 and 3 before 15 July in any year, thereby perpetuating the management regime under the previous Environmental Stewardship scheme; and moreover, whilst the fields would be subject to aftermath grazing (i.e. grazing after hay cutting) no stock would be allowed on after November (*'animals will be removed by 30 November each year leaving a sward height of no less than 80mm'*, page 7). The plan concedes that the only year wherein this would not be possible is the first as all grazing stock would have to be relocated on to fields 2 and 3 during the construction of the stables/manege (estimated to be a period of two months during spring/summer – see section on wintering waterfowl below). Whilst the plan indicates that the grazing stock will total 4 horses and 30 sheep, these numbers appear to have increased as the sheep lambed in 2014. It is therefore somewhat doubtful that the application site can support such a number of head

without fields 2 and 3 – and without supplementary feeding, as the plan undertakes not to do. Indeed, at the time of previous site visits field 2 was in fact heavily grazed, rendering it unsuitable for use by skylark. Whilst the species is protected under the Wildlife & Countryside Act 1981 (as amended) and CROW Act 2000, this only applies when on a nest or building a nest or having eggs or dependent young. Whilst it would mean the loss of the site as skylark habitat, unsympathetic (over) grazing of all three fields - thereby rendering unsuitable for use by the species - would not in itself constitute an offence in law (provided it was not carried out during the species' breeding months) and would not be require planning permission. Given this - and that planning permission should not be refused for activities which can legally be carried out without it - the ecological management and enhancement plan would seem the best recourse to maintaining fields 2 and 3 as skylark habitat.

Severn Estuary SSSI/SPA/Ramsar

- 5.43 As with skylark, the bird report is dated 22nd June 2012 and is not annotated as a 'revision'. It is therefore assumed that it is the same report as PT12/2262/F and is not augmented by any further bird surveys.
- 5.44 The application site lies immediately adjacent to the Severn Estuary SPA/SAC/RAMSAR (European Site) and SSSI. The Estuary qualifies as a Special Protection Area (SPA) under EC Directive 79/409 on the Conservation of Wild Birds ('the Birds Directive') due to it supporting significant numbers of Bewick's swan, European white-fronted goose, gadwall, shelduck, redshank and dunlin. It also qualifies by regularly supporting an assemblage of over 20,000 birds including wigeon, teal, pintail, pochard, tufted duck, ringed plover, grey plover, dunlin, curlew, whimbrel and spotted redshank, as well as species such as lapwing, mallard and shoveler which have been added to the qualifying criteria since designation.
- 5.45 The bird surveys recorded all species within the application site as well as all estuarine species of birds and number from within the application site and a 500m zone surrounding it. The 500m survey zone includes part of Northwick Warth, an area of saltmarsh/mudflats immediately west of the application site and forming part of the Severn Estuary SPA/Ramsar. It includes a saline pool known locally as 'the Flash' which is exposed at low tide.
- 5.46 Twelve days of surveying were carried out at low and high tides each month between October 2011 and March 2012. 12 visits and one season's worth of winter surveying should also be regarded as the minimum required to assess impacts on the SPA/Ramsar populations of estuarine waterfowl as this does not allow for seasonal variations – i.e. roosting or foraging bird numbers being up or down in a particular areas due to hard or mild winter conditions. Indeed, the RSPB has expressed concerns in its letter dated 23rd August 2013 regarding the adequacy of the survey data and extent.

Curlew

- 5.47 Of the species for which the SPA is designated only curlew was recorded on site, being present on three of the twelve field visits. The highest count

recorded within the application site was two (2no). Given these results, the report concludes that development and loss of the site would have a '*negligible*' affect on the population of curlew associated with the Severn Estuary SPA and would thus not have a significant effect on the conservation objectives of the European (N2K) Site. Whilst it is accepted that these numbers would not represent anything close to 1% of the Estuary's overall population (the threshold for '*significant effect*'), this does not represent a reliable 'baseline' for use of the site by estuarine birds. The surveys were carried out after occupation by the applicants not before it. The site was previously farmed under an agri-environment scheme (Environmental Stewardship) with a lower grazing density and less human activity. The keeping of horses/sheep necessitates more vehicular movements and significantly higher human activity and noise as well as a significantly heavier grazing regime and therefore a much shorter sward. Given this, the findings of the surveys cannot be said to give a clear depiction of use of the site by SPA waterfowl.

- 5.48 The assessment of the potential impacts of development on the Severn Estuary European Site in Section 5 of the bird report only addressed curlew and the numbers of the species recorded on site. Section 5.3 of the report notes that there are '*large areas within the 500m buffer around the site that are more regularly used by greater numbers of Curlew than the fields within the applicant's ownership*'. However, Table 4.1 on the 'numbers of curlew within the study area' within the report which summarises the results of each day of surveying comprising Appendix II of the report indicates that counts exceeding 1% of the Estuary's overall curlew population were recorded in the study area (500m zone) on six (6No) out of the 12 surveying days – visit 1 (3.84%), visit 3 (1.61%), visit 5 (1.23%), visit 6 (1.51%), visit 7 (5.00%) and visit 9 (1.00%). Additionally, the numbers on one further visit – visit 12 – were only marginally below the 1% threshold of significance at 0.97%. Visits 1, 3 and 5 (and 12) were at high tide; visits 6, 7 and 9 were at low tide.
- 5.49 Notwithstanding this, however, the calculations are based on an overall curlew population of 3,903 derived from the SPA citation. The latest 5 year mean figure for the curlew population on the Severn Estuary included within the BTO WEBS report '*Waterbirds within the UK 2010/11: The Wetland Bird Survey*' based on counts between 2006/7 and 2010/11 is a slightly lower figure of 3768. This in turn means that the counts recorded exceeded 1% of the Estuary's overall curlew population on seven (7No) out of the 12 surveying days – visit 1 (4.00%); visit 3 (1.67%), visit 5 (1.27%), visit 6 (1.56%), visit 7 (5.17%) and visit 12 (1.00%).
- 5.50 The curlews recorded during visit 1 were associated with the foreshore; those recorded during visit 3 were associated with the foreshore and inland fields to the south and north-east of the application site (Northwick Pig Farm). The birds recorded during visit 5 were recorded using the foreshore and inland fields to the south and north-east. 40 curlews were recorded using a saline pool – 'the Flash' – during visit 6 while a further concentration were recorded along the foreshore but outside the 500m study zone. Visit 7 recorded curlews using inland fields to the south and north-east; and visit 9 recorded curlews in flight over inland fields to the south and over the site itself as well as along the foreshore. Taken overall, the estuarine surveys indicate that the application site

lies within an area of coastal floodplain which is demonstrably significant for curlew in the context of its overall SPA population with significant numbers recorded on at least half of the 12 field visits and to the west, south and north-east of the three fields in question. This would possibly suggest that the application site itself might have been used by greater numbers of curlew in past years when farmed and in environmental stewardship.

- 5.51 Public comments have also expressed concerns that the full importance of the brackish pool known as 'the Flash' is not reflected or fully addressed in the bird surveys. The pool is situated at the foot of the seawall a few metres away from the application site and is known to provide a high tide roost to large numbers of waterbirds during the passage and winter periods.

Dunlin

- 5.52 The assessment of the impact of development within the bird survey focussed solely on curlew. Dunlin is one of the qualifying species for designation of the Severn Estuary as an SPA (N2K Site). The species was routinely recorded on Northwick Warth at varying distances from the western boundary of the application site during the 12 survey visits. On visit 3 (2nd November 2011) 1200 dunlin were counted on the saline pool or 'Flash' near the site's western boundary. The 5 year mean figure for the Severn Estuary dunlin population within the BTO WEBS report '*Waterbirds within the UK 2010/11: The Wetland Bird Survey*' is 24,335. A count of 1200 birds therefore represents 4.93% of the overall population exceeding the 1% threshold of significance. On five (5No) other visits – visits 1, 2, 3, 4 and 10 – dunlin were recorded along the foreshore in large numbers and the counts on each occasion exceeded 1% of the overall figure of 24,335 for the Estuary population of the species.

Shelduck

- 5.53 Shelduck is also one of the qualifying species for the Severn Estuary SPA (N2K Site) and individual birds/low numbers were routinely recorded on the foreshore during the 12 survey visits. On visit 12 (13th March 2012) 42 were counted on the foreshore to the west, a number which rose to 53 in the afternoon. The 5 year mean figure for the Severn Estuary shelduck population within the BTO WEBS report '*Waterbirds within the UK 2010/11: The Wetland Bird Survey*' is 4,232. A count of 53 birds therefore represents 1.25% of the overall population exceeding the 1% threshold of significance. A count of 42 furthermore represents 0.99% of the Estuary population which whilst technically not significant is nonetheless extremely close to that 1% threshold.

Redshank

- 5.54 Redshank is also one of the qualifying species for the Severn Estuary SPA (N2K Site) and individual birds/low numbers were routinely recorded on the foreshore during the 12 survey visits. On visit 7 (2nd January 2012), two flocks of redshank totalling 70 birds (50 + 20) were recorded at the Pilning rifle range wetlands and along the foreshore both within the 500m study area. The 5 year mean figure for the Severn Estuary redshank population within the BTO WEBS

report '*Waterbirds within the UK 2010/11: The Wetland Bird Survey*' is 2,926. A count of 70 birds therefore represents 2.39% of the overall population exceeding the 1% threshold of significance.

- 5.55 Dunlin, redshank and shelduck are also all qualifying Ramsar features of interest. Government policy is that Ramsar sites are subject to the same level of protection as SPA/SACs.

Qualifying Assemblage

- 5.56 Wigeon and teal are species forming part of the qualifying assemblage for the Severn Estuary SPA. During visit 2, 47 teal were recorded comprising 1.02% of the population of 4,564 birds within the Severn Estuary SPA. On four of the visits (1, 4, 7 and 10) over 1% of the Severn Estuary's population of wigeon totalling 9,197 birds were recorded BTO WEBS report '*Waterbirds within the UK 2010/11: The Wetland Bird Survey*'.

Habitat Regulations Assessment (HRA)

- 5.57 Whilst the application includes a Habitat Regulations Assessment (HRA), it is the responsibility of local planning authorities as the 'competent authority' to carry out an assessment of any likely significant effects arising from development on the conservation objectives of European sites rather than the applicants. Moreover, the HRA by the ecological consultants focuses on curlew (presumably because it was the only species recorded on site which formed part of the SPA qualifying assemblage) when there are significant (>1%) populations of shelduck, dunlin and redshank associated with the foreshore and particularly the nearby brackish pool known as 'the Flash'.
- 5.58 Whilst outside the Severn Estuary SPA/Ramsar, nonetheless, aspects of the development have the potential to impact upon the European Site, specifically:-
- A direct loss of habitat used by SPA waterbirds;
 - Disturbance to waterbirds during the construction phase (noise, activity);
 - Disturbance to waterbirds during the operational phase (visual);
 - Disturbance to waterbirds during the operational phase (visual);
 - Disturbance to waterbirds during the operational phase (noise, activity).

To address each in turn:-

Loss of On-Site Habitat

- 5.59 The bird surveys recorded that only low numbers of curlew (1-2 birds) were associated with the application site. However, the fields in question form part of the coastal floodplain to the Severn Estuary and situated in an area used by significant numbers of the species. Over 1% of the curlew population across the Estuary were recorded within the 500m study zone and immediate vicinity of the site on seven (7No) out of the 12 field survey visits. On two occasions,

some 4% and 5% of the overall estuarine population was recorded. As previously indicated, the intensive grazing, unauthorised works and human activity have changed the on-site habitat and conditions markedly from its former use as agricultural land (permanent pasture) under environmental stewardship. It is therefore considered unlikely that the survey and numbers of birds recorded on site presents a reliable and accurate picture of use of the site by curlew (and waterbirds in general), particularly when the activity and numbers recorded within the 500m study zone are considered. It is, moreover, impossible to assess its 'real' use without returning it to agricultural land. That said, the site can quite legally be grazed with horses (and sheep) at whatever stocking level without planning permission: it is the keeping of horses (specifically the building and associated infrastructure) which requires consent. In that context, leaving aside the issue of the effect of intensive grazing on use of the fields by waterbirds, the footprint of the building and associated structures is comparatively small in the context of both the size of the three fields and the wider expanse of coastal floodplain surrounding them.

Disturbance during the Construction Phase

- 5.60 Waterbirds are known to be extremely sensitive and easily displaced by the introduction of new sounds as well as human activity and the construction of the stables, tack room, barn and manege - including delivery of materials, unloading and stockpiling, the noise generated by contractors - will introduce new noise at levels and in a location wherein there has previously been little to none. Whilst it is considered that many of the waterbirds and flocks recorded during the bird surveys are sufficiently far away from the site for this not to be an issue, 'the Flash' - the saltwater pool used by a range of waterfowl including 1200 dunlin (4.93% of the overall population of the species within the Severn Estuary SPA) - is located beneath the sea wall immediately adjacent to the western boundary of the application site and there is a very real possibility for the noise generated from construction and contractors disturbing birds, discouraging use of the pool and displacing waterfowl elsewhere across the Northwick Warth foreshore.
- 5.61 The HRA proposes a series of measures to ameliorate or avoid any potential impacts. 'Behavioural' mitigation - such as 'working quietly', not shouting or using radios or limiting vehicular movements - are however uncontrollable and therefore unenforceable and not something which could reliably negate any disturbance to birds waterfowl arising from the noise of construction. Notwithstanding this, however, the most important and sensitive period of the year for the waterbirds associated with the European Site are the over-wintering and passage months. Accordingly, any planning permission could be subject to an appropriately worded Condition so that construction of the buildings, manege and all associated works and infrastructure only took place during the less critical summer months which would avoid any risk of development disturbing waterbirds using the foreshore adjacent to the application site. Indeed, this is recognised within the application's own HRA which indicates that building work is likely to last for '*about a month*'.

Disturbance during the Construction Phase – Visual

- 5.62 Waterfowl also prefer and rely on substantial visual 'lines of sight' to evade predation and the sudden introduction of humans - even at a significant distance - can cause birds to 'spook' and displace elsewhere. Again, the saline pool known as the 'the Flash' and the waterbirds associated with it would be most at risk of this, being located beneath the sea defences immediately adjacent to the application site. That said, the site is screened from the pool by the sea wall and Severn Way; and on the eastern side of the defences, a mature hedge delineates the boundary of the application site. It is thus considered that development would be well screened from the foreshore/pool; and that this could be reinforced by any breaks being 'gap planted' as suggested within the HRA. Requiring that the construction phase was timed for the less sensitive summer months as above would further negate the possibility of disturbing birds roosting on the foreshore and consequently any visual intrusion arising during the construction phase of the development is considered to be unlikely.

Disturbance during the Operational Phase – Visual

- 5.63 The application includes a manege ostensibly for training for dressage activities. Whilst this will occur throughout the year, as with the construction phase, this and all other activities associated with the stabling of horses on the site will be screened from 'the Flash' and foreshore by the by the sea wall and Severn Way; and by the western site boundary hedge. It is therefore considered that development is unlikely to cause any visual intrusion or disturbance to SPA waders or wildfowl roosting on the Northwick Warth foreshore.

Disturbance during the Operational Phase – Noise, Activity

- 5.64 The HRA within the application describes the use of the site (dressage training of the applicant's own horses) as well as the anticipated level of activity on site - about 1 hour per day, unless training when it will be all day. It also describes a series of measures intended to negate or ameliorate what the HRA itself concedes as potentially significant effects arising from the scheme. These are, however, entirely behavioural - parking confined to hard standing; duration on site; no raised voices as it is inconsistent with dressage decorum; no dogs running free etc - and are unenforceable in that they cannot be controlled by planning Condition(s). Additionally, there is also no way of controlling vehicular movements or the number of vehicles arriving on site - even though the HRA contends that the facility is for the applicant's own horse(s). Moreover, use of the site – the 'operational phase' – cannot be time-constrained as with construction which means that the manege and stables and all extraneous associated activities will occur throughout the year including the sensitive over-wintering and passage months.
- 5.65 The brackish pool known as 'the Flash' lies immediately adjacent to the sea defence and western boundary of the application site. It is recognised as an important high tide roost by ornithologists for a range of waders and wildfowl. Visit 3 of the 12 visits made during the wintering bird survey on 2nd November 2011 recorded 1200 dunlin roosting there at high tide, a number comprising 4.93% of the overall dunlin population within the Severn Estuary SPA. Visit 6 on 5th December 2011 recorded 40 curlew using the pool at low tide, representing 1.06% of the overall estuarine population. Small numbers of

shelduck, teal, turnstone and black-tailed godwit were also recorded as well as larger numbers of lapwing and black-headed gull. When it is considered that the survey consisted of 12 field visits and two visits per month at high and low tides the findings would seem to support the position that the pool provides an important high tide roost for a variety of qualifying species forming part of the qualifying assemblage for the Severn Estuary SPA/N2K Site and for some species in significant numbers. Given this and the importance of high tide roosts to the conservation of waterfowl, 'the Flash' is clearly a sensitive and important area within the wider expanse of Northwick Warth.

- 6.66 The noise, vehicular movements, lights and the human activity associated with running stables, horse-riding and dressage training arising throughout the year from implementing the proposed scheme all have the potential to adversely effect part of the Severn Estuary SPA/Ramsar (N2K or European Site) immediately adjacent to the application site; and which is clearly significant for an array of species of wildfowl and/or waders for which it is designated. Moreover, the potential disturbance arising from the development cannot be negated or practicably controlled by Conditions
- 6.67 Section 5 of the bird survey concentrates primarily on the loss of the site to the low numbers of curlew recorded there. Paragraph 5.4 also considered that no other SPA species were likely to be affected as *'the flood bank and adjacent scrub to the west side of the land holding provides an effective screen against any activity that could cause disturbance to birds on the estuary side'*. However, neither the HRA nor the bird survey substantiates this opinion or provides any rationale or supporting evidence so as to be able to reliably and unequivocally demonstrate that the scheme and the activities therein permitted would not detrimentally effect the conservation objectives of the Severn Estuary SPA/European Site, specifically by disturbing and displacing significant numbers of waterbirds which have been recorded roosting on the foreshore close to the application site. The 'precautionary principle' is a fundamental element underpinning assessments made of likely significant effects on a European Site – confirmed in the Irish Supreme Court in 2013 (Sweetman C-258/11) and applies where development cannot satisfactorily demonstrate that it would not have a deleterious impact on a Natura 2000 Site.
- 5.68 The bird survey also noted that dogs were seen running uncontrolled across the foreshore and noted that this would have a far greater impact on SPA waterfowl than the proposed scheme. However, as a *'plan or project'*, the proposed scheme has to be assessed cumulatively along with other factors and the potential disturbance arising as a result of the scheme – voices, vehicular movements, human activities etc – is in addition to the issue of dogs off leads not instead of it.
- 5.69 The application site also adjoins a restored landfill site (Northwick Farm) situated to the north of Warth Lane.
- 6.70 A wetland habitat study of Avonmouth and Severnside jointly commissioned by Natural England, Bristol City and South Gloucestershire Council was published recently ('the Cresswell Report'). The project assessed the likely effects of developing Avonmouth and Severnside on the Severn Estuary European Site (SPA/Ramsar); whether this effect was likely to be significant; and, if so,

whether a strategy could be devised to mitigate these impacts. It also included a review of the extant but as yet not fully implemented planning permission covering Severnside (the historic 1957/58 'ICI' consent) as legally obliged under Regulation 63 of the Habitat Regulations 2012.

5.71 The report concluded that development of Avonmouth and Severnside was likely to have a significant adverse effect on the conservation objectives of the Severn Estuary SPA (Ramsar) and proposed to compensate for this by creating new areas of wetland habitat at a series of identified locations. One of these was at the Northwick Farm landfill site where a 'scrape' was dug last year as the first phase of these measures.

5.72 Paragraph 118 of the National Planning Policy Framework (NPPF) instructs that:-

'The following wildlife sites should be given the same protection as European sites:

– potential Special Protection Areas and possible Special Areas of Conservation;

– listed or proposed Ramsar sites; and

– sites identified, or required, as compensatory measures for adverse effects on European sites, potential Special Protection Areas, possible Special Areas of Conservation, and listed or proposed Ramsar sites'.

The application site is located to the immediate south of Northwick Farm and its wetland scrape. As with 'the Flash', there is insufficient certainty as to whether use of this habitat by SPA waterbirds would be compromised by noise and disturbance arising from the proposed scheme which, as a site required to compensate for 'adverse effects' on the Severn Estuary SPA/Ramsar (Natura 2K), would be contrary to Section 118 of the NPPF.

Conclusions

5.73 It is considered that the application does not reliably and satisfactorily demonstrate that there will be no significant effect on the Severn Estuary SPA/Ramsar – specifically by disturbing and displacing significant numbers of a variety of qualifying species (dunlin and curlew), as well as a variety of species forming part of the qualifying assemblage, for which the Estuary has been designated a Natura 2K (European) Site. It is also considered that the scheme could potentially compromise an area of wetland created as a compensatory measure for the likely significant effect of developing out the Enterprise Area at Avonmouth/Severnside (Regulation 63, Habitat Regulations 2010) on the conservation objectives of the Severn Estuary.

5.74 The 'precautionary principle' applies when assessing any 'plan or project' under the Habitat Regulations 2010 and should be followed in this instance. Following further consultation between officers and Natural England and the R.S.P.B. it has been concluded that having regard to the above, the only way that planning permission could be granted would be subject to conditions to restrict the construction of the buildings and manege as well as the use of the manege to between 1st April and 1st Sept. only and not during the sensitive winter months. The applicant has indicated in writing that such a condition would be

acceptable to them. Subject only therefore to the aforementioned conditions, there are no objections on Ecological grounds.

5.75 E10: Would the development have unacceptable Environmental Impacts?

The Environment Agency has stated that the site lies in Flood Zone 3a which is an area at 'high risk' of flooding as defined in the NPPF Table 1, however, it is noted that the site lies within an area protected by flood defences and there are a significant network of rhines and ditches within the vicinity of the site. The Lower Severn Internal Drainage Board manages water levels within the district to ensure that flood risk is reduced.

5.76 A Flood Risk Assessment has been submitted to officer satisfaction. The Environment Agency were consulted and stated that they have no objection in principle to the proposal (subject to conditions), stables being generally considered by the EA to be water compatible development. The EA requested conditions relating to the following:

- Ensure no raising of ground levels.
- Improve the existing surface water disposal system.
- Incorporate flood proofing measures into the proposed development.
- Ensure the building is porous.
- The site is for domestic use only.

5.77 The development will not require personnel to be present at the site during any potential period of flooding. The site is located within a flood warning area so any personnel would be informed of the flood warning and would evacuate the site as appropriate including movement of livestock if applicable to land within Flood Zone 1.

5.78 Table 2 of the NPPF Technical Guidance sets out a schedule of land uses based on their vulnerability to flooding. The proposed development is considered to fall into the category of outdoor sports and recreation which is listed as 'water compatible development'. Referring to table 3 of the Technical Guidance 'water compatible' land uses are considered appropriate within flood zone 3a without the need for the Exception Test, the Sequential Test should still be applied.

5.79 In this instance, there are no sequentially preferable sites within the immediate vicinity of the site (i.e. land within Flood Zones 2 or 3) or within the ownership of the applicant. The development is therefore considered to pass the Sequential Test on flooding.

5.80 All matters of erection of loose jumps and fences, floodlighting, use of horse-boxes or portable buildings or trailers would be controlled by the conditions attached to any consent granted. There are in fact no proposals to erect floodlighting.

5.81 The disposal of foul waste should be undertaken in accordance with the DEFRA Code of Good Agricultural Practice for the Protection of Water and would be the subject of Environment Agency and Environmental Health controls. The plans show the manure heap conveniently located adjacent to the stable but it is unclear as to the exact details of its construction; these could be

secured by condition. The applicant has stated that muck would be removed by a waste contractor twice or three times a year. The manege is a soakaway itself but no other soakaways are proposed.

- 5.82 Foul disposal from the W.C. would be to the existing Cess Pit the full details of which could be secured by condition. Given the low frequency of use, the Council's Drainage Engineer considers that this is the most feasible option for foul disposal in this case.
- 5.83 In terms of noise, this would be limited, especially given the small scale of the operation and the limited (by condition) use of the manege. The site lies adjacent to residential dwellings but is a sufficient distance away and behind a substantial boundary hedge. The applicant has confirmed that there would be a maximum of 4 horses on the site. It is therefore considered that this criterion of policy E10 is met.
- 5.84 E10: Impact on Residential Amenity
The only residential properties likely to be affected lie some 30m from the proposed stable block, on the opposite side of the access track and behind a substantial boundary hedge. Given the rural location of the site, the previous agricultural uses, the small scale of the proposed operation, and the surrounding agricultural uses, it is considered that, subject to conditions, using the land for the purpose proposed would be acceptable in terms of impact on residential amenity. It is therefore considered that the proposal accords with this criterion of policy E10.
- 5.85 E10: Vehicular access, Parking and Highway Safety
The applicant has confirmed in writing that only one or two cars would visit the site daily, occasionally three if the vet or farrier or a visitor comes to the site. Hay would be grown and stored on the site. Adequate parking space would be available on the hard-standing.
- 5.86 Access would be from the existing shared track/Bridleway that runs adjacent to the northern site boundary, via the existing agricultural field access. There is an existing gate suitable for horse riders leading from the A403 onto the Bridleway. The Bridleway is now a dead end for horse riders but not for pedestrians, who can access the Severn Way to the west.
- 5.87 The Cess Pit would only need emptying very infrequently and its presence adjacent to the Bridleway is not considered to be detrimental to the users of the Bridleway. Officers consider that it should be possible to empty the Cess Pit without blocking the Bridleway.
- 5.88 With regard to the suggestion that a signalised Bridleway crossing should be installed on the A403; officers consider that given the small scale of the proposal (4no. horses max) and the established nature of the existing Bridleway (now dead end) a signalised crossing could not be reasonably justified and as such would fail the tests of imposing conditions/S106 outlined in the NPPF and NPPG.
- 5.89 The proposed development is considered to accord with this aspect of policy E10.

5.90 E10: Access to Bridleways

Whilst there is a direct link from the site to a bridleway, this is now a dead end route as horse riding is no longer allowed on the Severn Way. A condition would restrict the number of horses (4no.) that could be kept at the site. The proposed manege would provide a facility to exercise the horses, at least for part of the year; at other times the horses would be turned out in the fields when the weather permits. The applicant has confirmed that all other planned exercise would be off site at competitions, though hacking on roads in the local area would be considered if boxing to alternative locations became difficult for any reason. Officers therefore consider that it would be difficult to substantiate a refusal reason for this application on the grounds of lack of bridleways. It is considered that the situation as proposed is sufficiently satisfactory to accord with this criterion of policy E10.

5.91 E10: Preferred use of other existing buildings on the site

This criterion is not relevant to this proposal, there being no other buildings in the field.

5.92 Welfare of Horses

The applicant is experienced in equestrianism. The proposed stables are appropriately designed and scaled. Concerns have been raised about the number of horses kept on the site. It is now proposed to limit the number of horses to 4no. and given that 4no. stalls would be provided this is appropriate. Furthermore the 5.6 ha/13.8 acres site is, even accounting for the sheep, considered to provide adequate grazing land in accordance with British Horse Society recommendations i.e. 1.5 acres per horse. An adequate water supply would be available for the horses from the two troughs in the field and a pipe direct to the stables.

5.93 Other Issues

Although the proposal represents a departure from the Development Plan, the application does not need to be referred to the Secretary of State as under the appropriate Circular and Direction 02/2009 para. 4 (b) the development, by reason of its nature and location would not have a significant impact on the openness of the Green Belt.

5.94 Of the issues raised by local residents that have not been addressed above:

- As each application is determined on its individual merits, the proposal would not set a precedent for future similar proposals in the area.
- Local Plan policy L16 seeks to protect the best agricultural land. The land the subject of this application is not considered to fall into that category, being grazing land in the flood-plain.

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 NPPF para. 203 states that:

“Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations.”

In this case the scheme would only be acceptable if strictly controlled by the conditions outlined in the preceding paragraphs; most notably the conditions to limit the periods of the year when the buildings and manege could be constructed and in the case of the latter, subsequently used.

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

7. RECOMMENDATION

7.1 The application be advertised as a departure from the Development Plan.

7.2 That planning permission be GRANTED subject to the conditions listed on the Decision Notice, once the period of advertising the application as a departure from the Development Plan has expired.

Contact Officer: Roger Hemming

Tel. No. 01454 863537

CONDITIONS

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

Reason

To protect the character and appearance of the Green Belt and landscape in general, and to accord with Policy L1 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006, Policies CS5 and CS34 of The South Gloucestershire Local Plan Core Strategy (Adopted) Dec. 2013 and the requirements of The National Planning Policy Framework March 2012 and the South Gloucestershire Council SPD - 'Development in the Green Belt' June 2007.

Reason

In the interests of highway safety, and to accord with Policies E10 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

2. The number of horses kept on the site edged in red on the plans hereby approved, shall not exceed 4.

Reason

In the interests of highway safety, and to accord with Policies E10 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

3. Other than within the manege shown on the plans hereby approved, no jumps, fences, gates or other structures for accommodating animals and providing associated storage shall be erected on the land.

Reason

To protect the character and appearance of the Green Belt and landscape in general, and to accord with Policy L1 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006, Policies CS5 and CS34 of The South Gloucestershire Local Plan Core Strategy (Adopted) Dec. 2013 and the requirements of The National Planning Policy Framework March 2012 and the South Gloucestershire Council SPD - 'Development in the Green Belt' June 2007.

4. Other than within the manege hereby approved, there shall be no erection of temporary jumps on the land the subject of this permission. Any temporary jumps erected in the manege shall be stored away to the side of the manege, immediately after use.

Reason

To protect the character and appearance of the Green Belt and landscape in general, and to accord with Policy L1 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006, Policies CS5 and CS34 of The South Gloucestershire Local Plan Core Strategy (Adopted) Dec. 2013 and the requirements of The National Planning Policy Framework March 2012 and the South Gloucestershire Council SPD - 'Development in the Green Belt' June 2007.

5. At no time shall horse boxes, trailers, van bodies and portable buildings or other vehicles be kept on the land other than for the loading and unloading of horses or for collecting hay from the land.

Reason

To protect the character and appearance of the Green Belt and landscape in general, and to accord with Policy L1 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006, Policies CS5 and CS34 of The South Gloucestershire Local Plan Core Strategy (Adopted) Dec. 2013 and the requirements of The National Planning Policy Framework March 2012 and the South Gloucestershire Council SPD - 'Development in the Green Belt' June 2007.

6. Within three months of the date of this decision, or to a programme otherwise agreed with the Local Planning Authority, the stable blocks and barn hereby approved shall

be provided and the existing red shipping container shall be permanently removed from the site.

Reason

To protect the character and appearance of the Green Belt and landscape in general, and to accord with Policy L1 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006, Policies CS5 and CS34 of The South Gloucestershire Local Plan Core Strategy (Adopted) Dec. 2013 and the requirements of The National Planning Policy Framework March 2012 and the South Gloucestershire Council SPD - 'Development in the Green Belt' June 2007.

Reason

In the interests of the welfare of the horses and in accordance with Policy E10 of The South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

7. At no time shall there be any burning of foul waste upon the land the subject of the planning permission hereby granted.

Reason

To protect the amenities of the occupiers of the nearby dwellings, and to accord with Policy E10 of the South Gloucestershire Local Plan (Adopted) January 2006.

8. There shall be no use of the manage hereby approved for any purposes outside the period 1st April to 1st Sept. inclusive.

Reason

In the interests of protected species and the ecological habitat of the location, to accord with Policy L9 of the South Gloucestershire Local Plan (Adopted) 6th Jan. 2006.

9. There shall be no works of site clearance, construction of buildings or hard-standings hereby approved outside the period 1st April to 1st Sept. inclusive.

Reason

In the interests of protected species and the ecological habitat of the location, to accord with Policy L9 of the South Gloucestershire Local Plan (Adopted) 6th Jan. 2006.

10. Within two months of the date of this decision, details of foul and surface water disposal incorporating Sustainable Drainage Systems (SUDS) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the drainage scheme shall be implemented in accordance with the approved details and to a programme to be agreed with the Local Planning Authority. (For the avoidance of doubt the submitted details shall include full details of the Cess Pit for consideration and approval in writing).

Reason

To ensure that a satisfactory means of drainage and foul disposal is provided, and to accord with Policy EP2 of The South Gloucestershire Local Plan (Adopted) 6th Jan 2006 and Policies CS1 and CS9 of The South Gloucestershire Local Plan Core Strategy (Adopted) Dec. 2013.

11. Prior to the first use of the buildings and manage hereby approved, the approved hard-standing for car parking and turning (shown on the Proposed Block Plan) shall be provided for the purposes hereby approved and shall be permanently retained as such thereafter.

Reason

To ensure the satisfactory provision of parking facilities and in the interest of highway safety and the amenity of the area, and to accord with Policies E10, T8 and T12 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 and The South Gloucestershire Council Parking Standards SPD (Adopted) 2014 and Policy CS8 of The South Gloucestershire Local Plan Core Strategy (Adopted) Dec. 2013.

12. Notwithstanding the details shown on the approved plans, within two months of the date of this permission, details of replacement gates for the access into the fields shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the replacement gates shall be erected and the existing gates removed, in accordance with a programme to be agreed in writing with the Local Planning Authority.

Reason

To protect the character and appearance of the Green Belt and landscape in general, and to accord with Policy L1 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006, Policies CS5 and CS34 of The South Gloucestershire Local Plan Core Strategy (Adopted) Dec. 2013 and the requirements of The National Planning Policy Framework March 2012 and the South Gloucestershire Council SPD - 'Development in the Green Belt' June 2007.

13. Within two months of the date of this permission, a scheme of landscaping, which shall include details of all existing trees and hedgerows on the land and details of any to be retained; proposed location of new planting and times of planting, size of plants, species of plants, methods of protection and a 5 year maintenance plan, extent of any stock proof fencing and details 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 Green Belt and landscape in general, and to accord with Policy L1 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006, Policies CS5 and CS34 of The South Gloucestershire Local Plan Core Strategy (Adopted) Dec. 2013 and the requirements of The National Planning Policy Framework March 2012 and the South Gloucestershire Council SPD - 'Development in the Green Belt' June 2007.

14. Prior to the commencement of any further development on the site, a programme of archaeological investigation and recording for the site shall be submitted to and approved by the Local Planning Authority. Thereafter, the approved programme shall be implemented in all respects, unless the Local Planning Authority agrees in writing to any variation.

Reason

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

15. Pursuant to the development hereby approved, there shall be no raising of ground levels within the site at any time.

Reason

To ensure that there would be no loss of flood storage within the site and to accord with Policy EP2 of The South Gloucestershire Local Plan and Policy CS1 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11th Dec. 2013.

16. Notwithstanding the information hereby approved, prior to the construction of the buildings hereby approved, full details of the proposed flood proofing measures, including porosity, to be incorporated within the buildings, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in full accordance with the details so approved.

Reason

To reduce the impact of flooding on the proposed development and to allow for free flow of water to reduce the impact on flood flow routes and to accord with Policy EP2 of The South Gloucestershire Local Plan and Policy CS1 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11th Dec. 2013.

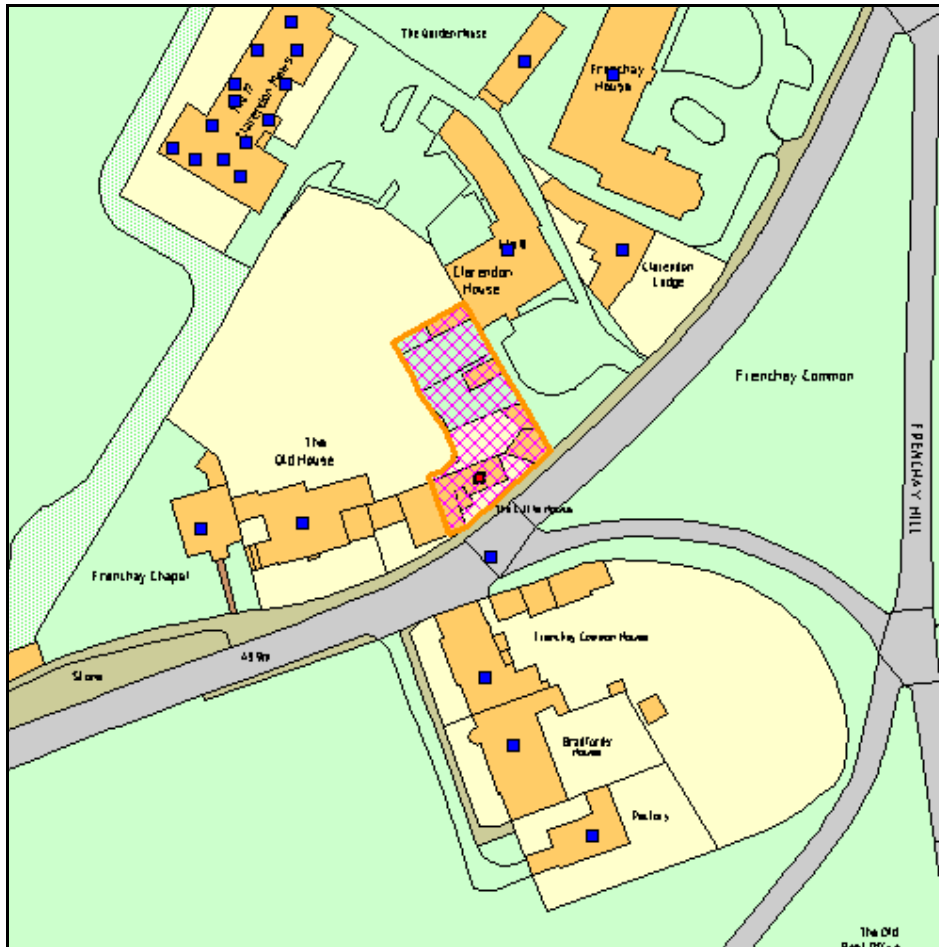
17. The use hereby approved shall be carried out in accordance with the recommendations of the approved Ecological Management and Enhancement Plan by Abricon dated 24th Dec. 2014.

Reason

In the interests of protected species and the ecological habitat of the location, to accord with Policy L9 of the South Gloucestershire Local Plan (Adopted) 6th Jan. 2006.

CIRCULATED SCHEDULE NO. 33/15 – 14 AUGUST 2015

App No.:	PT15/0648/F	Applicant:	Ms Eleanor Ager (Lowe)
Site:	The Little House Beckspool Road Frenchay Bristol South Gloucestershire BS16 1ND	Date Reg:	4th March 2015
Proposal:	Erection of single storey side and rear extension, internal and external alterations to form additional living accommodation. Demolition of existing garage. Raising of rear boundary wall.	Parish:	Winterbourne Parish Council
Map Ref:	364019 177600	Ward:	Frenchay And Stoke Park
Application Category:	Householder	Target Date:	27th April 2015



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N.T.S. PT15/0648/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 recommendation.

1. THE PROPOSAL

- 1.1 This application seeks planning permission for the erection of a single storey side and rear extensions to form additional living accommodation. The application description also involves the demolition of an existing garage, from a site inspection it is clear that this garage has been demolished.
- 1.2 The application site comprises the Grade II listed building The Old House, which is located on the northern side of Beckspool Road within the established settlement boundary of Frenchay. The site is located within the Frenchay Conservation Area.
- 1.3 The application building is a curtilage listed, two-storey building known as The Little House, which has previously functioned as an ancillary to the main dwelling. The previously approved applications permitted the use of the dwelling as a separate planning unit, from a site visit it was clear that this was how the site was being utilised.
- 1.4 A planning application and listed building consent were both granted for a similar scheme at The Little House in June 2012 – more details regarding this appeal will be within the 'Relevant History Section' and also throughout the relevant sections of this report.
- 1.5 This application is also accompanied by an application for listed building consent, planning ref. PT15/0649/LB. Both this full planning application and the accompanied listed building consent application seek amendments to a previous proposal that was approved at appeal by the Planning Inspectorate (APP/P0119/E/12/2169313 and APP/P0119/A/12/2169308). Development has begun for both of these permissions, these permissions related to a kitchen extension to the side of the dwelling and a siting/dining area to the rear. Both of these extensions were linked through a glazed link corridor on its rear elevation. This planning application, together with the accompanying listed building consent application, seeks permission to make the following amendments to the previously approved scheme:
 - Reduce the foot print of the approved extensions;
 - Move the approved eastern elevation away from the eastern boundary wall;
 - Increase the size of the rear link extension through extending it to the rear;
 - Inserting a green roof on the large section of the approved scheme;
 - Changing a number of materials utilised within the previously approved proposal
 - Moving the curved random stone wall which is positioned to the north of the Little House.

- 1.6 Since this planning application was submitted extensive negotiations have taken place culminating in amendments being made to the proposal in order to conserve and preserve the heritage assets associated with the site. An appropriate period of re-consultation was sought.

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

L1 Landscape Protection and Environment

L12 Conservations Areas

L13 Listed Buildings

L15 Buildings and Structures which make a Significant Contribution to the Character and Distinctiveness of the Locality

T12 Transportation Development Control Policy for New Development

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design

CS4 Presumption in Favour of Sustainable Development

CS5 Location of Development

CS8 Improving Accessibility

CS9 Managing the Environment and Heritage

CS16 Housing Density

CS17 Housing Diversity

CS25 Communities of the North Fringe of Bristol Urban Area

2.3 Supplementary Planning Guidance

Residential Parking Standard SPD (Adopted) December 2013

South Gloucestershire Design Checklist SPD (Adopted) August 2007

The Frenchay Conservation Area SPD (adopted)

3. RELEVANT PLANNING HISTORY

- 3.1 PT13/2725/LB Application Returned 23/07/2013
Erection of single storey side and rear extension, internal and external alterations to form additional living accommodation. (Amendment to previously approved scheme PT11/1526/LB).
- 3.2 PT13/2402/NMA Objection 29/07/2013
Non-material amendment to PT11/1525/F to relocate the rear extension away from the boundary.
- 3.3 APP/P0119/E/12/2169313 Upheld 21/06/2012
Appeal upheld in respect of planning ref. PT11/1526/LB.

- 3.4 APP/P0119/A/12/2169308 Upheld 21/06/2012
Appeal upheld in respect of planning ref. PT11/1525/F.
- 3.5 PT11/1526/LB Refusal 15/08/2011
Erection of single storey side and rear extension, internal and external alterations to form additional living accommodation. Demolition of existing garage. Raising of rear boundary wall and installation of gate and railings to front garden.
- 3.6 PT11/1525/F Refusal 01/11/2011
Erection of single storey side and rear extension, internal and external alterations to form separate residential unit. Demolition of existing garage. Raising of rear boundary wall and installation of gate and railings to front garden.
- 3.7 PT06/3463/F Refusal 15/01/2007
Conversion of existing garage and workshop of Coach House to residential accommodation. Erection of single storey rear extension to form garage, kitchen/dining area and sitting room to The Little House.
- 3.8 P89/1015 Approval 05/01/1989
Erection of a first floor extension to provide a bedroom
- 3.9 P84/1203 Approval 13/02/1984
Erection of first floor extension to form bedroom.
- 3.10 N4930 Approval 11/08/1978
Extension to first floor bedroom.

4. CONSULTATION RESPONSES

4.1 Winterbourne Parish Council
Objection, this is a 3-bedroom property with only one parking space which is accessed on a blind bend.

4.2 Other Consultees

Lead Local Flood Authority
No comment.

Sustainable Transport

Although the proposal does not comply with the Council's Residential Parking Standard, however, I am minded of the fact that there is an approved proposal of a similar scale and the property is existing. Accordingly, there is not transportation objection to this proposal.

Conservation and Listed Building Officer

The officer originally objected to the proposal, but after re-negotiations and amended plans the officer withdrew the submitted objection, recommending the application be approved subject to a number of conditions.

Archaeology

No comment.

Tree Officer

No objection subject to a method statement stating being submitted stating details of how the roots of the tree, via ground protection, will be protected during any works within the Root Protection Area of the tree.

Other Representations

4.3 Local Residents

None received.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The previously appealed and upheld proposal constitutes a material consideration within the determination of this planning permission that constitutes significant weight. This extant permission established the principle of a larger side and rear extension being acceptable in this location, subject to a number of requirements mostly relating to the 'design philosophy' which the Planning Inspector held in high regard when upholding the previous appeal. This decision (APP/P0119/A/12/2169308) constitutes the fall-back position for this proposal.

5.2 Policy CS1 'High Quality Design' of the South Gloucestershire Core Strategy (adopted December 2013) states development proposals will only be permitted if the highest possible standards of site planning and design are achieved. Importantly, saved policy L13 of the adopted Local Plan states development affecting a listed building will only be permitted where the building and its setting would be preserved. Additionally, saved policy L12 of the adopted Local Plan only permits development within or affecting a Conservation Area where it would preserve or enhance the character or appearance of the Conservation Area.

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

5.4 Heritage Impact

The Old House is understood to date originally from the sixteenth century, but was remodelled and re-fronted in the early nineteenth century. To the east of the Old House is the coach house, which is likely to have been built at the time

of the remodelling of the house in the early nineteenth century. This is attached by virtue of a stone wall and modern attached open link walkway. Attached to the east of the coach house is The Little House. This was originally detached, but linked via a single storey link addition in the mid twentieth century. The date of The Little House is not clear however also likely to be nineteenth century, but perhaps later than the coach house. It has undergone some unfortunate alterations in recent times including a number of uPVC windows and porch. The Little House is understood to have been staff accommodation, and possibly also served as an apple store. The property has a substantial walled garden to the north, which has historically been subdivided in to a service garden to the rear of The Little House and more formal 'pleasure' garden to the rear of Old House. The garden and the horticultural associations of previous residents is an important aspect of the historic significance of the building. The relationship between the Old House and Little House is also very important to its significance. All of the three buildings are included in the list description, and the garden walls and greenhouse structure remains would be curtilage listed.

- 5.5 This application seeks amendments to a previously submitted scheme which was refused by the Local Planning Authority and upheld by the Planning Inspectorate. The original scheme was designed as a kitchen extension to the side and a sitting/dining area to the rear, link internally but read independently due to the nature of the site and the relationship of the building to the high stone boundary wall, which limited views of the two extensions together. Both additions were connected to each other and to the existing cottage by way of a glazed link corridor on its rear elevation. The kitchen extension to the side was of modest scale and built in stone to reflect the solidity of the cottage, albeit in a more contemporary manner and with low pitched roof, to limit its visibility above the high stone wall to the front boundary. The rear extension was of a much larger footprint, but of relatively lightweight design, with fully glazed elevations to the north and west, and a slender standing seam metal roof. The philosophical approach presented with the previous application was that the design and positioning of large extension, (of lightweight glazed design and located against the existing high stone boundary walls), was reminiscent of the historic glasshouse structures within the walled garden and historically closely associated with the function of The Little House.
- 5.6 In upholding the appeal, the Inspector did state concern with regard to the extent of the proposed extensions, indeed, the previously approved scheme is a large proposal when compared to the size and scale of the existing dwelling. The Inspector stated 'if these [extensions] were monolithic and visually dense additions to the Little House there would be legitimate concerns over the disproportionate and unbalancing impact they would have on the existing structure', however, the Inspector went on to praise the proposal's permeable and light-weight design. Accordingly, although this proposal is smaller in terms of footprint, it is still a relatively large addition, therefore it is of paramount importance for this proposal to not be 'monolithic or visually dense', and rather for the proposal to appear light weight and permeable, this is to allow the Little House to retain its architectural integrity.
- 5.7 Under this planning application the original proposal did have a certain dense character due to choice of materials and changed form, such a design choices

failed to accord with the previously approved scheme that the Inspector praised for its 'lightness of touch...detailing and choice of materials (not unlike a Festival Britain take on a Japanese tea pavilion)'. Amendments were made that reduced the dense appearance of the proposal through introducing a generally more light weight design, for example through introducing more glazing, a low profile roof, and different materials.

- 5.8 The proposal will be largely not visible from the highway due a large stone wall which contributes to the character of the site and its context, including the Frenchay Conservation Area. Due to the low profile of the roof, the side and rear extension will largely appear as one extension from Beckspool Road, this aids the proposal in aiming to be subservient to the Little House. The proposed side gate aids the proposed eastern elevation in not appearing overly extensive and oppressive due to its length.
- 5.9 The green roof represents a design improvement from the previously approved scheme as the roof elevation would have appeared rather utilitarian and oppressive for the adjacent occupiers of the dwelling to the north east who overlook the roof of the proposal. The green roof represents a feature that is more environmentally and visually friendly, as well as this, the green roof does not interfere with the architectural integrity of the existing listed buildings, nor does it harm the character of the Conservation Areas as it largely not visible from ground level.
- 5.10 The rear extension that was formerly more of a link extension with a minimal scale, the proposed rear extension is now much larger within this scheme. This does cause some concern as it extends directly from the Little House and does obscure a large proportion of the existing rear elevation. In order to reduce this obscurity, the rear extension is glazed and the roof is finished in a seam metal together with glazed conservation rooflights. This design approach follows that endorsed by the Planning Inspector in the previous appeal who states that large extensions at the site are acceptable so long as they are constructed as to appear light-weight and permeable.
- 5.11 The proposal includes a curved 1.5 metre high dividing wall within the garden of the application site, the wall is proposed to be curved and to segregate the Little House and the Old House. The Inspector supported such a segregation through a proposed wall stating that the separation of the formal garden of the Old House and the courtyard of the Little House represented positive site planning. This was because the proposal wall would re-establish a formal separation between the more functional and utilitarian character of the Little House and the more ornate and polite garden of the Old House. A sample panel of natural stone walling will be required through condition should planning permission be granted.
- 5.12 As stated throughout, it is vital that the proposal appears light-weight in form, the choice of materials and design of fenestration and other features such as eaves detailing and gates design is therefore of critical importance. To ensure that such details are acceptable and contribute to achieving such a permeable design, the materials, finished and detailed designs will be conditioned.

- 5.13 The courtyard includes a number of features that are curtilage listed and do contribute to the character of the site and compliment the Little House. Accordingly, a condition will be imposed on any planning permission granted to ensure that these garden structures and boundary walls are altered and restored effectively, a detailed timetable that specifies such repairs will therefore be requested through condition. Similarly, the details of the replacement render to be used on the north elevation of the Little House will be conditioned to ensure the dwelling's architectural integrity is protected. The replacement render will replace that which has already been removed and that which will be removed as a result of this proposal.
- 5.14 As stated previously the proposed extension is rather large when compared to the existing building, the Little House. However, within the previously upheld appeal, the Inspector found that such a scale of extensions are acceptable at the Little House so long as the proposals are light-weight in structure and appear permeable when compared to the existing dwelling. The proposal does appear relatively light-weight due the choice of materials, roof/eaves relationships and use of glazing. With both the fall-back position of the upheld planning permission in mind and the Inspectorates' comments from the previous appeal, the proposal is consider to have an acceptable impact on the immediate heritage assets and the Frenchay Conservation Area.
- 5.15 Residential Amenity
Saved policy H4 of the adopted Local Plan requires development within residential curtilages to not prejudice the residential amenity of the nearby occupiers. The single storey scale of the proposal and the shallow roof form are such that it is considered that the proposal that the proposal will not adversely affect the residential amenity of the neighbouring occupiers through loss of natural light or privacy. Accordingly, the proposal will not result in a materially detrimental impact to the residential amenity of the nearby occupiers, and accordingly, saved policy H4 of the adopted Local Plan is satisfied.
- 5.16 Highways
The proposal would result in three bedrooms at the property requiring two off-street car parking spaces to accord with the Council's adopted Residential Parking Standard. There is only sufficient room for one off-street car parking space at the site, meaning the proposal does not accord with the Council's minimum car parking standard. The previously approved scheme at the site (appeal ref. APP/P0119/A/12/2169308) was a three bedroom dwelling with only one car parking space. This permission is extant and therefore constitutes the fall-back position if this application was refused based on the proposal not according with the Council's car parking space. The likelihood of this fall-back position being exercised is highly likely as this development has already begun. Accordingly, it would be unreasonable for the Local Planning Authority to refuse an application due to a scenario that would happen regardless of this planning permission be granted or not.

5.17 The existing access is on bend in Beckspool Road, and this has causes the Parish Council some concerns. The existing access is established and has served Little House as a dwelling. In addition to this, the access was approved under appeal ref. APP/P0119/A/12/2169308. This proposal does not materially differ from this previously approved scheme in terms of its impact on highway safety. Accordingly, there are no highway safety objections to this proposal.

5.18 Arboriculture

There is a mature Holm Oak to the rear of the Little House which may have a root protection area within the footprint of the Wall of the property. It is possible that the intended works to the boundary wall could cause contamination of the soil which would affect the Holm Oak. The previously determined scheme conditioned that a Root Protection Area of the Holm Oak shall be submitted and approved by the Local Planning Authority. Such details have been submitted and approved, accordingly, should planning permission be granted a condition will be attached to ensure that the development is carried out in accordance with the approved protection measures.

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 the conditions listed below/on the decision notice.

Contact Officer: Matthew Bunt
Tel. No. 01454 863131

CONDITIONS

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

Reason

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

2. The existing boundary walls will be repaired strictly in accordance with the approved specification submitted under planning refs. PT11/1525/F and PT11/1526/LB.

Additionally, the natural stone curved wall on the western side of the application site will be constructed strictly in accordance with the approved specification under planning refs. PT11/1525/F and PT11/1526/LB. All of these works will be completed prior to the occupation of the hereby approved extensions.

Reason

- a. This is a pre-commencement condition to avoid any unnecessary remedial works in future.
 - b. In order that the works serve to preserve the architectural and historic interest of the listed building and its setting, in accordance with national guidance set out at the NPPF and Historic Environment Planning Practice Guide and saved Policies L12 and L13 of the South Gloucestershire Local Plan (Adopted) January 2006; and policy CS9 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013.
3. Notwithstanding previously submitted details, and prior to the commencement of the specific works, a detailed timetable and schedule and specification of repairs relating to the removal and replacement of render shall be submitted to and approved in writing by the local planning authority. The works shall be completed strictly in accordance with the approved timetable and specification. For the avoidance of doubt all replacement render shall be a traditional lime render.

Reason

- a. This is a pre-commencement condition to avoid any unnecessary remedial works in future.
 - b. In order that the works serve to preserve the architectural and historic interest of the listed building and its setting, in accordance with national guidance set out at the NPPF and Historic Environment Planning Practice Guide and saved Policies L12 and L13 of the South Gloucestershire Local Plan (Adopted) January 2006; and policy CS9 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013.
4. During any works on site, including works of consolidation and repair, the root protection area of the Holm Oak tree shall be implemented in full accordance with the submitted and approved plans under planning refs. PT11/1525/F and PT11/1526/LB.

Reason

In the interests of visual amenity, historic character and tree protection and to accord with Policy CS1 and CS9 of the Core Strategy (adopted) December 2013; and saved Policies L1, L5 and L10 of the South Gloucestershire Local Plan (Adopted) January 2006.

5. Notwithstanding previously submitted details and prior to the commencement of development, the detailed design including materials and finishes, of the following items shall be submitted to and approved in writing by the local planning authority:
- a. all new doors (including fixed and openable glazing)
 - b. all new windows (including fixed and openable glazing)
 - c. eaves, verges, ridges and fascias.
 - d. all new vents and flues
 - e. rainwater goods
 - f. vehicular access gate and the pedestrian gate on the eastern elevation

g. all new rooflights.

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

Reason

- a. This is a pre-commencement condition to avoid any unnecessary remedial works in future.
- b. In order that the works serve to preserve the architectural and historic interest of the listed building and its setting, in accordance with national guidance set out at the NPPF and Historic Environment Planning Practice Guide and saved Policies L12 and L13 of the South Gloucestershire Local Plan (Adopted) January 2006; and Policy CS9 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013.

6. Prior to the commencement of development a representative sample of all new roofing materials shall be submitted to and approved in writing by the local planning authority. The works shall thereafter be implemented strictly in accordance with the agreed details.

Reason

- a. This is a pre-commencement condition to avoid any unnecessary remedial works in future.
- b. In order that the works serve to preserve the architectural and historic interest of the listed building and its setting, in accordance with national guidance set out at the NPPF and Historic Environment Planning Practice Guide and saved Policies L12 and L13 of the South Gloucestershire Local Plan (Adopted) January 2006; and policy CS9 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013.

7. Prior to the commencement of development a representative sample panel of render, of at least one metre square, showing the texture and finish of the render, shall be erected on site and approved in writing by the local planning authority. The works shall be implemented strictly in accordance with the approved panel, which shall be retained on site for consistency.

Reason

- a. This is a pre-commencement condition to avoid any unnecessary remedial works in future.
- b. In order that the works serve to preserve the architectural and historic interest of the listed building and its setting, in accordance with national guidance set out at the NPPF and Historic Environment Planning Practice Guide and saved Policies L12 and L13 of the South Gloucestershire Local Plan (Adopted) January 2006; and policy CS9 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013.

8. Prior to the commencement of development a representative sample panel of natural stone walling, of at least one metre square, showing the stone, coursing and mortar, shall be erected on site and approved in writing by the local planning authority. The

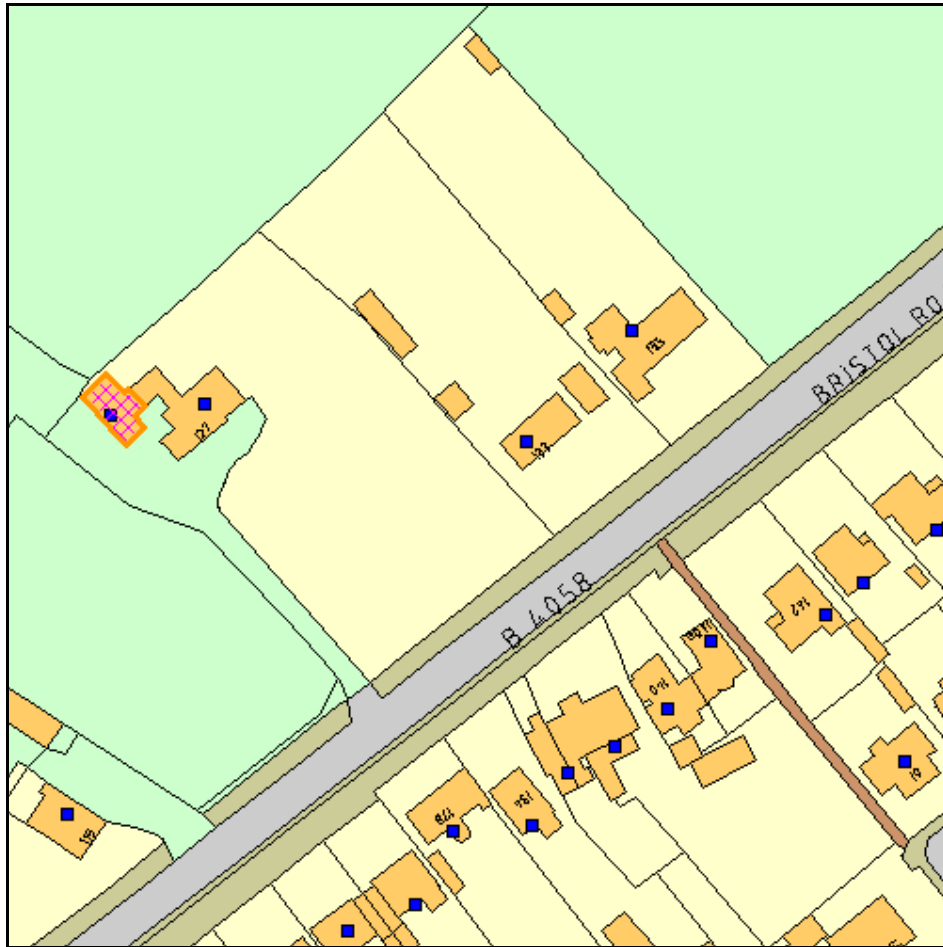
works shall be implemented strictly in accordance with the approved panel, which shall be retained on site for consistency.

Reason

- a. This is a pre-commencement condition to avoid any unnecessary remedial works in future.
- b. In order that the works serve to preserve the architectural and historic interest of the listed building and its setting, in accordance with national guidance set out at the NPPF and Historic Environment Planning Practice Guide and saved Policies L12 and L13 of the South Gloucestershire Local Plan (Adopted) January 2006; and policy CS9 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013.

CIRCULATED SCHEDULE NO. 33/15 – 14 AUGUST 2015

App No.:	PT15/0924/CLE	Applicant:	Mr Benjamin Francis
Site:	The Barn 127 Bristol Road Frampton Cotterell South Gloucestershire BS36 2AU	Date Reg:	24th March 2015
Proposal:	Use of building, as an independent residential dwelling-house.	Parish:	Frampton Cotterell Parish Council
Map Ref:	365749 182046	Ward:	Frampton Cotterell
Application Category:		Target Date:	6th May 2015



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 100023410, 2008. **N.T.S.** **PT15/0924/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 a building (former barn) associated with the existing house on the site as a separately occupied and independent unit of residential accommodation. The application therefore seeks to demonstrate that the building has been used as a separately occupied dwelling for a period in excess of 4 years prior to the date of submission (i.e. since 2nd March).

1.2 The site consists of a two storey building linked to the main dwelling. The claimed dwelling and associated house share a drive and access direct onto Bristol Road. The applicant claims the building has been used as a separate dwelling for a continuous period since September 2010.

2. POLICY CONTEXT

2.1 National Guidance

Town and Country Planning (General Procedures) Order 1995 Article 24
Circular 10/97 Enforcing Planning Control

3. RELEVANT PLANNING HISTORY

3.1 PT14/0924/CLE Erection of detached triple garage

Refused 10th December 2014

3.2 Appeal reference APP/P0119/D/15/3006761 against decision to refuse as set out above.

Appeal Dismissed 19th May 2015

4. CONSULTATION RESPONSES

4.1 Frampton Cotterell Parish Council

No Comment has been received

4.2 Highway Officer

No Comment

Other Representations

4.3 Local Residents

One comment is received raising the following objections;

It is not morally correct that the change of use goes ahead without first being applied for and granted legally.

Circumvention of the law by avoidance is not an acceptable approach.

The evidence submitted with the application does not go back more than four years before the application was made. The application is dated 2nd March 2015 whilst the tenancy agreement shows the tenancy beginning on 11th March 2015.

5. SUMMARY OF EVIDENCE IN SUPPORT OF APPLICATION

5.1 In support of the application,

- i) a front page of the tenancy agreement between Mr B Francis (owner and applicant) and Mr A (tenant) dated 2nd September 2010,
- ii) a certificate of tenancy registration between Mr B Francis and Mr B (tenant) dated 11th March 2011, Council Tax bill charged from 11th March 2011 to 31st March 2015,
- iii) two sworn declarations by Mr A (showing occupation from 2nd September 2010 to 2nd March 2011) and Mr B (showing occupation from 11th March 2011 to present)
- iv) an email from Country Property (local estate agent) confirming rental to Mr B since 11th March 2011.

6. SUMMARY OF CONTRARY EVIDENCE

6.1 Comments from a local resident have questioned the validity of the evidence submitted, however there is no counter evidence submitted.

6.2 The Local Planning Authority has no contrary evidence to submit.

7. EVALUATION

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

7.2 In this instance it must be proven that the building in question has been used for independent residential purposes for a period 4 years (or more) prior to the date of this application.

7.3 Assessment of Evidence

The application is supported by two sworn declarations (Affidavit) made by a previous and current resident of the claimed dwelling. These are witnessed by a solicitor who also confirms the identity of the individuals. Evidence in the form of a sworn declaration carries substantial weight in the determination of this application. A sworn declaration is a legally binding document that carries a strong position in law.

A sworn declaration made under false pretences (the witness lies under oath) is a serious criminal offence. Whilst there is a short break of 9 days between the two terms of residency, this does not amount to a break in the continuous use of the building as a dwelling as there is clear intension to continue the letting of the claimed dwelling. A period of 9 days is not an unreasonable period of where there is a change of tenancy.

7.4 Evidence is also submitted in the form of a Council Tax Demand from 11th March 2011. Officers have sought confirmation that this demand has been paid in full and this has been confirmed by the South Gloucestershire Council Revenue Services. The front sheet of the tenancy agreement made with the previous occupant from 2nd September 2010 is also submitted; as is confirmation from a local estate agency confirming the letting of the claimed dwelling to the current resident since 11th March 2011.

7.5 In this instance, the Local Planning Authority has no evidence that the building has not been occupied as claimed since 2nd September 2010. The sworn declarations provide clear and unambiguous evidence that the use of the building as an independent residential dwelling has occurred continuously since 2nd September 2010 and the supporting evidence is effective in strengthening the applicant's position. On this basis, officers consider that on the balance of probability, the building has been a dwelling for a period in excess of four years; and as such is lawful.

8. CONCLUSION

8.1 Having regard to the above, sufficient evidence has been submitted to prove that, on the balance of probability, the building subject of this application has been used as a separate and independently occupied dwelling for a continuous in excess of four years.

9. RECOMMENDATION

9.1 The Certificate of Existing Lawful Use be approved.

Contact Officer: Simon Penketh
Tel. No. 01454 863433

CIRCULATED SCHEDULE NO. 33/15 – 14 AUGUST 2015

App No.:	PT15/2259/RVC	Applicant:	Mr D. E. Pawsey
Site:	Colmar Woodhouse Avenue Almondsbury Bristol South Gloucestershire BS32 4HT	Date Reg:	6th July 2015
Proposal:	Removal of condition attached to planning permission N5453 relating to agricultural occupancy of the dwelling.	Parish:	Olveston Parish Council
Map Ref:	361821 185183	Ward:	Severn
Application Category:	Minor	Target Date:	26th August 2015



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 100023410, 2008. **N.T.S.** **PT15/2259/RVC**

REASON FOR REPORTING TO CIRCULATED SCHEDULE

The application has been submitted to the Council's Circulated Schedule procedure, following comments from Olveston Parish Council which are contrary to the recommendation detailed in this report.

1. THE PROPOSAL

- 1.1 The application relates to a dwelling located within the open countryside and the Green Belt on Woodhouse Avenue in Almondsbury.
- 1.2 Originally the dwelling, known as Colmar, was erected with a personal occupancy condition. This was removed and replaced with an agricultural or forestry occupancy condition under application reference N5453. Condition 1 of this permission read as follows:

The occupation of the dwelling shall be limited to a person solely or mainly employed or last employed in the locality of agriculture as defined in Section 290(1) of the Town and Country Planning Act 1971, or in forestry (including any dependants of such a person residing with him) or a widow or widower of such a person.
- 1.3 A Certificate of Lawfulness was issued in 2006 under application reference PT05/0241/CLE stating that the dwelling has been occupied in breach of this condition for more than 10 years. The agricultural tie has therefore already been severed from the property, however the applicant seeks this variation of condition application as they believe the condition still exists 'on paper' and impacts upon their ability to raise finance, to sell, or to obtain future planning permissions.
- 1.4 The applicant seeks the remove this condition in order to allow the continued occupation of the house by persons not occupied in agriculture or forestry.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework March 2012
National Planning Policy Guidance

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS5 Location of Development
CS8 Accessibility
CS34 Rural Areas

South Gloucestershire Local Plan Adopted January 2006 (Saved Policies)

L1 Landscape
T12 Transportation
H9 Agricultural/Forestry Workers Dwellings in the Countryside

- 2.3 Supplementary Planning Guidance
Residential Parking Standards SPD (Adopted) December 2013
Development in the Green Belt SPD (Adopted) June 2007

3. RELEVANT PLANNING HISTORY

- 3.1 PT05/0241/CLE Approved 24/03/2006
Certificate of Lawfulness for an existing use of agricultural dwelling without complying with agricultural occupancy condition.
- 3.2 PT05/0238/CLE Approved 26/01/2007
Certificate of Lawfulness for existing use as domestic garden.
- 3.3 P89/2694 Approval 25/10/1989
Continued use of dwelling without complying with occupancy condition attached to planning permission sg.510/Z dated 26th November 1959
Condition reattached to this permission:
1- *The occupation of the dwelling shall be limited to a person solely or mainly employed or last employed in the locality of agriculture as defined in Section 290(1) of the Town and Country Planning Act 1971, or in forestry (including any dependants of such a person residing with him or her) or a widow or widower of such a person.*
- 3.4 N5453 Approve with conditions 26/04/1979
Removal of personal occupancy condition.
The personal occupancy condition was replaced with:
1- *The occupation of the dwelling shall be limited to a person solely or mainly employed or last employed in the locality of agriculture as defined in Section 290(1) of the Town and Country Planning Act 1971, or in forestry (including any dependants of such a person residing with him) or a widow or widower of such a person.*

4. CONSULTATION RESPONSES

- 4.1 Olveston Parish Council
The Parish Council understands that the conditions currently in place require tenants with Agricultural or Forestry connections, and are very concerned that removal of these conditions would further price out agricultural workers from living in what is still essentially an rural/agricultural environment. The Parish Council ask that all avenues have been explored to ensure that this connection is maintained.

4.2 Other Consultees

Lead Local Flood Authority
No comment.

Almondsbury Parish Council
No comment received.

Sustainable Transport

No objection.

Other Representations

- 4.3 Local Residents
None received.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policy H9 does not permit the removal of an occupancy condition on an agricultural or forestry works dwelling unless the following three criteria have been met:

A – There has been a genuine and unsuccessful attempt to market the property at a realistic price reflecting the occupancy condition; and

B – It can be demonstrated that there is no agricultural or forestry need for the dwelling on the holding, nor is a need likely to arise in the foreseeable future; and

C – It can be demonstrated that there is no agricultural or forestry need within the locality.

5.2 Consideration of Proposal

Following the approval of the Certificate of Lawfulness application (PT05/0241/CLE) in 2006, stating that Colmar has been in breach of the agricultural occupancy condition attached to planning permission N5453, the agricultural tie was severed from the dwelling. The continued use without compliance with the agricultural and forestry occupancy condition is lawful, and the applicant is only applying for this permission for their own records. Therefore, there is not grounds to refuse the application as Colmar has been in breach of this condition since at least 1995 and the Certificate of Lawfulness has already been issued, and so the retention of the condition is unnecessary. It is therefore not relevant or necessary to apply policy H9 to this proposal, as the change applied for is already extant and lawful.

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.

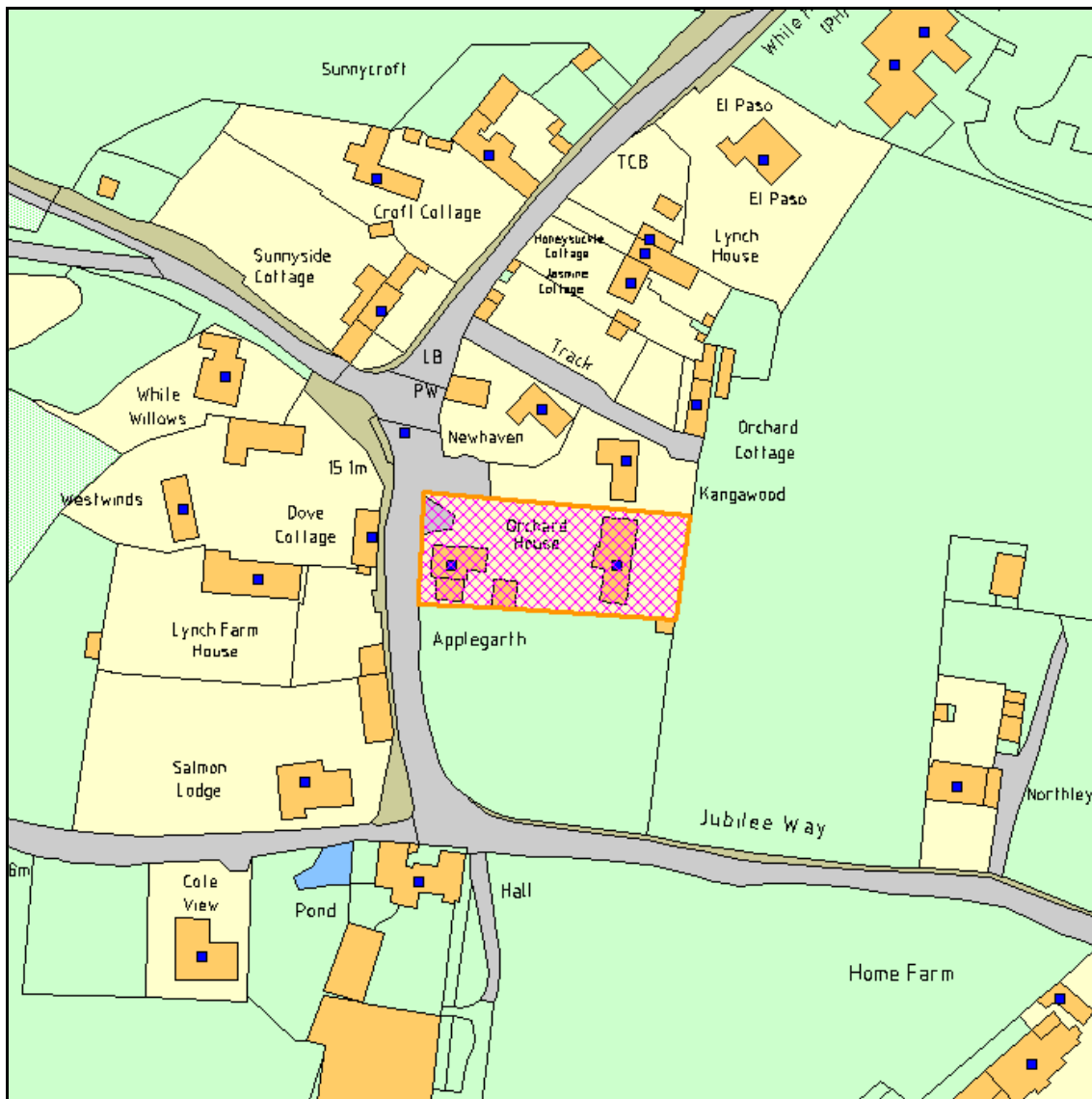
7. **RECOMMENDATION**

7.1 That planning permission is **GRANTED**.

Contact Officer: Trudy Gallagher
Tel. No. 01454 862217

CIRCULATED SCHEDULE NO. 33/15 – 14 AUGUST 2015

App No.:	PT15/2308/RVC	Applicant:	Mrs Lyn Carnaby
Site:	Applegarth Village Road Littleton Upon Severn South Gloucestershire BS35 1NR	Date Reg:	4th June 2015
Proposal:	Removal of condition 2 attached to planning permission PT12/4258/RVC to allow the living accommodation to be used permanently as a separate dwelling.	Parish:	Aust Parish Council
Map Ref:	359505 189910	Ward:	Severn
Application Category:	Minor	Target Date:	27th July 2015



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 100023410, 2008. N.T.S. PT15/2308/RVC

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application was recently referred to the Circulated Schedule last week as a result of consultation responses received from the Parish Council, contrary to Officer recommendation.

Following further consideration of the proposal the application has been referred again, the only difference being that permitted development rights are now recommended to be removed by condition

1. THE PROPOSAL

- 1.1 The application seeks permission for the removal of condition 2 attached to planning permission PT12/4258/RVC to allow the living accommodation to be used permanently as a separate dwelling.
- 1.2 The application relates to self contained living accommodation and garage, converted and extended from a detached garage, approved under reference PT03/0411/F. Condition 6 of that permission restricted the building for use as ancillary living accommodation to the main dwelling (Orchard House) only. Application ref. PT12/4258/RVC was subsequently approved for the variation of condition 6 to allow the living accommodation to be used as a separate dwelling by the current occupant on a temporary basis. Condition 2 of that consent thereby limited the use to the current occupiers otherwise it shall not be occupied at any time other than for purposes ancillary to the residential use of Orchard House.
- 1.3 The site is located in Littleton Upon Severn, although there are no recognised or identified settlement boundaries associated with the area. The site and area as a whole is within the designated Green Belt.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework March 2012
- 2.2 Development Plans
South Gloucestershire Local Plan (Adopted) January 2006
H5 Residential Conversions
T8 Parking Standards
T12 Transportation Development Control Policy for New Development
South Gloucestershire Local Plan Core Strategy (Adopted) December 2013
CS1 High Quality Design
- 2.3 Supplementary Planning Guidance
South Gloucestershire Council Residential Parking Standards SPD Adopted December 2013
South Gloucestershire Council Design Checklist SPD Adopted August 2007

3. RELEVANT PLANNING HISTORY

- 3.1 PT03/0411/F - Conversion and extension of existing detached garage to form self-contained living accommodation and erection of garage. Approved 31st March 2003.
- 3.2 PT11/0955/F – Erection of first floor extension to annexe to provide additional living accommodation. Withdrawn 10th June 2011.
- 3.3 PT12/1745/F - Erection of first floor extension to annexe to provide additional living accommodation in the form of a shower/WC room. (Resubmission of PT11/0995/F). Refused 16th July 2012.
- 3.4 PT12/4258/RVC - Application to vary condition 6 no. of PT03/0411/F to allow living accommodation to be used as a separate dwelling by the current occupant on a temporary basis. Approved 15th February 2013.

4. CONSULTATION RESPONSES

4.1 Aust Parish Council

The Council objects to this application.

There has been a good deal of controversy in Littleton-upon-Severn about the creation of separate dwellings within the curtilage of houses, as witness the difficulties over the annex to Quarry House, constructed in breach of planning control. My Council – and many residents – would vehemently oppose any relaxation of the rules that any building within a curtilage should only be permitted for use as supplementary accommodation for the main house, and that they should never be permitted for independent occupation.

The permission under reference PT03/0411/F removed general development rights for Orchard House and its curtilage and a condition was attached that the annex – ie Applegarth - should only be used as ancillary accommodation to the main dwelling. The applicant sought to remove these conditions in 2012, and her application was rightly refused. As a result, and to enable the applicant to continue to live in Applegarth while letting our Orchard House, a personal temporary consent was granted to her under, as she requested at the time it was granted. My Council supported her in that application but strictly on the condition that it be personal to her and temporary.

The site is in the green belt, and intensification of use of sites is discouraged under existing policies for good reason. There is no infilling permitted in Littleton, because of the open character of the village, with properties with large gardens and space in between. If infilling were permitted in this case – which would be the effect of approving this application – it would be difficult to justify refusal of applications for infilling in other gardens. The floodgates would be opened and we could expect a constant stream of new “annexes” being created within the terms of the General Development Order, following a few years with an application to treat the annex as a separate planning unit.

I mentioned the case of the annex to Quarry House above. This was a case where what was supposed to be an annex to an existing house was built – although it was clear from the way it was done that the intention was to create a separate dwelling. Despite enforcement action, South Gloucestershire Council eventually – and very reluctantly – agree to grant permission for the almost complete house to be completed and used for holiday lets. It would be unfortunate if there were yet another precedent in this village for the creation of a separate dwelling within the curtilage of existing houses. Applegarth should remain an annex to Orchard House, subject to the existing consent for the applicant to live in it separately from Orchard House.

The applicant's agents supporting statement explains the personal reasons why the applicant is making this application. It should be possible for her, if she wishes to sell Orchard House but to remain at Applegarth, to make some commercial arrangement with the buyer for her to continue living in Applegarth after ownership were transferred to the buyer. The planning system should not be used to achieve ends that could be achieved by other means.

Sustainable Transportation

This site has essentially been operating as two separate dwellings for a number of years, both properties have the benefit of parking to the council's guidance, as such there is no highway safety reason to object to this proposal.

Lead Local Flood Authority

No comment

Archaeology Officer

No comment

Other Representations

4.3 Local Residents

7 letters of support have been received, as follows:

(1)'Myself, my wife and my family currently reside in Orchard House. We have lived in the house for the last year and have thoroughly enjoyed our time here. We do feel part of the community now.

We feel that the separation of the property into separate dwellings would have no adverse impact on the village as there would be no extra people living in the two properties.'

(2)'My neighbour built this property years ago with very good reason and it is entirely self contained and very nice . It makes absolutely no sense to refuse to allow it to be used as a separate dwelling--that is exactly what it is. My neighbour should be allowed to treat the two properties as separate dwellings and do as she sees fit with either of them. It would be irrational to do anything else.'

(3) 'Our property lies in the same road as the property in question, in fact it is directly opposite. We have lived in this village, at this address, for 37 years and we heartedly support this de-annexation application. This building is not "new-build" but in fact, has been there since 1991.

Its de-annexation will provide more flexibility to the available housing stock in Littleton. There will be no more traffic and no increase in noise or nuisance level than at present. There is no parking problem as there is a garage and driveway with parking attached to the property. I gather that the loudest objection to this application has been from those not even resident within the boundaries of Littleton-upon-Severn village or even within the same Parish of Aust. As we live opposite, we would be most affected by this change and we have no objection so it is ridiculous for anyone living miles away to be so negative or to have any influence.

(4) 'As a close neighbour this will not make any difference to any of us. I do hope her request is granted.'

(5) 'I have no objection to de-annexing Applegarth from Orchard House as it would cause no changes to take place in village conditions.'

(6) 'I have no objection to de-annexing Applegarth, as I cannot see how it would cause a negative change to current village conditions (ie. additional traffic etc.)'

(7) 'I am the closest neighbour to the annex in question at Applegarth, being directly on the opposite side of the narrow road, therefore, I am most likely to be affected. This application has my full support as it will help ensure a long standing member of the community can remain in this community.

The proximity of my property to Applegarth is actually closer than that of the property from which this application seeks separation. This annex has been in existence since 1991, it is not new-build. I have been a neighbour to this property since 2002 and have had no issues during this time.

Since this property has been inhabited for some while by the same occupier, and I understand this will continue to be the case for the foreseeable future, there will be no more traffic, noise or nuisance caused in the granting of this application, than there is currently.

I have observed that Littleton upon Severn seems to have long stagnated as far as the housing market is concerned. It is important the village be allowed to progress in order to ensure its survival as a rural community, and therefore, opportunities must be allowed for new residents to move in, and providing an additional residence is good for the future of the village.'

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The principle of the building i.e. the extension of the garage for use as self contained living accommodation is established. Its use was however restricted.

The reason for this restriction was cited as:

'Establishing a dwelling at this location would be contrary to national planning guidance and local plan policy (Policies RP1, RP7 and RP34) of the Northavon Rural Areas Local Plan and Policies H2, H4 and GB1 of the South Gloucestershire Local Plan (Revised Deposit Draft)

- 5.2 The principle of the use of the building to be used as a separate residential dwelling by the current occupant for a temporary basis was also approved. This was a temporary and personalised consent, for an unspecified period. The temporary and personalised consent was based upon personal and compassionate grounds and on this basis was not considered to conflict with Green Belt policy or Policy H3 of the SGLP on this temporary and compassionate basis. The policy reasons cited for the condition in this respect were:

'The site is located in an unsustainable location within the open countryside and outside of any defined settlement boundary where occupiers will be reliant on private car use. Temporary consent is granted based on the individual compassionate grounds put forward in the application; the permanent use of the building as a separate residential unit is contrary to Policy H3 of the SGLP'

- 5.3 The planning history of the site illustrates that the building has in the past been extended and that there is scope for separate use as an individual self contained dwelling. Special and personal circumstances were cited for the purposes of granting the temporary consent for use as an individual dwelling. The circumstances are considered to have moved on to the point that Orchard House and Applegarth are no longer required together in the manner they once were, and the applicant, who wishes to remain in Applegarth, no longer requires the link it once had with Orchard House, originally for the purposes of providing self contained independent accommodation for elderly relations. The applicants themselves subsequently moved into the annex and sought to regularise separation from the main dwelling, which was approved on a temporary basis. Permission is now sought on a permanent basis. The main issues for consideration therefore are the policy implications, including Green Belt and development outside of settlement boundaries, and any local impact accruing from the buildings being a separate residential unit beyond that previously specified.

5.4 Green Belt

The building the subject of this application is already in existence, its form and scale approved under earlier consents. In this respect there would therefore be no additional impact upon the openness of the Green Belt from built development. Its use, as a residential annex or indeed as a separate dwelling similarly is not considered to impact upon the openness of the Green Belt. The proposals would therefore not have a materially greater impact upon the Green Belt than the existing situation.

For the avoidance of doubt a condition will be added to the decision notice to remove the usual permitted development rights

5.5 Sustainability/Location of Development

Policy H3 was a saved policy of the SGLP, however a recent appeal decision at Charfield (planning ref. PT13/4182/O), for housing provision outside of the settlement boundary has effectively rendered the policy out of date.

In lieu of this policy para. 14 of the NPPF states that where such Local Plan policies are out of date then the granting of permission should be considered unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF, or specific policies in the NPPF indicate that development should be restricted. Para. 49 of the NPPF states that housing applications should be considered in favour of sustainable development. Relevant policies for the supply of housing should not be considered up to date if the Local Planning Authority cannot demonstrate a 5 year land supply, as is the case in point with regards to the appeal decision cited above in respect of Policy H3. Acceptable sustainable development policy must be considered in context with other considerations within the NPPF and other saved and up to date policy considerations of the Local Plan.

- 5.6 The NPPF supports good design, sustainability and the vitality of rural communities as underlying principles but as with the consideration of all development this needs to be in suitable locations. Given that the site is an existing site, within existing residential curtilage and located and related well with and amongst other properties within the existing community and is clearly capable of satisfactory individual use, it is considered that it can meet sustainable NPPF criteria. Further to this, Policy H4 of the SGLP supports new dwellings within residential curtilages in principle, provided that it does not prejudice the amenities of the local area or prejudice highway safety. Policy CS5 of the Core Strategy states that new development in the open countryside will be strictly controlled. The physical development is already in existence and therefore there will not be any impact of any new development, it is not considered that the form or nature of residential use applied to the site, would have any significant impact. Policy CS34 of the Core Strategy seeks to protect the rural areas distinctive character. Given that the building has been granted permission and has existed for some years it is considered that it is acceptable and integrated within its locality. It is considered that, upon review of relevant and up to date policy that the proposals, in this instance can be considered to accord with the principles of such policy and, that no significant or material impact in amenity terms, can be identified between the use of the site as an annex, separate residential unit, albeit for cited personal reasons, or its continued use as such on a permanent basis. Each application must be addressed upon its individual merits and as such no precedent is set, however given the individual circumstances surrounding this particular dwelling and its capability for use as an individual dwelling with no policy or amenity impact, it is considered acceptable in this instance. It is not therefore considered that any tie, in planning terms, between the two properties is of such material significance or consideration that the breaking of the tie alone would warrant or sustain a refusal of the planning application in its own right, when assessed against current policy considerations and any amenity impact or harm.

5.7 Transportation

Existing access off the public highway will be used and off street parking for the property as an individual dwelling would meet the Council's current parking standards. On this basis there is no objection to the proposals on highways grounds.

5.8 Design

The proposals would not materially impact upon the external elevations of the property.

5.9 Residential Amenity

It is not considered that the proposed use, on a permanent basis, would have any additional impact in local amenity terms. Sufficient private amenity space exists for both dwellings.

5.10 Sustainable Transportation

Existing vehicular access will be utilised and sufficient off-street parking provided in accordance with the Council's current guidance.

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 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).

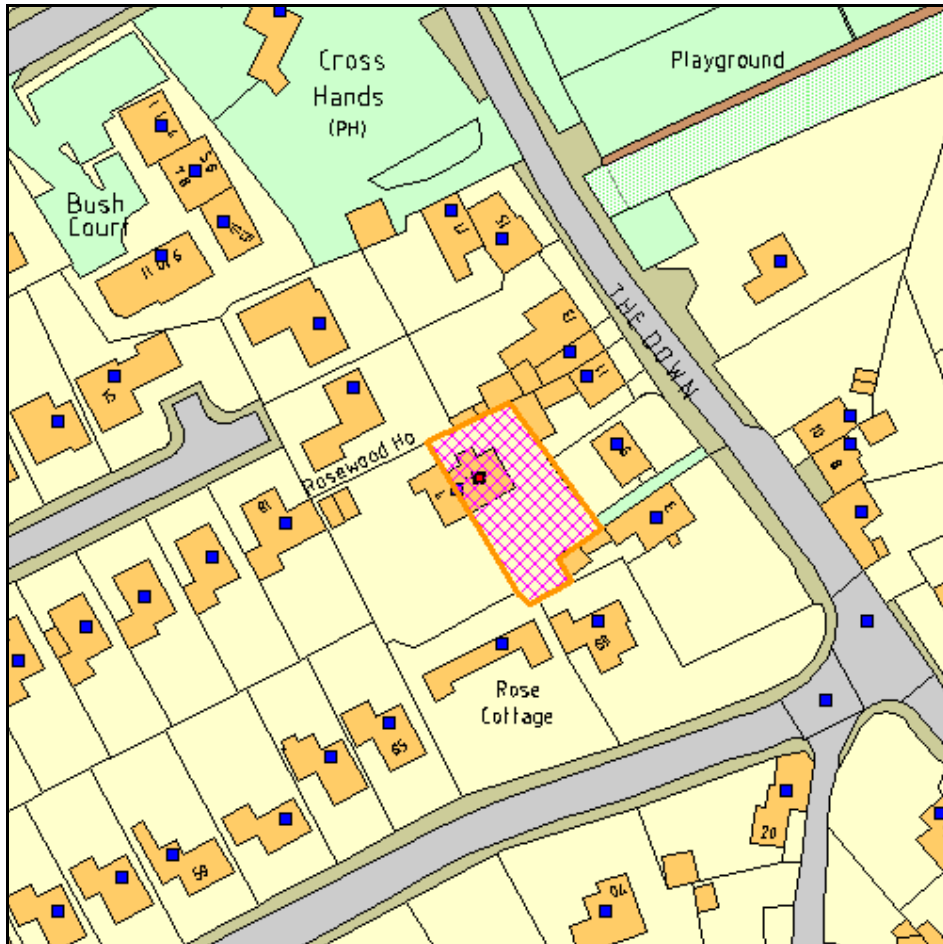
2. Notwithstanding the provisions of Schedule 2 of the Town & Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no development as specified in Part 1 (Classes A, B, D, E, F, G and H), or any minor operations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

Reason

In the interests of the visual amenity of the area and the openness of the Green Belt and to accord with Policy CS1 of the South Gloucestershire Local Plan Core Strategy 2012 and Policy H4 of the South Gloucestershire Local Plan (Saved policy) 2006 and the National Planning Policy Framework 2012.

CIRCULATED SCHEDULE NO. 33/15 – 14 AUGUST 2015

App No.:	PT15/2313/CLP	Applicant:	Mr Sarah Walters
Site:	Grace Cottage 5 The Down Alveston Bristol South Gloucestershire BS35 3PH	Date Reg:	9th July 2015
Proposal:	Application for a certificate of lawfulness for the proposed erection of a single storey rear extension.	Parish:	Alveston Parish Council
Map Ref:	362909 188087	Ward:	Thornbury South And Alveston
Application Category:		Target Date:	1st September 2015



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 100023410, 2008. N.T.S. PT15/2313/CLP

REASON FOR REPORTING TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 The applicant is seeking a formal decision as to whether the proposed single storey rear extension to Grace Cottage, 5 The Down, Alveston, would be lawful.
- 1.2 The application is a formal way of establishing whether the proposal requires planning permission or not. Accordingly there is no consideration of planning merit, the decision is based solely on the facts presented.
- 1.3 The application site is within the designated settlement boundary of Alveston, in an area 'washed over' by the Bristol/Bath Green Belt.
- 1.4 The application dwelling is two storey house which forms part of a semi-detached pair. Both the host dwelling and the neighbouring dwelling which compose the semi-detached pair were originally modest cottages, likely to have just been one cottage. These dwellings have both been heavily extended over the years. The original dwelling was simply a cottage, with an approximate width of 4 metres and a depth of 7.5 metres. In 1994 an application for a two storey side extension was approved, this proposal was implemented and extended for approximately 5.5 metres to the east of the original dwelling. The proposed extension only extends from the original section of the host dwelling.

2. POLICY CONTEXT

2.1 National Guidance

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

The submission is not a planning application thus the Development Plan is not of relevance to the determination of this application; the decision rests upon the evidence that has been submitted. If the evidence submitted demonstrates that the proposed use is lawful on the balance of probabilities, the Local Planning Authority must grant a Certificate confirming that the proposed development is lawful.

3. RELEVANT PLANNING HISTORY

- 3.1 P94/1373 Approval Full Planning 02/06/1994
Demolition of existing single storey extension and erection of two storey side extension to form kitchen, utility, hall and porch with bedroom and bathrooms over.
- 3.2 PT15/2326/F Refusal 07/08/2015
Erection of two storey rear extension to form additional living accommodation.

4. CONSULTATION RESPONSES

- 4.1 Alveston Parish Council a
No Comment
- 4.2 Local Lead Flood Authority
No Comment
- 4.3 Councillor
No Comment

Other Representations

- 4.4 Local Residents
No Comments Received

5. SUMMARY OF EVIDENCE IN SUPPORT OF APPLICATION

- 5.1 Existing First Floor (201); Existing Elevations (202); Proposed Ground Floor (203); Proposed First Floor (204); Proposed Elevations (205) – all received on the 29/05/2015. Site Location Plan and Block Plan – both received on the 17/06/2015.

6. ANALYSIS OF PROPOSAL

- 6.1 Principle of Development
The application for a Certificate of Lawfulness is purely an evidential test and is a formal way of establishing whether or not the proposed development can be implemented lawfully without the need for planning permission. Accordingly there is no consideration of planning merit, the application is based on the facts presented. The submission is not an application for planning permission and as such the development plan is not of relevance to the determination of this application; the decision rests upon the evidence that has been submitted. If the evidence submitted demonstrates that the proposed use is lawful, on the balance of probabilities, the Local Planning Authority must grant a certificate confirming that the proposed development is lawful.
- 6.2 The key issue in this instance is to determine whether the proposal falls within the permitted development rights afforded to householders under Schedule 2, Part 1, Class A of the GPDO (2015).
- 6.3 The proposed development consists of a single story extension to the rear of property. This development would fall within Schedule 2, Part 1, Class A, which allows for the enlargement, improvement or other alteration of a dwellinghouse, provided it meets the criteria as detailed below:
 - A.1 Development is not permitted by Class A if –**
 - (a) Permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, N, P or Q of Part 3 of this Schedule (changes of use)**

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

- (b) As result of the works, the total area of ground covered by buildings within the curtilage of the dwellinghouse (other than the original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse);**

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

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

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

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

The height of the eaves of the rear extension would not exceed the height of the roof of the existing dwellinghouse.

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

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

The extension does not extend beyond a wall which fronts a highway or the principal elevation of the original dwelling house.

- (f) Subject to paragraph (g), the enlarged part of the dwellinghouse would have a single storey and—**

- (i) extend beyond the rear wall of the original dwellinghouse by more than 4 metres in the case of a detached dwellinghouse, or 3 metres in the case of any other dwellinghouse, or**
(ii) exceed 4 metres in height;

The proposal does not extend beyond the rear wall of the original dwellinghouse by more than 3 metres.

- (g) Until 30th May 2019, for a dwellinghouse not on article 2(3) land nor on a site of special scientific interest, the enlarged part of the dwellinghouse would have a single storey and—**

- (i) extend beyond the rear wall of the original dwellinghouse by more than 8 metres in the case of a detached**

- dwellinghouse, or 6 metres in the case of any other dwellinghouse, or**
- (ii) exceed 4 metres in height;**

Not applicable.

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

The extension would be single storey.

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

The extension would be within 2 metres of the boundary, however the eaves would not exceed 3 metres in height.

- (j) The enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse, and would—**
 - (i) exceed 4 metres in height,**
 - (ii) have more than a single storey, or**
 - (iii) have a width greater than half the width of the original dwellinghouse; or**

The proposal does not extend beyond a side wall of the property.

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

The development would not include any of the above.

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

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

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

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

A.3 Development is permitted by Class A subject to the following conditions—

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

The proposed plans indicate that the proposal will be finished with block work render, tiles, rooflights and glazed doors to match the materials used in the existing dwelling. The proposed materials would therefore match the host dwelling.

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

Not applicable.

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

Not applicable.

7. RECOMMENDATION

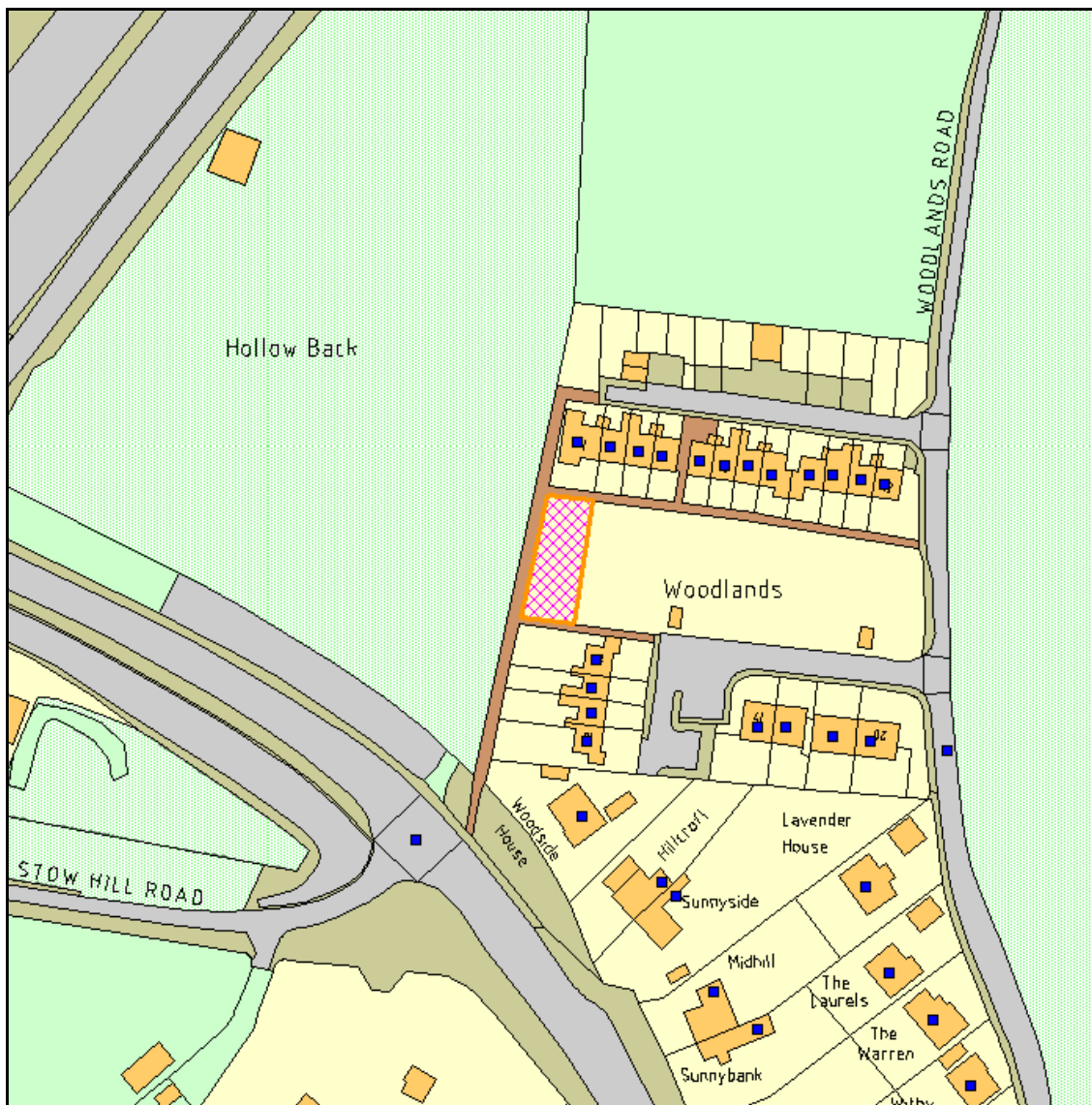
- 7.1 That a certificate of Lawfulness for Proposed Development is **granted** for the following reason:

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

Contact Officer: Matthew Bunt
Tel. No. 01454 863131

CIRCULATED SCHEDULE NO. 33/15 – 14 AUGUST 2015

App No.:	PT15/2587/F	Applicant:	Mr Ronald Goodfield
Site:	Land At 1 Woodlands Tytherington South Gloucestershire GL12 8UJ	Date Reg:	2nd July 2015
Proposal:	Erection of 1no. detached dwelling with associated works.	Parish:	Tytherington Parish Council
Map Ref:	366634 188784	Ward:	Ladden Brook
Application Category:	Minor	Target Date:	25th August 2015



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

The application has been submitted to the Council's Circulated Schedule procedure, following an expression of support from Tytherington Parish Council, which is contrary to the recommendation detailed within this report.

1. THE PROPOSAL

- 1.1 This application seeks planning permission for the erection of 1no. detached two-storey dwellinghouse and associated works on the front garden of 1 no. Woodlands, Tytherington.
- 1.2 The application is similar to an application refused and dismissed at appeal in 2010 (PT19/0594/F) for the following reason:

The proposed development would be out of keeping with the form, siting and layout of the existing development and would appear incongruous within the streetscene. Consequently the proposal would have a detrimental impact on the character of the site and surrounding area, and the distinctive open area to the east of the site contrary to Policies D1, H2, H4, L1 and L5 of the South Gloucestershire Local Plan (adopted) January 2006 and the South Gloucestershire Design Checklist (adopted).

- 1.3 The design and location of the proposed dwelling is identical to an application refused in 2008 (PT08/0569/F) for the following reasons:

1- *The proposed development has no road frontage and due to its siting within an open area that is a distinctive feature of the locality, does not respect or integrate with the existing pattern of surrounding development, would be incongruous within the street scene and out of keeping the character of the area to the detriment of visual amenity. The proposal is therefore contrary to advice contained in PPS1 and PPS3, Policies D1, L1, L5, H2 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006 and the Adopted South Gloucestershire Design Checklist Supplementary Planning Document.*

2- *The proposed development provides no off-street car parking space, manoeuvring or cycle parking facilities resulting in additional on-street parking and congestion on Woodlands Road, a highway that is narrow in width and a cul-de-sac. As a consequence the proposal would be detrimental to the highway safety of all road users and falls contrary to Policies D1, H2, H4, T7, T8 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.*

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 Residential Development within Existing Residential Curtilages

T7 Cycle Parking

T12 Transportation Development Control Policy for New Development

EP2 Flood Risk and Development

L5 Open Areas within the Existing Urban Areas and Defined Settlements

L11 Archaeology

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design

CS5 Location of Development

CS8 Accessibility

CS9 Environment and Heritage

CS15 Distribution of Housing

CS16 Housing Density

CS17 Housing Diversity

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 PT10/0594/F, erection of detached dwelling with associated works, 24/08/10, refusal, appeal dismissed

Reason for refusal:

The proposed development would be out of keeping with the form, siting and layout of the existing development and would appear incongruous within the streetscene. Consequently the proposal would have a detrimental impact on the character of the site and surrounding area, and the distinctive open area to the east of the site contrary to Policies D1, H2, H4, L1 and L5 of the South Gloucestershire Local Plan (adopted) January 2006 and the South Gloucestershire Design Checklist (adopted).

- 3.2 PT08/0569/F, erection of detached dwelling with associated works, 27/03/08, refusal.

4. **CONSULTATION RESPONSES**

4.1 Tytherington Parish Council

Support – it is within the settlement boundary.

4.2 Other Consultees

Archaeology

Insufficient information to determine.

Highway Structures

No comment.

Lead Local Flood Authority

No objection.

Sustainable Transport

Object as no parking.

Other Representations

4.3 Local Residents

None received.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

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

5.2 Design

The application site comprises a plot of land used as a garden area to the south of no.1 Woodlands Road. The site is rectangular in shape and measures approximately 250 square metres in area. The immediate area is characterised by two-storey terrace properties and semi-detached bungalows situated in a linear, radburn style arrangement around an open area used for allotments. No.1 Woodlands is the only property that benefits from a detached garden plot. The plot is situated at the western end of the site and directly adjoins the allotments on the eastern elevation, whilst it is bounded by a pathway on the north, south and western elevations.

5.3 The design of the dwelling is identical to the previously refused application in 2008. The ridge height of the dwelling appears much taller than the surrounding terraces, which have first floor accommodation facilitated by partial dormer windows, rather than standing at full two-storey height.

5.4 Whilst the design of the dwelling differs from the dismissed appeal in 2010, the proposal is still for a single dwelling. In 2010, the Inspector said the following:

'The proposed dwelling would be out of keeping with the prevailing pattern for a number of reasons. As a single dwelling the proposal would not follow the linear pattern of terraces or closely-grouped semi-detached dwellings in Woodlands, and this would be especially apparent in public views because of

the open space that would border the dwelling on three sides. It would appear oddly isolated for this reason.'

It is therefore highly unlikely that a single dwelling at this location would be acceptable in any form, even if the height was to be reduced and the design changed to mirror the adjacent terraces.

- 5.5 Furthermore, the elevation most prominent when you enter this part of Woodlands and from the large area of amenity land is the east elevation. This gable end elevation is not of a high quality and forms the side of the house, with only two small openings at ground floor level. The primary frontage of the dwelling faces towards no. 1 to the north, and is not particularly visible or part of the street scene. It is considered therefore, that the proposed dwelling would appear incongruous in the streetscene and have a negative impact on the visual amenity of the area.
- 5.6 In addition, the area is distinctly open due to the shared strip of amenity land, which contributes to the character and visual amenity of the area. Policy L5 states that development which adversely affects the contribution that an open area makes to the character and visual amenity of the area will not be permitted. Given the design and proximity of the proposed dwelling to the open area as well as the associated boundary fencing required to provide privacy to the proposed amenity space, it is considered that the proposal would be detrimental to the character of the open area.
- 5.7 Residential Amenity
The proposed dwelling is a sufficient distance from neighbouring dwellings and so it is unlikely that it will be overbearing or cause inter-visibility between principal windows. Subject to a condition requiring an adequate boundary treatment, the proposed dwelling would have access to a reasonable amount of private amenity space. Therefore, the development is acceptable in terms of policy H4 of the Local Plan (Adopted) January 2006.
- 5.8 Transport
The site is unusual in the sense that it is 'land locked' with no direct access to the public highway, and it is surrounded on three sides by a pedestrian footpath. There is no transportation objection in principle, however the development does not comply with the Residential Parking Standards SPD, which requires a dwelling of this size to have at least two off-street parking spaces. The previously refused application in 2010 provided additional parking to the rear of no.1, which was considered acceptable. As the application does not demonstrate that adequate parking can be provided, the development is contrary to policy CS8 of the Core Strategy, policy T12 of the Local Plan and the Residential Parking Standards SPD (Adopted).
- 5.9 Archaeology
The application is within an area of archaeological potential. It is adjacent to the boundary of the medieval settlement of Tytherington and only just over 400 metres from the Iron Age hillfort called the Castle, which is a schedule monument. The applicant has not submitted a suitable heritage statement or archaeological desk based assessment in order to determine the significance

of and impact upon the potential heritage and therefore the development is contrary to policy L11 of the Local Plan and paragraph 128 of the National Planning Policy Framework 2012.

- 5.10 Notwithstanding this, it is noted that archaeology was not raised as an issue during the course of the previous applications in 2008 and 2010, nor did either of the applications have an archaeological refusal reason. It would therefore not be reasonable to refuse this submission on an archaeological basis. In the event of an approval however, it is recommended that a desk-based assessment and mitigation strategy be submitted prior to commencement and this could be conditioned on the decision notice.

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 **refuse** 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 **REFUSED** for the reasons on the decision notice.

Contact Officer: Trudy Gallagher
Tel. No. 01454 862217

REFUSAL REASONS

1. The proposed development has no road frontage and due to its scale, form, layout and siting within an open area that is a distinctive feature of the locality, it does not respect or integrate with the existing pattern of surrounding development, would be incongruous within the street scene and out of keeping with the character of the area to the detriment of visual amenity. The proposal is, therefore, contrary to policy L5 of the South Gloucestershire Local Plan (Adopted) January 2006, policy CS1 of the Core Strategy (Adopted) December 2013 and the Adopted South Gloucestershire Design Checklist Supplementary Planning Document.
2. No off-street parking has been proposed for the new dwelling, leading to an increase in on-street parking to the detriment of highway safety, and contrary to policy CS8 of the South Gloucestershire Core Strategy (Adopted) December 2013, policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006, and the Residential Parking Standards Supplementary Planning Document (Adopted) December 2013.

CIRCULATED SCHEDULE NO. 33/15 – 14 AUGUST 2015

App No.:	PT15/2602/F	Applicant:	C S Properties Ltd
Site:	41 Casson Drive Stoke Gifford Bristol South Gloucestershire BS16 1WP	Date Reg:	19th June 2015
Proposal:	Change of use from 6 student HMO (Class C4) to 7 student HMO (Sui Generis) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended).	Parish:	Stoke Gifford Parish Council
Map Ref:	362180 177685	Ward:	Frenchay And Stoke Park
Application Category:	Minor	Target Date:	12th August 2015



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REASON FOR REPORTING TO THE CIRCULATED SCHEDULE

This application is referred to the Circulated Schedule for determination as a comment of objection has been received.

1. THE PROPOSAL

- 1.1 This application seeks planning permission for a change of use from a dwellinghouse used as a House of Multiple Occupation (HMO) for 6 persons (Class C4) to a HMO for 7 persons (Sui Generis). Internal works to split the master bedroom into two and remodelling of the existing en-suite bathroom do not require planning permission.
- 1.2 The application site is a detached house in Stoke Gifford with houses to the sides and rear and an open green space opposite the house. The house has two parking spaces to the front and an integral garage.
- 1.3 HMOs must be licensed by the Council's Private Sector Housing Team; this is a separate process from a planning application.
- 1.4 This application has been amended since first submission by the retention of the garage as a garage rather than it being used as an eighth bedroom. This is shown on amended plans received 10/8/2015 and the agents email indicates that the garage will be retained for bin and cycle parking.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework March 2012

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design

CS4A Presumption in Favour of Sustainable Development

CS5 Location of Development

CS8 Improving Accessibility

CS15 Distribution of Housing

CS17 Housing Diversity

CS25 Communities of the North Fringe of Bristol

South Gloucestershire Local Plan Adopted January 2006 (Saved Policies)

T7 Cycle Parking

T12 Transportation

H5 Residential conversions, Houses in Multiple Occupation and reuse of buildings for residential purposes.

2.3 Supplementary Planning Guidance

Residential Parking Standards (Adopted) December 2013

3. RELEVANT PLANNING HISTORY

- 3.1 P99/1353 Approval of Full Planning 30/9/1999
Erection of 85 dwellings with associated works and public open space
(approval of reserved matters)
- 3.2 P97/2145 Approval of Outline Planning 03/03/1999
Demolition of hospital buildings and redevelopment of the site for housing
(outline)
- 3.3 PT04/0279/F Approved Feb 2004
Erection of rear conservatory
- 3.4 COM/15/0536/OD Multiple occupancy – Case closed

4. CONSULTATION RESPONSES

- 4.1 Stoke Gifford Parish Council
Objection - concerns about the limited number of parking spaces and that there have been other applications since the Design and Access report was carried out. Concern that in the future there will be no partnership between UWE and Wessex busses as referred to in the Design and Access Statement.
- 4.2 Lead Local Flood Authority
No comment
- 4.3 Transport
No objection
- 4.4 Archaeology
No comment

Other Representations

- 4.5 Local Residents
One letter of objection has been received which raises the following points:
- Objection to more than six occupants of the house
 - This is a residential family area
 - Noise is becoming a serious issue in houses around Stoke Park particularly in relation to houses with multiple occupation
 - Hope the council will look into bin and parking allowances
 - The writer gets noise from No 37 Casson Drive too who do not respond to the writers requests.
 - General unsociable activity and late night car access prevents any relaxing nights.

5. ANALYSIS OF PROPOSAL

- 5.1 This application seeks planning permission for a change of use to a HMO (Sui Generis).
- 5.2 Principle of Development
Policy H5 allows for the conversion of existing dwellings into HMOs subject to an assessment of the impact on the character of the area, amenity, and parking. Therefore, the proposal is acceptable in principle but should be determined against the analysis set out below.
- 5.3 Parking
In Stoke Park, parking is a contentious issue as the site is often used by students of the adjacent university. The planning authority cannot control on-street parking; this must be done through traffic regulation orders and the estate is subject to a number of these. When assessing a planning application, the planning authority must consider whether there is sufficient off-street parking to meet the needs of the development proposed.
- 5.4 Currently this property is an established 6 bed HMO which is permitted without need for planning application. The applicant has revised the proposals to make the property a 7 bed HMO with the existing garage retained for cycle storage and waste and recycling facilities.
- 5.5 Whilst the applicant has indicated that 3 off-street car parking spaces can be achieved on site without impacting upon the street frontage, the third space would be constrained by the adjacent parking spaces and a degree of co-operation between the unrelated occupiers would be required to enable this third place to be practical and usable. Due to this 'constraint' officers consider that only 2 parking spaces are practically available at the site, and as such it is assessed on this basis.
- 5.6 Over the extant situation the proposal represents the addition of a single bedroom, HMOs generally have a lower parking demand than normal housing, so the issue in this instance would be whether the addition of an additional room in the HMO would exacerbate or create a severe impact in terms of highway safety. From observations on site it is clear that there are opportunities to park in the vicinity, as such there is no sustainable objection that can be made to this application on the basis of car parking or highway safety.
- 5.7 Furthermore, it is considered likely that the HMO would be let by students due to the proximity to the university and therefore the site is likely to have a lower reliance on the private motorcar. The existing garage would be capable of providing secure undercover bicycle storage and would then also be retained for future use as a garage should the house revert to a normal (family) C3 dwellinghouse.
- 5.8 Based on the above, it is not considered that the development would have a material impact on highway safety or parking provision and therefore there is no objection raised on this basis.

5.9 Character

No external changes are proposed and therefore the building will exhibit the same character as existing. Stoke Park is a relatively dense housing estate and the increased in residents is not considered to have an impact on the character of the area.

5.10 Amenity

Development should not prejudice residential amenity. As no operational development is proposed, it is considered unlikely that the development would result in any additional overlooking or a loss of privacy to nearby occupiers. Although the objector is concerned that there would be an increase in noise, the increase from 6 to 7 residents is not considered to materially affect noise levels. A lack of courtesy between neighbours is more likely to cause nuisance than the actual comings and goings at the property.

5.11 The property has a small garden which provides adequate amenity space for the residents. There is also an amenity space in front of the house.

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: Karen Hayes
Tel. No. 01454 863472

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 garage shown on the revised floor plans received 10/8/2015 shall be maintained for the storage of cycles and bins relating to the occupants of the property known as 41 Casson Drive as set out in the agents email dated 10/8/2015.

Reason

To ensure that satisfactory provision of secure and undercover cycle parking facilities are provided at the site at a ratio of one cycle per resident and to facilitate bin storage for the property and to accord with Policies T7 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.