



**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. 03/15**

**Date to Members: 16/01/15**

**Member's Deadline: 22/01/15 (5pm)**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

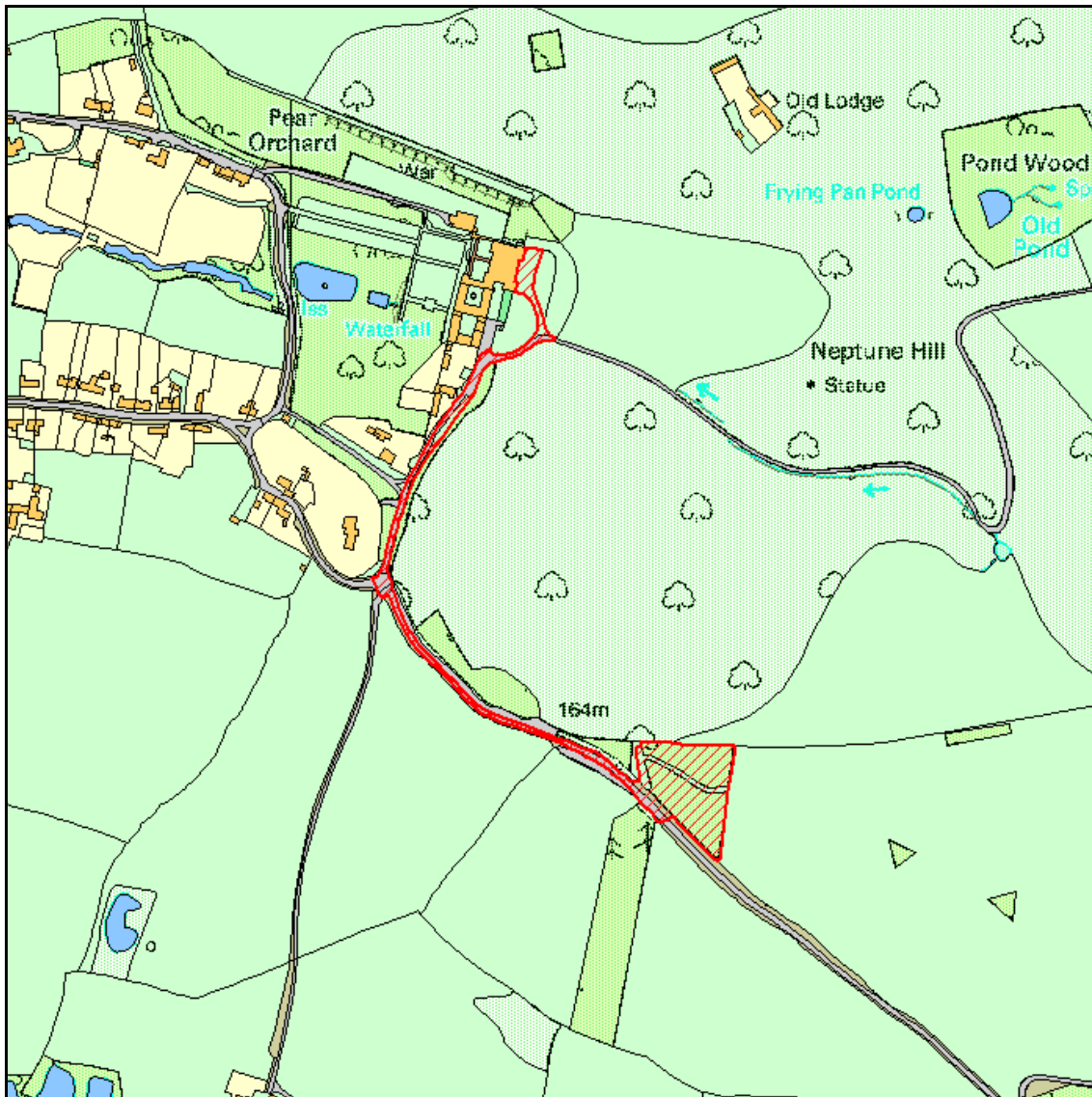
# CIRCULATED SCHEDULE 16 January 2015

ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
1	PK14/3342/F	Approve with Conditions	National Trust Dyrham Park Upper Street Dyrham Chippenham South	Boyd Valley	Dyrham And Hinton Parish Council
2	PK14/3887/CLP	Approve	Kimberley Cottage Hope Road Yate South Gloucestershire BS37 5JH	Frampton Cotterell	Iron Acton Parish Council
3	PK14/3954/F	Approve with Conditions	Lodge Farm Carsons Road Mangotsfield South Gloucestershire BS16 9LW	Siston	Siston Parish Council
4	PK14/4201/RV	Approve with Conditions	Barley Close Primary School Barley Close Mangotsfield South Gloucestershire BS16 9DL	Rodway	Mangotsfield Rural Parish Council
5	PK14/4239/AD	Approve with Conditions	129 - 133 Bath Road Longwell Green South Gloucestershire BS30 9DE	Longwell Green	Oldland Parish Council
6	PK14/4282/F	Approve with Conditions	60 Barrs Court Road Barrs Court South Gloucestershire BS30 8DH	Parkwall	Oldland Parish Council
7	PK14/4406/F	Approve with Conditions	Tanners Court Tanners Lane Marshfield Chippenham SN14 8BF	Boyd Valley	Marshfield Parish Council
8	PK14/4562/F	Approve with Conditions	Fair Acre Fishpool Hill Brentry South Gloucestershire BS10 6SW	Patchway	Almondsbury Parish Council
9	PK14/4572/F	Approve with Conditions	10 Harts Croft Yate South Gloucestershire BS37 7XE	Yate Central	Yate Town
10	PK14/4599/F	Approve with Conditions	49 Bye Mead Emersons Green South Gloucestershire BS16 7DL	Emersons	Mangotsfield Rural Parish Council
11	PK14/4622/CLE	Approve	Rear Of 31 High Street Warmley South Gloucestershire BS15 4NF	Siston	Siston Parish Council
12	PK14/4666/F	Approve with Conditions	17 Oakleigh Gardens Oldland Common South Gloucestershire BS30 6RJ	Bitton	Bitton Parish Council
13	PK14/4702/CLE	Approve without conditions	Hillcrest High Street Marshfield South Gloucestershire SN14 8JL	Boyd Valley	Marshfield Parish Council
14	PT14/0605/F	Approve with Conditions	Kingmor Swan Lane Winterbourne South Gloucestershire BS36 1RW	Winterbourne	Winterbourne Parish Council
15	PT14/1261/F	Approve with Conditions	Cromwell House The Street Olveston South Gloucestershire BS35 4DR	Severn	Olveston Parish Council
16	PT14/2027/LB	Approve with Conditions	Cromwell House The Street Olveston South Gloucestershire BS35 4DR	Severn	Olveston Parish Council
17	PT14/3134/F	Approve with Conditions	24 Church Road Stoke Gifford South Gloucestershire BS34 8QA	Frenchay And Stoke Park	Stoke Gifford Parish Council
18	PT14/3206/MW	Approve with Conditions	Berwick Farm Berwick Lane Hallen South Gloucestershire	Almondsbury	Almondsbury Parish Council
19	PT14/3637/O	Approve with Conditions	Land At Station Yard Hicks Common Road Winterbourne South Gloucestershire BS36 1EJ	Winterbourne	Winterbourne Parish Council

<b>ITEM NO.</b>	<b>APPLICATION NO</b>	<b>RECOMMENDATION</b>	<b>LOCATION</b>	<b>WARD</b>	<b>PARISH</b>
20	<b>PT14/4288/LB</b>	Refusal	Magnolia House The Walled Garden High Street Winterbourne South Gloucestershire BS36 1JQ	Winterbourne	Winterbourne Parish Council
21	<b>PT14/4522/F</b>	Approve with Conditions	4A Green Dragon Road Winterbourne BS36 1HF	Winterbourne	Winterbourne Parish Council
22	<b>PT14/4620/F</b>	Approve with Conditions	189 Ormonds Close Bradley Stoke South Gloucestershire BS32 0DU	Bradley Stoke North	Bradley Stoke Town Council
23	<b>PT14/4710/F</b>	Approve with Conditions	70A Church Road Winterbourne Down South Gloucestershire BS36 1BY	Winterbourne	Winterbourne Parish Council

CIRCULATED SCHEDULE NO. 03/15 – 16 JANUARY 2015

<b>App No.:</b> PK14/3342/F	<b>Applicant:</b> National Trust
<b>Site:</b> National Trust Dyrham Park Upper Street Dyrham Chippenham South Gloucestershire	<b>Date Reg:</b> 29th September 2014
<b>Proposal:</b> Erection of a biomass boiler with associated engineering operations and landscaping works.	<b>Parish:</b> Dyrham And Hinton Parish Council
<b>Map Ref:</b> 374178 175771	<b>Ward:</b> Boyd Valley
<b>Application Category:</b> Minor	<b>Target Date:</b> 20th November 2014



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100023410, 2014. N.T.S. PK14/3342/F

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

The application is referred to the Circulated Schedule as representations have been received objecting to the proposed development and because the development represents a departure from Green Belt policy.

Notice was served under Article 13 of The Town and Country Planning (Development Management Procedure) (England) Order 2010 on 14<sup>th</sup> November 2014 as a departure from the Development Plan with the associated advert expiring 5<sup>th</sup> December 2014.

### **1. THE PROPOSAL**

- 1.1 The application seeks permission for the erection of a biomass boiler with associated engineering operations to facilitate the installation of the heat main pipe, and associated landscaping.
- 1.2 The application site consists of a parcel of grassed land situated on the north side of Sands Hill, located within and on the southern side of the Dyrham Park estate. The site falls within the Grade II\* listed park, and within the curtilage of the Grade I listed Dyrham Park mansion.
- 1.3 The site is situated within the open countryside, falling within the adopted Bath/Bristol Green Belt and the Cotswolds Area of Outstanding Natural Beauty. A public right of way runs through the development site.
- 1.4 During the course of the application revised plans have been submitted to amend the development site to include the route of the heat main pipe. Revised plans have also been submitted in relation to proposed landscaping details and tree protection. Additional supporting information has also been submitted including the applicant's case for very special circumstances, an addendum to the Arboricultural report, and biomass boiler information.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
National Planning Policy Framework March 2012  
National Planning Practice Guidance 2014  
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
- CS3 Renewable and Low Carbon Energy Generation
- 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 Protection and Enhancement
- L2 Cotswolds AONB
- L8 Sites of Regional and Local Nature Conservation Interest
- L9 Protected Species
- L10 Historic Parks and Gardens and Battlefields
- L11 Archaeology
- L13 Listed Buildings
- T12 Transportation Development Control Policy

2.3 Supplementary Planning Guidance

- South Gloucestershire Design Checklist SPD (Adopted) 2007
- Development in the Green Belt SPD (Adopted) 2007
- Renewables SPD (Adopted) November 2014
- Revised Landscape Character Assessment SPD (Adopted) November 2014

**3. RELEVANT PLANNING HISTORY**

- 3.1 There is no planning history on the site directly relevant to the proposed biomass boiler.

**4. CONSULTATION RESPONSES**

4.1 Dyrham and Hinton Parish Council

The real worry is the mature trees (which should be protected by a Preservation order as they are in an AONB) and as they are on the edge of a parishioner's property could be badly damaged when installing the pipe line. We are led to understand that the distance from the base of the tree to the base of the National Trust Wall is about 9m

4.2 Conservation Officer

The proposal to install a new biomass boiler at the Jazz Gate entrance into the registered parkland setting of Dyrham Park is acceptable in principle, subject to clarification of the proposed heat main route and details of additional planting to the north of the boiler. Details of the physical alterations to the building required to connect the heat main to the heating system (and any alterations thereof) will need to be submitted and agreed via a separate application for listed building consent. If the above can be resolved satisfactorily, I'd recommend conditions securing samples of external cladding materials and external paint colours. Samples of the external surfacing materials may also be conditioned.

4.3 English Heritage

The proposed location for the biomass boiler is within the registered park along its southern boundary, and has been discussed at pre-application stage. We have agreed that this location is less sensitive than other potential sites and the siting of the boiler here would have only a minimal impact upon the wider park. We therefore raise no objection to this location.

The design and layout of the boiler site and building are functional and we consider this approach appropriate. We note the intention to route the services

from the site to the house via the highway on Sands Hill, which we have previously supported. The Design and Access Statement also states that an alternative route through the park is being considered if necessary. We have previously commented that this route through the park has the potential to disturb significant archaeology as well as cutting across the landscape, and we would strongly advise against the use of this route.

4.4 Archaeology/ Historic Environment Comments (JME Conservation Ltd)

I take the view that the impacts of the proposals upon the historic landscape of the park and the adjacent archaeology along the scarp are sufficiently limited that provision of additional screen planting would address these concerns, and I am content that this is a matter that can be addressed by the Councils landscape and conservation officers.

I take the view that the risks of undisturbed archaeology of national importance being revealed are slight and that prior evaluation of the route before the current application is determined would not be required. It is however likely that some archaeology will be revealed during the excavation of the service trench. I am happy that this eventuality can best be dealt with by condition and suggest that a condition requiring the undertaking of an archaeological watching brief during the ground disturbance would be an appropriate response.

4.5 Landscape Architect

The planting proposals on dwg 202 (Rev.C) is satisfactory, the only additional information we would need is clarification that spiral rabbit guards will be used and a five year maintenance schedule. This could be shown on the plan and is essentially to confirm that the new plants will be kept weed free by the application of herbicide for the first five years and that any plants which die will be replaced.

4.6 Tree Officer

22/10: Although the majority of the required Arboricultural information is contained in various reports and plans, it would be helpful to have Tree Protection Plans for the areas between the road and the house and the road and the boiler house. I would like to see the amendment to the note in 5.11 of the Arboricultural Report included on these plans. There is no Arboricultural objection to the proposal subject to the provision and approval of the these plans.

4.7 Drainage

No objection subject to SUDs.

4.8 Environmental Protection

The information supplied for the proposed biomass plant (Herz Firematic FM199) has been assessed and it is considered unlikely that there will be any significant impacts arising from the boiler operation as no exceedences of the relevant air quality objectives are predicted using the Defra Biomass Boiler Screening Tool. It is noted that the biomass boiler is replacing an oil-fired system. Evidence to demonstrate the biomass boiler is exempt under the Clean Air Act 1993 has been provided.



Consequently, there is no basis to object to the proposed development in terms of air quality.

However, it is noted that the proposed biomass boiler is sized to supply the current heat load but that there is space to allow the future addition of a second biomass boiler should additional load be added to the heating system. Should these circumstances arise, the technical details of the additional biomass boiler(s) should be provided, the cumulative impact on local air quality assessed and the information submitted to the council prior to installation of the additional boiler(s). It is recommended that a condition is added to this effect.

## **Other Representations**

### 4.9 Local Residents

Two letters have been received from a local resident outlining the following concerns:

- The proposed route of the pipeline from the biomass boiler passes within 5 metres of my property. Along the edge of my property are 4 mature beech trees, which I am anxious to protect.
- I have followed this up with the NT, and have been told that they will hand dig (no JCBs or similar) under specialist supervision, and protect all exposed roots >50mm in diameter.
- These trees are irreplaceable on any sensible timescale, and I am very keen to protect them. I am therefore asking that a requirement of this development be made that hand digging will be used under supervision along the side entrance to the NT property.
- I would also like to understand how well the pipes will be lagged once they are in position. I do not want root damage to be caused by touching scalding hot pipes.

## **5. ANALYSIS OF PROPOSAL**

### 5.1 Principle of Development

The application seeks permission for the erection of a biomass boiler with associated engineering operations to facilitate the installation of the main heat pipe. The site falls within the adopted Bath/ Bristol Green Belt and as such the principle of the development stands to be assessed against paragraphs 89 and 90 of the NPPF. Paragraph 89 states the Local Planning Authorities should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are listed under paragraph 89. Paragraph 90 of the NPPF states that certain other forms of development are also not inappropriate provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in it. Amongst other types of development engineering operations has been identified as one of these certain other forms of development.

- 5.2 Policy CS3 of the South Gloucestershire Local Plan Core Strategy (Adopted) 2013 and the South Gloucestershire Renewables SPD (Adopted) November 2014 make it clear that renewable or low carbon energy installations will not be supported in areas covered by national designations and areas of local

landscape value unless they do not individually or cumulatively compromise the objectives of the designations especially with regard to landscape character, visual impact and residential amenity.

### 5.3 Green Belt

The proposed biomass boiler would result in the erection of a new building in the Green Belt not falling within any of the exceptions of development listed in paragraph 89. The principle of the proposed new building is therefore unacceptable and should not be approved except in very special circumstances. The proposed engineering operations to facilitate the main heat pipe would fall under paragraph 90 of the NPPF and as such the principle of this part of the development is acceptable provided it would preserve the openness of the Green Belt. In terms of the engineering operation the proposal is to excavate into the highway in order to install the pipe. The excavated area would then be reinstated and as such the visual impact following it would be very minimal. It is therefore considered that the engineering operations would not conflict with the purpose of including the land in the Green Belt and would continue to preserve the openness of the Green Belt.

### 5.4 Case for Very Special Circumstances

When considering an application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. The Council's Development in the Green Belt SPD (Adopted 2007) provides some guidance on assessing cases for very special circumstances stating: *"Circumstances that are accepted as being "very special" are very rare, but will usually involve a specific judgement being made that no other option is available in light of the unique circumstances and individual case. The circumstances are not common and are unique 'one offs'".*

### 5.5 In support of the development the applicant has submitted a case for very special circumstances. The case is summarised as follows:

- The 'Jazz Gate' site has been selected following careful considerations of the potential impact on the house's historic, architectural and visitor experience value, it was the decision of both the National Trust and South-Gloucestershire Planning to pursue the Jazz Gate site.
- Advice was sought as to how best screen the building from the estate and preserve the openness of the green belt by minimising its visual impact. To that end the building, which is already of long low linear form, will be clad in timber and additional planting to match the existing young woodland will also be implemented. Consideration has also been given to the hard landscaping. Grasscrete has been selected.
- The Dyrham Park Estate is a major asset of the National Trust. The estate as a whole is visited by 165,000 people per year, with half that number also touring the house. 285 staff and volunteers work on site and there are also 5 permanent tenants of which 3 are Trust staff members and 2 private individuals.
- Due to the need to preserve the historic significance of the Dyrham Park Mansion, the National Trust will as part of the wider Dyrham Project shortly

be upgrading the heating system to humidity controlled conservation heating. The energy demand of the new system will be greater than the current system of energy production can provide. The current demand of 400,000kw/hr pa will rise to 600,000kw/hr pa when the house is upgraded and tenanted flats disconnected from the current electric night storage heaters. The overall heating demand of the house will therefore be high and constant.

- The house is currently served by an antiquated oil fired system and Dyrham's fuel consumption represents 2% of the National Trust's overall national oil usage which would increase to 3% once conservation heating is installed. Not only is the fuel storage a significant environmental, conservation and fire risk, it is tied to unsustainable fossil fuel consumption. It is imperative therefore that the reliance on fossil fuels is reduced as substantially as possible, a criteria which the proposed development meets.
- The Biomass Plant is a renewable energy production facility. Under paragraph 91 of the NPPF an example of a 'very special circumstance' in which a renewable energy project in a green belt can be appropriate development is due to the 'wider environmental benefits associated with increased production of energy from renewable sources'. The house's direct fossil fuel consumption will be significantly reduced by virtue of this development and the site's renewable energy production will increase from virtually nothing to 600,000kw/hr pa (the equivalent of heating 40 homes).
- The development demonstrates and reinforces the National Trust's position as a foremost proponent of renewable energy in the UK. The National Trust's regional and national commitment to renewable energy production is seen clearly in the Trust's 'Grow Your Own' policy. The most fundamental of these details is the Trust's commitment to reduce the use of fossil fuels by 50% by 2020.
- Further to this is the Trust's desire to become self-sufficient and produce their own wood fuel for heat and electricity. This led to the specification of a wood chip fired boiler as opposed to a pellet system which also influences the proposed location of the biomass boiler. This development is driven by these environmentally conscious desires and commitments and proves that the wider environmental benefits are of such substance as to mitigate the negligible impact of the development on the green belt.
- For the reasons outlined above, pursuant to Section 9, paragraphs 87 and 88, of the NPPF, the development is not considered harmful to the greenbelt and any potential harm is far outweighed by the considerations, among others, of increased renewable energy production, and mitigation of any impact on the setting of this nationally important historic site

5.6 From the summary of the applicant's case for very special circumstances it is considered that the matter which is unique to this site is the need to preserve the historic significance of the Grade I listed mansion. The applicant advises that the National Trust will as part of the wider Dyrham Project shortly be upgrading the heating system to humidity controlled conservation heating. The energy demand of the new system will be greater than the current system of energy production can provide. The current demand of 400,000kw/hr pa will rise to 600,000kw/hr pa when the house is upgraded and tenanted flats disconnected from the current electric night storage heaters. The overall heating demand of the house will therefore be high and constant. It is further

advised that the house is currently served by an antiquated oil fired system and Dyrham's fuel consumption represents 2% of the National Trust's overall national oil usage which would increase to 3% once conservation heating is installed. The applicant advises that not only is the fuel storage a significant environmental, conservation and fire risk; it is tied to unsustainable fossil fuel consumption. The applicant advises therefore that it is imperative that the reliance on fossil fuels is reduced as substantially as possible, a criteria which the proposed development meets.

- 5.7 In consideration of the above weight is afforded to the applicant's case that an upgrade in the Mansion's heating system is required to enable the long term and continued maintenance and preservation of the listed building, which is Grade I listed and therefore of the highest significance. Under Sections 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, the Council has a statutory duty to have special regard to the desirability of preserving listed buildings and their setting. Weight is also afforded to the fact that the proposed development for a biomass boiler would reduce the building's reliance on fossil fuel consumption which would in turn have wider long terms environmental benefits, consistent with paragraph 91 of the NPPF.
- 5.8 In terms of the design and siting of the building it is noted that the development site has been selected following detailed analysis and investigation of alternative sites including a location adjacent to the mansion in an existing car park which would have a lesser impact on the openness of the Green Belt. The development site has been selected as the best solution for the significance of the heritage assets and this is supported by Council Officers. The design of the building has also been given careful consideration with a simple modest modular building finished in timber cladding, and with additional landscaping and screening. The Council is satisfied that all reasonable attempts have been made to consider alternative options and, in the interests of the historic and natural environment, the chosen site is the supported option.
- 5.9 In reaching an overall balance, whilst substantial weight has been given to the inappropriate nature of the development in the Green Belt, in the unique circumstances of the site Officers afford greater weight to the benefits of the development for the long term preservation of the Grade I listed building which is a heritage asset of the highest significance and for which the Council has a statutory duty to have special regard. Weight has also been afforded to the reduced reliance on fossil fuels and wider environmental benefits this would have. It is considered that the applicant's case represents a very special circumstance which, when read alongside the special attention to the siting and design of the building, outweighs the harm to the Green Belt which this development would have.
- 5.10 Heritage Assets  
This application proposes the installation of a biomass boiler at Dyrham Park, and has been the subject of considerable pre-application discussion. Dyrham House and Church are listed at grade I, and the Park is registered at grade II\*. The whole site is a heritage asset of the highest significance. The proposed location for the biomass boiler is within the registered park along its southern boundary, and has been discussed at length at the pre-application stage during

which alternative locations around the site were investigated and discounted due to the greater impact on the setting of the listed buildings or the character and appearance of the registered park and garden.

- 5.11 The preferred site sits on the higher ridge to the south of Dyrham Park, in an area that is used as a service entrance into the parkland and that is well screened by existing trees and planting. The site is not seen from any of the highly sensitive viewpoints within the parkland, and is entirely hidden from the area around the house by the topography of the area. The chosen site is supported both by Council Officers and English Heritage. Whilst the Design and Access Statement refers to two options for the route of the main heat pipe the plans indicate that it would be along the highway. This is the option which is supported by Officers due to the potential harm the alternative option could have on the parkland and buried archaeology.
- 5.12 The design of the building has also been discussed at length at the pre-application stage, and a simple, utilitarian modular system has been agreed as the most appropriate for the site, given its very functional nature and as a way of keeping the scale of the building down. Therefore, subject to the final materials of the building being agreed by condition, there are no objections to the design of the building in terms of heritage conservation. The listed wall which is to the southern boundary of the site would not be affected by the proposed development with the existing access being utilised.
- 5.13 Archaeology  
It is proposed to “rake through” the ground to produce a level surface and to build up the ground where tree roots might be affected. As a consequence it is considered that archaeological impacts will be limited to compaction of any underlying archaeological material and the direct impacts of excavation of the service trench for the heating pipes from the site and down Sands Hill before returning into the Hall grounds.
- 5.14 Whilst it would be usual to require trial trenching to ascertain the nature and extent of surviving archaeological remains within this archaeologically sensitive area, the heritage consultant takes the view that the depth of the cut already worn down by the road as it runs down the scarp slope is such that any archaeological remains on this line are likely to have been severely truncated, and in any event trial excavation on the line of the road would be difficult to undertake.
- 5.15 It is further noted that there have been previous investigations within the area to the east of the house where the pipework terminates, and it is understood that these did not produce remains of national importance. As a consequence the view is taken that the risks of undisturbed archaeology of national importance being revealed are slight and that prior evaluation of the route before the current application is determined would not be required.
- 5.16 It is however likely that some archaeology will be revealed during the excavation of the service trench. The Heritage Consultant is satisfied that this eventuality can best be dealt with by condition and suggests that a condition requiring the undertaking of an archaeological watching brief during the ground disturbance

would be an appropriate response. There are therefore no objections to the development subject to this condition.

5.17 Landscape Impact

The application site is situated within the open countryside on the north side of Sands Hill falling within the Cotswold's Area of Outstanding Natural Beauty. Whilst the proposed location of the boiler is well concealed by planting up and down the slope, north and south views are more open. The boiler would be visible in views from Sands Hill and from the immediate area of the Park to the North of the deer fence. It would not be highly visible from the adjacent public footpath that passes through the planting to the east due to the existing established vegetation in this area.

5.18 Revised plans have been received in response to the Landscape Officer comments in order to provide more detail on the proposed landscaping in the strip directly to the north of the new building. The plan shows that to the north of the building shrub layers are to be retained and pruned to allow quick regrowth. Additional planting to screen the building from the parkland is proposed to include an equal mix of dogwood, field maple, thorn and holly. The proposal is to plant whips between 600-800mm with a 1+1 density of 1 per m<sup>2</sup> planted in staggered pattern. This planting will develop scrub as per the adjacent Whitefield Copse. The planting to the east of the building consists of field maple, comus, ash, sycamore and beech in addition to areas of scrub. As part of the estate's woodland management this whole copse is to be thinned as the estate's trees are poor or have been damaged by squirrels. As such the copse will regrow quickly to screen the biomass plant building. This planting will then be consolidated with additional field maple, comus and hazel along with thorn and holly.

5.19 In terms of the design of the building a simple modular building has been selected which would be timber clad in order to be more in keeping with the landscaped character of the site. The proposed landscaping described above would help to screen the building from the adjacent park to the north and the historic significance of it. The building would continue to be visible from the highway however its scale and design has been kept to a minimum and as such it is not considered that it would significantly detract from visual amenity, or from the natural beauty of the AONB. The proposed engineering would facilitate the installation of a pipe under the highway and as such would not have a noticeable impact on landscape character following completion. The route of the heat main pipe is supported above alternative options due to the potential significant impact alternative options could have on landscape character (e.g. through the park).

5.20 Overall it is considered that the development meets the design guidelines set out within the Renewables SPD (Adopted 2014), policies CS1, CS3 and CS9 of the Core Strategy, and policy L1 of the Local Plan. Therefore, subject to the implementation of the landscaping proposals, and subject to the submission of a five year maintenance schedule, there are no objections to the development on the grounds of visual amenity. It is also considered necessary to apply a suitably worded condition to ensure that the building is removed from the land

and the land restored within 6 months of the cessation of the operation of the facility, to prevent dereliction and to protect the character of the landscape.

#### 5.21 Trees

The application is supported by an arboricultural report and the comments annotated from it onto the “Sands Hill Heat Main Route Proposed” drawing no.201 and the “Biomass Plant Site Layout” drawing no.202 covers the main Arboricultural issues with the installation of the boiler and the associated works. An amendment to the report was received on 4<sup>th</sup> November 2014 in order to revise paragraph 5.11 (any roots exposed over 25 mm diameter should be assessed by the arborist prior to removal as thought necessary). Additional Tree Protection Plans and an addendum to the arboricultural plans have also been submitted which relate to 2 veteran London plane trees. Exploratory trenches have also been undertaken for the beech trees close to Sands Hill House and the Council’s Tree Officer has confirmed that no roots of any size were found in the trench.

5.22 It is considered that installing the pipe in the road will result in minimal root/tree disruption with the two ends of the trench, from the road to the house and from the road to the boiler house representing the areas of greatest concern. The arboricultural report sets out recommendations for the protection of the trees throughout the duration of the development including the installation of protective fencing, no dig design, and no digging within the root protection areas. The report recommends periodic visits by an appointed arboriculturalist throughout the duration of the development and visits prior to and on completion of development. Provided development is undertaken in accordance with these recommendations it is considered that all necessary measures to protect the retained trees would be undertaken.

5.23 In terms of trees for removal it is considered that the removal of the trees within W5 is acceptable as these are younger trees and their removal will enable greater screening of the boiler building.

#### 5.24 Ecology

The site consists of an area of semi-natural habitat adjacent to Sands Hill Road, 0.1ha in size, with three potential pipeline routes, two running through the estate and one along the road. The site is designated as a Site of Nature Conservation Interest under the South Gloucestershire Local Plan. An Ecology Appraisal has been provided (Just Ecology, dated August 2014) with findings as follows:-

- Semi-natural habitat - UK Biodiversity Action Plan Habitats wood pasture and parkland, lowland calcareous grassland, broad-leaved woodland and ponds;
- Great crested newts – fully protected under the Wildlife and Countryside Act 1981 (as amended);
- Bat roosting/foraging habitat – no trees for removal had bat roost potential and removal of small amount of woodland not considered significant;
- Reptiles – partial protection under the Wildlife and Countryside Act 1981 (as amended);

- Potential for nesting birds - protection under the Wildlife and Countryside Act 1981 (as amended).

5.25 The ecology report identifies three options for the proposed heat main route however the application and associated plans confirms that the intention is to choose the route down Sands Hill Lane (option 2). The ecology report identified the development constraints (as listed above) and further provides recommendations in respect of these. It is considered that the heat main pipe route option chosen would have negligible ecological impact. The biomass boiler building is also unlikely to have an adverse ecological impact. There are therefore no objections on these grounds provided the development is carried out in strict accordance with the recommendations contained within Section 5 'Development Constraints and Recommendations', of the Ecology Appraisal by Just Ecology, dated August 2014. In addition the Ecology Officer recommends that a Toolbox Talk for reptiles and amphibians is delivered to the contractors by a qualified and experienced ecologist at the start of works.

5.26 Environmental Protection/ Air Quality

The applicant has during the course of the application submitted additional details on the proposed biomass boiler. The Council's Environmental Protection Team has assessed the information submitted and confirms that the biomass boiler (Herz Firematic FM199) detailed in the information received 5<sup>th</sup> January 2015 is satisfactory and it is considered unlikely that there will be any significant impacts arising from the boiler operation as no exceedences of the relevant air quality objectives are predicted using the Defra Biomass Boiler Screening Tool. It is noted that the biomass boiler is replacing an oil-fired system. Evidence to demonstrate the biomass boiler is exempt under the Clean Air Act 1993 has been provided.

5.27 However, it is noted that the proposed biomass boiler is sized to supply the current heat load but that there is space to allow the future addition of a second biomass boiler should additional load be added to the heating system. Should these circumstances arise, the technical details of the additional biomass boiler(s) should be provided, the cumulative impact on local air quality assessed and the information submitted to the council prior to installation of the additional boiler(s). It is recommended that a condition is added to this effect to ensure that any future installations are controlled in the interests of air quality.

5.28 Residential Amenity

The application site is situated an appreciable distance from the nearest residential dwelling and as such it is not considered that the biomass boiler plant would have any adverse impact on residential amenity in terms of noise or smell. The engineering operations required to install the heat main pipe would run to the east of the nearest dwellings though it is noted that any disruption would be temporary. A construction hours condition is not considered necessary in this instance due to the distance of the development from the nearest neighbouring occupiers.

5.29 Transport

The application site is situated on the north side of Sands Hill, which is a minor unclassified country lane currently subject to a weight restriction. Although this



lane is of a low standard the applicant has demonstrated that adequate visibility is available along it from the existing site access. In addition, the applicant has indicated that a delivery vehicle will only visit the boiler unit once every two weeks and will use a designated access route directly from the A46 to reach the site rather than travel via Dyrham Village as detailed in section 5.3 of the Design and Access Statement. It is considered that provided deliveries are carried out in accordance with the Delivery Access explanation detailed in paragraph 5.3 of the D&A statement, which can be secured by a condition, the development would not give rise to an adverse impact on highway safety.

5.30 In terms of traffic movements the Council have considered the vehicular movements associated with the biomass boiler and offset these against those related to the existing oil-fired heating system. In this respect it is not considered that the development would give rise to a material increase in local traffic movement patterns. There are therefore no objections on these grounds.

5.31 Public Rights of Way

The proposed development is very close to footpath LDH36 that runs from Sands Hill in a generally north easterly then easterly direction across the park. The entrance to the footpath is approximately 29 metres from the proposed entrance to the site with pedestrians accessing the footpath from the same part of the lane that the delivery lorries would be using. Although the Council is assured that the development would have a minimal impact on this right of way it is noted that the development may affect the footpath. The applicant is advised of the limitations regarding the public right of way by way of an informative.

## 6. CONCLUSION

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

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

## 7. RECOMMENDATION

7.1 That the application is APPROVED subject to the following conditions:

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

## **CONDITIONS**

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

### Reason

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

2. Prior to the erection of the biomass plant hereby approved details and samples of all external facing materials (including paint colours) and external surfacing proposed to be used shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

### Reason

To ensure a satisfactory standard of external appearance in the interests of protecting the setting of the heritage assets and the character of the landscape, to accord with policies CS1, CS3 and CS9 of the South Gloucestershire Local Plan Core Strategy (Adopted) 2013, saved policies L1, L2 and L13 of the South Gloucestershire Local Plan (Adopted) 2006, the SGC Renewables SPD (Adopted) 2014 and the provisions of the National Planning Policy Framework 2012

3. The developer shall appoint an archaeological contractor not less than three weeks prior to the commencement of any ground disturbance on site, and shall afford him or other archaeologist nominated by the Local Planning Authority access at all reasonable times in order to observe the excavations and record archaeological remains uncovered during the work. This work is to be carried out in strict accordance with the 'Brief for a Programme of Archaeological Work' dated Tuesday 20th October 2014.

### Reason

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

4. All landscaping works shall be carried out in accordance with drawing no. 202 Rev.C received by the Council on 25th November 2014. The landscaping works shall be carried out in the first planting season following the implementation of the development hereby approved.

### Reason

In the interests of protecting the setting of the heritage assets and the character of the landscape, to accord with policies CS1, CS3 and CS9 of the South Gloucestershire Local Plan Core Strategy (Adopted) 2013, saved policies L1, L2 and L13 of the South Gloucestershire Local Plan (Adopted) 2006, the SGC Renewables SPD (Adopted) 2014, and the provisions of the National Planning Policy Framework 2012

5. Prior to the erection of the biomass plant hereby approved a schedule of landscape maintenance for a minimum period of 5 years shall be submitted to the Local Planning Authority for approval. The schedule shall include details of the arrangements for its

implementation. Development shall be carried out in accordance with the approved schedule.

Reason

In the interests of protecting the setting of the heritage assets and the character of the landscape, to accord with policies CS1, CS3 and CS9 of the South Gloucestershire Local Plan Core Strategy (Adopted) 2013, saved policies L1, L2 and L13 of the South Gloucestershire Local Plan (Adopted) 2006, the SGC Renewables SPD (Adopted) 2014, and the provisions of the National Planning Policy Framework 2012

6. The development shall be carried out in strict accordance with the following:
  - (a) 'Report on an Arboricultural Implications Assessment and Tree Protection Plan and Arboricultural Method Statement' dated August 2014 received by the Council on 4th November 2014;
  - (b) Addendum to the Arboricultural Implications Dated 5 August 2014' dated November 2014 received by the Council on 19th November 2014;
  - (c) Tree Protection Plan dated Nov 2014 received by the Council on 19th November 2014

Reason

In the interests of the long term health and visual amenity of the tress, to accord with policies CS1 CS9 of the South Gloucestershire Local Plan Core Strategy (Adopted) 2013 and saved policy L1 of the South Gloucestershire Local Plan (Adopted) 2006,

7. The development shall be carried out in strict accordance with Section 5 'Development Constraints and Recommendations', of the Ecology Appraisal by Just Ecology, dated August 2014. In addition a Toolbox Talk for reptiles and amphibians shall be delivered to the contractors by a qualified and experienced ecologist on commencement of the development.

Reason

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

8. Deliveries to and from the biomass plant hereby approved shall be carried out in accordance with section 5.3 'Delivery Access' of the Design and Access Statement dated August 2014 received by the Council on 15th September 2014

Reason

In the interests of highway safety and the amenity of the nearest residents, and to accord with saved policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006, and policy CS8 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013

9. Within six months of the cessation of the operation of the biomass plant hereby approved the building hereby permitted shall be removed and the land restored to its former condition in accordance with a scheme of work submitted to and approved in writing by the Local Planning Authority.

Reason

To prevent the accumulation of derelict buildings and to protect the setting of the heritage assets and character of the landscape, to accord with policies CS1, CS3 and CS9 of the South Gloucestershire Local Plan Core Strategy (Adopted) 2013, saved policies L1, L2 and L13 of the South Gloucestershire Local Plan (Adopted) 2006, the SGC Renewables SPD (Adopted) 2014, and the provisions of the National Planning Policy Framework 2012

10. The biomass boiler installed within the plant hereby approved shall be carried out in accordance with the updated Biomass Environmental Protection Information Request (Herz Firematic FM199) and associated documentation received by the Local Planning Authority on 5th January 2015. Any variation from this shall not be installed until full details have been submitted to and approved in writing by the Local Planning Authority with the installation subsequently being carried out in accordance with the approved details

Reason

In the interests of air quality, to protect the environment and nearby residents from pollution and to accord with policy CS9 of the South Gloucestershire Local Plan Core Strategy (Adopted) 2013

**CIRCULATED SCHEDULE NO. 03/15 – 16 JANUARY 2015**

<b>App No.:</b>	PK14/3887/CLP	<b>Applicant:</b>	Mr M Fitzell
<b>Site:</b>	Kimberley Cottage Hope Road Yate Bristol South Gloucestershire BS37 5JH	<b>Date Reg:</b>	4th November 2014
<b>Proposal:</b>	Application for a certificate of lawfulness for the proposed conversion of an existing single storey outbuilding to a residential annex ancillary to the main dwelling.	<b>Parish:</b>	Iron Acton Parish Council
<b>Map Ref:</b>	369112 182512	<b>Ward:</b>	Frampton Cotterell
<b>Application Category:</b>		<b>Target Date:</b>	25th December 2014



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 100023410, 2014. N.T.S. PK14/3887/CLP



*The site is located within the Bristol/Bath Green Belt and the proposal does not fall within the limited categories of development normally considered appropriate within the Green Belt. This is because the cumulative volume of the existing and proposed extensions would result in a disproportionate addition over and above the size of the original building. The applicant has not demonstrated that very special circumstances apply such that the normal presumption against development within the Green Belt should be overridden. The proposal is therefore contrary to the provisions of NPPF (2012) and the South Gloucestershire SPD: Green Belt (Adopted) 2007.*

- 3.2 PK02/3398/F Approve with Conditions 17/12/2002  
*Erection of two storey side extension to form kitchen, utility and shower room with bedroom, ensuite and study.*

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

##### **4.1 Iron Acton Parish Council**

Object, the proposal represents inappropriate development on the green belt and there are concerns regarding existing planning enforcement breaches.

##### **Highway Drainage**

No comment.

##### **Councillor**

None received.

#### **Other Representations**

##### **4.2 Local Residents**

Four letters of objection have been received from local residents, there comments are reflected below:

- There is no party wall to my [occupier of Winshill, Nibley Lane] outbuildings – it was just a lean-to before Mr Fitzell started extending it;
- Does not blend in with the surrounding area and the building can be seen from Hope Road and Nibley Lane;
- The roof on the side facing the Winshill property is said to be dangerous by the applicant and needs to be rebuilt;
- The proposed rooflights overlooking my property would overlook Winshill and represent an invasion of privacy;
- The roof was extended approximately 2 years ago – photographs were submitted to demonstrate this;
- Building is not lawful:
  - 2004 the building was a basic shed, between 2004 and 2006 a pitched roof and dormer windows were added to shed;
- The building is not single storey;
- The building is not permitted development;
- Loss of privacy to occupiers of The Croft, Hope Road (adjacent attached dwelling);

- Overdevelopment of the site, especially in the Green Belt;
- The materials used are not in keeping with the area;
- Highways issues – traffic will be generated by the proposal and also there are parking shortages;
- The plans and application form submitted by FirstFox architects are misleading.

One neutral letter comment has been received from a neighbour who made the following comments:

- The property was not built with suitable foundations and the building is in a poor state of repair, therefore it is questionable how suitable the conversion of such a building would be for living in;
- No dimensions were added to the plan;
- No heating, drainage or ventilation etc. has been included in the proposal, this is concerning due to the proximity to the neighbour's property;
- There are/will be oil storage tanks situated in close proximity to both the side and rear of the proposed development;
- The area is within the green belt, are conversions of this kind allowed under green belt policy.

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

- 5.1 Existing Barn Plan and Elevations (AD(0) 100); Proposed Barn Annexe Plan and Elevations (AD(0) 110); and Proposed Site Location Plan (AD(0) 130); Lawfulness of building letter.

## **6. EVALUATION**

### **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 Within this report there are three matters which must be addressed and will follow below. Firstly, the report must address the lawfulness of the existing outbuilding; secondly if the proposal represents a material change of use and finally, if the proposed alterations constitute an alteration which materially affects the external appearance of the building. As expressed above, this application is purely an evidential test to determine if the proposed use is lawful, therefore, concerns regarding: privacy; visual amenity; traffic pressures; or planning policy such as Green Belt, do not form part of the assessment under this application.



6.3 Lawfulness of the existing building

There is no planning history to suggest this outbuilding ever benefited from planning permission, and the building is contrary to the criteria outlined within Schedule 2, Part 1, Class E of the GPDO (As Amended) 1995 and is therefore considered not to be permitted development. If the building is not considered to be lawful, then this certificate of lawfulness would be refused. However, the applicant has made the case that the building has been substantially complete and in situ for a continuous period of more than four years.

- 6.4 Guidance contained in the Planning Practice Guidance states that in the case of application for existing use, if a Local Planning Authority has no evidence itself, or from others, to contradict or otherwise make the applicant's version of events less than probably, there is no good reason to refuse the application, provided the applicant's evidence alone is sufficiently precise and unambiguous to justify the grant of a certificate on the balance of probability. Therefore, the Local Planning Authority must be convinced that on the balance of probability the existing outbuilding has been in situ for a continuous period of four or more years.
- 6.5 Conflicting evidence has been submitted by the applicant and also local residents with regard to the built form of the building and how long it has been in situ for. Photographs have been submitted by an objector that demonstrates operational development occurring between the period of 2004 and 2006; this does not support their argument that the building is not lawful as this was more than four years ago. This section of the report needs to identify if the building has been in situ, as it stands today, since the 30/10/2010.
- 6.6 The applicant has submitted an un-sworn statement stating the roof of the outbuilding has not been altered since the springtime in 2009/2010, supporting that the building has been in situ since the 30/10/2010. However, this document does not meet the criteria of a sworn statement as only the applicants have signed this document, and consequently attracts limited weight in this application for a certificate of lawfulness.
- 6.7 A neighbour has also submitted conflicting un-sworn statement, supported by photographs alleging that the roof of the existing building has been altered in the past two years; however, these photographs are inconclusive as they are not dated appropriately, and therefore are not considered to attract significant weight in this discretionary process.
- 6.8 The officer has performed their own investigation into the lawfulness of the existing building through reviewing the Council's evidential base and also any aerial photographs available. Through viewing 'Google Street View', in 2009 the northern roof elevation is materially different to what is today; this is reflected in the submitted plans and what the officer viewed when on a site visit. Crucially, this does not prove operational development has occurred to the building since 30/10/2010, significantly there has been no conclusive evidence submitted to support this.

- 6.9 The officer could find no evidence to suggest that the external appearance of the building has been altered since 30/10/2010, and the submitted images are not considered to meet the required standards which submitted evidence must have. Accordingly, it is concluded that on the balance of probability, the existing outbuilding has been in situ for a period exceeding more than 4 years.
- 6.10 Change of Use  
This application seeks confirmation that the alterations and subsequent use of the existing building as an annexe would be lawful. The key issue to resolve within this section is to establish whether the use of the building as a residential annexe would require planning permission.
- 6.11 In terms of determining whether the proposal represents a material change of use, which constitutes development, paragraph 011 of the Planning Practice Guidance (PPG) sets out that the judgement is a matter of fact and degree to be determined in each case. There will be no material change of use to the planning unit as the annexe will remain ancillary to the existing dwelling. For the proposed annexe to be considered a separate planning unit, it must contain the following: normal facilities for cooking, eating and sleeping associated with a dwelling; and is occupied as a single household.
- 6.12 In this application the plans demonstrate that the proposal would struggle to function as a self-contained 'annexe', due to the scale and lack of living space, for example, the bedroom, lounge and kitchen are one room measuring less than 20 square metres. Although, some objectors have noted there is a second story to the outbuilding, and also stairs within the building, this is not demonstrated on the plans. Accordingly, the proposal is judged to not represent a separate planning unit.
- 6.13 It should also be highlighted that even if a second storey was used within the outbuilding, and the outbuilding was being used as a self-contained annexe separate to the main dwelling, there is case law which suggests a self-contained 'annexe' does not represent a separate planning unit. Namely, although a matter of fact and degree, the case of Uttlesford District Council v Secretary of State for the Environment and White (1992) established that the use of an outbuilding in the curtilage of an existing dwellinghouse for self-contained living does not constitute a separate planning unit and accordingly not a material change of use.
- 6.14 In addition to this, the judge in the aforementioned case gave significant weight to the fact that the accommodation would be used by a family member, further indicating there would be no severance of the planning unit. The applicant has confirmed that the annexe would be occupied by a close relative (mother) to the occupiers of the existing dwellinghouse.
- 6.15 Weight should also be given to the circumstances at the site, namely the distance and degree of physical separation. The proposal is approximately 25 metres from the rear of the main dwelling and there are no separating boundaries between the main dwelling and the proposed annexe. As well as this, the building and main dwelling would continue to share the same access

and private amenity space, which will ensure a close relationship between the main dwelling and the proposal.

6.16 Accordingly, on the balance of probability, taking account of the site, the proposal and relevant case law, it is considered that the proposed occupation of the existing outbuilding as a residential annexe does not represent a material change of use of the building to a separate dwellinghouse, as the proposed annexe would remain as part of the original planning unit at Kimberley Cottage. As such there would not be a 'development' that required planning permission in relation to the proposed use as described in the submission.

6.17 Material Change in Building

When considering the proposal a key issue is to consider whether it constitutes "development". The Town and Country Planning Act 1990 provides a definition of the meaning of development, which is....*the making of any material change in the use of any buildings or other land...and the...alteration of any building of works which...materially affect the external appearance of the building.* The proposal includes physical alterations to the building to facilitate the use of it as an annexe including the installation of double doors on the ground floor front elevation; the enlargement of an existing window on the front elevation; and the introduction of three rooflights on the rear roof elevation and the introduction of one rooflight on the front roof elevation.

6.18 In terms of whether the alterations to the appearance of the building represent development, consideration is required as to whether they would materially affect the external appearance of the building, however there is no statutory definition of "material effect". In this respect consideration has been given to the case of *Burroughs Day v Bristol City Council* [1996]. In this case the court held that changes in external appearance had to be judged in relation to the building as a whole in order to determine the materiality of their effect. Here it was also held that any change to external appearance must be visible from a number of normal vantage points and that visibility from the air or a single building would not be sufficient. Thus part of the test for "material effect" must depend on the degree of visibility.

6.19 There would be no change to the scale or footprint of the building and the proposed front door would be composed of timber and two glazed windows which would be congruent with the existing timber finish, minimising any potential material affect the addition would have. The alterations proposed would not be adversely out of keeping with the character of the building such that they would materially effect or harm its appearance. It is also considered that the alterations would not be significantly prominent when viewed from the public realm. The proposed annexe is set back approximately 35 metres from Hope Road, meaning the proposed rooflight on the front elevation would be relatively innocuous when positioned on Hope Road. This proposal also includes the introduction of three rooflights on the rear elevation of the roof. The rear elevation is visible from the Nibley Lane but due to the position of the properties Winshill and The Croft, there is only a 10 metres section of Nibley Lane where the proposed dormers would be visible.

6.20 Given the above, whilst it is noted that the appearance of the exterior of the building will be affected, given the lack of visibility of the alterations, the fact that only a small part of the building will be affected and the overall scale, bulk and form of the building will not change, it is considered that the external appearance of the building will not be materially affected. As such, on the balance of probability it is not considered that the physical alterations proposed will materially affect the external appearance of the building and would not constitute 'development'. As such planning permission would not be required.

6.21 Conclusion

Overall, it is considered that on the balance of probability, the existing outbuilding has been in situ for a period exceeding more than 4 years. The Town and Country Planning Act 1990 defines development, and through its application and the supporting case law the officer has judged the proposal would not materially change the use or materially alter the external appearance of the existing outbuilding. Accordingly, the existing building is judged to be lawful as the proposed use and physical alterations do not constitute development. Therefore, on the balance of probability, it is considered that the proposal is lawful.

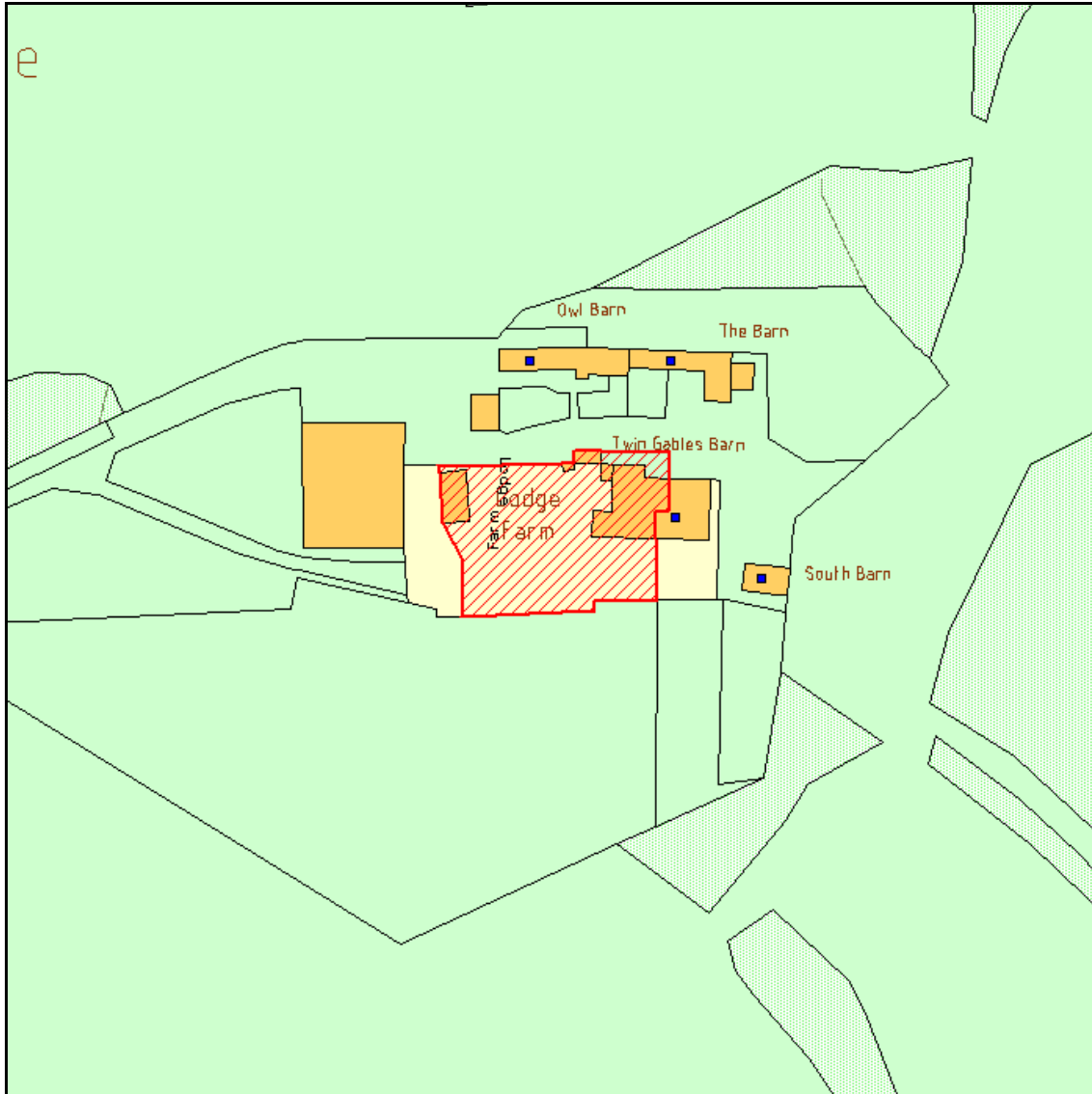
**7. RECOMMENDATION**

7.1 That a Certificate of Lawful Development is **GRANTED**.

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

## CIRCULATED SCHEDULE NO. 03/15 – 16 JANUARY 2015

<b>App No.:</b>	PK14/3954/F	<b>Applicant:</b>	Mr M Williams
<b>Site:</b>	Lodge Farm Carsons Road Mangotsfield Bristol South Gloucestershire BS16 9LW	<b>Date Reg:</b>	21st October 2014
<b>Proposal:</b>	Conversion of existing garage/store into a residential annexe ancillary to the main dwelling.	<b>Parish:</b>	Siston Parish Council
<b>Map Ref:</b>	367707 175257	<b>Ward:</b>	Siston
<b>Application Category:</b>	Householder	<b>Target Date:</b>	4th December 2014



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

The application is referred to the Circulated Schedule as a representation has been received which is contrary to the Officer's recommendation.

### **1. THE PROPOSAL**

- 1.1 The application seeks permission to alterations to an existing outbuilding to form an upper floor self contained annexe ancillary to the residential use of Lodge Farm, Mangotsfield.
- 1.2 The application relates to an existing double storey detached outbuilding situated in the rear garden to the west of Lodge Farm, which is a Grade II listed building. The surrounding outbuildings associated with the original farm have been converted into separate planning units. The site falls within the adopted Bath/ Bristol Green Belt and within the open countryside.
- 1.3 During the course of the application revised plans have been submitted in relation to the scale of the annexe and the design of the external alterations including the removal of the external balcony.

### **2. POLICY CONTEXT**

#### **2.1 National Guidance**

National Planning Policy Framework March 2012  
National Planning Practice Guidance 2-14

#### **2.2 Development Plans**

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

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

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

L1 Landscape Protection and Enhancement  
L13 Listed Buildings  
H4 Development within Existing Residential Curtilages

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

South Gloucestershire Design Checklist SPD (Adopted) 2007  
Residential parking Standards SPD (Adopted) 2013

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

- 3.1 PK14/3436/LB - Application to retain internal and external works already carried out including installation of alarm, re-instatement of basement windows, strengthening of 1no. beam, replacement of south external door, basement tanking and dry lining 1no. reception room. Approved 7<sup>th</sup> November 2014

- 3.2 PK14/2286/F - Demolition of part of boundary wall and erection of 1.8m max high gates. Erection of 0.9m high railings and handrail. (Retrospective). Approved 24<sup>th</sup> October 2014
- 3.3 PK14/2088/LB - Application to retain internal and external works already carried out including extension, new doors, joinery, new en-suites and storage, new flooring and rooflights. Approved 24<sup>th</sup> October 2014
- 3.4 PK10/0948/F -Demolition of part of barn to facilitate rebuilding and recladding of barn/store. Approved 28<sup>th</sup> June 2010
- 3.5 The following history relates to the larger barn directly to the west of the application site:
- 3.6 PK12/1890/CLE - Application for Certificate of Lawfulness for an existing use of building as residential storage building and an existing use of land as residential curtilage.(Resubmission of PK11/1667/CLE). Refused 20<sup>th</sup> July 2014.
- 3.7 PK11/1667/CLE - Application for Certificate of Lawfulness for an existing use of building as residential storage building and an existing use of land as residential curtilage.(Resubmission of PK11/1667/CLE). Refused 20<sup>th</sup> July 2012. Appeal Dismissed.
- 3.8 PK10/1909/F - Demolition of part of barn store and conversion of remaining building to form 2no. dwellings with access and associated works. Refused 29<sup>th</sup> October 2010

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

- 4.1 Siston Parish Council  
OBJECT. Over development of this sensitive location. Unsuitable building for redevelopment and intrusion into neighbours amenity space from the balcony.
- 4.2 Conservation Officer  
No objection to revised plans subject to conditions
- 4.3 Archaeology Officer  
No comment
- 4.4 Drainage Comments  
No objection in principle subject to SUDs and foul sewerage information.

#### **Other Representations**

- 4.5 Local Residents  
No comments received

## 5. ANALYSIS OF PROPOSAL

### 5.1 Principle of Development

The application seeks permission to convert the upper floor of an existing outbuilding with associated external alterations to form an annexe ancillary to the residential use of Lodge Farm, which is situated within the adopted Bath/Bristol Green Belt. Paragraph 89 of the NPPF states that Local Planning Authorities should consider the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are outlined in paragraph 89.

5.2 The NPPF states 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 it. Amongst others the following type of development is listed under paragraph 90: the re-use of a building provided the building is of permanent and substantial construction. The development consists of the re-use of the upper floor of a permanent building which appears to be of substantial construction. There would be no alterations to the scale of the building or the curtilage of Lodge Farm and as such it is considered that the development would not materially alter the openness of the Green Belt. The principle of the development is therefore considered acceptable under paragraph 90 of the NPPF.

5.3 Saved policy H4 of the SGLP (Adopted 2006) permits the principle of development within existing residential curtilages subject to criteria relating to residential amenity, highway safety and design. The subject building is situated within the Grade II listed curtilage of Lodge Farm and as such substantial weight is afforded to preserving the setting of the heritage asset in accordance with policy CS9 of the Core Strategy, saved policy L13 of the SGLP (Adopted 2006), and the provisions of the NPPF.

### 5.4 Ancillary Status of Building

Within the originally submitted plans Officers raised concern in relation to the scale of the proposed development and whether the annexe would be truly ancillary to the host property (Lodge Farm). The original plans indicated the building would contain all the elements of primary living accommodation and could operate entirely independently from the original farmhouse. In addition, the driveway and new access to the building approved under application ref. PK14/4228/F would appear to provide a separate vehicular access and parking area for the building and would physically segregate it from the original dwelling. Officers raised concern that the annexe would not appear to have any functional or dependent relationship with the original house and was instead tantamount to a new dwelling.

5.5 In response to this the applicant has reduced the scale of the annexe retaining it at first floor level only. The applicant has also provided the following statements in support of the application:

- The annexe would provide accommodation for the applicant's son and young children during their weekly visits.
- Kitchen facilities will be limited.



- The annexe will share water, drainage and electricity services with the main house and will be wholly within the existing curtilage of the main house for outside space and parking.
- 5.6 On consideration of the revised plans and supporting information it is considered that the applicant has provided sufficient information to demonstrate that the development proposal would remain ancillary to the host dwelling and that a condition to this effect could satisfactorily secure this.
- 5.7 Heritage/ Design  
The existing building is a simple, modern steel framed barn clad in waney edged boards with a natural stone plinth. It is not of any intrinsic historic or architectural interest but its agricultural appearance and plain elevations mean that it doesn't appear unnecessarily out of keeping in this context, or the setting of the listed building. The building is visible in public views from the public footpaths which runs through the field to the south of the site.
- 5.8 In response to the Conservation Officer's comments the design of the external alterations has been amended in order to remove the external balcony and reduce the amount of glazing to the gable end. The ancillary nature of the building has also been confirmed as discussed in paragraphs 5.4 to 5.6.
- 5.9 It is considered that the rationalisation of the proposed glazing and confirmation of the ancillary nature of the building has overcome the Conservation Officer's previous concerns. The revised fenestration is simple and better respects the agricultural appearance of the building compared to the very domestic fenestration previously proposed. The Conservation Officer does note that the horizontal glazing bars on the proposed windows does still appear somewhat domestic and as such it is recommended that these are removed. It is recommended that this forms a suitably worded planning condition. It is also considered necessary to condition the proposed final finishes and colours to all new external joinery and to condition the submission of large scale details for the rooflights and any new vents, flues, extracts, exterior lighting and alarm boxes, all in the interests of preserving the setting of the heritage asset. Subject to these conditions there are no objections in terms of the impact on the heritage asset.
- 5.10 Residential Amenity  
The development consists of the conversion of an existing building including the installation of a window at first floor level in the south elevation and windows at ground floor level in the east elevation. The plans indicate that the ground floor windows would serve the storage part of the building. In terms of privacy there are no windows to the north elevation which would overlook the nearest residents to the north. The window proposed at first floor level on the south elevation faces open countryside and as such there are no concerns in this respect. The ground floor windows on the east elevation would face into the private amenity space shared with Lodge Farm. As the proposal is an ancillary building with share amenity space, and given that these windows serve the storage part of the building, there are no concerns in this respect.

- 5.11 In terms of the impact on the amenity of the surrounding occupiers it is considered that, as there would be no alterations to the scale or siting of the building, the nearby occupiers would not be prejudiced in terms of overbearing impact, loss of light or loss of outlook.
- 5.12 Transport  
The proposal consists of an ancillary annexe which would share the proposed new access to its east elevation and parking area to the south elevation as approved under application ref. PK14/2286/F. It is considered that the host dwelling has sufficient existing parking to serve both the farmhouse and the annexe and as such the development raises no concerns in this respect.
- 5.13 Drainage  
The application relates to an existing building and the applicant advises that the annexe will share drainage facilities with the host dwelling. Although the Drainage Engineer has requested SUDs details it is not considered that this will be necessary in this instance.
- 5.14 The application form states that foul drainage will be to an existing system of Septic Tank but does not specify if this has adequate capacity for the increased population discharge and there is a satisfactory method of overflow in order to confirm there is no illegal discharge to a ditch or watercourse. If the existing system is inadequate the preferred method for foul sewage disposal is to connect to a public foul sewer. If this is not economically viable by gravity or pumping, a Package Sewage Treatment Plant is required. Final details of this are therefore required and are recommended for submission prior to its first use as an annexe.
- 5.15 Other Matters  
The Parish Council have objected to the application on grounds that the proposal would result in overdevelopment of the site. These comments are noted however as outlined in paragraphs 5.4 to 5.6 Officers are now satisfied that the building would be ancillary and not a new planning unit. A condition is recommended to secure this. Officers are also mindful that the building is existing and in ancillary residential use. The amount of development on this site would therefore not increase as a result of the proposal.

## **6. CONCLUSION**

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

## 7. RECOMMENDATION

7.1 That the application is APPROVED subject to the following conditions:

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

### CONDITIONS

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

Reason

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

2. Prior to their construction or installation, 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 vents, flues, extracts, exterior lighting and alarm boxes.
  - b. Rooflights. For the avoidance of doubt these shall be traditional metal conservation rooflights installed flush with the roof covering.

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 setting of the listed building to accord with policy CS9 of the South Gloucestershire Local Plan Core Strategy (Adopted) 2013, saved policy L13 of the South Gloucestershire Local Plan (Adopted) 2006, and the provisions of the National Planning Policy Framework 2012

3. Notwithstanding the submitted joinery details, the horizontal glazing bars shall be omitted from the proposed new windows.

Reason

To maintain and enhance the character and setting of the listed building to accord with policy CS9 of the South Gloucestershire Local Plan Core Strategy (Adopted) 2013, saved policy L13 of the South Gloucestershire Local Plan (Adopted) 2006, and the provisions of the National Planning Policy Framework 2012

4. The details of the proposed finishes and colours to all new external joinery 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 details.

Reason

To maintain and enhance the character and setting of the listed building to accord with policy CS9 of the South Gloucestershire Local Plan Core Strategy (Adopted) 2013, saved policy L13 of the South Gloucestershire Local Plan (Adopted) 2006, and the provisions of the National Planning Policy Framework 2012

5. Prior to the first occupation of the building as an annexe full details of the method for foul sewage disposal shall be submitted to and agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason

To ensure a satisfactory means of pollution control to accord with policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013

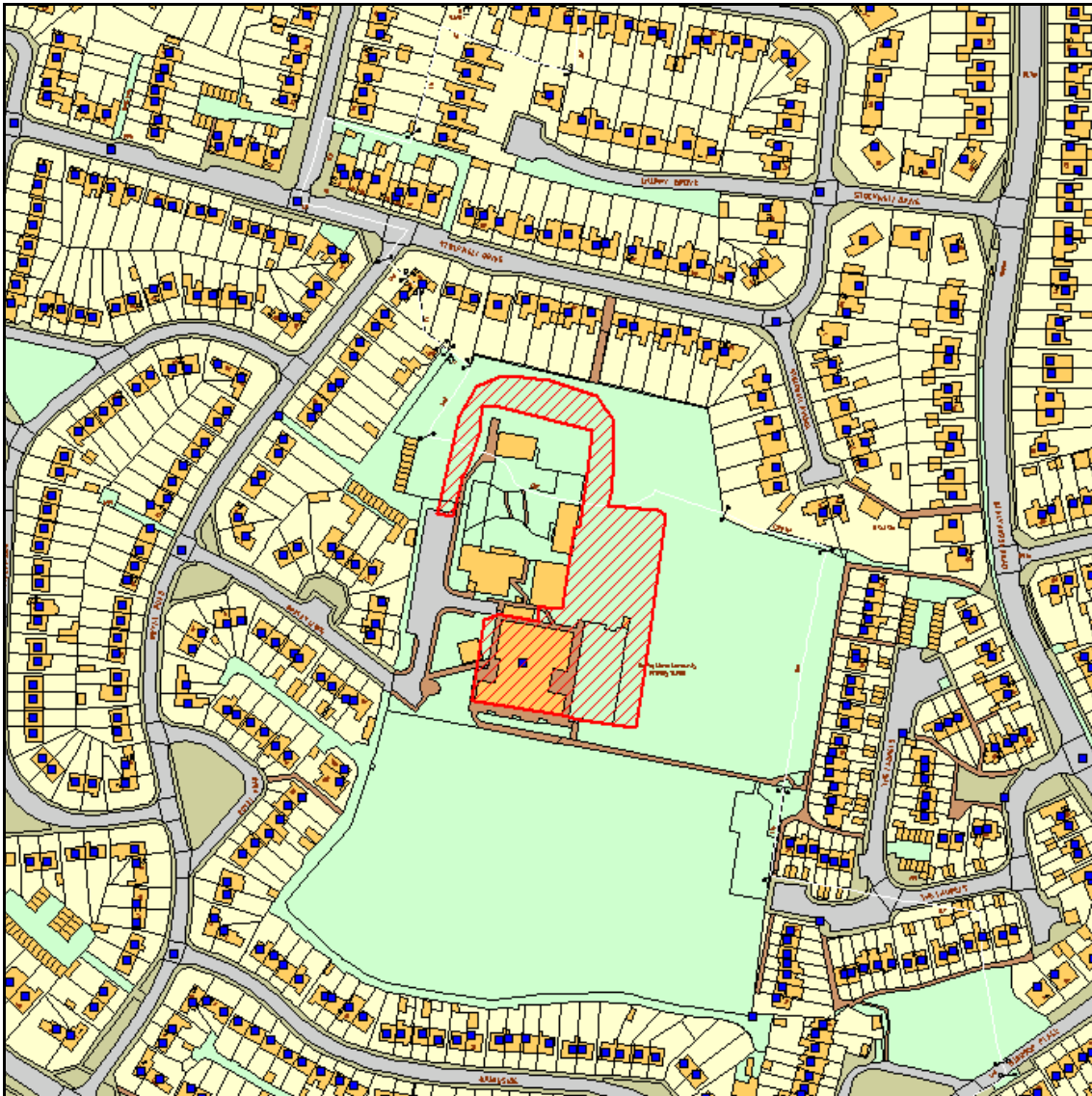
6. The annexe hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as Lodge Farm and shall at no time be used as a separate or independent dwelling.

Reason

In the interests of residential amenity and to accord with saved policy H4 of the South Gloucestershire Local Plan (Adopted) 2006

## CIRCULATED SCHEDULE NO. 03/15 – 16 JANUARY 2015

<b>App No.:</b>	PK14/4201/RVC	<b>Applicant:</b>	South Gloucestershire Council
<b>Site:</b>	Barley Close Primary School Barley Close Mangotsfield Bristol South Gloucestershire BS16 9DL	<b>Date Reg:</b>	18th November 2014
<b>Proposal:</b>	Variation of condition 5 attached to planning permission PK14/1187/R3F to substitute drawing number 3716-222 Rev A with 3716-222 Rev B.	<b>Parish:</b>	Mangotsfield Rural Parish Council
<b>Map Ref:</b>	366161 176730	<b>Ward:</b>	Rodway
<b>Application Category:</b>	Minor	<b>Target Date:</b>	12th January 2015



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

This application appears on the Circulated Schedule in accordance with the Councils Scheme of Delegation as the applicant is South Gloucestershire Council itself.

### **1. THE PROPOSAL**

- 1.1 The application site is situated within the residential suburb of Mangotsfield. The site comprises a primary school with associated school buildings and large playing field. A separate nursery and sure start centre are also located within the site. The site is bounded by residential development on all sides with rear gardens facing into the site. The site is accessed via Barley Close, a residential cul de sac, which is subject of traffic control measures to prevent school traffic from using the road. A designated off street parents parking area is situated in the south east corner of the site.
- 1.2 This application proposes the variation of the existing Deemed Consent (PK14/1187/R3F) by virtue of the submission of revised drawings to substitute approved drawings secured by way of condition (Condition 5). The effect of the revisions are such that the position and finish of the internal access road is proposed to be altered and areas of the extended playground would have a stepped profile (to account for levels within the site). It is also proposed to install four sail canopies throughout the site.

### **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)

T12 Transportation Development Control Policy for New Development

T8 Parking Standards (non-residential)

LC4 Proposals for Educational and Community Facilities within Existing Urban Areas

L1 Landscape Protection and Enhancement

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

CS1 High Quality Design

CS8 Improving Accessibility

CS9 Managing the Environment and Heritage

CS23 Community Facilities and Cultural Heritage

#### 2.3 Supplementary Planning Guidance

The South Gloucestershire Design Checklist SPD (adopted)

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

- 3.1 PK14/1187/R3F Erection of new classroom block with landscaping and associated works.

Approved (11<sup>th</sup> July 2014)

- 3.2 PK03/2022/R3F Erection of new nursery unit, 3 no. classrooms, office and amenities with car parking and associated works.

Approved (29<sup>th</sup> September 2003)

- 3.3 PK10/1383/R3F Erection of single storey front extension to form additional sure-start facilities.

Approved (16<sup>th</sup> July 2010)

- 3.4 PK11/1557/R3F Erection of single storey Elliott Classroom Block with associated works. Construction of tarmac play area.

Approved (22<sup>nd</sup> July 2011)

- 3.5 PK12/4208/R3F Erection of stand alone Nursery Classroom

Approved (22<sup>nd</sup> March 2013)

- 3.6 PK14/1187/R3F Erection of new classroom block with landscaping and associated works.

Approved (11<sup>th</sup> July 2014)

- 3.7 PK14/2904/RVC Variation of condition 5 attached to planning permission PK14/1187/R3F to substitute drawing numbers listed with drawings 3716/224B, 225A, 226A, 227A and 228A.

Approved 26<sup>th</sup> September 2014

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

- 4.1 Mangotsfield Rural Parish Council  
No objection.

#### **Other Representations**

- 4.2 Local Residents  
One comment been received. The comment raises some concern about the proximity of trees to residential properties and the potential for shading of gardens.
- 4.3 Coal Authority  
No comment is received however No Objection was raised against the previous application (PT14/1187/R3F). The CA requested that standard informatives are added to any approval of this application. Such and informative can be re-applied in the event that this application is approved.

4.4 Landscape Officer

In relation to the previous planning application (PT14/1187/R3F) no objection was raised in principle subject to a condition requiring a detailed planting and landscaping plan. However, the landscaping requirements are built into the submitted plans and as such a condition need not apply to this application in the event that it is approved.

4.5 Drainage Engineer

In relation to the previous planning application (PT14/1187/R3F) no objection was raised in principle subject to the use of Sustainable Drainage Measures (SuDS). Since the determination of the previous application, further drainage details have been submitted to satisfy the condition applied. This can be considered as part of this application.

4.6 Sustainable Transport Team

No Objection in principle subject to a condition requiring continued evolution of the submitted School Travel Plan.

4.7 Crime Prevention Design Advisor (Police Authority)

In relation to the previous planning application (PT14/1187/R3F) no objection was raised. The CPDA advised that doors and windows are police approved Secured by Design standard (PAS 24 or LPS1175 SR2). An informative can be added to this application drawing attention to this advise should the application be approved.

**5. ANALYSIS OF PROPOSAL**

5.1 The proposed development details the provision of a new school classroom within the grounds of an established primary school. The school is within the Bristol East Fringe Urban Area.

5.2 Principle of Development

The principle of the development has been established by the previous approval under planning application PK14/1187/R3F. The proposed amendments to the approved development affect the position and surface treatment of the internal access road (to be provided for Fire Service access); and the levels of the extended play ground would be stepped to account for the surrounding ground levels within the school grounds. The introduction of 'sail canopies' into the school grounds is noted. However, such structures would fall within the permitted development rights afforded to schools and as such is not considered as part of this application. On this basis, the only matter for consideration as part of this application is the impact of the changes to the track and play ground levels in visual and amenity terms. This is addressed below

5.3 Design and Visual Appearance Considerations

The extant consent (PK14/1187/R3F) includes an access track which follows an arched route around the northern part of the school grounds. This is primarily to provide access for a fire tender. The track is shown as being finished in a reinforced grass surface. However, for operational reasons, Avon



Fire Service have indicated that the track should be finished in a hard surface such as tarmac; and the geometry of the track altered to account for the characteristics of fire tender vehicles.

- 5.4 The proposed changes to the access road would have the effect of changing the appearance of the development in that the road would be more visible given that its surface would be tarmac instead of grass. However, the change in the position of the road is such that it would follow a route further away from the boundary of the site and it would be positioned inside tree planting. This would have the effect of reducing the visual impact significantly and on this basis officers consider that the change is not one which would have detrimental impact on the visual amenity of the site or the surrounding area. Similarly, the proposed 'stepping' of the extended play ground area would not have a detrimental impact in visual terms as it would not be easily visible from the public realm and the levels involved are not significant. Indeed, officers consider that the 'steps' would provide a feature of interest within the school grounds and would appear as subtle landscaping rather than aggressive engineering works.
- 5.5 In landscaping terms, the previous planning consent required details of landscaping around the site. However, this application includes details of the landscaping to be implemented and as such, there is no requirement to request further details by condition in the event that the application is approved.
- 5.6 Residential Amenity  
The position of the building has not changed as part of this amendment, whilst the location of the access road has moved away from the nearest residential properties. This change is considered to be of benefit to the surrounding residents. The comments of a neighbour regarding the position of new trees are noted. However, the position of the trees has been only slightly altered to accommodate the track. The position of the trees is not materially closer to the boundary of the site with residential dwellings, being approximately 15 metres distant. Officers are satisfied that the position of the trees would not create shadowing that would have a significant impact on the amenity of nearby residential dwellings. The location of the 'stepped' play ground is well away from residential dwellings and would not have the effect of raising ground levels significantly compared to the surrounding levels within the school grounds. On this basis, this element of the proposal is not likely to result in a negative impact in residential amenity terms.
- 5.7 Drainage  
The SuDS Condition relating to the planning consent PK14/1187/R3F has been discharged. The use of tarmac for the surface of the access road would result in additional surface water discharge and the Drainage Engineer has requested further SuDS details for consideration. However, the access road would be a private road contained as part of the new development and as such is subject to Building Regulation approval. The Building Regulations legislation covers specific issues around the drainage of the development and as such it is considered that details regarding the drainage of the track is not necessary in this instance.

5.8 Transportation, Highway Safety and Amenity

The proposed changes would have no material impact in transportation/highway safety terms. However, as part of the previous approval, there is a requirement to submit a revised School Travel Plan to demonstrate how the school would encourage sustainable measures for getting to the school. This remains relevant and as such this condition should be carried forward onto any decision to approve this planning application. Subject to this condition, the proposal is acceptable in transportation 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 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 decision made under PK14/1187/R3F (condition 5) is varied subject to the following conditions.

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

**CONDITIONS**

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

Reason

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

2. Travel Plan

Within 12 months of the first occupation of the development hereby approved, a revised School Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be operated in accordance with the agreed School Travel Plan. For the avoidance of doubt, the School Travel Plan shall incorporate a full scheme of annual monitoring for all travel movements and behaviours and shall include detailed analysis of cycle and car parking occupancy with the adoption of aims, objectives and targets to create modal shift away from car born travel. The School Travel Plan shall thereafter be updated annually for a period of five years with all approved measures implemented and monitored for submission to the Local Planning Authority.

Reason

To promote sustainable modes of travel to the school in the interests of highway safety and amenity and to accord with saved policy T12 and LC4 of the South Gloucestershire Local Plan (Adopted) January 2006 and Policies CS8 and CS23 of the South Gloucestershire Local Plan; Core Strategy (adopted) December 2013.

3. Plans

The development shall be implemented strictly in accordance with the following drawings;

3716-201 Rev A  
3716-202  
3716-203  
3716-223

as received by the Local Planning Authority on 11th April 2014, and;

3716-224 Rev B  
3716-225 Rev A  
3716-226 Rev A  
3716-227 Rev A  
3716-228 Rev A

as received by the Local Planning Authority on 24th July 2014, and;

3716-222 RevB

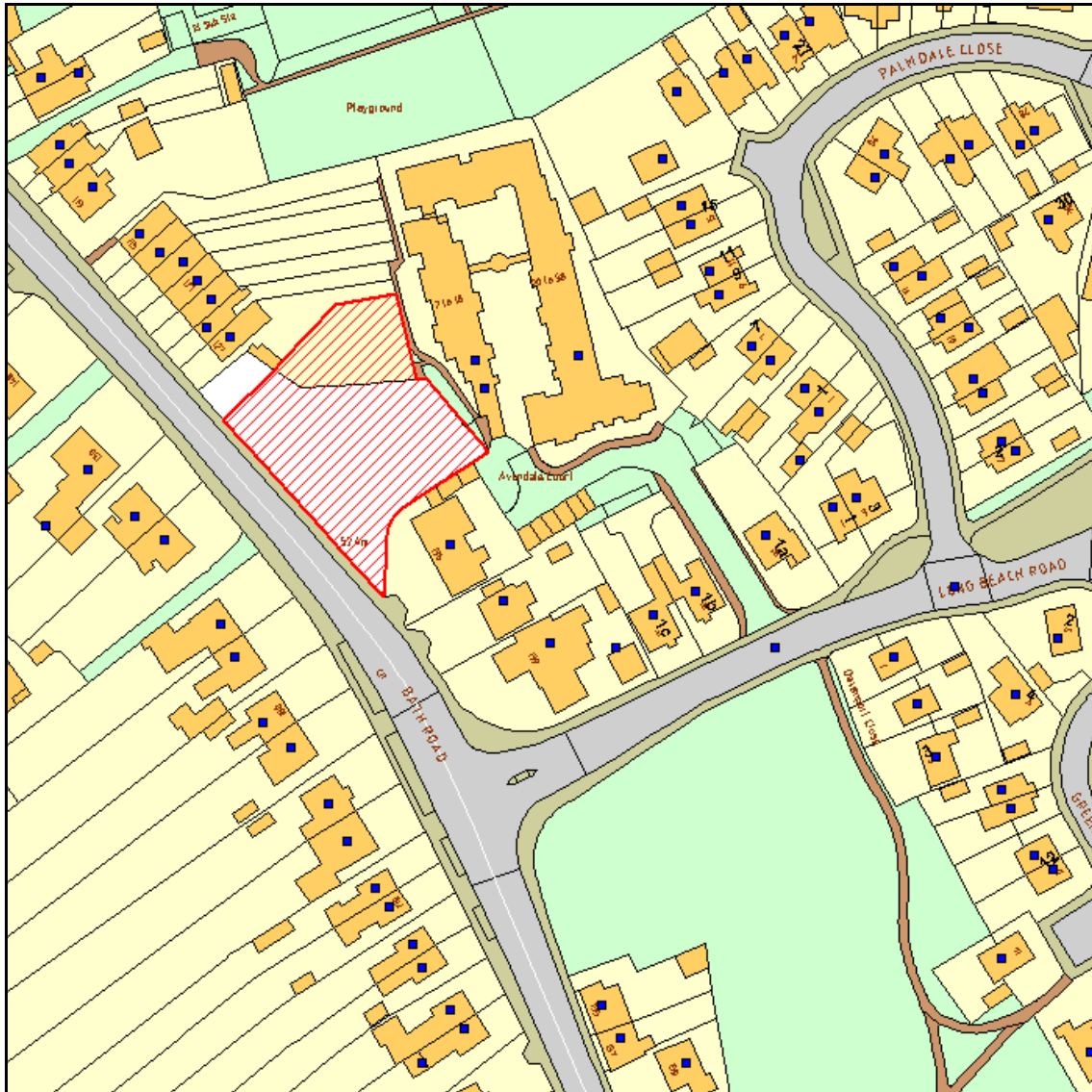
as received by the Council on 24th October 2014

Reason

To ensure that the development is carried out in accordance with the proposals as assessed by the Local Planning Authority.

## CIRCULATED SCHEDULE NO. 03/15 – 16 JANUARY 2015

<b>App No.:</b>	PK14/4239/ADV	<b>Applicant:</b>	WM Morrison Supermarkets PLC
<b>Site:</b>	129 - 133 Bath Road Longwell Green South Gloucestershire BS30 9DE	<b>Date Reg:</b>	5th November 2014
<b>Proposal:</b>	Display of 1no. externally illuminated fascia sign, 1no. externally illuminated double sided totem sign and non-illuminated vinyls.	<b>Parish:</b>	Oldland Parish Council
<b>Map Ref:</b>	365943 170977	<b>Ward:</b>	Longwell Green
<b>Application Category:</b>	Minor	<b>Target Date:</b>	29th December 2014



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PK14/4239/ADV

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

This application is referred to the circulated schedule for determination as a number of objections from local residents have been received which are contrary to the officer recommendation for approval.

### **1. THE PROPOSAL**

- 1.1 This application seeks advertisement consent for signage at a new Morrisons Local in Longwell Green. The signage consists of a fascia sign, a totem sign and some window vinyl.
- 1.2 The application site is a recently completed rank of retail units on Bath Road. On the case officer's visit, the store has opening, is trading and the advertisements are already displayed.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
National Planning Policy Framework March 2012  
The Town and Country Planning (Control of Advertisements) (England) Regulations 2007
- 2.2 Development Plans  
  
South Gloucestershire Local Plan Core Strategy Adopted December 2013  
CS1 High Quality Design  
  
South Gloucestershire Local Plan Adopted January 2006 (Saved Policies)  
T12 Transportation
- 2.3 Supplementary Planning Guidance

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

- 3.1 PK13/3429/F Approve with Conditions 28/02/2014  
Erection of single storey retail unit with new access and associated works.
- 3.2 PK14/4356/F Approve with Conditions 05/01/2015  
Installation of ATM to front elevation, 2no. satellite dishes and 3no. external air conditioning units to side elevation and a refrigeration condenser within external plant area.

### **4. CONSULTATION RESPONSES**

- 4.1 Oldland Parish Council  
No objection on condition that signage is illuminated only during hours of business.
- 4.2 Transportation  
No objection

## **Other Representations**

### 4.3 Local Residents

Three letters of objection have been received which raise the following points –

- Signs will cause light pollution
- Light would shine into bedrooms
- Area is already blighted by other signs
- Totem sign is inappropriate in relation to street scene and size of unit
- Longwell Green is not Las Vegas

## **5. ANALYSIS OF PROPOSAL**

5.1 This application seeks advertisement consent for the display of adverts on a retail unit in Longwell Green.

### 5.2 Principle of Development

Guidance in the NPPF states that advertisements should only be controlled in the interests of amenity, public safety and cumulative impact. Policies in the Local Plan are used to assess the impact of any harm under the above headings.

### 5.3 Design

The two main signs are the fascia and the totem signs. The window vinyl signs are small scale and make very little impact on the locality and are therefore acceptable.

5.4 In terms of the design of the signs, it is important to consider these against the design of the building. The retail unit has a projecting cantilever style canopy roof over the front elevation. The fascia sign is set beneath the canopy. This limits the prominence of the sign in the streetscape.

5.5 The fascia sign identifies the shop as a Morrisons Local, states the opening hours, and displays the Morrisons 'M' logo. The length of the sign prevents the fascia appearing cluttered and the position below the canopy contains the sign within the retail unit. The design of the sign is considered acceptable.

5.6 The totem sign is located at the front of the site by the northern vehicular access. Along the front of the site stands a stone wall and the totem sign is located behind the wall. The shop unit also is slightly lower than the street level. This cumulatively lessens the visual impact of the totem sign. The sign is not considered to be harmful to the visual amenity of the area.

### 5.7 Residential Amenity

Although located on a major road between Bristol and Bath, Longwell Green is predominantly residential in nature. There are a number of residential properties adjacent to and in close proximity of the site. The proposed signs are to be illuminated. Illumination can have a negative impact on living conditions. In the case of the advertisements seeking consent, the external illumination of the totem sign could have an undesirable impact on living conditions. In order to protect residential amenity the hours of illumination will

be restricted to the approved opening hours of the retail unit as established by planning permission PK13/3429/F; these are 0630 to 2200 daily.

5.8 Highway Safety

The proposed signage has been assessed by the Council's highway officer. The signs are considered to be in an appropriate location for a retail use and no transportation objection to the signs is raised.

**6. RECOMMENDATION**

6.1 It is recommended that advertisement consent be GRANTED subject to the conditions listed below.

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

**CONDITIONS**

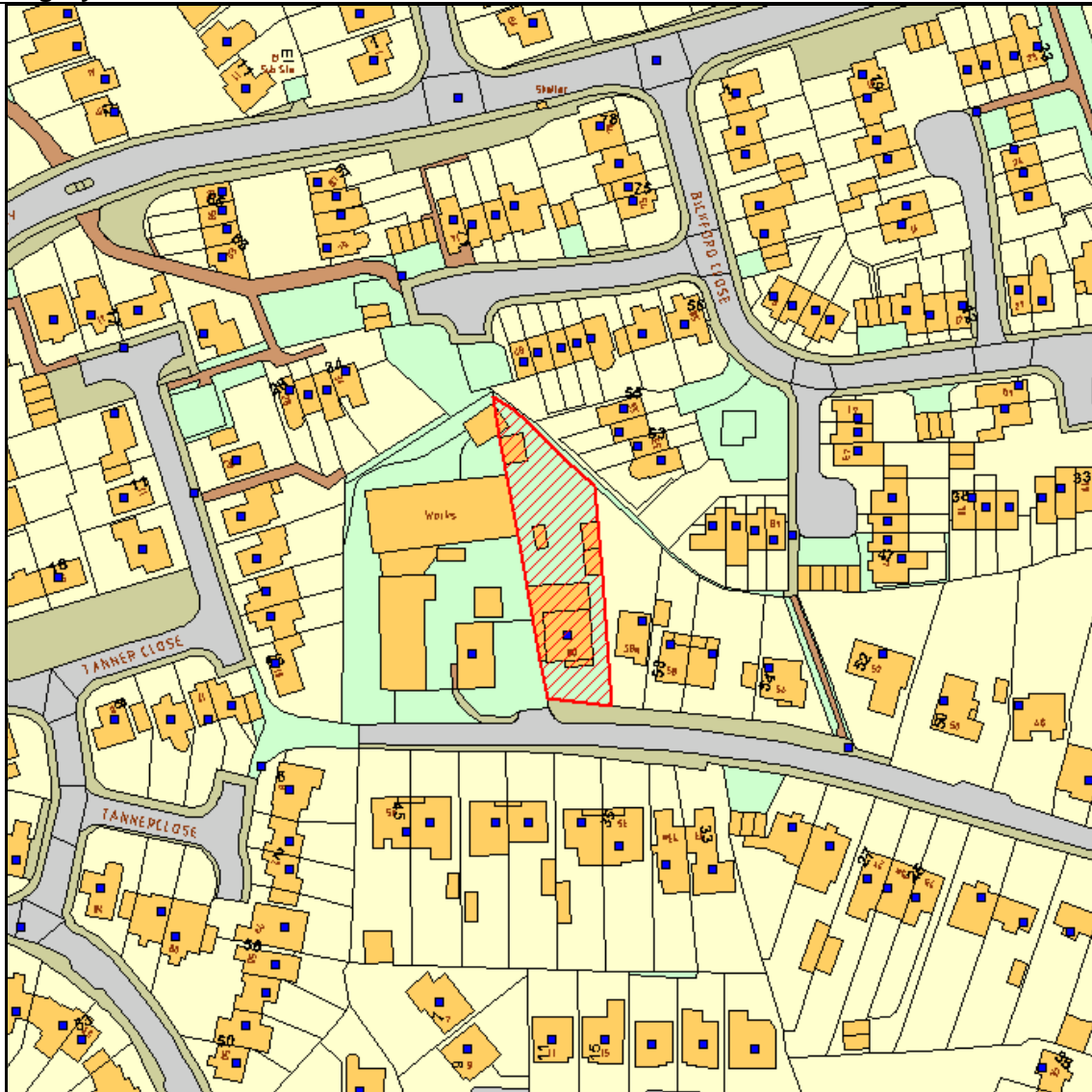
1. The advertisements hereby permitted shall not be illuminated outside the hours of 06:30 and 22:00 daily.

Reason

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with the provisions of the National Planning Policy Framework, March 2012.

## CIRCULATED SCHEDULE NO. 03/15 – 16 JANUARY 2015

<b>App No.:</b>	PK14/4282/F	<b>Applicant:</b>	Mr S Kitchen
<b>Site:</b>	60 Barrs Court Road Barrs Court South Gloucestershire BS30 8DH	<b>Date Reg:</b>	18th November 2014
<b>Proposal:</b>	Change of use from residential (class C3) to a mixed use (sui generis) of residential dwelling house, guesthouse/hostel accommodation as defined in the Town and Country Planning (Use Classes) Order 1985 (as amended)	<b>Parish:</b>	Oldland Parish Council
<b>Map Ref:</b>	366074 172455	<b>Ward:</b>	Parkwall
<b>Application Category:</b>	Minor	<b>Target Date:</b>	12th January 2015



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 100023410, 2014. N.T.S. PK14/4282/F



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

This application is being referred to the Circulated Schedule as representations have been received contrary to the officer recommendation.

### **1. THE PROPOSAL**

- 1.1 60 Barrs Court Road was originally a residential property in a predominantly residential street, with some commercial units at the end of the road. The property is at present lawfully in a mixed use of residential and child care use, though the childcare use has currently ceased.
- 1.2 A planning enforcement notice was issued on the property in 2006 against the unauthorised change of use from residential use to mixed use comprising residential use and guesthouse accommodation use. The notice was upheld at appeal, including the description of the development. It should be noted that the use then was the same as that which is proposed now, being described by the applicant as a "Home Family" arrangement, where accommodation is provided only to young persons studying locally, and where a degree of family care is provided. Nonetheless, this is considered to be materially indistinguishable in planning terms from a normal guesthouse use, and the planning inspector agreed with this position.
- 1.3 The proposal under consideration is for the change of use of the property to a mixed use of residential and guesthouse accommodation uses, albeit at a lower level than at the time of the issuing of the enforcement notice, with the application seeking to permit up to 7 paying guests in addition to the family residential use. The property has six bedrooms, with three being proposed for the family and three for the paying guests. All other rooms and facilities will be in shared use by the family and guests.

### **2. POLICY CONTEXT**

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

- 2.2 Development Plans

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

E3 Employment Development with the Urban Area

T7 Cycle Parking

T8 – Parking Standards

T12 – Transportation Development Control

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design

CS4a Presumption in Favour of Sustainable Development

CS5 Location of Development

- 2.3 Supplementary Planning Guidance  
Residential Parking Standards SPD (adopted) 2013

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

- 3.1 CAE/06/0203/2 Enforcement notice issued against the change of use to a mixed use of residential and guesthouse accommodation – upheld at appeal and remains in effect.
- 3.2 PK11/3002/F Change of use from residential to mixed use residential and childcare to include demolition and erection of replacement single storey timber framed outbuilding and chicken shed - approved

### **4. CONSULTATION RESPONSES**

- 4.1 Oldland Parish Council  
Objection – development not in keeping and unsuitable for the residential setting. Furthermore the site would be overdeveloped and the density of dwelling units too high for the site.
- 4.2 Other Consultees  
Highway Drainage – no objection.  
Transportation DC – no objection subject to appropriate conditions to require the removal of the front wall and gates to make the parking spaces accessible, and the requirement for a single covered and secure cycle space.

#### **Other Representations**

- 4.3 Local Residents  
One neutral neighbour comment – motor home has in the past been used for extra accommodation, and there does not appear to be sufficient parking for all the vehicles. Traffic congestion could be a problem with lorries accessing the factory next door and more vehicles using the new parking places.

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

- 5.1 Principle of Development  
The development proposal is for the change of use to a mixed use of residential use and guesthouse accommodation, which is a commercial use. The main development plan policies relevant to this development are Local Plan policy E3 (economic development in urban areas) and Core Strategy policies CS5 (Location of Development) and CS4a (Presumption in Favour of Sustainable Development).

Policy E3 supports proposals for employment uses within existing urban areas, including working at home, subject to the proposal not conflicting with a number of stipulated criteria. Policy CS5 aims to direct most new development to the North and East fringes of the Bristol urban area, in which the site is located. Policy CS4a provides a presumption in favour of sustainable development.

The site is considered to be in a sustainable location for such a use, being within the urban area and close to public transportation routes and local amenities.

It is therefore considered that the proposed development is in principle in accordance with the key relevant policies of the development plan.

## 5.2 Parking and Transportation

The application plans indicate a total of 7 parking spaces within the property: four to the front and three linear spaces at the side. The Council's Transportation DC engineer considers that three linear spaces is an impractical arrangement and that only two should be considered as usable. To gain access to the four spaces at the front, the plans indicate that the front boundary wall and gate would be demolished, leaving the frontage open. A condition could be attached to require this to be implemented and kept as such thereafter, to ensure those spaces remain accessible.

As the proposed development is a mixed use there is no specific parking policy requirement, but the residential element would normally require a minimum of two spaces (based on the three bedrooms currently identified for the family). Parking standards for the guesthouse accommodation would normally be 1 space per bedroom. It is therefore considered that the proposal provides sufficient off-street parking and the Transportation DC engineer has made no objection subject to a condition that the six parking spaces are implemented and the front wall demolished to facilitate access.

The Transport DC engineer has requested a single secure covered cycle parking space be provided in accordance with policy T7. In view of the opened frontage required for the access to the vehicle parking spaces this is considered appropriate and will be a conditioned requirement.

The development therefore accords with policies E3, T7, T8 and T12 and CS1 in this regard.

## 5.3 Residential Amenity

The property has commercial units to the West, and another residential dwelling to the East. Several other residential properties border the property to the North.

The parking is located to the front and side, and is as exists at present for the dwelling, but reconfigured at the front with the revised access. The property will remain largely residential in character and it is not anticipated that the use will generate significant additional vehicle movements or other visits or deliveries.

The property has a rear garden area that may be used by both the family and the paying guests. This use would be little different to that of a residential dwelling house. However it is noted that there are significant outbuildings in the garden area which are close to the boundary, and it is considered appropriate and necessary to attach a condition to restrict overnight sleeping accommodation to the house itself, and another for the outbuildings to be used

solely for incidental purposes. These conditions would also prevent the use of the motor home as additional accommodation. Subject to these conditions the development would accord with policies E3 and CS1 in this regard.

#### 5.4 Other Matters

The Parish Council have objected on the grounds that the proposal is out of keeping and unsuitable for the residential setting. However the proposal will appear little different in terms of the use (at the level of guesthouse use being permitted), and the only physical alteration will be the removal of the front wall, which could be done at any time, irrespective of this application. Furthermore the site is bound on one side by commercial premises, so is not in an exclusively residential setting. It is therefore not considered that any refusal could be justified on this ground.

The Parish have also stated that the site would be overdeveloped and the density of dwelling units too high. Again, no building works are proposed, so there is no change to the number of bedrooms or the density of accommodation on site. If the change of use were not permitted the property could remain a 6 bedroom dwelling, and it should also be noted that the child care use could otherwise be resumed (this would be superseded by this development if permission is granted). The number of guests is being limited by condition so that there is no risk of intensification of the use without further consideration by the Local Planning Authority.

It should finally be noted that this permission would only over-ride the extant enforcement to the extent of the number of guests permitted, so any further intensification beyond that would remain in breach of the enforcement 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 grant permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 set out above, and to all the relevant material considerations set out in the report.

## 7. RECOMMENDATION

- 7.1 That planning permission is granted, subject to the following conditions:

**Contact Officer: Neil Howat**  
**Tel. No. 01454 863548**

## **CONDITIONS**

1. Prior to the commencement of development the front boundary wall and gates shall be removed to create an open frontage and allow access to the proposed parking spaces, in accordance with the approved plans. No new wall, fence, gate or other means of enclosure shall be erected on the front (Southern) boundary without the prior permission of the Local Planning Authority.

### Reason

To allow safe access to the proposed parking, in accordance with policies T8 and T12 of the South Gloucestershire Local Plan (adopted) 2006 (saved policies).

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

### Reason

To ensure the satisfactory provision of parking facilities and in the interest of highway safety and the amenity of the area, and to accord with Policies T8 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006 and the Residential Parking Standards SPD (adopted) 2013.

3. The number of guests accommodated at the property shall not exceed 7 at any time.

### Reason 1

In the interest of highway safety to accord with policy T12 of the South Gloucestershire Local Plan (adopted) 2006 (saved policies).

### Reason 2

To avoid overdevelopment of the site and in the interests of proper planning, and to accord with policy CS1 of the South Gloucestershire Council Local Plan Core Strategy (adopted) 2013.

4. The development shall not commence until a minimum of one covered and secure cycle parking space has been provided in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

### Reason

To promote sustainable transport choices and to accord with policy T7 of the South Gloucestershire Local Plan (adopted) 2006 (saved policies)

5. The owners/occupiers shall maintain an up-to-date register of the names of all paying guests, the dates of their stay, and of their main home addresses, and shall make this information available at all reasonable times to the Local Planning Authority.

### Reason

To ensure that the restriction on the number of guests is adhered to, in the interests of highway safety and proper planning, to accord with policy T12 of the South Gloucestershire Local Plan (adopted) 2006 (saved policies) and policy CS1 of the South Gloucestershire Local Plan Core Strategy (adopted) 2013.

6. The site shall be used for the mixed use hereby permitted and for no other purpose without the express permission of the Local Planning Authority.

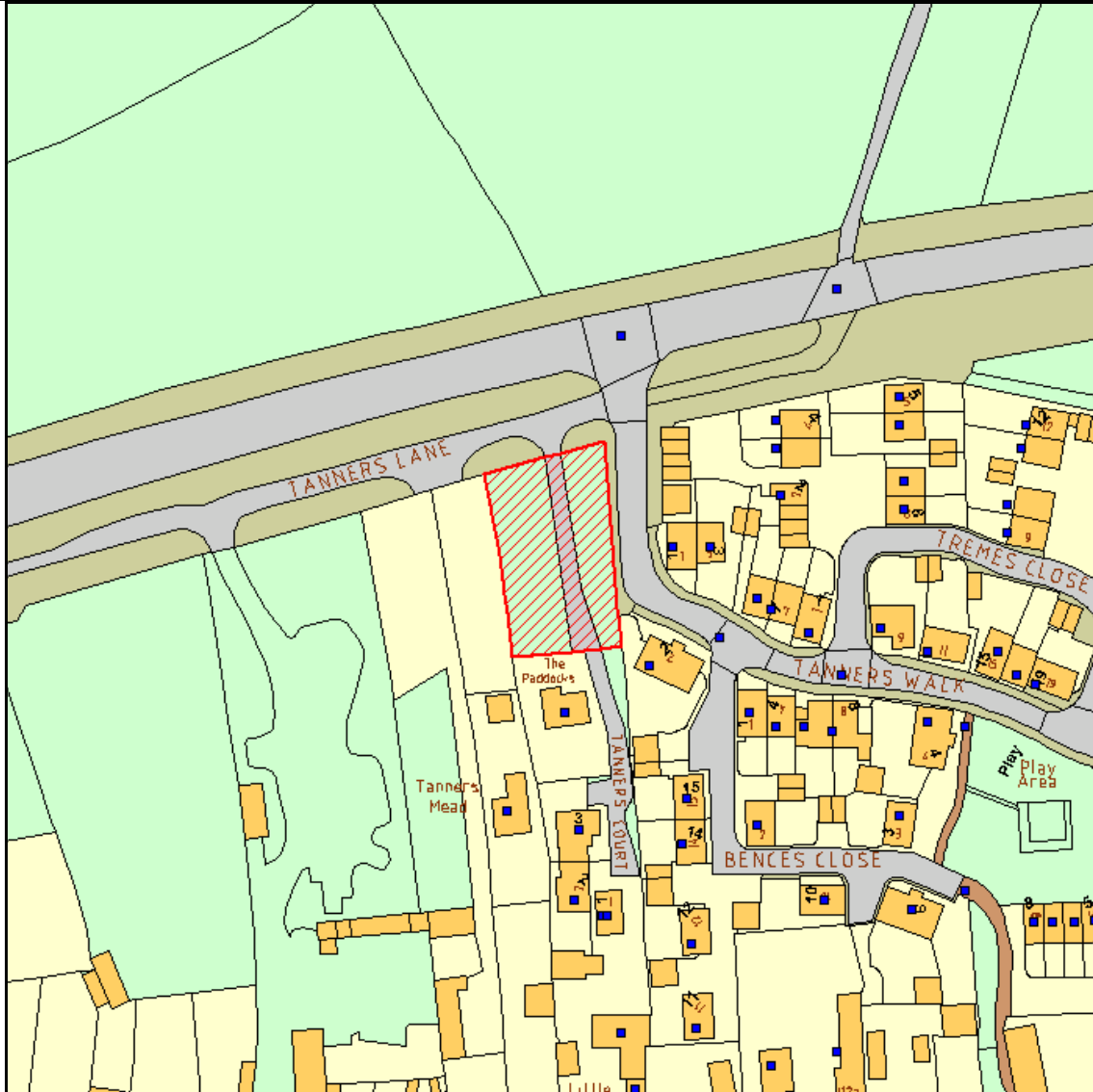
Reason

To avoid overdevelopment of the site and in the interests of highway safety and proper planning, in accordance with policy CS1 of the South Gloucestershire Local Plan Core Strategy (adopted) 2013.

## CIRCULATED SCHEDULE NO. 03/15 – 16 JANUARY 2015

**App No.:** PK14/4406/F  
**Site:** Tanners Court Tanners Lane Marshfield  
 Chippeham SN14 8BF  
**Proposal:** Erection of 2no semi detached dwellings  
 with associated works. (Amendment to  
 previously approved scheme PK13/4625/F  
 to include dormer windows and  
 conservation roof lights).  
**Map Ref:** 377584 173810  
**Application Category:** Minor

**Applicant:** A & J Properties  
**Date Reg:** 14th November  
 2014  
**Parish:** Marshfield Parish  
 Council  
**Ward:** Boyd Valley  
**Target Date:** 6th January 2015



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100023410, 2014.

N.T.S.

PK14/4406/F

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

This application has been referred to the Circulated Schedule following the receipt of objections from local residents, the concerns raised being contrary to the officer recommendation. Furthermore any consent would require a S106 Legal Agreement.

### **1. THE PROPOSAL**

- 1.1 The application site comprises an area of residential curtilage located to the front of 'The Paddocks', a two-storey, 1970's/80's, residential dwelling house situated at the front of the Tanners Court development in Marshfield. Vehicular access is via Tanners Lane which runs parallel to the A420 and links into the end of Tanners Walk; this access is shared between 'The Paddocks' and the houses within 'Tanners Court'.
- 1.2 The application site lies just within the northern edge of the Marshfield Conservation Area and is also within The Cotswolds AONB. The plot is predominantly grassed and bounded by stone walls and trees to the north, east and west and by 'The Paddocks' to the south. Just outside the eastern boundary wall is a landscaped area within which grow a row of Lime Trees protected by Tree Preservation Order.
- 1.3 Planning permission PK13/4625/F was recently granted to erect a pair of two-storey, semi-detached dwelling houses and associated single detached garages on the plot; this permission has already been implemented and work is now proceeding. In order to accommodate the dwellings the access drive is to be re-configured and a new footway introduced from Tanners Lane through the northern boundary wall; a link would be provided to Tanners Walk. It is also proposed to introduce a new footway on the eastern side of Tanners Walk, opposite the site, where there is currently just grass verge.
- 1.4 The original application was supported by the following documents:
  - Design and Access Statement
  - Tree Report
  - Tree Survey
  - Arboricultural Plan
  - Tree Survey Constraints Plan
  - Drainage Plan
  - Topographical Survey
  - Archaeological Desk Based Assessment
  - Extended Phase 1 Habitat Survey
- 1.5 The current application PK14/4406/F merely seeks an amendment to the originally approved scheme to include two dormer windows in the east facing roof slope of each dwelling and two conservation roof-lights in the eastern roof slopes of each dwelling. The previously approved windows in the rear elevations of the two garages, have been deleted.



## 2. POLICY CONTEXT

### 2.1 National Guidance

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

### 2.2 Development Plans

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

CS1 - Design  
CS5 - Location of Development  
CS8 - Improving Accessibility  
CS9 - Managing the Environment and Heritage  
CS15 - Distribution of Housing  
CS16 - Housing Density  
CS17 - Housing Diversity

#### South Gloucestershire Local Plan (Adopted) 6th January 2006

L1 - Landscape Protection and Enhancement  
L2 - Cotswolds AONB  
L5 - Open areas  
L9 - Species Protection  
L11 - Archaeology  
L12 - Conservation Areas  
L13 - Listed Buildings  
H4 - Development within Existing Residential Curtilages, including Extensions and New Dwellings.  
EP2 - Flood Risk and Development  
EP4 - Noise Sensitive Development  
T7 - Cycle Parking Provision  
T8 - Parking Standards  
T12 - Transportation Development Control Policy for New Development  
LC2 - Provision for Education Facilities (Site Allocations and Developer Contributions)  
LC3 - Proposals for Sports and Leisure Facilities Within the Existing Urban Areas  
LC4 - Proposals for Educational and Community Facilities Within the Existing Urban Area.  
LC12 - Recreational Routes

### 2.3 Emerging Plan

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

PSP1 - Local Distinctiveness  
PSP2 - Landscape  
PSP3 - Trees and Woodland  
PSP5 - Undesignated Open Spaces within Urban Areas and Settlements  
PSP6 - Onsite Renewable & Low Carbon Energy  
PSP8 - Settlement Boundaries and Residential Amenity  
PSP10 - Development Related Transport Impact Management

- PSP16 - Parking Standards
- PSP17 - Heritage Assets and the Historic Environment
- PSP19 - Wider Biodiversity
- PSP20 - Flood Risk, Surface Water and Watercourses
- PSP21 - Environmental Pollution and Impacts
- PSP39 - Private Amenity Space Standards

2.4 Supplementary Planning Guidance

South Gloucestershire Design Checklist (SPD) adopted 23<sup>rd</sup> August 2007  
South Gloucestershire Council Residential Parking Standards (Adopted) 2013.  
Trees on Development Sites SPD Adopted Nov. 2005

**3. RELEVANT PLANNING HISTORY**

- 3.1 P98/4581 - Erection of 1 no. dwelling and garage.  
Approved 3 Dec 2001
- 3.2 PK02/0640/F - Conversion of existing barns to 2no. residential dwellings.  
Erection of 3 no. detached dwellings.  
Approved 7 Oct. 2002
- 3.3 PK05/1463/RVC - Variation of Condition 16 attached to Planning Permission PK02/0640/F to allow 3 no. New building units to be accessed via existing access off Tanners Lane.  
Allowed 8 July 2005
- 3.4 PK06/1184/F - Erection of single-storey rear extension and two-storey side extension to provide garage and additional living accommodation.  
Approved 1 June 2006
- 3.5 PK06/2708/F - Renewal of planning application P98/4581 for the erection of 1no. dwelling and garage, together with alterations to vehicular access.  
Refused 12 July 2007
- 3.6 PK08/1344/F - Erection of one dwelling and garage together with alterations to existing vehicular access (re-submission of PK06/2708/F)  
Refused 24 June 2008
- 3.7 PK13/2730/F - Erection of 4 semi-detached dwellings with associated works.  
Withdrawn 16 Oct 2013
- 3.8 PK13/4625/F - Erection of 2 semi-detached dwellings with associated works (Re-submission of PK13/2730/F).  
Approved 29 Sept. 2014 subject to S106 (now signed).
- 3.9 PK14/4150/RVC - Removal of condition 11 attached to planning permission PK13/4625/F.  
Withdrawn

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

4.1 Marshfield Parish Council  
No objection

4.2 Other Consultees

Highway Drainage  
No objection

Highways Structures  
No comment

Ecology (previous comments)

No objection subject to a condition requiring that biodiversity enhancements in the form of bat and bird boxes be carried out in accordance with Section 6 of the ecological survey.

Archaeology

No objection subject to standard HC13 condition.

Sustainable Transport

No objection subject to the previous conditions and S106 Agreement to secure a new footway link between the site and from Tanners Lane to Tanners Walk as shown in principal on drawing no. 21121211\_01. The new footway shall be connected to the existing footway networks adjacent to no.1 Tanners Walk together with all associated works including relocation of the existing lamp column outside no.1 Tanners Walk.

Conservation Officer

No objection subject to a condition to secure the detailed design of the dormers and roof-lights..

Tree Officer

No response

#### **Other Representations**

4.3 Local Residents

5no responses were received from 4 households; the concerns raised are summarised as follows:

- The dormers would result in inter-visibility and overlooking of no. 1 Tanners Walk and Tanners Mead House, Tanners Lane.
- Contrary to previous conditions.
- No justification for insertion of proposed dormers.
- Adverse impact on the character of the Conservation Area.
- The dormers would be out of proportion with the roof.
- Object to any additional windows in the gable end or garage. Overlooking 'The Paddocks' to the south.

## 5. ANALYSIS OF PROPOSAL

### 5.1 Principle of Development

The acceptance in principle of the residential development of these two dwellings has already been established with the grant of planning permission PK13/4625/F. The current application merely proposes an amendment to the originally approved scheme to include two dormer windows in the east facing roof slope of each dwelling and two conservation roof-lights in the eastern roof slopes of each dwelling. The proposal would facilitate use of the respective roof spaces as additional bedrooms with en-suite. Other than the insertion of these windows and the removal of the previously approved rear windows in the two garages; the scheme is exactly the same as previously approved.

5.2 The site lies within the Marshfield Settlement Boundary and being residential curtilage, there is no in-principle objection to the development of the site for residential use. The South Gloucestershire Local Plan Core Strategy was adopted (Dec 2013) so the policies therein now form part of the Development Plan. Policy CS4 replicates the NPPF in enforcing the presumption in favour of sustainable development. In accordance with para. 187 of the NPPF, Core Strategy Policy CS4A states that, when considering proposals for sustainable development, the Council will take a positive approach and will work pro-actively with applicants to find solutions so that sustainable development can be approved wherever possible. The NPPF Para. 187 states that Local Planning Authorities should look for solutions rather than problems and decision-takers at every level should seek to approve applications for sustainable development where possible.

5.3 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'.

5.4 Paragraph 50 of the NPPF sets out the importance of delivering a wide range of residential accommodation. This policy stance is replicated in Policy CS17 of the Core Strategy which makes specific reference to the importance of planning for mixed communities including a variety of housing type and size to accommodate a range of different households, including families, single persons, older persons and low income households, as evidenced by local needs assessments and strategic housing market assessments.

5.5 Policy CS17 goes on to say that building on gardens will be allowed where this would not adversely affect the character of an area and where, cumulatively, it would not lead to unacceptable localised traffic congestion and pressure on parking. Such development will be allowed where each home has adequate private/semi-private and/or communal outdoor space and where occupiers have access to adequate open and play space within the immediate vicinity.

5.6 Saved Policy H4 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 permits development within existing residential curtilages, including extensions to existing dwellings and new dwellings subject to criteria that are discussed below. Policy CS1 of the South Gloucestershire Local Plan Core

Strategy (Adopted) Dec 2013 seeks to secure good quality designs that are compatible with the character of the site and locality.

- 5.7 Officers consider that the only issue to consider in this application, is the acceptance or otherwise of the proposed dormers and roof-lights. For information purposes however, the original Circulated Schedule Report for PK13/4625/F is appended to this report.
- 5.8 Saved Policy H4 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 permits development within existing residential curtilages, including extensions and new dwellings, where they:
- 5.9 **A. Respect the massing, scale, proportions, materials and overall design and character of the street scene and surrounding area; and**
- 5.10 The approved pair of semi-detached houses are relatively modest in scale and compare favourably with the existing dwellings to the south and east of the site. They have been designed and detailed to a high standard to reflect the character and quality of the settlement and its local vernacular. A raft of conditions attached to the original permission sought to ensure that the materials used in construction would not adversely affect the character of the street scene and these would be repeated in the event of this current application being approved.
- 5.11 Condition 11 removed permitted development rights for the insertion of any windows, dormers or roof lights, other than those already approved. In effect this does not completely prevent the future insertion of such windows, it merely means that they would need planning permission, thus giving the Council control over such matters in the interests of residential amenity and the character of the Conservation Area.
- 5.12 The dormer windows proposed are small pitched roofed dormers, the like of which are commonly found within the Marshfield Conservation Area. In each case they are in the same vertical alignment as the other windows and doors in the front elevations. The dormers are considered to be well proportioned and are set at an appropriate level in the respective roof-slopes as to not appear as incongruous elements in the street scene. The roof-lights would be located on the rear (east) roof slopes and would therefore not be as visible within the street scene. Being conservation roof-lights they are appropriately designed and being modest in size would have little impact on the appearance of the dwellings.
- 5.13 On balance therefore, officers consider that the amended scheme would meet the requirements of criterion A of Policy H4.
- 5.14 **B. Would not prejudice the amenities of nearby occupiers; and**
- 5.15 Concerns have been raised by local residents about the loss of privacy due to overlooking and inter-visibility, from the proposed dormers, with windows in the houses to the east, most notably no.1 Tanners Walk, there being no first floor windows in the end elevation of no.2. Concerns have also been raised about

overlooking of The Paddocks to the south, from any new windows in the southern elevation of the nearest new house, but no such windows are in fact proposed and in any event the ongoing conditions would control the insertion of such windows in the future.

- 5.16 In assessing the impact of the front windows of the new houses on the windows of the property opposite, officers previously had the following to say:-

*'Given the orientation of the houses in Tanners Walk and distance (14m-18m) from the proposed dwellings, together with the presence of the boundary wall and existing tree belt, there would be minimum impact for occupiers of these dwellings.'*

- 5.17 Whilst the proposed dormers would face the bedroom windows of no.1 from a higher elevation, the dormers are in fact set back 1.3m further than the approved windows in the front elevation of the two new dwellings. With the addition of the tree belt on the eastern boundary of the site the level of overlooking/inter-visibility is considered acceptable. The trees lie outside the application site and are protected by TPO so their retention is assured in the future.

- 5.18 The proposed roof-lights face west and merely face the large front garden and driveway of Tanners Mead. The roof-lights are relatively high level and give little opportunity for overlooking. Any overlooking would be more than compensated for by the removal of the rear windows in the two approved garages.

- 5.19 On balance therefore officers consider that the proposed dormers and roof-lights would not result in any significant adverse impact on residential amenity.

- 5.20 **C. Would not prejudice highway safety or the retention of an acceptable level of parking provision, and an acceptable level of parking provision is provided for any new separately occupied dwelling; and**

- 5.21 Given that the proposed dormers and roof-lights would facilitate the introduction of an additional bedroom in the roof-spaces of the respective new dwellings, the parking provision must be re-assessed against the requirements of The South Gloucestershire Council Residential Parking Standards SPD. The houses would become 4 bedroomed as opposed to the previously approved 3 bedroom houses but the minimum parking provision i.e. 2 spaces is in fact the same for both 2 and 3 bedroom houses. The parking provision as previously approved is therefore acceptable.

- 5.22 The highway improvements previously secured by S106 would be carried over and subject to the same highway related conditions as previously imposed there are no highway objections to the proposed amendments.

- 5.23 **D. Would not prejudice the retention of adequate private amenity space, and adequate private amenity space is provided for any new separately occupied dwelling.**

Notwithstanding the additional bedrooms, adequate areas of private amenity space would still be provided for the proposed dwellings.

5.24 Conservation Issues

Local Plan Policy L12 seeks to preserve or enhance the character or appearance of Conservation Areas. The site lies within the Marshfield Conservation Area. The design and access statement as well as the archaeological desk based assessment submitted with the previous application PK13/4625/F included an adequate analysis of the Conservation Area.

5.25 The design of the dwellings was the subject of much negotiation and revision and is influenced by the character identified in the analysis. The proposed amendments are not considered to depart so far from this identified character as to justify refusal of the application; indeed similar dormers and roof lights are to be found in houses nearby as evidenced by a series of photographs submitted by the applicant. Subject to a condition to secure the detailed design of the proposed dormers and roof-lights, the proposal is considered to adequately preserve the character of this part of the Conservation Area.

5.26 Landscape Issues

The site lies within the Cotswolds AONB within which Policy L2 requires development to conserve and enhance the natural beauty of the AONB. The amendments proposed would have little or no impact on landscape matters.

5.27 Subject to the development being carried out in accordance with the submitted information and mitigation strategy previously approved, the proposal would not be contrary to Policy L1, L2 or L12 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

5.28 Ecology

An Extended Phase I Habitat Survey of the site was previously conducted.

5.29 Opportunities for biodiversity enhancement in the form of bat and bird boxes fitted into the new buildings as outlined in Section 6 of the ecological survey (Abricon January 2014) would, as previously, be secured by condition. Subject to this condition there are no objections on ecological grounds.

5.30 Drainage

The proposed amendments would have no significant implications for drainage. A schematic foul and surface water drainage layout plan has previously been submitted. The scheme would accord with Policy EP2 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

5.31 Affordable Housing

The proposal is for 2no. dwellings only, which is below the Council's threshold for affordable housing provision.

5.32 Education Service

The proposal is for 2no. dwellings only, which is below the Council's threshold for contributions to the Education Service.

### 5.33 Community Services

The proposal is for 2no. dwellings only, which is below the Council's threshold for contributions to Community Services.

## 6. CONCLUSION

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 The proposed amendments would facilitate the introduction of an additional bedroom in the roof spaces of the respective dwellings; this makes more efficient use of the land which accords with the NPPF.
- 6.3 The recommendation to grant planning permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 and The South Gloucestershire Local Plan Core Strategy (Adopted) 11<sup>th</sup> Dec. 2013 set out above, and to all the relevant material considerations set out in the report including the tests within the CIL regulations.

## 7. RECOMMENDATION

- 7.1 That authority be delegated to the Director of Environment and Community Services to grant planning permission, subject to the conditions set out below and the same requirements of the S106 signed under PK13/4625/F (see appended report) which secured the following:
- (i) The provision of a new footway link between the site and from Tanners Lane to Tanners Walk as shown on Site Plan Drawing No. 21121211\_01 previously received 07 April 2014. The new footway shall be connected to the existing footway networks adjacent to no.1 Tanners Walk together with all associated works including relocation of the existing lamp column outside no.1 Tanners Walk.

The reasons for this Agreement are:

- (i) To enhance pedestrian facilities to and from the site in the interests of highway safety and to accord with Policy T12 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 and Policy CS1 of The South Gloucestershire Local Plan Core Strategy (Approved) Dec 2013.

*The previous application PK13/4625/F was granted subject to a S106 agreement to secure the works listed above and this S106 carries clauses at paras. 1.9 and 1.10 which, allows the S106 to be carried over to any*



*application/development relating to the Application Land, which the Council and the Owner agree in writing is substantially similar. Given the modest amendments proposed to the previously approved scheme, these clauses will apply in this case.*

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

## **CONDITIONS**

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

### Reason

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

2. Prior to the first occupation of the dwellings hereby approved, all car parking plus turning areas shall be provided in accordance with the submitted and approved Site Plan No. 20121211\_01 received 11th Nov. 2014 and such measures shall be maintained satisfactorily on site thereafter and used only in conjunction with the site's purpose.

### Reason

In the interests of highway safety in accordance with Policy T12 of The South Gloucestershire Local Plan (Adopted) 6th Jan 2006, Policy CS8 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11th Dec. 2013 and The South Gloucestershire Council Residential Parking Standards (Adopted).

3. The development shall be completed in accordance with submitted surface water drainage details and SUDS statement.

### Reason

To ensure that a satisfactory means of drainage is provided, and to accord with Policy EP2 of the South Gloucestershire Local Plan (Adopted) January 2006 and Policy CS9 of The South Gloucestershire Local Plan Core Strategy (Adopted) Dec 2013.

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

### Reason

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policy H4 of The South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

5. The boundary treatments shall be completed before the buildings hereby approved are first occupied. The development shall be carried out in full accordance with the details shown on the submitted and approved Site Plan No. 20121211\_01 received 11th Nov. 2014.

Reason

In the interests of residential amenity and to accord with Policy H4 of The South Gloucestershire Local Plan (Adopted) 6th Jan 2006 and Policy CS1 of The South Gloucestershire Local Plan Core Strategy (Adopted) Dec. 2012.

6. The development hereby approved shall be carried out in accordance with biodiversity enhancements in the form of bat and bird boxes in accordance with Section 6 of the ecological survey (Abricon January 2014) previously submitted with application PK13/4625/F, the enhancements to be provided prior to the first occupation of the dwellings hereby approved.

Reason

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

7. The development shall be carried out in accordance with the tree protection measures recommended in the Arboricultural Implications Report by David Daniell Associates dated 24 April 2014 previously submitted under application PK13/4625/F. The protective fencing shall be erected in accordance with the approved details shown on the previously approved Arboricultural Implications Plan No. L344 SK2 Rev B and retained as such for the entire duration of the construction phase of the development hereby approved.

Reason

In the interests of the health of the retained trees and in accordance with Policy L1 of The South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

8. All hard and soft landscaping of the development hereby approved shall be carried out in accordance with the approved details shown on the submitted and approved Site Plan No. 20121211\_01 and previously approved (see PK13/4625/F) Arboricultural Implications Plan No. L344 SK2 Rev B, and to a timescale to be agreed in writing by the Local Planning Authority.

Reason

To conserve and enhance the character, quality and amenity of the landscape, Cotswolds AONB and Marshfield Conservation Area in accordance with Policies L1, L2 and L12 of The South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

9. The development shall be carried out in accordance with the construction compound details submitted 29th Oct. 2014.

Reason

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policy H4 of The South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

10. Prior to the first occupation of the southernmost dwelling hereby permitted, and at all times thereafter, the proposed first floor landing and ground floor W.C. windows on the southern side elevation shall be glazed with obscure glass to level 3 standard or above with any opening part of the window being above 1.7m above the floor of the room in which it is installed.

Reason

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policy H4 of The South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

11. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995 (as amended) (or any Order revoking or re-enacting that Order with or without modification), no windows/dormer windows or rooflights other than those expressly authorised by this permission shall be constructed within the dwellings or garages hereby approved.

Reason 1

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policy H4 of The South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

Reason 2

To preserve the character of the Marshfield Conservation Area and to accord with Policy L12 of The South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

12. Prior to the commencement of the relevant sections of the development hereby approved, a representative sample panel of natural stone walling (for the houses) 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 completed strictly in accordance with the agreed details.

Reason

In order that the development serves to preserve the character and appearance of the Conservation Area, in accordance with section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 190, national guidance set out at the NPPF and Policy L12 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

13. Prior to the commencement of the relevant sections of the development hereby approved, a representative sample panel of render of at least one metre square, showing the texture and finish shall be erected on site and approved in writing by the Local Planning Authority. The works shall be completed strictly in accordance with the agreed details.

Reason

In order that the development serves to preserve the character and appearance of the Conservation Area, in accordance with section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 190, national guidance set out at the NPPF and Policy L12 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

14. Notwithstanding the previously submitted details, and prior to the installation of any hard surfacing, samples of all new hard surfacing (including verges/kerbing details)

shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.

Reason

In order that the development serves to preserve the character and appearance of the Conservation Area, in accordance with section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 190, national guidance set out at the NPPF and Policy L12 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

15. Prior to the commencement of the relevant sections of the development hereby approved, the detailed design of the following items shall be submitted to and approved in writing by the Local Planning Authority. The details shall be at a minimum scale of 1:5.
- a. all new windows
  - b. all new doors
  - c. eaves, verges and ridges
  - d. porch canopies
  - e. garage doors
  - f. lintols
- The works shall be completed strictly in accordance with the agreed details.

Reason

In order that the development serves to preserve the character and appearance of the Conservation Area, in accordance with section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 190, national guidance set out at the NPPF and Policy L12 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

16. The appointed archaeological contractor shall be afforded access at all reasonable times in order to observe the excavations and record archaeological remains uncovered during the work. This work is to be carried out in accordance with the previously supplied brief (see PK13/4625/F).

Reason

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

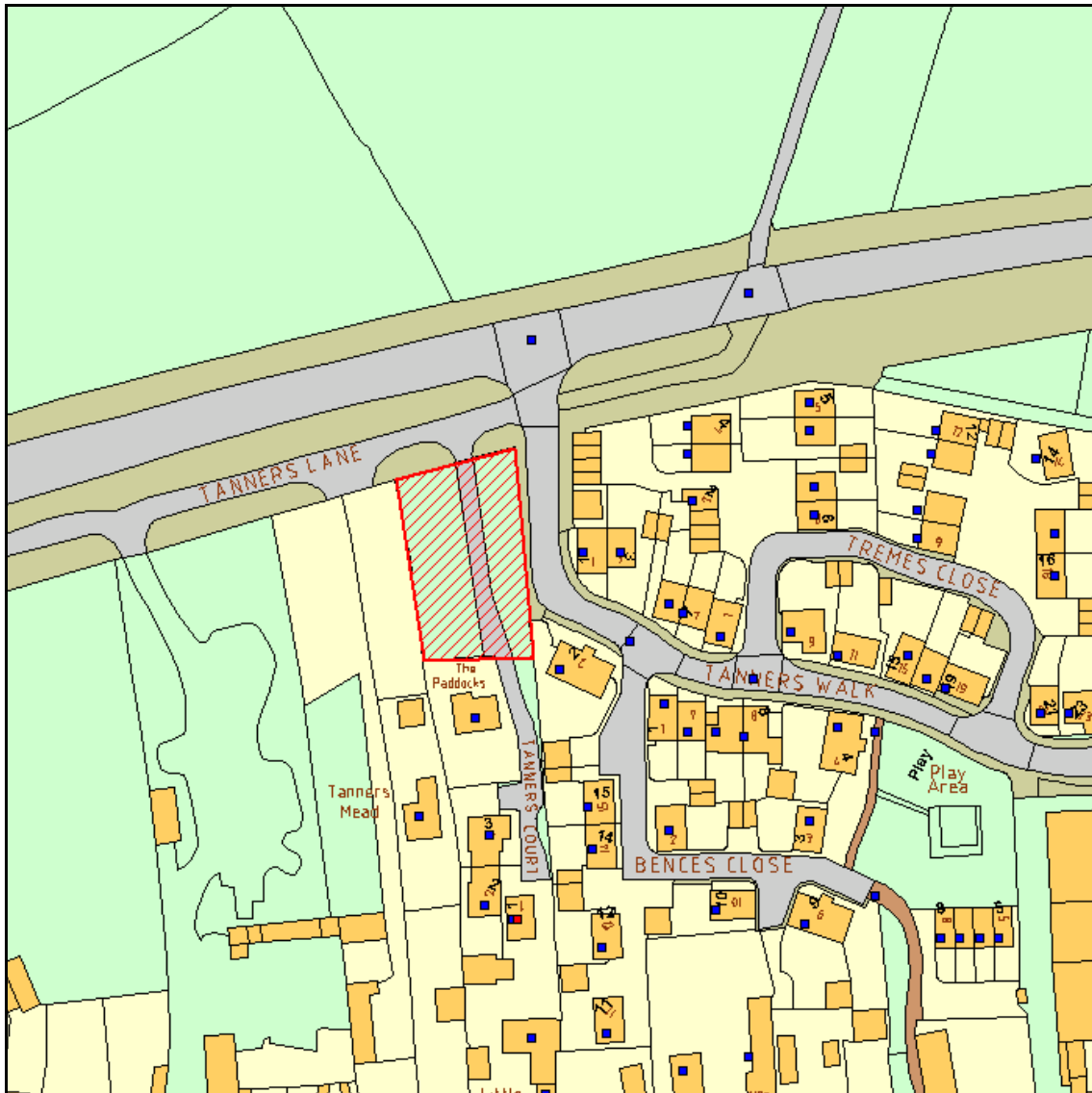
17. Notwithstanding previously submitted details and prior to the commencement of the relevant sections of the development, details of the following items, including materials and finishes, shall be submitted to and approved in writing by the local planning authority. The details shall be at a scale of 1:5 including sections. The works shall be completed strictly in accordance with the agreed details.
- a. New dormer windows (including cheeks, eaves, ridge, roofing)
  - b. Conservation rooflights

Reason

In order that the works serve to preserve the character and appearance of the conservation area, in accordance with section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, Policy L12 of the South Gloucestershire Local Plan, Policy CS9 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11 Dec 2013 and national guidance set out at the NPPF and Historic Environment Planning Practice Guide.

## CIRCULATED SCHEDULE NO. 18/14 – 2 MAY 2014

<b>App No.:</b>	PK13/4625/F	<b>Applicant:</b>	A & J Properties
<b>Site:</b>	Tanners Court Tanners Lane Marshfield South Gloucestershire SN14 8BF	<b>Date Reg:</b>	17th December 2013
<b>Proposal:</b>	Erection of 2no semi detached dwellings with associated works (Resubmission of PK13/2730/F)	<b>Parish:</b>	Marshfield Parish Council
<b>Map Ref:</b>	377584 173810	<b>Ward:</b>	
<b>Application Category:</b>	Minor	<b>Target Date:</b>	7th February 2014



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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 local residents, the concerns raised being contrary to the officer recommendation. Furthermore any consent would require a S106 Legal Agreement.

### **1. THE PROPOSAL**

- 1.1 The application site comprises an area of residential curtilage located to the front of 'The Paddocks', a two-storey, 1970's/80's, residential dwelling house situated at the front of the Tanners Court development in Marshfield. Vehicular access is via Tanners Lane which runs parallel to the A420 and links into the end of Tanners Walk; this access is shared between 'The Paddocks' and the houses within 'Tanners Court'.
- 1.2 The application site lies just within the northern edge of the Marshfield Conservation Area and is also within The Cotswolds AONB. The plot is predominantly grassed and bounded by stone walls and trees to the north, east and west and by 'The Paddocks' to the south. Just outside the eastern boundary wall is a landscaped area within which grow a row of Lime Trees protected by Tree Preservation Order.
- 1.3 It is proposed to erect a pair of two-storey dwelling houses and associated single detached garages on the plot. In order to accommodate the dwellings the access drive would be re-configured and a new footway introduced from Tanners Lane through the northern boundary wall; a link would be provided to Tanners Walk. It is also proposed to introduce a new footway on the eastern side of Tanners Walk, opposite the site, where there is currently just grass verge.
- 1.4 The application is supported by the following documents:
  - Design and Access Statement
  - Tree Report
  - Tree Survey
  - Arboricultural Plan
  - Tree Survey Constraints Plan
  - Drainage Plan
  - Topographical Survey
  - Archaeological Desk Based Assessment
  - Extended Phase 1 Habitat Survey
- 1.5 An earlier application PK13/2730/F for a terrace of four houses was withdrawn on officer advice. The current scheme was designed in negotiation with officers of the Council.

### **2. POLICY CONTEXT**

## 2.1 National Guidance

The National Planning Policy Framework March 2012  
Planning (Listed Buildings and Conservation Areas) Act 1990  
Housing and Growth - Ministerial Statement by The Rt. Hon. Eric Pickles  
(Secretary of State for Communities and Local Government). Sept 2012  
Planning Practice Guidance March 2014

## 2.2 Development Plans

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

CS1 - Design  
CS5 - Location of Development  
CS9 - Managing the Environment and Heritage  
CS15 - Distribution of Housing  
CS16 - Housing Density  
CS17 - Housing Diversity

### South Gloucestershire Local Plan (Adopted) 6th January 2006

L1 - Landscape Protection and Enhancement  
L2 - Cotswolds AONB  
L5 - Open areas  
L9 - Species Protection  
L11 - Archaeology  
L12 - Conservation Areas  
L13 - Listed Buildings  
H4 - Development within Existing Residential Curtilages, including Extensions and New Dwellings.  
EP2 - Flood Risk and Development  
EP4 - Noise Sensitive Development  
T7 - Cycle Parking Provision  
T8 - Parking Standards  
T12 - Transportation Development Control Policy for New Development  
LC2 - Provision for Education Facilities (Site Allocations and Developer Contributions)  
LC3 - Proposals for Sports and Leisure Facilities Within the Existing Urban Areas  
LC4 - Proposals for Educational and Community Facilities Within the Existing Urban Area.  
LC12 - Recreational Routes

### Supplementary Planning Guidance

South Gloucestershire Design Checklist (SPD) adopted 23<sup>rd</sup> August 2007  
South Gloucestershire Council Residential Parking Standards (Adopted) 2013.  
Trees on Development Sites SPD Adopted Nov. 2005

## 3. RELEVANT PLANNING HISTORY

3.1 P98/4581 - Erection of 1 no. dwelling and garage.  
Approved 3 Dec 2001

- 3.2 PK02/0640/F - Conversion of existing barns to 2no. residential dwellings.  
Erection of 3 no. detached dwellings.  
Approved 7 Oct. 2002
- 3.3 PK05/1463/RVC - Variation of Condition 16 attached to Planning Permission  
PK02/0640/F to allow 3 no. New building units to be accessed via existing  
access off Tanners Lane.  
Allowed 8 July 2005
- 3.4 PK06/1184/F - Erection of single-storey rear extension and two-storey side  
extension to provide garage and additional living accommodation.  
Approved 1 June 2006
- 3.5 PK06/2708/F - Renewal of planning application P98/4581 for the erection of  
1no. dwelling and garage, together with alterations to vehicular access.  
Refused 12 July 2007
- 3.6 PK08/1344/F - Erection of one dwelling and garage together with alterations  
to existing vehicular access (re-submission of PK06/2708/F)  
Refused 24 June 2008

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

4.1 Marshfield Parish Council  
No objection

4.2 Other Consultees

Highway Drainage

No objection subject to a condition to secure a SUDS Drainage Scheme.

Ecology

No objection subject to a condition requiring that biodiversity enhancements in the form of bat and bird boxes be carried out in accordance with Section 6 of the ecological survey.

Archaeology

No objection subject to standard HC13 condition.

Sustainable Transport

No objection subject to a S106 Agreement to secure a new footway link between the site and from Tanners Lane to Tanners Walk as shown in principal on drawing no. 21121211\_01. The new footway shall be connected to the existing footway networks adjacent to no.1 Tanners Walk together with all associated works including relocation of the existing lamp column outside no.1 Tanners Walk.

Conservation Officer

No objection subject to standard conditions relating to materials.

Tree Officer



No response

## **Other Representations**

### 4.3 Local Residents

7no responses were received from 4 households; the concerns raised are summarised as follows:

- The houses would be too close to 'The Paddocks'.
- Loss of light to windows in the front of 'The Paddocks'.
- The proposed houses should be moved further to the front of the site.
- Loss of trees – impact on wildlife.
- Adverse impact of construction phase.
- Stone should be used not render.
- Insufficient visitor parking.
- Soak-away would be too close to dry stone wall.
- Overbearing impact on Tanners Mead House.
- Overlooking of Tanners Mead House.
- Inappropriate pedestrian access; it should be onto Tanners Walk.
- Gravel pathway and access would be inferior to tarmac.
- Tree T19 Silver Birch is on neighbouring land.
- The houses would be too close to 'Glebe Cottage'
- Proposed new access road does not link up with existing road to Tanners Court.
- For safety reasons the footpath should be delineated from the access road.

Following the submission of amended plans a further letter was received from one of the previously objecting households, stating the following:

- We are in favour of the proposed tarmac road, brickwork paving pathway and re-location of the turning bay for this development as detailed on the revised drawings.

## **5. ANALYSIS OF PROPOSAL**

### 5.1 Principle of Development

The acceptance in principal of a residential development, of a similar scale to that proposed, on this site has already been established with the grant of permission P98/4581 (not implemented). It was established at the time of that application that the land is residential curtilage associated with 'The Paddocks'.

- 5.2 The site lies within the Marshfield Settlement Boundary and being residential curtilage, there is no in-principle objection to the development of the site for residential use. The South Gloucestershire Local Plan Core Strategy has now been adopted (Dec 2013) so the policies therein now form part of the Development Plan. Policy CS4 replicates the NPPF in enforcing the presumption in favour of sustainable development. In accordance with para. 187 of the NPPF, Core Strategy Policy CS4A states that, when considering proposals for sustainable development, the Council will take a positive approach and will work pro-actively with applicants to find solutions so that

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

- 5.3 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'.
- 5.4 Paragraph 50 of the NPPF sets out the importance of delivering a wide range of residential accommodation. This policy stance is replicated in Policy CS17 of the Core Strategy which makes specific reference to the importance of planning for mixed communities including a variety of housing type and size to accommodate a range of different households, including families, single persons, older persons and low income households, as evidenced by local needs assessments and strategic housing market assessments.
- 5.5 Policy CS17 goes on to say that building on gardens will be allowed where this would not adversely affect the character of an area and where, cumulatively, it would not lead to unacceptable localised traffic congestion and pressure on parking. Such development will be allowed where each home has adequate private/semi-private and/or communal outdoor space and where occupiers have access to adequate open and play space within the immediate vicinity.
- 5.6 Saved Policy H4 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 permits development within existing residential curtilages, including extensions to existing dwellings and new dwellings subject to criteria that are discussed below. Policy CS1 of the South Gloucestershire Local Plan Core Strategy (Adopted) Dec 2013 seeks to secure good quality designs that are compatible with the character of the site and locality.
- 5.7 Density  
The NPPF seeks to make efficient use of land in the Urban Area for housing. Officers are satisfied that having regard to the site's constraints relating to its location within the AONB and Conservation Area, landscape characteristics including the presence of the nearby TPO'd trees and other boundary vegetation, proximity of existing dwellings, access/parking requirements, and impact on residential amenity, it is unlikely that a larger scheme containing more than 2no. dwellings could be accommodated on the site, and in this respect the proposal represents the most efficient use of the land in what is a sustainable location, close to the centre of Marshfield. The proposal therefore accords with government guidelines and in terms of its density alone, the development is not considered to be an overdevelopment of the site.
- 5.8 Policy H4 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 permits development within existing residential curtilages, including new dwellings, where they::
- 5.9 **A. Respect the massing, scale, proportions, materials and overall design and character of the street scene and surrounding area; and**

- 5.10 Given that a very large 'L' shaped house was previously granted consent (P98/4581) on this site, the proposed pair of semi-detached houses are relatively modest in scale and compare favourably with the existing dwellings to the south and east of the site.
- 5.11 The buildings would be located at a prominent entry point to the village. They have been designed and detailed to a high standard to reflect the character and quality of the settlement and its local vernacular. In order to achieve a more traditional character and appearance, the following amendments have now been made to the originally submitted scheme:
- The roofs of the garages have been re-orientated so that the previously proposed wide gable is replaced with a pitched face;
  - The windows on the front elevation are reduced in size to allow for a more traditional predominance of stone;
  - Chimneys have been added to both houses;
  - The originally proposed pitched door canopies have been replaced with flat lead clad canopies;
  - The roof pitches have been increased slightly by increasing the height of the ridge;
  - The concrete roofing material has been replaced with natural slate;
  - Rainwater goods are now to be cast metal, not Upvc;
  - Garage doors are now side hung, timber vertically boarded;
  - The front doors are now based on more traditional proportions – slightly widened.
- 5.12 The simple gable ended form would respect the character of the street scene. The front elevations of the houses would be natural stone with the side and rear elevations covered with roughcast render; the roof would be natural slate. The associated garages would be built entirely of natural stone with natural slate roofs.
- 5.13 Officers are now satisfied that subject to conditions to secure the material types, that the scheme would meet the requirements of criterion A of Policy H4.
- 5.14 **B. Would not prejudice the amenities of nearby occupiers; and**
- 5.15 Officers consider that most of the concerns raised by local residents have now been adequately addressed in the revised plans that have been subsequently submitted. The properties most likely to be affected by the scheme are 'The Paddocks' to the south of the site and the nearest properties (nos. 1 & 2) located within Tanners Walk. Given the orientation of the houses in Tanners Walk and distance (14m-18m) from the proposed dwellings, together with the presence of the boundary wall and existing tree belt, there would be minimum impact for occupiers of these dwellings.
- 5.16 In response to concerns raised by the occupiers of 'The Paddocks' the proposed dwellings have been moved further north on the plot and the garages re-orientated. The main, two-storey side elevation facing the front of 'The Paddocks' would now be located between 14.4m and 15.6m away with only a first floor landing and ground floor W.C. window in this elevation; to prevent

overlooking, both of these windows are proposed to be obscurely glazed and this can be secured by condition.

- 5.17 The side elevation of the nearest garage would be approximately 10m from 'The Paddocks' but being single-storey and set well back into the plot, it would not have an overbearing impact. There are no windows proposed for the side elevation of this garage.
- 5.18 There are no houses directly to the west and the large garden areas here are well enclosed and screened by existing boundary walls and trees. Similarly there are no houses to the north.
- 5.19 Some concerns have been raised about the impact on amenity during the construction phase. Whilst any disturbance would be on a temporary basis, conditions are justified to control the hours of working on the site and to ensure that any construction compounds would be appropriately placed.
- 5.20 On balance therefore officers consider that subject to the aforementioned conditions, there would be no significant adverse impact on residential amenity.
- 5.21 **C. Would not prejudice highway safety or the retention of an acceptable level of parking provision, and an acceptable level of parking provision is provided for any new separately occupied dwelling; and**
- 5.22 Given that earlier applications e.g. PK08/1344/F have established that it is not possible to access this site directly off Tanners Walk (land not in applicant's control and presence of TPO'd Lime Trees) it is proposed to utilise the existing vehicular access off Tanners Lane. This currently serves 4 existing dwellings in Tanners Court. To increase accessibility by foot, it is also proposed to provide a new footway link to assist pedestrians in walking to the existing local facilities, such as bus stops, shops and other services in the centre of Marshfield. A separate pedestrian access to the front of the site would be provided and a new footway would be provided outside the site to link with an additional section of new footway to be provided outside no.1 Tanners Walk. The new footway would be constructed on the existing public highway/verge and as such would need to be secured by an appropriate legal agreement between the Council and the applicant.
- 5.23 The existing access onto Tanners Lane would not alter but the private driveway through the site that currently serves Tanners Court would be slightly altered and constructed to adoptable standards, although there is no proposal for South Gloucestershire to adopt this driveway and all future maintenance would be the responsibility of the future owners/occupiers. In response to resident concerns, the driveway would now be surfaced with tarmac whilst the pedestrian footpath through the site would be brickwork and delineated with brick curbing. Cobble setts would be used for the parking areas.
- 5.24 Parking provision for the existing dwellings would not be affected. The applicant proposes two parking spaces for each of the new 3 bed houses and this level of parking provision meets the recently adopted minimum parking standards

laid out at Appendix A of The South Gloucestershire Residential Parking Standards SPD.

- 5.25 Bin and recycling lorries already collect household rubbish and recycled material at the mouth of Tanners Court once a week. There would be no need for extra lorries to collect the weekly refuse from the new dwellings. Nevertheless, adequate space has been provided within the development to allow a large vehicle to enter, turn and exit in forward gear.
- 5.26 Subject to the aforementioned S106 Agreement to secure the new footway link and a condition to ensure the provision of the parking spaces prior to the first occupation of the proposed dwellings, there are no highway objections to the proposal.
- 5.27 **D. Would not prejudice the retention of adequate private amenity space, and adequate private amenity space is provided for any new separately occupied dwelling.**

Adequate areas of private amenity space would be provided/retained for the proposed dwellings and for 'The Paddocks' respectively.

- 5.28 Conservation Issues  
Local Plan Policy L12 seeks to preserve or enhance the character or appearance of Conservation Areas. The site lies within the Marshfield Conservation Area. The application follows a withdrawn application for 4no dwellings. Concern was raised that insufficient analysis of the Conservation Area character had been carried out and that the development of four houses had a harmful impact. The design and access statement now includes some analysis of the Conservation Area, but is relatively limited. However the archaeological desk based assessment provides further information, and together it is now considered proportionate to the development proposed.
- 5.29 The design of the dwellings has been the subject of much negotiation and revision and is now influenced by the character identified in the analysis. The proposal is therefore now considered to adequately preserve the character of this part of the Conservation Area.
- 5.30 Landscape Issues  
The site lies within the Cotswolds AONB within which Policy L2 requires development to conserve and enhance the natural beauty of the AONB.
- 5.31 The site has mature trees on its eastern, western and northern boundaries. It is proposed to remove six Lawson Cypress trees, these are considered by the Council's Landscape Architect to be out of character with the Conservation Area, open countryside to the north and the AONB; their removal would improve the visual amenity and landscape character of the area. It is also proposed to remove a small Holly Tree to which there would be no objection with regards to Policy L1. However, a mature Silver Birch trees on the eastern boundary of the plot is also proposed to be removed. This trees currently contributes to the street scene of Tanners Walk and its removal would to some extent be detrimental to the visual amenity and landscape character of the

area; it is however of modest quality only and would otherwise lie in the middle of the proposed footpath/driveway.

- 5.32 The proposed access roads are located within the root protection zones of two large Norway Maple Trees and three of the TPO'd Lime Trees on the boundary with Tanners Walk. The Norway Maples are attractive trees which contribute to the leafy character of the area and soften the edge of Marshfield and help to integrate it within the surrounding landscape. These are however to be protected with tree protection fencing and 'no dig' areas.
- 5.33 Viewed from Tanners Walk the site provides a leafy green open space with filtered views to the open countryside beyond. Due to the new housing development to the east and the existing property within the plot the development of the site as now proposed, would not have a significant impact on the landscape character of the area.
- 5.34 Viewed from the A420 the development would be partially screened by the existing trees, though the removal of the Lawson Cypress would open up some views, these would be filtered by mitigation tree planting within the site. Appropriate development of this plot would not have a significant impact on the landscape character of the area due to the backdrop of the existing modern housing development.
- 5.35 Subject to the development being carried out in accordance with the submitted information and mitigation strategy, the proposal would not be contrary to Policy L1, L2 or L12 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.
- 5.36 Ecology  
An Extended Phase I Habitat Survey of the site has been conducted. The site consists of a predominantly amenity grassland garden bordered by trees (mainly conifer) with a dry stone wall forming the western boundary. There are no statutory or non-statutory designations on the site.
- 5.37 The majority of the site consists of amenity grassland with botanical species that are common and widespread. The majority of the trees are conifers and no trees have potential to support bat roosts. If trees are removed there is a risk of negative impacts to nesting birds; an appropriate informative would be added to any consent granted. The survey found that there was no potential for other protected species to be impacted by the development.
- 5.38 Opportunities for biodiversity enhancement in the form of bat and bird boxes fitted into the new buildings as outlined in Section 6 of the ecological survey (Abricon January 2014) would be secured by condition. Subject to this condition there are no objections on ecological grounds.
- 5.39 Drainage  
Policy EP2 of the South Gloucestershire Local Plan (Adopted) 6th January 2006, requires that proposed development ensures that foul and surface water disposal arrangements are acceptable and incorporate sustainable drainage

principles. In addition, development will not be permitted where it could increase the risk of flooding. The site does not lie within a flood zone, neither has it been subjected to underground mining. A schematic foul and surface water drainage layout plan has been submitted, nevertheless an appropriate condition to secure a SUDS drainage scheme would be imposed, should consent be granted. Subject to this condition the scheme would accord with Policy EP2 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

5.40 Affordable Housing

The proposal is for 2no. dwellings only, which is below the Council's threshold (5) for affordable housing provision.

5.41 Education Service

The proposal is for 2no. dwellings only, which is below the Council's threshold (5) for contributions to the Education Service.

5.42 Community Services

The proposal is for 2no. dwellings only, which is below the Council's threshold (10) for contributions to Community Services.

## 6. CONCLUSION

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

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

## 7. RECOMMENDATION

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

- (i) The provision of a new footway link between the site and from Tanners Lane to Tanners Walk as shown on Site Plan Drawing No. 21121211\_01 received 07 April 2014. The new footway shall be connected to the existing footway networks adjacent to no.1 Tanners Walk together with all associated works including relocation of the existing lamp column outside no.1 Tanners Walk.

The reasons for this Agreement are:

- (i) To enhance pedestrian facilities to and from the site in the interests of highway safety and to accord with Policy T12 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 and Policy CS1 of The South Gloucestershire Local Plan Core Strategy (Approved) Dec 2013.
- (2) That the Head of Legal & Democratic Services be authorised to prepare and seal the agreement.
- (3) Should the S106 agreement not be completed within 6 months, that authority be delegated to the Director of Environment and Community Services to refuse the application due to the failure to complete the S106 Agreement offsetting the otherwise adverse impacts of the development.

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

### **CONDITIONS**

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

Reason

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

2. Prior to the first occupation of the dwellings hereby approved, all car parking plus turning areas shall be provided in accordance with the submitted and approved Site Plan No. 20121211\_01 received 7th April 2014 and such measures shall be maintained satisfactorily on site thereafter and used only in conjunction with the site's purpose.

Reason

In the interests of highway safety in accordance with Policy T12 of The South Gloucestershire Local Plan (Adopted) 6th Jan 2006 and The South Gloucestershire Council Residential Parking Standards (Adopted).

3. Notwithstanding the details shown on the submitted and approved plans, development shall not commence until surface water drainage details including SUDS (Sustainable Drainage Systems e.g. soakaways if ground conditions are satisfactory), for flood prevention; pollution control and environmental protection have been submitted to and approved in writing by the Local Planning Authority; the scheme shall subsequently be implemented in accordance with the approved details.

Reason

To ensure that a satisfactory means of drainage is provided, and to accord with Policy EP2 of the South Gloucestershire Local Plan (Adopted) January 2006 and Policy CS9 of The South Gloucestershire Local Plan Core Strategy (Adopted) Dec 2013.



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

Reason

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policy H4 of The South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

5. The boundary treatments shall be completed before the buildings hereby approved are first occupied. The development shall be carried out in full accordance with the details shown on the submitted and approved Site Plan No. 20121211\_01 received 7th April 2014.

Reason

In the interests of residential amenity and to accord with Policy H4 of The South Gloucestershire Local Plan (Adopted) 6th Jan 2006 and Policy CS1 of The South Gloucestershire Local Plan Core Strategy (Adopted) Dec. 2012.

6. The development hereby approved shall be carried out in accordance with biodiversity enhancements in the form of bat and bird boxes in accordance with Section 6 of the submitted ecological survey (Abricon January 2014), the enhancements to be provided prior to the first occupation of the dwellings hereby approved.

Reason

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

7. The development shall be carried out in accordance with the tree protection measures recommended in the submitted Arboricultural Implications Report by David Daniell Associates dated 24 April 2014. Prior to the commencement of the development hereby approved, the protective fencing shall be erected in accordance with the approved details shown on the approved Arboricultural Implications Plan No. L344 SK2 Rev B and retained as such for the entire duration of the construction phase of the development hereby approved.

Reason

In the interests of the health of the retained trees and in accordance with Policy L1 of The South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

8. All hard and soft landscaping of the development hereby approved shall be carried out in accordance with the approved details shown on the submitted and approved Site Plan No. 20121211\_01 and approved Arboricultural Implications Plan No. L344 SK2 Rev B, and to a timescale to be agreed in writing by the Local Planning Authority.

Reason

To conserve and enhance the character, quality and amenity of the landscape, Cotswolds AONB and Marshfield Conservation Area in accordance with Policies L1, L2 and L12 of The South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

9. Prior to the commencement of development details of the location of any construction compound to be provided on the site shall be submitted to and agreed in writing with the Local Planning Authority. Development shall be carried out in accordance with the agreed details.

Reason

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policy H4 of The South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

10. Prior to the first occupation of the southernmost dwelling hereby permitted, and at all times thereafter, the proposed first floor landing and ground floor W.C. windows on the southern side elevation shall be glazed with obscure glass to level 3 standard or above with any opening part of the window being above 1.7m above the floor of the room in which it is installed.

Reason

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policy H4 of The South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

11. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995 (as amended) (or any Order revoking or re-enacting that Order with or without modification), no windows/dormer windows or rooflights [other than those expressly authorised by this permission] shall be constructed within the dwellings or garages hereby approved.

Reason 1

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policy H4 of The South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

Reason 2

To preserve the character of the Marshfield Conservation Area and to accord with Policy L12 of The South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

12. Prior to the commencement of the development hereby approved, a representative sample panel of natural stone walling (for the houses) 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 completed strictly in accordance with the agreed details.

Reason

In order that the development serves to preserve the character and appearance of the Conservation Area, in accordance with section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 190, national guidance set out at the NPPF and Policy L12 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

13. Prior to the commencement of the development hereby approved, a representative sample panel of render of at least one metre square, showing the texture and finish shall be erected on site and approved in writing by the Local Planning Authority. The works shall be completed strictly in accordance with the agreed details.

Reason

In order that the development serves to preserve the character and appearance of the Conservation Area, in accordance with section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 190, national guidance set out at the NPPF and Policy L12 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

14. Notwithstanding the previously submitted details, samples of all new hard surfacing (including verges/kerbing details) shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.

Reason

In order that the development serves to preserve the character and appearance of the Conservation Area, in accordance with section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 190, national guidance set out at the NPPF and Policy L12 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

15. Prior to the commencement of the development hereby approved, the detailed design of the following items shall be submitted to and approved in writing by the Local Planning Authority. The details shall be at a minimum scale of 1:5.
  - a. all new windows
  - b. all new doors
  - c. eaves, verges and ridges
  - d. porch canopies
  - e. garage doors
  - f. lintols

The works shall be completed strictly in accordance with the agreed details.

Reason

In order that the development serves to preserve the character and appearance of the Conservation Area, in accordance with section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 190, national guidance set out at the NPPF and Policy L12 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

16. The developer shall appoint an archaeological contractor not less than three weeks prior to the commencement of any ground disturbance on site, and shall afford him or other archaeologist nominated by the Local Planning Authority access at all reasonable times in order to observe the excavations and record archaeological remains uncovered during the work. This work is to be carried out in accordance with the attached brief.

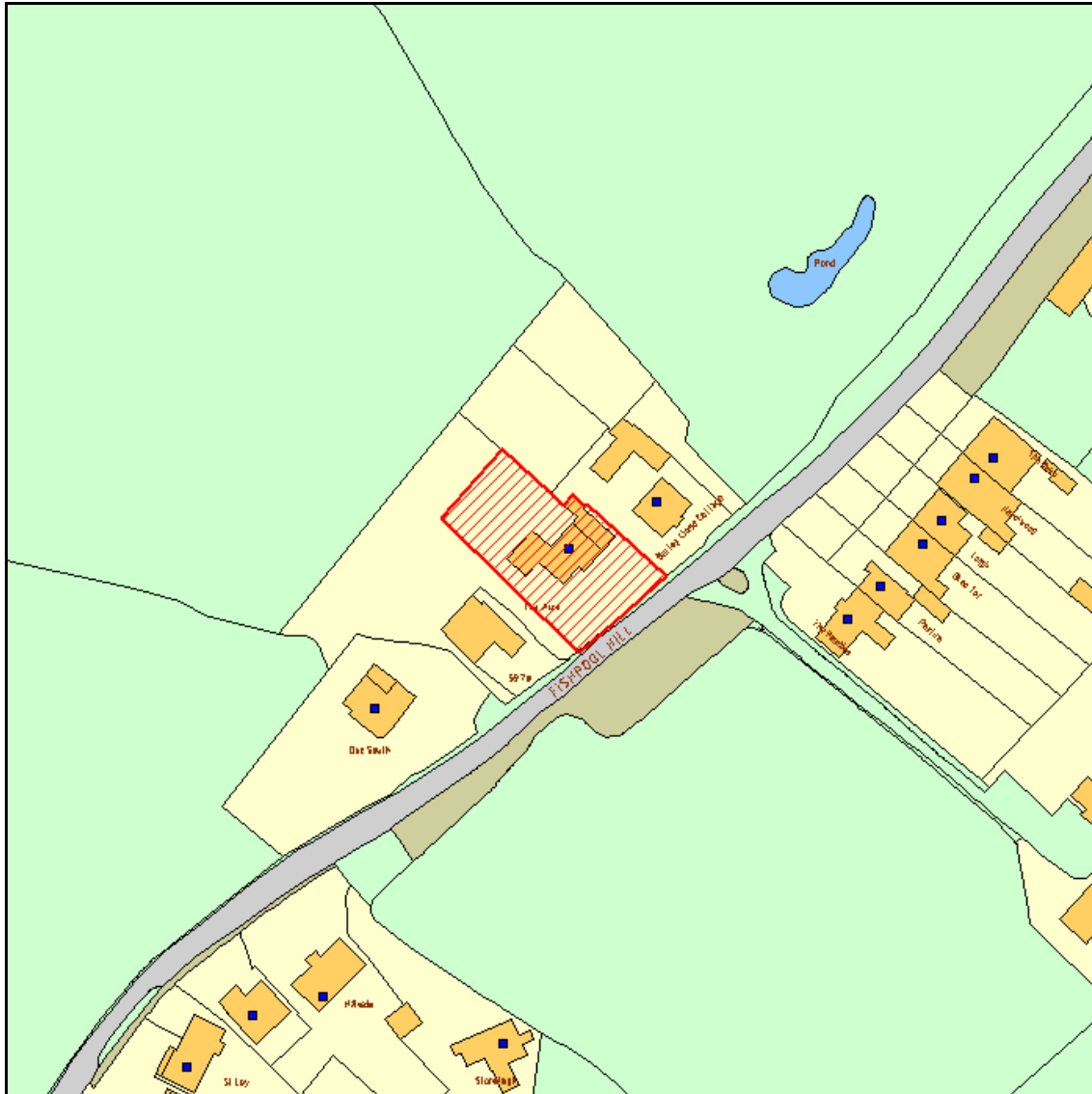
Reason

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



## CIRCULATED SCHEDULE NO. 03/15 -16 JANUARY 2015

<b>App No.:</b>	PK14/4562/F	<b>Applicant:</b>	United Response
<b>Site:</b>	Fair Acre Fishpool Hill Brentry Bristol South Gloucestershire BS10 6SW	<b>Date Reg:</b>	26th November 2014
<b>Proposal:</b>	Subdivision of existing residential dwelling into 4no. one bedroom self-contained flats with ancillary staff sleep in room with associated car parking and ancillary works.	<b>Parish:</b>	Almondsbury Parish Council
<b>Map Ref:</b>	357827 179789	<b>Ward:</b>	Patchway
<b>Application Category:</b>	Minor	<b>Target Date:</b>	19th January 2015



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100023410, 2014.

N.T.S.

PK14/4562/F

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

This application has been referred to the Circulated Schedule following the receipt of objections from local residents, the concerns raised being contrary to officer recommendations.

### **1. THE PROPOSAL**

1.1 The application relates to 'Fair Acre' a large, 1950's detached, 7 bedroom residential dwelling house, located within extensive grounds to the north-west of Fishpool Hill. The property has no special designations and lies within the Urban Area of the Bristol North Fringe. The location is currently somewhat remote although a large housing scheme is planned to the west as part of the Cribbs Patchway New Neighbourhood. At present, Fishpool Hill is characterised by a variety of sporadic residential developments. The property is flanked by a chalet style bungalow to the north-east and a new (unoccupied) two-storey house to the south-west. Open fields lie to the south-east and to the north-west; it is the latter which are earmarked for residential development. Vehicular access is via a driveway directly off Fishpool Hill.

1.2 It is proposed to convert the dwelling to four 1-bedroom, self-contained flats, with an ancillary staff sleep-in room, with associated car parking. It is intended that the flats would be used by adult people with learning difficulties/disabilities. The proposed flats would be located on the ground and first floor. The roof area, which had previously been converted to a one-bedroom flat, would be sealed off and used as attic storage only.

1.3 The application is supported by the following documents:

- Design and Access Statement
- Tree Consultant Letter by Arbotrack
- Highway Statement

### **2. POLICY CONTEXT**

#### **2.1 National Guidance**

The National Planning Policy Framework (NPPF)  
The National Planning Practice Guidance (2014)

#### **2.2 Development Plans**

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

H4 Development within Existing Residential Curtilages

H5 Residential Conversions, Houses in Multiple Occupation and Re-Use of Buildings for Residential Purposes

L1 Landscape Protection and Enhancement

EP2 Flood Risk and Development

T7 Cycle Parking

T12 Transportation Development Control Policy for New Development

LC2 Provision for Education Facilities (Site Allocations and Developer Contributions).

South Gloucestershire Local Plan Core Strategy (Adopted) 11 December 2013

- CS1 High Quality Design
- CS5 Location of Development
- CS6 Infrastructure and Developer Contributions
- CS15 Distribution of Housing
- CS16 Housing Density
- CS17 Housing Diversity
- CS18 Affordable Housing

2.3 Emerging Plan

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

- PSP1 - Local Distinctiveness
- PSP2 - Landscape
- PSP8 - Settlement Boundaries and Residential Amenity
- PSP10 - Development Related Transport Impact Management
- PSP16 - Parking Standards
- PSP20 - Flood Risk, Surface Water and Watercourse Management
- PSP21 - Environmental Pollution and Impacts
- PSP35 - Residential Conversions, Sub-Divisions and Houses in Multiple Occupation.
- PSP39 - Private Amenity Space Standards

2.4 Supplementary Planning Guidance

- The South Gloucestershire Design Checklist (SPD)
- The Affordable Housing SPD (Adopted) Sept. 2008
- The South Gloucestershire Council Residential Parking Standards (Adopted).

**3. RELEVANT PLANNING HISTORY**

- |             |   |
|-------------|---|
| P93/1702    | Erection of single-storey rear/side extension to form games room.<br>Approved 12 <sup>th</sup> July 1993  |
| PT051464/F  | Demolition of existing stables to facilitate erection of 1no. dwelling.<br>Approved 20 June 2005  |
| PT07/1442/F | Erection of 1no. dwelling with integral garage and formation of new access.<br>Refused 2 July 2007  |
| PT07/3670/F | Erection of 1 no. dwelling with integral garage and formation of new access. (Resubmission of PT07/1442/F)<br>Approved 2 July 2008                              |
| PT09/5138/F | Erection of 1no. dwelling with integral garage. Creation of new vehicular access. (Amendment to previously approved scheme PT07/3670/F)<br>Approved 12 Oct 2009 |

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

4.1 Almondsbury Parish Council  
No objection

4.2 Other Consultees

Highway Drainage  
No objection

Highway Structures  
No comment

Environmental Protection  
No objection

Sustainable Transport  
No objection subject to conditions to secure parking layout.

#### **Other Representations**

4.3 Local Residents

6no. letters/e-mails of objection have been received from local residents. The concerns raised are summarised as follows:

- There are no other flats on Fishpool Hill.
- Increased on-street parking in narrow road.
- The driveway is steep with poor visibility.
- Increased disturbance would adversely affect residential amenity.
- The flats could be sold on.
- Fishpool Hill is zoned to be a cycle/pedestrian only through road except for existing properties.
- Increased car usage on the Hill.
- There are no pavements on Fishpool Hill.
- Inadequate parking provision.
- Construction traffic would block the road.
- Detrimental to the character of the area.

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

5.1 Principle of Development

This brownfield site lies within the Urban Area where the principle of residential development has already been established. Although the proposed flats would be operated by United Response and occupied by adults with learning difficulties/disabilities, the proposal would not be a care home but C3 flats, which in theory could be occupied by anybody as open market housing.

5.2 The NPPF (para 14) states that; at the heart of the Framework is the presumption in favour of sustainable development. Sustainable development is defined in the Framework as having three dimensions, which lead to three roles



– an economic role, a social role and an environmental role. The proposal, lies within the Urban Area and would provide accommodation for adults with learning difficulties/disabilities and create job opportunities for the carers; as such it complies with the stated aims and objectives of the NPPF. Furthermore The South Gloucestershire Local Plan Core Strategy has now been adopted (Dec 2013) so the policies therein now form part of the Development Plan. Policy CS4 replicates the NPPF in enforcing the presumption in favour of sustainable development. In accordance with para.187 of the NPPF, Core Strategy Policy CS4A states that; when considering proposals for sustainable development, the Council will take a positive approach and will work pro-actively with applicants to find solutions, so that sustainable development can be approved wherever possible. 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.

- 5.3 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. Paragraph 50 of the NPPF sets out the importance of delivering a wide range of residential accommodation and makes specific reference to the importance of planning for inclusive and mixed communities and this policy stance is replicated in Policy CS17 of the Core Strategy.
- 5.4 Policy CS17 states that the sub-division of existing dwellings to form flats will be allowed where this would not adversely affect the character of an area and where, cumulatively, it would not lead to unacceptable localised traffic congestion and pressure on parking. Such development will be allowed where each home has adequate private/semi-private and/or communal outdoor space and where occupiers have access to adequate open and play space within the immediate vicinity.
- 5.5 Policy CS17 also goes on to say that; housing developments will also need to contribute to the provision of homes that are suitable for the needs of older people, persons with disabilities and those with other special needs, in a way that integrates these people with the wider community.
- 5.6 The proposal to convert the dwelling to 4no. x 1 bed flats (C3) with an ancillary staff sleep-in room falls to be determined under Policy H5 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006. Policy H5 permits proposals for conversion of existing residential properties into smaller units of self-contained residential accommodation, or change of use to houses in multiple occupation, or conversion of non-residential properties for residential use provided that they:-

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

- 5.7 The predominant character of the location is one of sporadic residential properties of mixed scale and design, facing onto Fishpool Hill.

5.8 The proposed conversion to flats would be achieved without any new build and only cosmetic changes are proposed which include:

- Removal of an external staircase on the eastern elevation.
- Blocking up of doors on the eastern elevation on both the ground floor and first floor.
- Removal of the garage door on the front elevation.
- Introduction of new front door and windows to the new ground floor apartment.
- Blocking up of an existing window to the old games room on the western elevation.
- Replacing a window with a door on the western elevation.

Officers consider that these changes would not significantly alter the existing appearance of the building.

5.9 Given the existing use of the building, officers are satisfied that the general character of the area would not be compromised by the proposed change of use to flats. This matter will however be discussed in more detail in the sections below relating to residential amenity and transportation. As the proposal makes a positive contribution to society and housing provision, officers are satisfied that Criterion A of Policy H5 is satisfied.

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

5.10 Residential dwellings lie in close proximity to either side of the site. Whilst the flats would be occupied by adults with learning difficulties/disabilities, the government encourages mixed and inclusive communities. The location is sustainable only in as much as it lies within the Urban Area. Any excess noise would be controlled by the normal Environmental Health Legislation but given the nature of the future occupants and presence 24 hours of carers, anti-social behaviour is unlikely to be a problem. The existing amenity area is spacious and would be very well enclosed by 1.8m high close board fencing thus retaining privacy levels. The site would be well enclosed by high fences/walls/vegetation and there would be no significant issues of overbearing impact or overlooking; the existing external stairway would be removed from the north-east elevation. Any car parking would be to the front of the property. The property has already been occupied as 4 separate units (see para. 5.14 below).

5.11 Officers consider therefore that Criterion B is satisfied.

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

5.12 Fishpool Hill has no footways in the vicinity of the application site and is zoned to be a cycle-pedestrian only through fare except for existing properties. The applicant has confirmed that the four 1xbed flats would be occupied by 4 adults with learning difficulties/disabilities who would be attended by carers on a shift basis, 24 hours a day; the day shift being from 07.00am to 09.00pm and the night shift from 09.00pm to 07.00am the following morning. A staff sleep over

facility would be incorporated within the building. The number of staff would vary depending on the individual needs of the residents. Overnight there would be 3 staff members on site whilst during the day up to 7 staff members may be required.

- 5.13 It is proposed to provide a total of 8 car parking spaces to the front of the building served by the existing access off Fishpool Hill; two of the parking spaces would be for disabled parking; cars would be able to leave in forward gear. It is also proposed to provide an 8ft x 8ft shed for secure cycle storage.
- 5.14 Concerns have been raised by local residents that the proposal would increase traffic on Fishpool Hill and result in disturbance and on-street parking. During the course of this application however, it has transpired that 'Fair Acre' has for some years been occupied as 4 separate units, albeit in breach of planning control, i.e. a four bed dwelling with additional 2 bed flat on the first floor, a 1 bed flat in the roof space and a small studio flat on the ground floor. (Given the time that the property has been occupied in this manner, it is likely that the situation could now be regularised by way of a Certificate of Lawful Use.) This does not appear to have caused any problems in highway terms or excessive disturbance for local residents.
- 5.15 Having assessed the development proposals, officers are initially concerned that the proposals are not well located to serve the needs of the proposed occupants in terms of a walkable environment with access to necessary and recreational amenities. However, officers are also mindful that the surrounding area will, in due course, be developed as a large residential development with community facilities as part of the wider Cribbs Patchway New Neighbourhood and as such accessibility to local amenities should be greatly improved within the foreseeable future as part of the Plan Period. In this regard, there is no objection to the locality of the site.
- 5.16 The proposed car and cycle parking provision, which has been amended at officer request, is now considered to meet the requirements of The South Gloucestershire Council Residential Parking Standards SPD, furthermore there is no objection to the use of the existing access.
- 5.17 Subject to a condition to secure the marked out parking spaces in accordance with the revised plans and prior to the first occupation of the flats as proposed, there are no transportation objections to the proposal.

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

- 5.18 The large area of private amenity space to the rear of the building would be available to all future residents; this is the same as was available to occupants of the existing property.

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

- 5.19 The building has previously been used for residential purposes and lies within the urban area.
- 5.20 All of the criteria attached to Policy H5 are met. Furthermore one of the core principles of the NPPF states that the planning system should underpin decision-taking, by proactively supporting sustainable economic development to deliver homes, businesses and thriving local places that the country needs. Every effort should be made to meet the housing, business and development needs of an area. The proposal is considered to accord with the core principles of the NPPF as well as the policies within the adopted Local Plan and Core Strategy.
- 5.21 Landscaping  
The property already benefits from landscaped grounds and this would for most part be retained under the proposed scheme, only a small Birch Tree and part of the front garden would be removed to provide the proposed parking areas. An Arboricultural Report has been submitted to officer satisfaction. There are therefore no landscape objections.
- 5.22 Environmental Issues  
The site is not prone to flooding. Being an existing building it is proposed to utilise the existing sustainable drainage system and mains sewer. Whilst the works to convert the building may cause some disturbance, the hours of working can be adequately controlled by condition. If works traffic block the road, that is a matter for the police to resolve. There are therefore no objections on environmental grounds.
- 5.23 Education  
The proposal is for 4 units only which falls well below the threshold for contributions to CYP (see NPPG).
- 5.24 Affordable Housing  
The proposal falls well below the threshold for affordable housing and would not increase the overall floor space of the building.
- 5.25 New Communities  
The proposal is for 4no. units in an urban area, which falls below the new PPG threshold (10 units) for contributions towards New Communities.
- 5.26 Community Infrastructure Levy (CIL)  
It is likely that the Council will introduce a CIL charging regime in April. All applications not determined by then are likely to be the subject of CIL charging.

## **6. CONCLUSION**

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

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

## **7. RECOMMENDATION**

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

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

### **CONDITIONS**

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

Reason

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

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

Reason

To minimise disturbance to neighbouring properties and to accord with Policy H5 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 and the provisions of the NPPF.

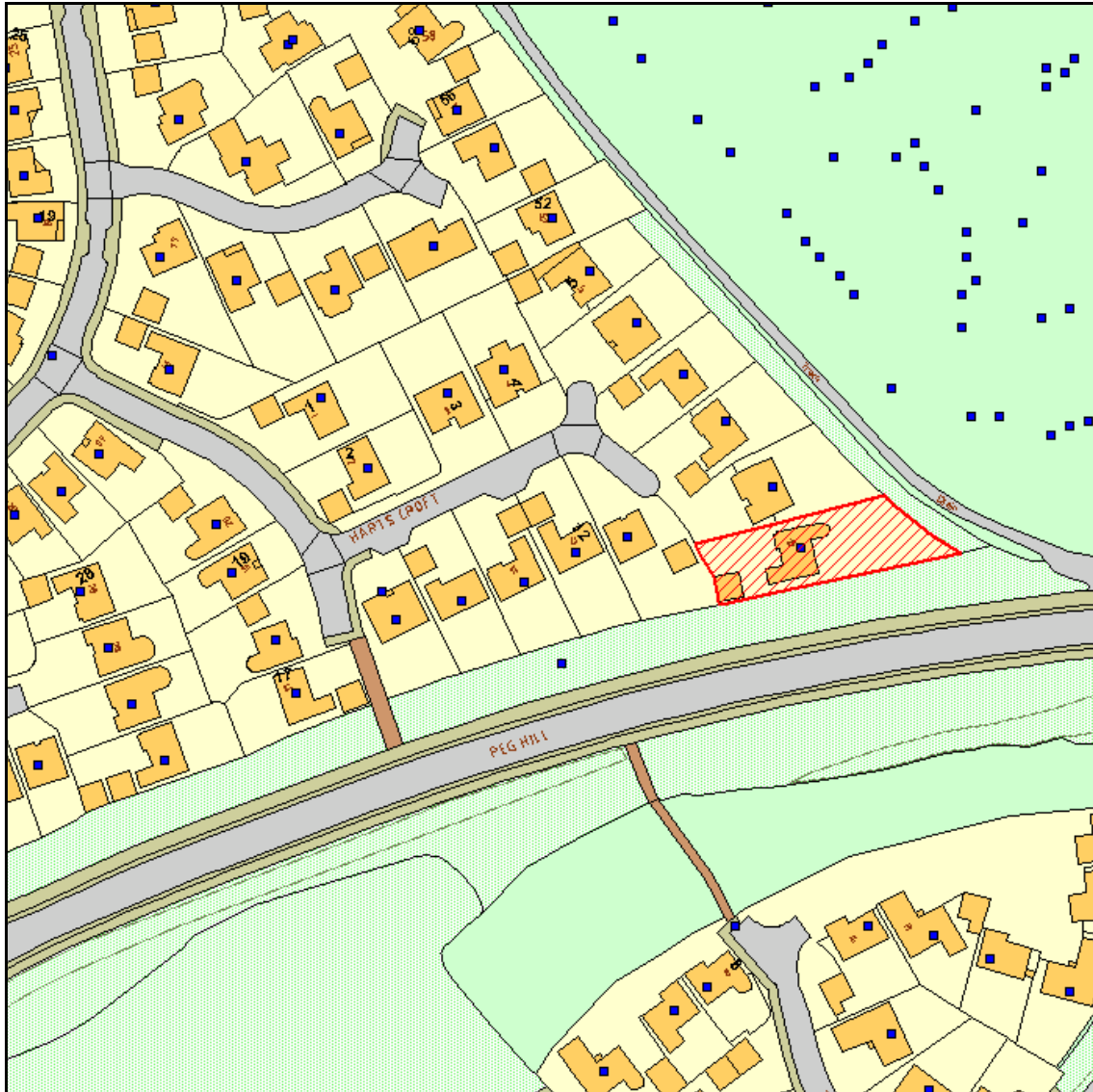
3. Prior to the first occupation of the dwellings hereby approved, the car parking facilities shall be provided and marked out and the cycle parking and bin store facilities provided, in accordance with the approved Site Plan Drawing No. TDS 279/FH 1002 Rev D received 8th Jan. 2015 and maintained as such thereafter.

Reason

To ensure adequate car/cycle parking provision and bin storage facilities in the interests of highway safety and to accord with Policies T7, T12 and H5 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006; Policies CS1 and CS8 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11th Dec. 2013 and to accord with The South Gloucestershire Residential Parking Standards SPD (Adopted).

## CIRCULATED SCHEDULE NO. 03/15 – 16 JANUARY 2015

<b>App No.:</b>	PK14/4572/F	<b>Applicant:</b>	Mr Alastair Fraser
<b>Site:</b>	10 Harts Croft Yate Bristol South Gloucestershire BS37 7XE	<b>Date Reg:</b>	26th November 2014
<b>Proposal:</b>	Demolition of existing front extension and erection of a one and a half storey front extension to form additional living accommodation.	<b>Parish:</b>	Yate Town Council
<b>Map Ref:</b>	371849 183899	<b>Ward:</b>	Yate Central
<b>Application Category:</b>	Householder	<b>Target Date:</b>	19th January 2015



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PK14/4572/F

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

The application has been reported to the circulated schedule because an objection has been received from the Parish Council.

### **1. THE PROPOSAL**

- 1.1 This application seeks planning permission for the erection of one and a half storey extension to the principal elevation to provide additional living accommodation.
- 1.2 The application site consists of a large detached dwelling in Harts Croft, Yate. The dwelling is located in a modern residential cul-de-sac where permitted development rights have been removed. The dwellings in the streetscene are large detached with detached garages to the front and are all very uniform in design, massing and scale. The application site is located in the far corner of the cul-de-sac and as such, is well set back from the highway.

### **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  
H4 Development within Existing Residential Curtilages, including extensions and new dwellings  
  
South Gloucestershire Core Strategy (Adopted) December 2013  
CS1 High Quality Design  
CS8 Improving Accessibility

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

- 3.1 No relevant planning history.

### **4. CONSULTATION RESPONSES**

- 4.1 Yate Town Council  
Objection due to overdevelopment of the plot, design and visual appearance.
- 4.2 Other Consultees  
  
Highway Drainage  
No comment.  
  
Sustainable Transport  
No comment received.

## **Other Representations**

- 4.3 Local Residents  
No comments received.

## **5. ANALYSIS OF PROPOSAL**

### **5.1 Principle of Development**

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

### **5.2 Visual Amenity**

As previously described, the dwelling is located in the corner of a cul-de-sac and so it is well set back from the highway and has no pedestrians or vehicular traffic passing by. The large detached dwelling has a hipped roof with a gable front and what appears as a single storey front extension built with in as the original dwelling which is characteristic of all the properties in the cul-de-sac. The dwellings have a modern design with detailed lintels above the windows to the principal elevation with the large detached double garage to the front. Due to the corner location of the site there is slightly more space between the dwelling and the garage than other properties in the streetscene.

- 5.3 The proposal involves demolishing the single storey front extension and erecting a one and a half storey front extension in its place. The proposed front extension has an irregular form with a pitched roof single storey extension against the principal elevation which matches the existing very well, with a further one and a half storey extension with a perpendicular pitched roof. The proposal would also involve building slightly below ground level to facilitate a small first floor in the extension. The extension would extend outwards to the front by some 4.4 metres than the existing extension, infilling a gap between the dwelling and the detached garage. It is noted that the Town Council have raised concern over the design and scale of the proposal however weight must be given the secluded siting of the site. Whilst the proposal appears to extend outwards quite significantly which is not considered to be in keeping with the building pattern of the area, the roof pitch of the extension is very similar to the detached garage and the size is small in comparison to the dwelling. On balance, given the secluded location, large size of the plot and available space between the garage and dwelling, the proposed extension is not considered inappropriate in scale and is not considered out of character to an unacceptable level. Furthermore, the detailed design of the extension has been informed by the dwelling very well, using materials to match and including windows and detailed lintels which mirror those on the existing dwelling.

- 5.4 Overall, weight has been given to the fact that the design of the development has been informed by and respects the character of the dwelling very well.



Given its secluded location, the extension would not be dominant in the streetscene and as such, is considered acceptable in terms of visual amenity.

#### 5.5 Residential amenity

As previously described, the dwelling is well set back from the highway in the corner of a cul-de-sac. There are neighbouring dwellings to the north and west however the proposed extension is a sufficient distance away and is not considered to cause a loss of privacy or sunlight to these dwellings. As such, the proposal would not be a detriment to the living conditions currently enjoyed by the dwellings in the surrounding area and it is therefore considered acceptable in terms of residential amenity. It should be noted that the Town Council requested a severance condition be imposed if planning permission was granted, however given the small size of the extension, this its clear dependence on the main dwelling, imposing such a condition is considered unnecessary.

#### 5.6 Highway Safety

The proposal would not add any additional bedrooms and would not affect existing off-street parking provision. As such there are no objections on grounds 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 and the Core Strategy set out above, and to all the relevant material considerations set out in the report.

### 7. RECOMMENDATION

7.1 That permission is **GRANTED** subject to the conditions on the decision notice.

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

### CONDITIONS

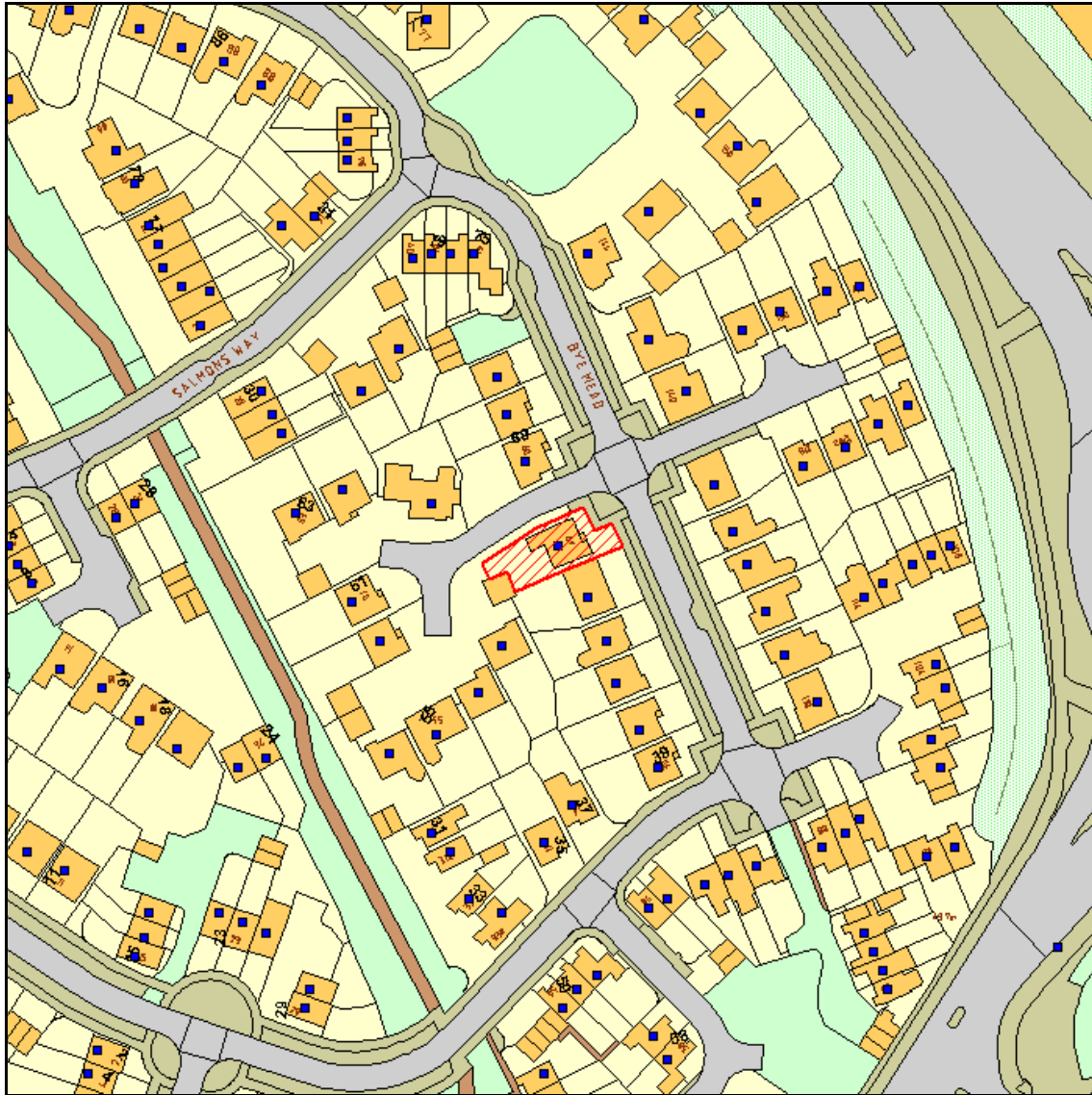
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason

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

## CIRCULATED SCHEDULE NO. 03/15 – 16 JANUARY 2015

<b>App No.:</b>	PK14/4599/F	<b>Applicant:</b>	Mrs Lara Loomes
<b>Site:</b>	49 Bye Mead Emersons Green Bristol South Gloucestershire BS16 7DL	<b>Date Reg:</b>	28th November 2014
<b>Proposal:</b>	Erection of two storey rear extension to form additional living accommodation.	<b>Parish:</b>	Mangotsfield Rural Parish Council
<b>Map Ref:</b>	366601 177908	<b>Ward:</b>	Emersons Green
<b>Application Category:</b>	Householder	<b>Target Date:</b>	23rd January 2015



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100023410, 2014.

N.T.S.

PK14/4599/F

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

The application has been reported to the circulated schedule because an objection has been received from an adjoining neighbour.

### **1. THE PROPOSAL**

- 1.1 The applicant is seeking full planning permission for the erection of a two storey rear extension to provide additional living accommodation. The application site consists of a large modern detached dwelling located within the established residential area of Emersons Green. The dwelling is located on a corner plot with a stone wall to the western boundary. The site is located on a hill sloping downwards to the rear of the site which means the rear elevation of the dwelling is exposed quite significantly to the dwellings to the rear. The streetscene is made up of large modern detached dwellings which are built in close proximity to each other. The use of materials, design and scale of the streetscene is fairly uniform.
- 1.2 It should be noted that as a result of negotiation, revised plans have been received which remove the proposed terrace and reposition the external steps to the rear garden in order to improve residential amenity to the neighbouring dwelling (No. 47 Bye Mead).

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
National Planning Policy Framework April 2014  
National Planning Policy Guidance 2014
- 2.2 Development Plans  
South Gloucestershire Core Strategy (Adopted) December 2013  
CS1 High Quality Design  
CS8 Improving Accessibility
- South Gloucestershire Local Plan (Adopted) January 2006  
H4 Development within Existing Residential Curtilages, Including Extensions and New Dwellings
- 2.3 Supplementary Planning Guidance  
South Gloucestershire Design Checklist (Adopted) 2007.  
South Gloucestershire SPD: Residential Parking Standards (Adopted 2013)

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

- 3.1 PK01/3389/F – Erection of a rear conservatory  
Approved 03/01/2002

### **4. CONSULTATION RESPONSES**

- 4.1 Mangotsfield Rural Parish Council  
No objection

#### 4.2 Other Consultees

Sustainable Transport  
No comments received.

Highway Drainage  
No comment

Archaeological Officer  
No comment

#### **Other Representations**

##### 4.3 Local Residents

One objection has been received from the neighbouring dwelling (No. 47 Bye Mead) which raised the following concerns:

- View from kitchen, living room and back bedroom would be a brick wall, light would be considerably reduced
- External wall is too close, causing invasion of privacy
- Restricted views in all directions of buildings and bricks
- Patio would be overshadowed
- Proposal is overbearing and out of character

## 5. **ANALYSIS OF PROPOSAL**

### 5.1 Principle of Development

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

### 5.2 Visual Amenity

The two storey extension would match the depth of the existing conservatory which would be demolished and would span almost the width of the dwelling minus a 0.2 metres either end. The extension would have a hipped roof and use materials and window features to match the existing dwelling. An objection was received which stated that the extension was overbearing and out of character. It is acknowledged that this is a large extension, however it is considered acceptable in proportion to the size of the dwelling and rear garden. On balance, the proposed extension is considered to have been informed by the existing dwelling in respect of scale and design. Furthermore, due to the sloping ground levels to the rear there is currently a terraced area with steps going down to the garden. The proposed scheme would remove the existing terraced area, set back the existing steps to the side and construct a second set of external steps down to the garden away in a more central position. This is considered acceptable as a necessity to make the most efficient use of garden space. Overall, the proposed scheme is not considered to be detrimental to character or appearance of the dwelling or the surrounding area and as such, is considered acceptable in terms of visual amenity.

### 5.3 Residential Amenity

As previously described, the dwelling has a corner position, with a road to the front and western side and neighbouring dwelling to the eastern side. Due to its corner location, the dwelling is slightly set back from the neighbouring dwelling (No. 47). The resident from No. 47 has expressed concern that the extension would result in a loss of light and an invasion of privacy due to its proximity to the neighbouring dwelling. Whilst this is a valid consideration, the proposed extension would not have any side facing windows facing towards the dwelling and the side walls of the extension have been set inwards slightly to reduce the overbearing impact. Furthermore, weight should be given to the fact that the dwelling is located in a modern residential estate of Emersons Green where a degree of overlooking should be expected as the dwellings are already in close proximity. Whilst not necessarily a planning matter, the objector also raised concerns over a loss of views, however again, considering the dwelling is already surrounded by neighbouring dwellings, the extension is not considered to materially impact these existing views. On balance, the extension is not considered to result in an unacceptable level of overlooking or overshadowing and as such, the proposal is considered acceptable in terms of impact on residential amenity.

### 5.4 Highway Safety

The proposal would not increase the number of bedrooms of the dwelling and would not affect the existing parking facilities, and as such there are no highway objections.

## 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 It is concluded that the proposed development is acceptable and would not harm the visual or residential amenities of the neighbouring properties and would not have a material impact on highway safety. As such the proposal accords with Policy CS1 of the Core Strategy (Adopted) 2013 and Saved Policy H4 of the South Gloucestershire Local Plan (Adopted) 2006.

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

## 7. RECOMMENDATION

7.1 That the application be approved subject to the conditions outlined on the decision notice.

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

**CONDITIONS**

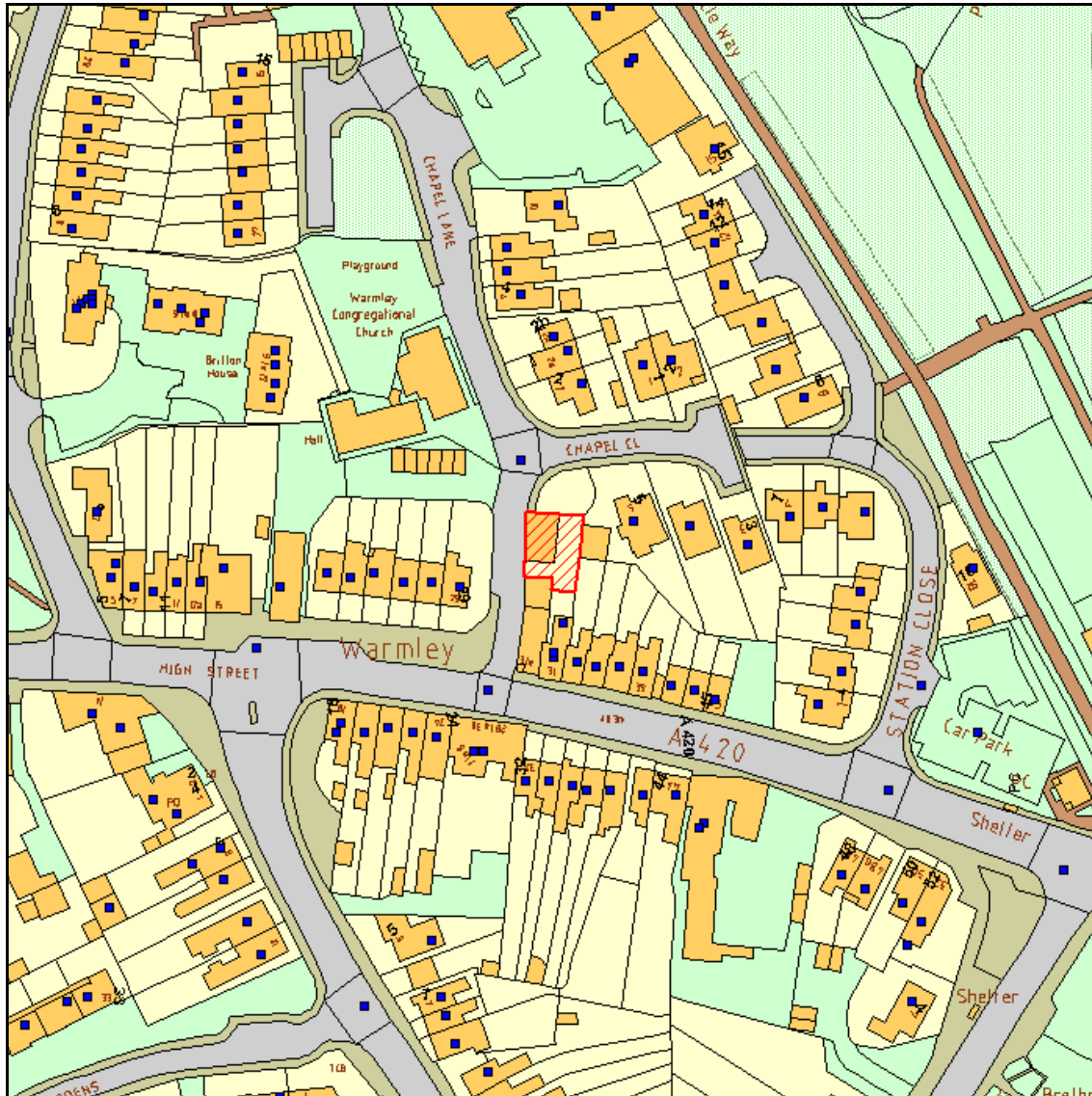
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason

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

## CIRCULATED SCHEDULE NO. 03/15 – 16 JANUARY 2015

<b>App No.:</b>	PK14/4622/CLE	<b>Applicant:</b>	MVS Autos Ltd
<b>Site:</b>	Rear Of 31 High Street Warmley South Gloucestershire BS15 4NF	<b>Date Reg:</b>	2nd December 2014
<b>Proposal:</b>	Application for a certificate of lawfulness for the existing use as Vehicle Repair Workshop (Class B2)	<b>Parish:</b>	Siston Parish Council
<b>Map Ref:</b>	366978 173570	<b>Ward:</b>	Siston
<b>Application Category:</b>		<b>Target Date:</b>	26th January 2015



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100023410, 2014.

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PK14/4622/CLE

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

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

### **1. THE PROPOSAL**

- 1.1 The application is for a Certificate of Lawfulness for the existing use of land and building as a Vehicle Repair Workshop falling under class B2 of the Town and Country Planning (Use Classes) Order 1987 (as amended). The application therefore seeks to demonstrate that the land within the red line on the submitted plan has been used for this purpose for a period in excess of ten years prior to the date of submission (i.e. since 28<sup>th</sup> November 2004).
- 1.2 The site consists of a plot of land and building to the rear of 31 High Street, Warmley. Access to the site is from Chapel Lane and the site is surrounded by a blockwork wall. The applicant claims that the site has been used for the servicing of motor vehicles for many years – at least since April 1990.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
Town and Country Planning (Development Management Procedure) Order 2010  
National Planning Policy Guidance 2014I
- 2.2 Because the application is for a Certificate of Lawfulness the policy context is not directly relevant as the planning merits are not under consideration.

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

- 3.1 K1910 Change of use from a shop to a shop for the sale of hot food.  
Refused August 1977
- 3.2 K1919/1 Change of use of retail premises to operate TV repair and sales  
business  
Approved May 1979
- 3.3 K191/2 Change of use of premises from vacant retail outlet to a showroom for  
the sale of cycles and motor cycles with stores.  
Approved August

### **4. CONSULTATION RESPONSES**

- 4.1 Siston Parish Council  
No Objection
- 4.2 Internal Consultees  
  
Highway Officer  
No evidence to offer



## **Other Representations**

- 4.3 Local Residents  
None received

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

- 5.1 In support of the application one letter has been submitted from South Gloucestershire Councils Business Rates Department. The letter states that for the purposes of rating, the property has been described as a Vehicle Repair Workshop and Premises since 1<sup>st</sup> April 1990 when business rates were first introduced.
- 5.2 Your officer has also viewed aerial photographs of the site dated 2005 held by the Council.

## **6. SUMMARY OF CONTRARY EVIDENCE**

- 6.1 No contrary evidence has been submitted by any third party. Your officer has no contrary evidence to submit.

## **7. EVALUATION**

- 7.1 The application for a Certificate of Lawfulness is purely an evidential test and is a formal way of establishing whether or not the development has, or has not taken place for a set number of years – 10 years in this instance. Accordingly there is no consideration of planning merit; the decision is based on the facts presented. The submission is not a planning application and 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 existing development is lawful.
- 7.2 Guidance contained in the National Planning Practice Guidance states that in the case of application for existing use, if a Local Planning Authority has no evidence itself, nor from others, to contradict or otherwise make the applicant version of events less than probably, there is no good reason to refuse the application, provided the applicant evidence alone is sufficiently precise and unambiguous to justify the grant of a certificate on the balance of probability.
- 7.3 Use of Land and Building  
The applicant is seeking to prove that the site has been used as a Vehicle Repair Workshop falling under class B2 of the Town and Country Planning (Use Classes) Order 1987 (as amended) for a continuous ten year period prior to the date of submission of the application.
- 7.4 The only evidence for consideration is the letter from the Councils business rates department. The letter confirms that since April 1990 (when business rates were first introduced), the site has been described and rated as a Vehicle Repair Workshop. Given the source of the document, it is considered to be a reliable and accurate source of information. Your officer also considered it highly unlikely that anyone would

choose to pay business rates on premises that was not actually in use for that business purpose.

- 7.5 Your officer has also viewed the aerial photos held by the Council. In 2005 vans and other vehicles are certainly parked in the yard outside of the building. Although the photograph is not conclusive in determining the use, it is in accordance with the claims made by the applicant. Your officer has no evidence in any form to make the applicants claim less than probable.
- 7.6 Having weighed up all the evidence submitted and as summarised above, sufficient evidence has been submitted to show that the site has been used as a Vehicle Repair Workshop falling under class B2 of the Town and Country Planning (Use Classes) Order 1987 (as amended).

## **8. CONCLUSION**

- 8.1 Having regard to the above, sufficient evidence has been submitted to prove that, on the balance of probability, the site subject of this application has been used as a Vehicle Repair Workshop falling under class B2 of the Town and Country Planning (Use Class Order) 1987 (as amended) for a continuous ten year period preceding the date of the application.

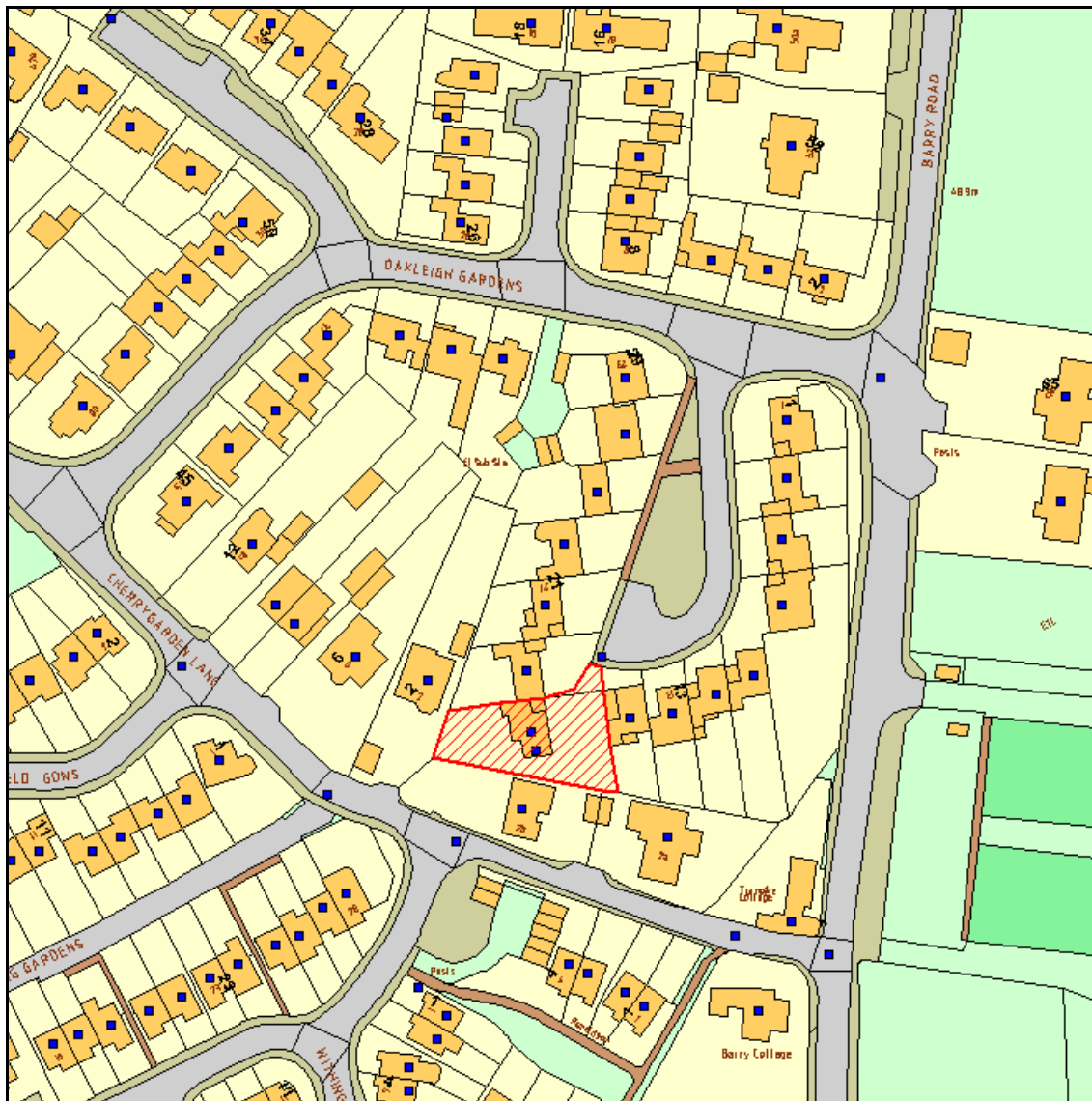
## **9. RECOMMENDATION**

- 9.1 The Certificate of Existing Lawful Use be approved

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

## CIRCULATED SCHEDULE NO. 03/15 – 16 JANUARY 2015

<b>App No.:</b>	PK14/4666/F	<b>Applicant:</b>	Mr M Goddard
<b>Site:</b>	17 Oakleigh Gardens Oldland Common Bristol South Gloucestershire BS30 6RJ	<b>Date Reg:</b>	5th December 2014
<b>Proposal:</b>	Erection of detached garage	<b>Parish:</b>	Bitton Parish Council
<b>Map Ref:</b>	367195 170699	<b>Ward:</b>	Bitton
<b>Application Category:</b>	Householder	<b>Target Date:</b>	28th January 2015



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 100023410, 2014. **N.T.S.** **PK14/4666/F**

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

The application has been reported to the circulated schedule because an objection has been received from the Parish Council.

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

- 1.1 The applicant seeks full planning permission for the replacement of two attached single garages with a detached double garage.
- 1.2 The application site relates to a large linked dwelling in Oldland Common. The dwelling is located on a corner plot in a cul-de-sac and is set back from the highway.

### **2. POLICY CONTEXT**

#### **2.1 National Guidance**

National Planning Policy Framework 2012  
National Planning Policy Guidance 2014

#### **2.2 Development Plans**

South Gloucestershire Core Strategy (Adopted) December 2013

CS1 High Quality Design

CS8 Improving Accessibility

CS9 Managing the Environment and Heritage

South Gloucestershire Local Plan (Adopted) January 2006

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

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

South Gloucestershire Design Checklist (Adopted 2007)

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

- 3.1 PK12/1552/F - Erection of two storey and single storey side extensions to form self-contained annexe ancillary to main dwelling.  
Approved 11/06/2012

### **4. CONSULTATION RESPONSES**

#### **4.1 Bitton Parish Council**

The Parish Council have expressed concern that the proposed garage would take up space for parking and amenity space in a location with little on-street parking.

#### 4.2 Other Consultees

##### Highway Drainage

No objection in principle subject to the applicant contacting Wessex Water in regard to the proximity of the development to a public surface water sewer.

##### Sustainable Transport

No comments received as further information is required.

#### **Other Representations**

#### 4.3 Local Residents

None received

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

#### 5.1 Principle of Development

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

#### 5.2 Visual Amenity

As existing the dwelling is well back and sits perpendicular to the highway. The proposed garage would be located on the southern boundary of the site adjacent to the host dwelling and would adjoin onto the existing neighbouring garage. The proposed garage would match the height and building line of the existing garage however is wider than the standard single existing garage. Whilst this may appear unbalanced, the site is well set back from the public highway in a discreet location. As such, the garage is not considered to have a detrimental impact on the character or appearance of the host dwelling or surrounding area. As such, the proposal is considered acceptable in terms of visual amenity.

#### 5.3 Residential Amenity

As previously described, the proposed garage would be attached to a neighbouring single garage on the southern boundary of the application site. Given its scale and siting, it is not considered to overlook or overshadow any neighbouring dwellings. Concerns have been raised by the Parish Council that the garage would reduce the space available for parking and amenity, however the garage would take up space to the front of the property which is currently unused. Furthermore, adequate amenity space would be retained. As such, is considered acceptable in terms of residential amenity.

#### 5.4 Sustainable Transport

The Council's Sustainable Transport team have not provided comments and requested an additional block plan to show existing parking provision, the

relationship between the proposed garage and the highway. This information was requested from the applicant's agent and no response was received. A site visit confirmed that there is a large driveway to the front of the property which is currently used for parking which would remain unaltered and the garage would take up grassed land currently unused. It is the officer's opinion that adequate parking provision is considered to remain as a result of the works. It also appears that for the garage to be functional a small amount of hardstanding would be laid to the front of the garage to connect the existing driveway. The scale of the works are considered acceptable and it is not considered to have a detrimental 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 South Gloucestershire Core Strategy (Adopted) December 2013 set out above, and to all the relevant material considerations set out in the report.

## **7. RECOMMENDATION**

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

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

## **CONDITIONS**

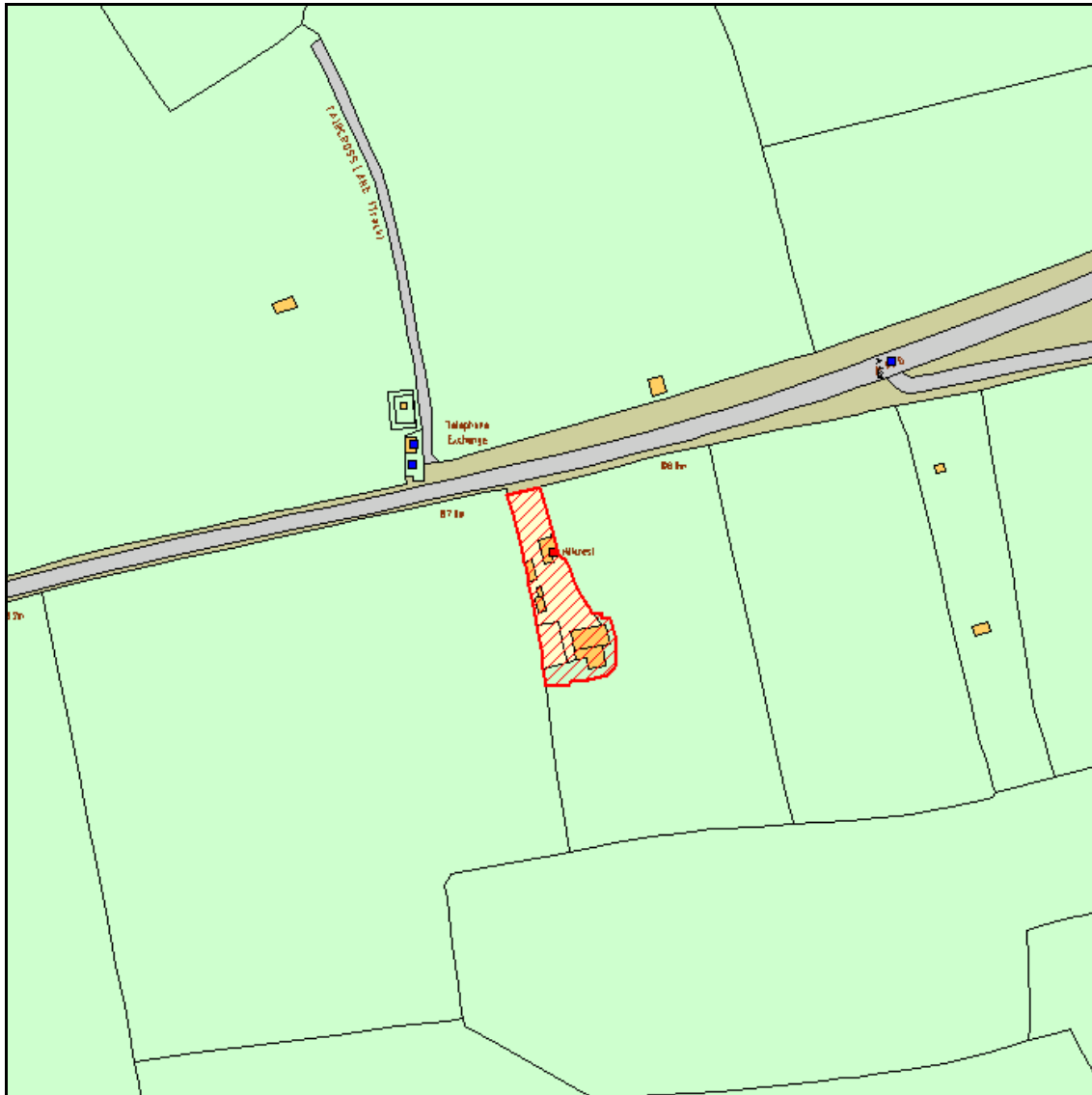
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason

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

**CIRCULATED SCHEDULE NO. 03/15 – 16 JANUARY 2015**

<b>App No.:</b>	PK14/4702/CLE	<b>Applicant:</b>	Mr C Egan
<b>Site:</b>	Hillcrest High Street Marshfield South Gloucestershire SN14 8JL	<b>Date Reg:</b>	9th December 2014
<b>Proposal:</b>	Application for Certificate of Lawfulness for the existing use of land and buildings for residential use	<b>Parish:</b>	Marshfield Parish Council
<b>Map Ref:</b>	376869 173612	<b>Ward:</b>	Boyd Valley
<b>Application Category:</b>		<b>Target Date:</b>	29th January 2015



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100023410, 2014.

**N.T.S.**                      **PK14/4702/CLE**

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

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

### **1. THE PROPOSAL**

- 1.1 The application is for a Certificate of Lawfulness for the existing use of land and building for residential use. The application therefore seeks to demonstrate that the land and associated buildings have been in this use for a period in excess of 10 years prior to the date of submission.
- 1.2 The application site comprises land associated with the residential dwelling Hillcrest, situated outside the settlement boundary of Marshfield and within the Green Belt.

### **2. POLICY CONTEXT**

#### **2.1 National Guidance**

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

- 2.2 Because the application is for a Certificate of Lawfulness the policy context is not directly relevant and therefore the planning merits are not under consideration.

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

- |     |                            |  |
|-----|----------------------------|--|
| 3.1 | PK11/3015/F<br>Withdrawn   | Installation of ground mounted solar panels.<br>28.11.11   |
| 3.2 | PK13/1929/F<br><br>Refused | Construction and reinstatement of access and driveway. Erection of boundary wall and gate with associated works<br>6.9.13                                |
| 3.3 | PK14/1816/F<br><br>Refused | Construction and reinstatement of access and driveway. Erection of boundary wall and gate with associated works (Resubmission of PK13/1929/F).<br>2.7.14 |

### **4. CONSULTATION RESPONSES**

- 4.1 Marshfield Parish Council  
No objection



#### 4.2 Other Consultees

##### Highway Engineer

This application relates to a Certificate of Lawfulness which involves determination of facts about existing use on the site and it is a test of legal issues. As such, there are no highway comments on this application.

#### **Other Representations**

#### 4.3 Local Residents

None received

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

5.1 The following evidence has been submitted by the applicant in support of this application:

- sworn statement by Shaun Oliver, son of previous owners of the property and land, who sold the land and property to Ms Deverell in 2011
- sworn statement by Samantha Deverell who owned the property from 27.5.11 until its recent sale to the current owners who are making this application
- a series of Google images dated 2014, 2009, 2005 and 1999

### 6. **SUMMARY OF CONTRARY EVIDENCE**

6.1 No contrary evidence has been submitted by any third party.

### 7. **EVALUATION**

7.1 The application for a Certificate of Lawfulness is purely an evidential test irrespective of planning merit. The only issues which are relevant to the determination of an application for a Certificate of Lawfulness are whether, in this case, the use described has or has not been actively in use on site for a consistent period of not less than ten years and whether or not the use is in contravention of any Enforcement Notice which is in force.

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

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

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

7.3 Assessment of Evidence

The applicant seeks to prove that the land outlined in red on the Site Location Plan and the associated buildings have been in use for residential/domestic purposes for a continuous period or for in excess of ten years. The evidence submitted is considered in detail below.

- 7.4 The building and land in question are positioned to the rear of the detached dwellinghouse, Hillcrest. The building is a large structure with open fields beyond. It has clearly evolved over time, being made up of a number of different elements which differ in size and construction materials. At the time of the Officer's site visit the internal space was mostly empty save for a number of domestic appliances and domestic paraphernalia. Although it is large, the building does relate to the house in terms of its position close to other domestic functions such as the vegetable patch, low stone decorative garden walls, flower beds, small sheds and tanks all associated with the dwellinghouse.
- 7.5 The sworn statement by Shaun Oliver declares that his parents, Donald and Joan Willmott were the registered proprietors of Hillcrest *from a date prior to June 1991 and until 24<sup>th</sup> June 2011*. The statement goes on to declare that during the time his family owned the property, *the building marked 'out building' provided space for various domestic purposes including storage and DIY activities. My father used some of the space for various non commercial hobbies including the refurbishing of old military vehicles.*
- 7.6 The statement affirms that *the land between the main dwelling and the outbuilding and the land around these buildings was used without interruption as land for domestic purposes and land ancillary to both the dwelling and the outbuilding*. The statement also mentions that *the land provided access to both the dwelling and the outbuilding .....[and] supported the functionality of the buildings and was also used as lawns, garden areas, land for parking, siting of domestic sheds, septic tanks, driveway etc.*
- 7.7 As further support to the above declaration, Mr Oliver states that *during the time my family owned and resided at the property, none of the buildings on the land outlined with a blue line on Appendix A were used for agricultural or commercial purposes*. A similar statement declares that none of the land outlined in blue was used for agricultural or commercial purposes either. The land in blue includes not only the residential property Hillcrest, the large outbuildings subject of this application, but also the adjoining field to the east and south of the dwelling. It must be made clear that this adjoining field is not part of this submission as in no way could this be said to form part of the residential curtilage of the property.
- 7.8 In June 2011 the land and buildings subject of this application and the large field adjacent to the site were sold to Ms Deverell. Copies of the relevant Land Registry official plans have been submitted in support of this showing the dates of transfer. In her sworn statement Ms Deverell concurs with the details included in Mr Oliver's statement stating the land and buildings were used for domestic activities with no agricultural or commercial uses during her time of ownership.

7.9 The submission includes 4no. aerial photographs taken from Google images showing the dwellinghouse, the large outbuilding and the adjacent field. It is noted that the photographs indicate the field has not been used for commercial purposes. It is further considered that the photographs demonstrate that the outbuilding could be regarded as being more closely related to the dwelling rather than being associated with the field and any agricultural uses. However, the sworn statements of previous owners are considered to hold more weight in providing evidence of the use of the buildings and the land around the dwellinghouse.

7.10 It is considered that sufficient evidence has been submitted to show that the property, outbuildings and surrounding garden land edged in red, have been used as a single planning unit for residential purposes for a continuous ten year period preceding the date of the application.

## **8. CONCLUSION**

8.1 Having regard to the above, sufficient evidence has been submitted to prove that, on the balance of probability, the land edged in red and the associated buildings on the submitted plan, subject of this application have been one planning unit with Hillcrest and used for ancillary purposes for a continuous ten year period of ten years prior to the submission of this application.

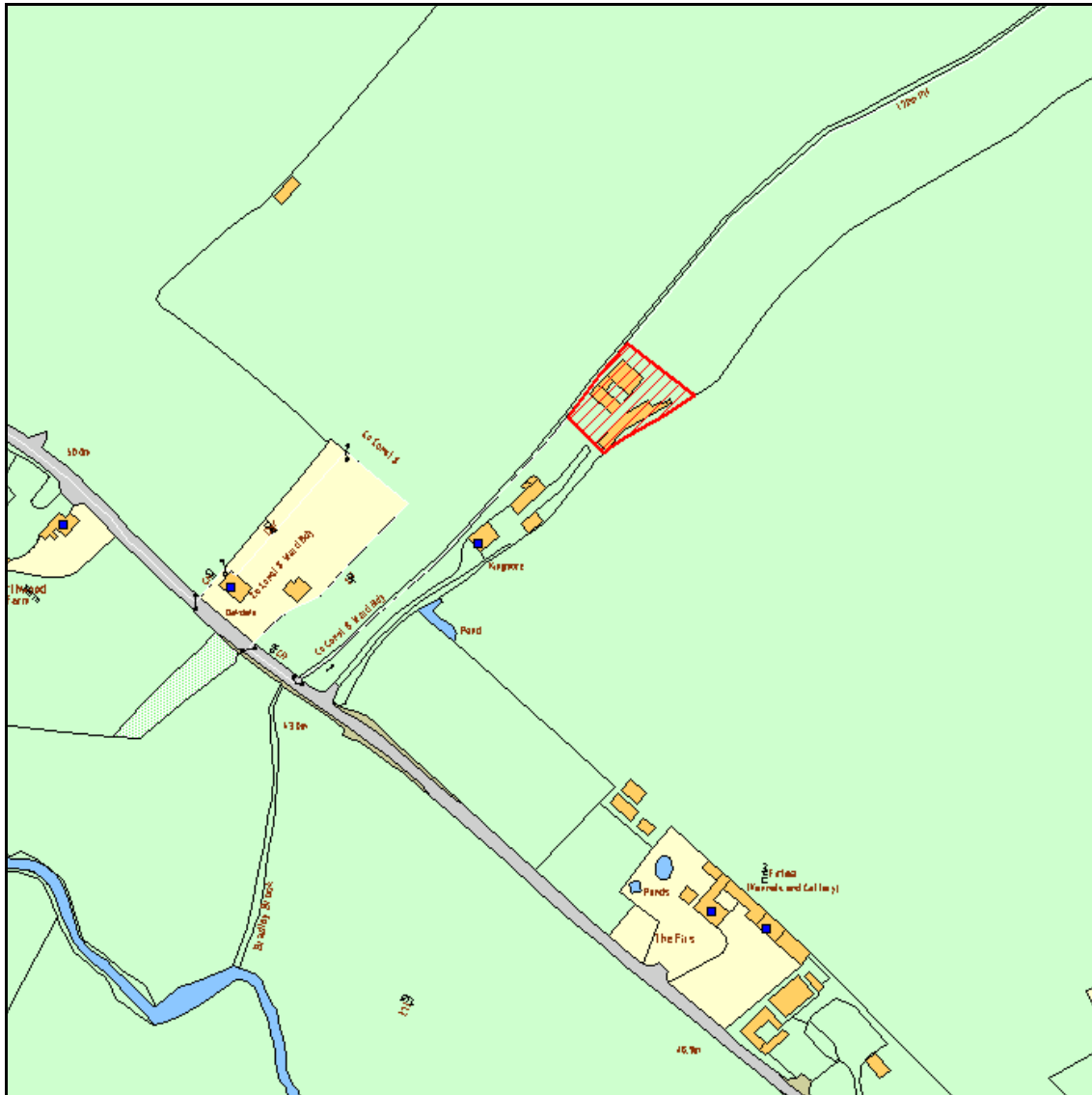
## **9. RECOMMENDATION**

9.1 The Certificate of Existing Lawful Use be **approved**

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

## CIRCULATED SCHEDULE NO. 03/15 – 16 JANUARY 2015

<b>App No.:</b>	PT14/0605/F	<b>Applicant:</b>	Mr Martin Sheppard
<b>Site:</b>	Kingmor Swan Lane Winterbourne Bristol South Gloucestershire BS36 1RW	<b>Date Reg:</b>	21st February 2014
<b>Proposal:</b>	Demolition of existing outbuildings and erection of open fronted barn.	<b>Parish:</b>	Winterbourne Parish Council
<b>Map Ref:</b>	364142 181974	<b>Ward:</b>	Winterbourne
<b>Application Category:</b>	Minor	<b>Target Date:</b>	15th April 2014



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PT14/0605/F

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

The application is circulated as a result of the comment of Winterbourne Parish Council.

### **1. THE PROPOSAL**

- 1.1 This application seeks planning permission for the demolition of existing outbuildings and erection of an open fronted barn.
- 1.2 The application site is located directly behind the Bungalow known as Kingmore on Swan Lane and consists of a range of buildings close to the residential part of the site and open agricultural/grazing land beyond which in total equates to around 3.5 hectares of agricultural land. The site is located within the Green Belt and outside of a settlement boundary.
- 1.3 The site is a mix of buildings and land uses which were left unused for a considerable period of time and have recently begun being renovated by the new owner in accordance with the history set out below.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
National Planning Policy Framework March 2012

- 2.2 Development Plans

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

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

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

E9 Agricultural Development  
E10 Horse Related Development  
L1 Landscape Protection and Enhancement  
T12 Transportation Development Control Policy

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

- 3.1 PT13/0355/F Erection of first floor extension to main dwelling with two storey side extension to form additional living accommodation. Erection of single storey detached building to form annexe ancillary to main dwelling. Refused
- 3.2 PT13/1510/F Erection of extension to main dwelling with two storey side extension to form additional living accommodation. Erection of single storey detached building to form annexe ancillary to main dwelling. Resubmission of PT13/0355/F Approved

- 3.3 PT14/0415/F Erection of extension to main dwelling with two storey side extension to form additional living accommodation. (Amendment to previously approved scheme PT13/1510/F). Erection of detached carport and shed. Approved

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

- 4.1 Winterbourne Town Council  
Objection. No reason has been given for the erection of an open fronted barn in the green belt.
- 4.2 Highway Drainage  
No objection is raised but the highways drainage team seek detail of a suds scheme to be submitted and approved. As a separate matter they advise that Environment Agency 3<sup>rd</sup> generation Flood Maps for surface water show ground profiles in this development area as being subject to overland flow or flood routing in the event of high intensity rainfall (i.e. non-watercourse and non-sewer surcharging). The development area is shown as category 1 in 30yr surface water flooding. In line with Flood Risk Standing Advice the developer must consider whether he has appropriately considered surface water drainage and flood risks to and from the development site which could occur as a result of the development. It is noted that this is separate from the watercourse Flood Zone maps and does not require submission of a Flood Risk Assessment.
- 4.3 Landscape Officer  
No objection.
- 4.4 Transportation  
No objection.

#### **Other Representations**

- 4.6 Local Residents  
No comments received.

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

- 5.1 Principle of Development  
The application seeks planning permission for the erection of a barn, situated within the open countryside on land which appears to be and have been a mix of agricultural and equine uses given the nature of the existing buildings. The NPPF permits replacement of a building, provided that the new building is in the same use and not materially larger than the one it replaces. The proposed barn is sited on a plot of land 3.5 acres in area and is proposed to be used for storage of tractors, hay, straw and feed for the horses on site. The applicant proposes to remove four other, long standing buildings from the site, labelled A,B,C and D which are larger and generally extend further away from the other buildings at the property. These buildings to be removed amount to 1195 cubic metres and the proposal would result in a building of 829 cubic metres, some 377m less volume overall. Given the loss of volume and better located barn location, clustered closer to the other retained buildings, there would be

less impact on the openness of the Green Belt. This loss of mass and better location weigh in favour of the proposal as the proposal would have less impact on the openness of the Green Belt. As such the replacement building is acceptable in the Green Belt.

5.2 Saved policy E9 of the adopted Local Plan permits proposals for the erection of agricultural buildings in principle subject to criteria relating to the availability of alternative buildings, access and manoeuvring, environmental effects, and residential amenity. Policy E10 also refers to such criterion but further refers to matters related specifically to stabling. The further matters regarding stabling are not relevant to this application as the proposal is not intended to house livestock/horses. Saved policy L1 of the adopted Local Plan and policies CS1 and CS9 of the adopted Core Strategy seek to protect the character and distinctiveness of the landscape and secure high quality design. The proposal is considered to be acceptable in principle subject to the following considerations.

5.3 Design and Availability of Alternative Buildings

The proposal specifically seeks to remove/replace existing buildings which extend the built form away from the bungalow and other buildings rather than reuse them. This is a positive step towards opening up the green belt and as such reuse of the existing buildings is not the most favourable solution to the applicants agricultural/equine storage need in this case. The proposal is to be timber clad to the outer elevations and the inner side of the 'L' would remain open. The roof would be covered in cement fibre roof sheeting. The design and materials are considered appropriate and no further details of materials are required. As such, the construction of the barn is considered acceptable.

5.4 Access and Manoeuvring

The building would be accessed from the front of the site from Swan Lane, past the bungalow as at present and would have no material impact on the highway as any manoeuvring can be achieved well off the highway.

5.6 Environmental Effects

The proposed building would be a replacement for a larger footprint of buildings which are all in a poor state of repair. Whilst the highway drainage team have identified that the land is potentially liable to overland flows of water the replacement siting of a building for agricultural and equine storage (the existing use), which is smaller than the buildings proposed to be removed, is not anticipated to increase the risk of flooding or pollution. On this basis, it is considered that the proposal is unlikely to create any significant environmental effects in terms of noise, pollution, flooding or other such disturbance. Despite this an informative is recommended to be applied to the decision notice to advise about the potential for overland flows of water as suggested by the Highway Drainage team.

5.7 Residential Amenity

The application relates to an established use where any neighbours are sufficiently far away so as to prevent any material impact from the development. It is considered that the replacement barn would not give rise to any unacceptable increase in noise or disturbance.

5.8 Landscape

The proposed building is a modest size, clad in timber and will also be partially screened by the hedges on either side of this long narrow site. Being closer to the other buildings of the site and being in appropriate materials, the proposal is considered to be in keeping with the agricultural character of the area. As such there is no objection to the proposed development with regard to saved policy L1 of the adopted Local Plan and policy CS1 of the adopted Core Strategy.

6. **CONCLUSION**

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

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

7. **RECOMMENDATION**

7.1 That planning permission is **approved**, subject to the attached conditions.

**Contact Officer: 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. Prior to the first use of the barn hereby permitted the buildings marked A, B, C and D shown on the Existing and Proposed Plan as received 18 February 2014 shall be demolished and permanently removed from the site.

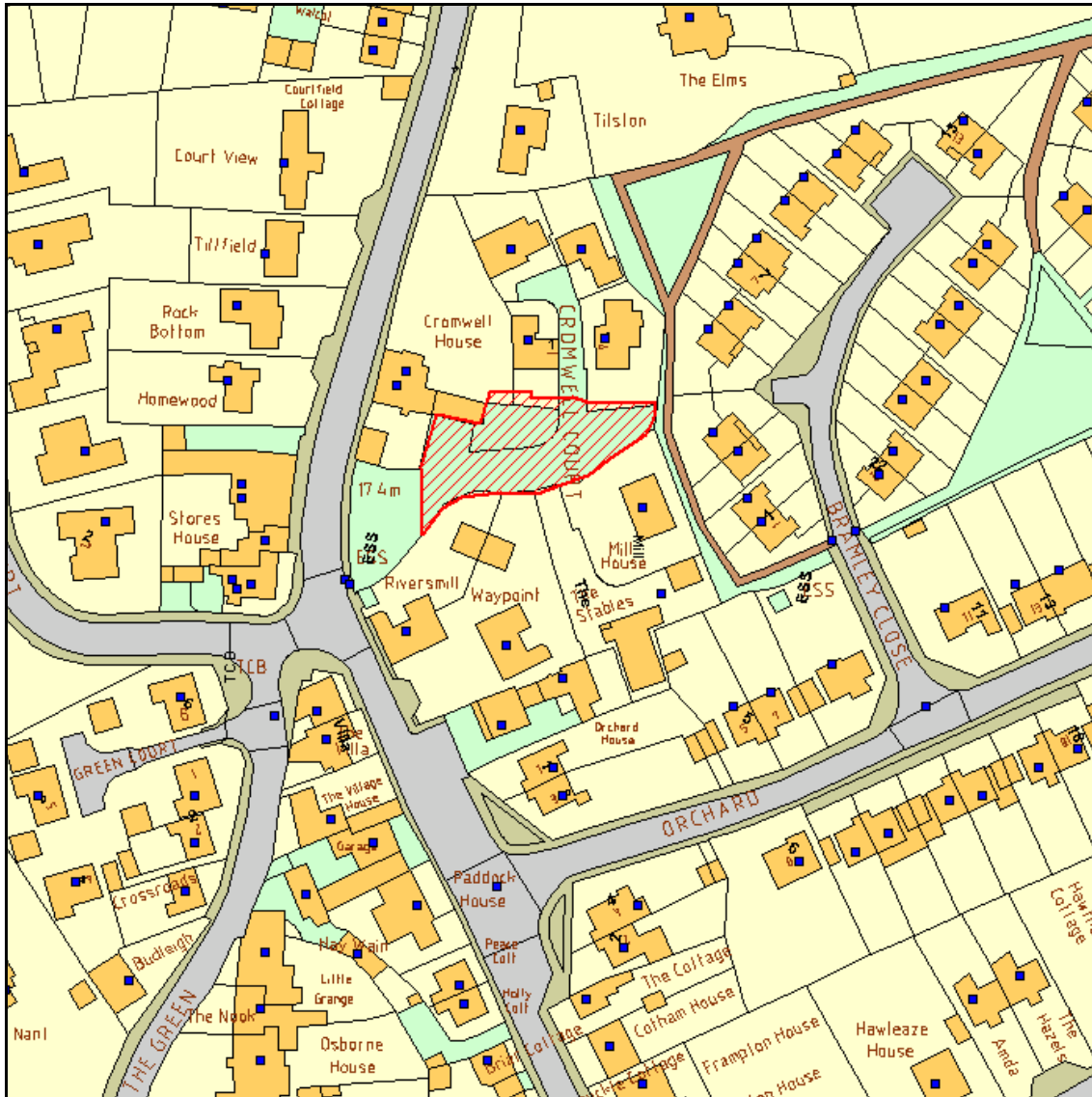
Reason

The proposed barn is only granted given the particular merits of the case which include the removal of these buildings, which otherwise should be used in accordance with policy E9 and E10 of South Gloucestershire Local Plan (Adopted) January 2006 (saved policy), to increase the overall openness the of the Green Belt and to accord with section 9 of the NPPF.



**CIRCULATED SCHEDULE NO. 03/15 – 16 JANUARY 2015**

<b>App No.:</b>	PT14/1261/F	<b>Applicant</b>	Charm Developments
<b>Site:</b>	Cromwell House The Street Olveston Bristol South Gloucestershire BS35 4DR	<b>Date</b>	9th April 2014
<b>Proposal:</b>	Erection of single storey building to form office accommodation.	<b>Reg:</b>	Olveston Parish Council
<b>Map Ref:</b>	360107 187062	<b>Ward:</b>	Severn
<b>Application Category:</b>	Minor	<b>Target Date:</b>	30th May 2014



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

The application appears on the circulated schedule as there is objection made to the proposed development that is contrary to the officer recommendation.

### **1. THE PROPOSAL**

1.1 The site is located within the Olveston Village Development Boundary which is washed over by the Green Belt. The site is located within the Olveston Conservation Area and is positioned within the curtilage of Cromwell House (Grade II Listed Building). Access to the site is from The Street, utilising an existing access to the site which also provides access to residential dwellings adjacent to the application site. The development would take place on part of the foot print of a previously demolished building which has made way for recent residential development to the North of the application site.

1.2 The proposed development consists of the construction of a small single storey building measuring approximately 10 metres by 6 metres. The building would provide a small office space. Parking would be located within the site.

### **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)

T12 Transportation Development Control Policy for New Development

L12 Conservation Areas

L13 Listed Buildings

E6 Employment Development in the Countryside

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design

CS5 Location of Development

CS9 Managing the Environment and Heritage

CS34 Rural Areas

2.3 Supplementary Planning Guidance  
Development in the Green Belt

2.4 Other Material Consideration  
Olveston Village Design Statement

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

3.1 PT11/1266/F Demolition of existing buildings to facilitate erection of 4no. detached houses with associated works. Erection of two storey unit for Retail (Class A1) or Business (Class B1) as defined in Town and Country Planning (Use Classes) Order 1987 (as amended).

Approved November 2011

- 3.2 PT11/1267/LB Demolition of existing buildings.

Approved November 2011

- 3.3 PT14/2027/LB Construction of Single Story Building to Form Office (Listed Building Application)

Undetermined at the time of compiling this report. The application also appears on this agenda.

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

- 4.1 Ovlveston Parish Council  
No Objection

- 4.2 Highway Authority  
No objection subject to the provision of two secure cycle parking spaces.

- 4.3 Archaeology Officer  
No objection

- 4.4 Historic Environment Officer  
No Objection subject to conditions requiring samples of materials and finishes.

#### **Other Representations**

- 4.5 Local Residents  
One letter is received in objection. The letter raises concern that the development would result in a negative impact upon highway safety due to poor access and the busy nature of the highway.

- 4.6 Society for Protection of Ancient Buildings (SPAB)  
The comments are made specifically in respect of the Listed Building application submitted alongside this planning application. These are reported here for clarity.

SPAB do not object to the principle of the use of the building as an office. However, SPAB do object to the proposal on the grounds that there is not sufficient detail submitted (with the listed building application) to fully address the impact of the proposal in respect of the historic value of the associated listed building. There is objection to the potential loss of historic fabric (reduction of walling and flooring materials).

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

- 5.1 The proposed development consists of the construction of a small single storey building measuring approximately 10 metres by 6 metres. The building would be constructed on the site of a building associated with the former mill building

(New Mills) located on the site prior to the adjacent residential development being completed. The site is located within the settlement boundary associated with Olveston Village. Olveston Village is washed over by the Green Belt.

5.2 Principle of Development

The National Planning Policy Framework (NPPF) is supportive of sustainable economic growth and creation of employment opportunities in rural areas. In particular the policy indicates that this can be through the conversion of existing building and/or the development of well designed new buildings.

5.3 Saved Policy E6 of the South Gloucestershire allows for employment development in the countryside. It is noted that the policy does not specifically allow for such development through the provision of new buildings indicating that the conversion or reuse of existing buildings is appropriate. However, the NPPF was introduced after Policy E6 was adopted and makes an allowance for the development of new, well designed new buildings to provide employment/economic development in rural areas.

5.4 In this instance, the development would provide a new building of very modest proportion. It is also noted that the building would be located on part of the footprint of a demolished building on the site; which itself provided an employment use. The site is also located at the centre of Olveston Village well within the associated development boundary. The site is within very easy walking and cycling distance of residential areas of Olveston and is in close proximity to designated cycle routes and public transport. There are also local shops and other economic uses in close proximity. On this basis, it is considered that the site is located in a sustainable location and this is given significant weight in the consideration of this application. On the basis of the above, it is considered that the proposed development is acceptable in principle subject to the following considerations.

5.5 Green Belt

The site is within the settlement boundary of Olveston which is washed over by the Green Belt. There is a general presumption against new development within the Green Belt with the exception of very limited categories of development that is appropriate within the Green Belt. The categories of appropriate development include (paragraph 89 of the NPPF);

*'limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development'*

5.6 The development would represent limited infilling and would also represent the partial redevelopment of a previously developed site. Given the size, scale and location of the building proposed it is considered that the development would not have a material impact upon the openness of the Green Belt or the purpose of including land within it. On this basis, the proposed development is acceptable in Green Belt terms.

5.7 Design and Impact on the Historic Environment

The design of the proposed building has been subject of negotiation between the applicant and the Local Planning Authority. Similarly, officers have acted to ensure that the development would not result in the unnecessary loss of historic fabric. The comments made by SPAB regarding the amount of detail submitted with the listed building application are noted, however, officers are satisfied that proper understanding of the impact of the development can be assessed with the submitted information. At present, the site appears blighted by the appearance of a 'gap' resulting from the demolition of the building formerly located on the site. This has a harmful impact on the setting of the listed building and the Olveston Conservation Area. The resulting proposal is considered to be traditional and modest in appearance one which would respect and would enhance the character of Olveston Conservation Area; and the setting of Cromwell House.

5.8 Essentially, the proposed building would be constructed against existing walls associated with Cromwell House and its former garden walls. The building would utilising existing walls on its Northern and Western side. The Southern and Eastern Elevations of the building would be new fabric, as would the roof and internal partitions of the building. The South (front) Elevation of the building would be constructed in stone facing materials with openings formed by full height windows/doors. The East elevation would also be formed in stone. The roof structure would be finished using traditional clay tiles. Notwithstanding the above, it is appropriate require further detail in respect of the exact finishing of the building, materials, external joinery details etc. by way of a condition of any approval of this planning application. Subject to this condition, it is considered that the proposed development is acceptable in design terms and would have a positive impact on the setting of Olveston Conservation Area and Cromwell House.

5.9 Highway Safety and Transportation Issues

A comment from a local resident raises concern regarding safety of the use of the existing access to the site. Whilst officers acknowledge that visibility from the access is limited, it is considered that the modest nature of the proposal is such that vehicle movements will be very low. In addition, it is noted that the access currently provides for new residential development to the North of the application site and for other residential development to the South. The proposed development would not materially alter the existing situation to the degree that the access would no longer be safe in the context of the surrounding highway network. Officer consider that there is sufficient space to provide off street parking available in respect of the proposed development within the site.

5.10 The Highways Officer has requested that any approval of this planning permission is subject to a condition to provide two secure and covered cycle parking bays as part of the development. Whilst this is noted, officers consider that the provision of such a facility would be difficult to achieve discreetly within the site and that this may well have a negative impact from a visual perspective. Given that there is sufficient room within the building itself to accommodate two cycles, officer consider that such a condition is not necessary.

## **6. CONCLUSION**

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

## **7. RECOMMENDATION**

- 7.1 That Planning Permission is granted subject to the following conditions.

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

### **CONDITIONS**

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

Reason

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

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

Reason

To ensure and acceptable visual appearance in the interests of the visual amenity of the site and the surrounding locality and the setting of Olveston Conservation Area and Cromwell House (Grade II Listed Building); and to comply with 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. Prior to the commencement of the development hereby approved a representative sample of clay tile shall be submitted and approved in writing by the local planning authority. The works shall be completed strictly in accordance with the agreed sample, and thereafter retained as such.

Reason

To ensure and acceptable visual appearance in the interests of the visual amenity of the site and the surrounding locality and the setting of Olveston Conservation Area

and Cromwell House (Grade II Listed Building); and to comply with 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.

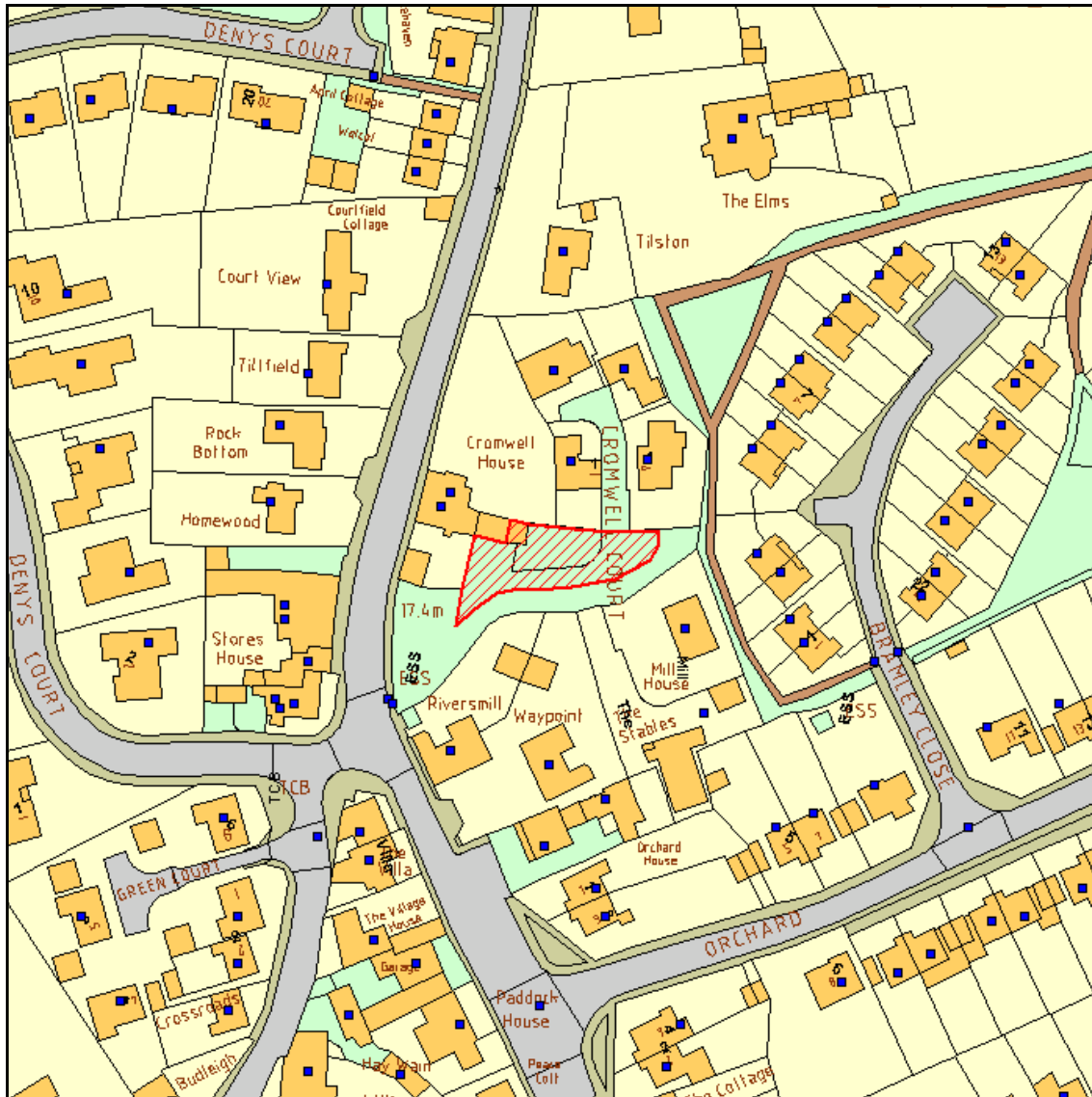
4. Prior to the commencement of works details of the following items, including materials and finishes, shall be submitted and approved in writing by the local planning authority. The details shall be at a scale of 1:5 including sections. The works shall be completed strictly in accordance with the agreed details, which shall be retained on site for consistency until completion.
  - a. all new doors (including frames and furniture)
  - b. eaves and verges
  - c. vents and flues

Reason

To ensure and acceptable visual appearance in the interests of the visual amenity of the site and the surrounding locality and the setting of Olveston Conservation Area and Cromwell House (Grade II Listed Building); and to comply with 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. 03/15 – 16 JANUARY 2015

<b>App No.:</b>	PT14/2027/LB	<b>Applicant</b>	Mr C And Mr M Dawes
<b>Site:</b>	Cromwell House The Street Olveston Bristol South Gloucestershire BS35 4DR	<b>Date</b>	4th June 2014
<b>Proposal:</b>	Construction of single storey building to form office.	<b>Reg:</b>	
<b>Map Ref:</b>	360107 187062	<b>Parish:</b>	Olveston Parish Council
<b>Application</b>	Minor	<b>Ward:</b>	Severn
<b>Category:</b>		<b>Target</b>	25th July 2014
		<b>Date:</b>	



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PT14/2027/LB



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

The application appears on the circulated schedule as there is objection made to the proposed development that is contrary to the officer recommendation.

### **1. THE PROPOSAL**

- 1.1 The site is located within the Olveston Village Development Boundary which is washed over by the Green Belt. The site is located within the Olveston Conservation Area and is positioned within the curtilage of Cromwell House (Grade II Listed Building). Access to the site is from The Street, utilising an existing access to the site which also provides access to residential dwellings adjacent to the application site. The development would take place on part of the foot print of a previously demolished building which has made way for recent residential development to the North of the application site.
- 1.2 The proposed development consists of the construction of a small single storey building measuring approximately 10 metres by 6 metres. The building would provide a small office space. Parking would be located within the site.

### **2. POLICY CONTEXT**

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

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

- 3.1 PT11/1266/F Demolition of existing buildings to facilitate erection of 4no. detached houses with associated works. Erection of two storey unit for Retail (Class A1) or Business (Class B1) as defined in Town and Country Planning (Use Classes) Order 1987 (as amended).  
  
Approved November 2011
- 3.2 PT11/1267/LB Demolition of existing buildings.  
  
Approved November 2011
- 3.3 PT14/1261/LB Construction of Single Story Building to Form Office (Listed Building Application)  
  
Undetermined at the time of compiling this report. The application also appears on this agenda.

### **4. CONSULTATION RESPONSES**

- 4.1 Olveston Parish Council  
No Objection

- 4.2 Highway Authority  
No objection subject to the provision of two secure cycle parking spaces.
- 4.3 Archaeology Officer  
No objection
- 4.4 Historic Environment Officer  
No Objection subject to conditions requiring samples of materials and finishes.

### **Other Representations**

- 4.5 Local Residents  
One letter is received in support on the basis that the proposed development is a good use for the site.
- 4.6 Society for Protection of Ancient Buildings (SPAB)  
SPAB do not object to the principle of the use of the building as an office. However, SPAB do object to the proposal on the grounds that there is not sufficient detail submitted (with the listed building application) to fully address the impact of the proposal in respect of the historic value of the associated listed building. There is objection to the potential loss of historic fabric (reduction of walling and flooring materials).

## **5. ANALYSIS OF PROPOSAL**

- 5.1 The proposed development consists of the construction of a small single storey building measuring approximately 10 metres by 6 metres. The building would be constructed on the site of a building associated with the former mill building (New Mills) located on the site prior to the adjacent residential development being completed. The site is located within the settlement boundary associated with Olveston Village. Olveston Village is washed over by the Green Belt.
- 5.2 Design and Impact on the Historic Environment  
The design of the proposed building has been subject of negotiation between the applicant and the Local Planning Authority. Similarly, officers have acted to ensure that the development would not result in the unnecessary loss of historic fabric. The comments made by SPAB regarding the amount of detail submitted with the listed building application are noted, however, officers are satisfied that proper understanding of the impact of the development can be assessed with the submitted information. At present, the site appears blighted by the appearance of a 'gap' resulting from the demolition of the building formerly located on the site. This has a harmful impact on the setting of the listed building and the Olveston Conservation Area. The resulting proposal is considered to be traditional and modest in appearance one which would respect and would enhance the character of Olveston Conservation Area; and the setting of Cromwell House.
- 5.3 Essentially, the proposed building would be constructed against existing walls associated with Cromwell House and its former garden walls. The building would utilise existing walls on its Northern and Western side. The Southern and Eastern Elevations of the building would be new fabric, as would the roof

and internal partitions of the building. The South (front) Elevation of the building would be constructed in stone facing materials with openings formed by full height windows/doors. The East elevation would also be formed in stone. The roof structure would be finished using traditional clay tiles. Notwithstanding the above, it is appropriate require further detail in respect of the exact finishing of the building, materials, external joinery details etc. by way of a condition of any approval of this planning application. Subject to this condition, it is considered that the proposed development is acceptable in design terms and would have a positive impact on the setting of Olveston Conservation Area and Cromwell House.

## **6. CONCLUSION**

6.1 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 Listed Building Consent is Granted subject to the following conditions.

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

### **CONDITIONS**

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

Reason

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

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

Reason

To ensure and acceptable visual appearance in the interests of the visual amenity of the site and the surrounding locality and the setting of Olveston Conservation Area and Cromwell House (Grade II Listed Building); and to comply with 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. Prior to the commencement of the development hereby approved a representative sample of clay tile shall be submitted and approved in writing by the local planning

authority. The works shall be completed strictly in accordance with the agreed sample, and thereafter retained as such.

Reason

To ensure and acceptable visual appearance in the interests of the visual amenity of the site and the surrounding locality and the setting of Olveston Conservation Area and Cromwell House (Grade II Listed Building); and to comply with 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.

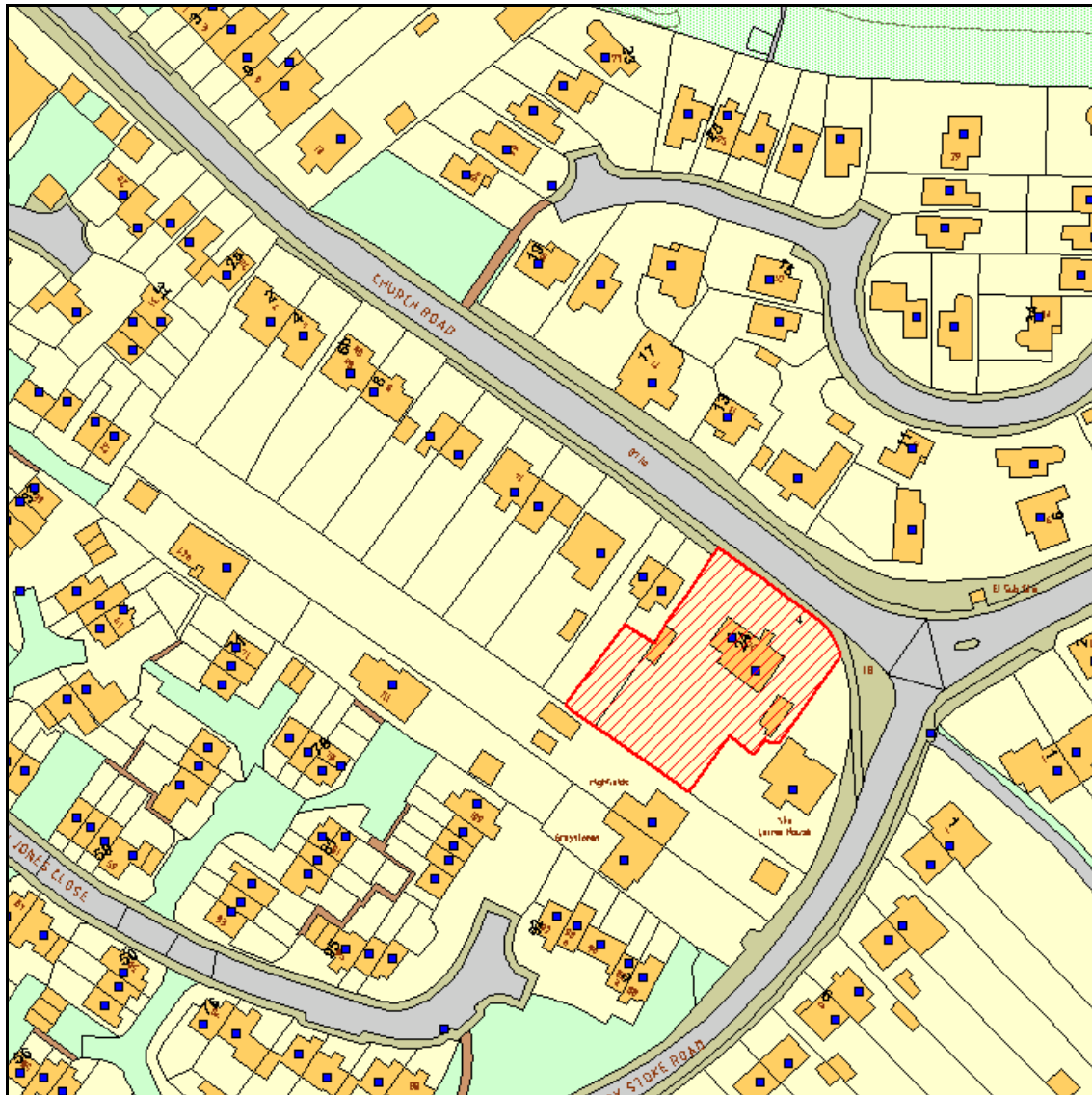
4. Prior to the commencement of works details of the following items, including materials and finishes, shall be submitted and approved in writing by the local planning authority. The details shall be at a scale of 1:5 including sections. The works shall be completed strictly in accordance with the agreed details, which shall be retained on site for consistency until completion.
  - a. all new doors (including frames and furniture)
  - b. eaves and verges
  - c. vents and flues

Reason

To ensure and acceptable visual appearance in the interests of the visual amenity of the site and the surrounding locality and the setting of Olveston Conservation Area and Cromwell House (Grade II Listed Building); and to comply with 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. 03/15 – 16 JANUARY 2015**

<b>App No.:</b>	PT14/3134/F	<b>Applicant:</b>	AB Surveys Ltd Home Orchard Developments Ltd
<b>Site:</b>	24 Church Road Stoke Gifford Bristol South Gloucestershire BS34 8QA	<b>Date Reg:</b>	29th August 2014
<b>Proposal:</b>	Demolition of existing dwelling and erection of 9no. dwellings with access, parking, landscaping and associated works.	<b>Parish:</b>	Stoke Gifford Parish Council
<b>Map Ref:</b>	362515 179366	<b>Ward:</b>	Frenchay And Stoke Park
<b>Application Category:</b>	Minor	<b>Target Date:</b>	6th October 2014



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 100023410, 2014. N.T.S. PT14/3134/F

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

This application was referred to the Circulated Schedule on 10<sup>th</sup> October 2014 (given that an objection had been received) with a recommendation that the application be approved subject to conditions and subject to the signing of a S106 Agreement to secure £11,474 towards a Primary School Place.

On 28<sup>th</sup> November in the Autumn Budget Statement and this is now set out in the National Planning Policy Guidance it was announced that in urban areas

*“Contributions should not be sought from developments of 10-units or less, and which have a maximum combined gross floorspace of no more than 1000sqm”*

The application is referred again to the Circulated Schedule given that there has been a change of recommendation (a S106 agreement no longer being required)

### **1. THE PROPOSAL**

- 1.1 The application seeks full planning permission for the demolition of a single large property and associated outbuildings and the erection of 6 no. terrace properties, (two storey with one bedroom), along the Church Road frontage and three detached bungalows to the rear (with room in the roof space providing two bedrooms). Access to the development will be from Church Road and via an internal access road. 9 no. parking spaces are to be provided to serve the development. The proposed properties along the Church Road frontage are to be set back with an area of landscaping provided to the front of the site with a hedgerow. A bin collection point for the development will be provided at the entrance.
- 1.2 The application site is situated just to the west of the junction of Harry Stoke Road, Church Road and Hambrook Lane. The site is 0.14 hectares in size and at present is occupied by a single large dwelling with some outbuildings. The remainder of the site comprises the garden of the property. Within context the property is surrounded on all sides by residential development of varying forms both detached, semi-detached and terraced, with the southern boundary adjoining the residential garden of Highfields.
- 1.3 In support of the application, a Tree Survey/Arboricultural report, Landscape Plan and Transport Statement and Coal Mining Report have been submitted.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
National Planning Policy Framework (March 2012)  
National Planning Policy Framework Technical Guidance (2012)  
National Planning Policy Guidance and 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
- LC2 Provision for Education Facilities

### 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
- CS25 Communities of the North Fringe of Bristol Urban Area

## 2.3 Supplementary Planning Guidance

- South Gloucestershire Design Checklist (Adopted)
- Residential Parking Standards SPD
- Affordable Housing and Extra Care SPD May 2014

## 3. **RELEVANT PLANNING HISTORY**

- 3.1 The site has been the subject of a number of planning application however of relevance to this proposal are the following:

PT08/0136/F - Demolition of existing dwelling to facilitate erection of 8 no. 2 bedroom flats and 2 no. 1 bedroom flats with associated works. Construction of new vehicular and pedestrian access (Approved with conditions)

PT10/3011/EXT - Demolition of existing dwelling to facilitate erection of 8 no. 2 bedroom flats and 2 no. 1 bedroom flats with associated works. Construction of new vehicular and pedestrian access (Consent to extend time limit implementation for PT08/0136/F) Approved

## 4. **CONSULTATION RESPONSES**

- 4.1 Stoke Gifford Parish Council  
No comment received

- 4.2 Other Consultees

Highway Structures  
No Objection

### Tree Officer

Subject to the provision of a Tree Protection Plan and method statement for works that are to take place within that protection area there is no objection to the proposal.

### Children and Young People

No objection subject to a legal agreement to secure a contribution to provide one primary school place as this is a need arising from the development.

### Sustainable Transport

It is noted that the site has previously had planning consent for 10 flats using the same access as proposed for this development.

Access - This access is of a suitable width at the entrance to allow two vehicles to pass. Adequate visibility is available between vehicles emerging and those on Church Road.

Parking - The 12 car parking spaces are consistent with the SGC minimum car parking standards for residents. There is sufficient space on the site and on Church Road to accommodate visitor parking. The visibility available from spaces 5 and 6 back into the site is restricted by plot 6 however vehicle speeds within the development would be very slow and as such I don't consider the arrangement to be unsafe.

Servicing - Refuse would be collected from the bin storage area to the front of the site adjacent to parking space 6. The turning areas within the site are sufficient for cars and other small delivery vehicles.

No objection subject to conditions to secure the parking spaces, the closure within 6 months of the existing access, suitable surfacing of the access and cycle storage provision for the terrace properties.

## **Other Representations**

### 4.3 Summary of Local Residents Comments

One response has been received stated that their comment neither supports nor objects to the proposed development but does raise the following issues:

- Houses rather than flats would be preferred
- 9 houses results in the overdevelopment of the site
- A terrace is not appropriate, semi-detached would be preferable
- It would appear overbearing
- The site is not sustainable
- There will not be space to turn from two of the parking spaces

## **5. ANALYSIS OF PROPOSAL**

### 5.1 Principle of Development

The National Planning Policy Framework carries a 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 local plan, 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 proposed development will comprise a terrace of six dwellings along the Church Road frontage which are two storey in height dropping down in height right to left reflecting a slight change in levels with the plot 1 on the extreme left having almost a cat slide roof. The dwellings will be set back allowing for a landscaped area comprising grass and a hedgerow to the front. Access is to the right of the Church Road frontage and this gives onto an internal road with the remaining 3 no, single storey (with room in the roof space) properties aligned along the southern boundary each with their own garden.

It is proposed that the terrace properties will incorporate some traditional features found elsewhere in the locality including front gables (a feature on the adjoining properties on Church Road) and simple canopies over doors. The step-down results in the breaking up of what would otherwise be quite a dominant roof which given its asymmetric form is broader to the front than the rear. The bungalows are a little more contemporary in style with gables and lintels above windows. All the properties will have a render finish.

Concern has been raised regarding the terrace along Church Road, with a suggestion that semi-detached would be more appropriate and also that this would appear overbearing.

It should be noted that there are a variety of building styles in the area including a terrace on Harry Stoke Road. It should also be noted that the approved scheme of 10 flats would have had a similar impact. In many respects the current scheme is considered an improvement visually, with a slight reduction in height but with features to the front elevation such as the gables that serve to break up the elevation. The setting back of the building from Church Road with the use of landscaping including a hedge also introduces an attractive feature that provides some relief from the built form as does the use of light render. It is not considered that the new structure would appear overbearing in the street scene and it is considered that it would have less impact than the approved

scheme in that regard. The bungalows to the rear are entirely appropriate in design terms and discreetly located.

#### 5.4 Residential Amenity

Impact upon residential amenity includes an assessment as to whether a development would result in loss of privacy from overlooking, would appear oppressive or overbearing (affect the outlook) of neighbouring residential occupiers.

To the south of the site lies a property known as Highfields, a semi-detached bungalow with an access on to Harry Stoke Road. The proposed 3 no buildings to the rear (the two storey terrace element facing onto Church Road are 30 meters distant and would have no impact are single storey with room in the roof space. It should be noted that the dormer roof extensions needed to facilitate the room in the roof spaces are located on the front elevations facing into the site with just a single roof light in the rear elevations. Ground floor windows would sit below the level of the rear boundary fence and this relationship is considered appropriate and would not result in loss of privacy to the occupiers of Highfields, Given that Highfields is single storey, no overlooking of the new properties result. It is also not considered given the height of the new dwellings and separation distance to Highfields that the development would appear oppressive or overbearing or result in loss of outlook.

A single window on the ground floor on the east elevation faces the Corner house (1-3 Harry Stoke Road) but this relationship is considered acceptable.

With respect to the terrace, this is located 5 metres away from the side of No.22 Church Road on the other side of the entrance way. The new buildings do not extend either to the front or rear of no. 22 and with no windows on the side elevation of Plot 6 there would be no loss of privacy nor would the terrace appear oppressive or overbearing or affect outlook. The relationship between Unit 1 and the Corner House is also acceptable, this unit has no windows on the side elevation and given the distance and juxtaposition it is not considered that either loss of privacy or outlook would accrue.

The relationship between the new properties to the front and rear of the development is considered acceptable in these terms.

It is also considered that the development provides adequate private amenity space to serve all future occupiers of the site.

#### 5.5 Highway Safety

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.

The development is providing 12 parking spaces in the form of 2 spaces for the 2 bed properties (including an integral garage) and a single space for each of the one bed properties. This meets the South Gloucestershire residential parking standards which would require 10 spaces. Parking on Church Road is possible. It is considered that there is sufficient space on site and Church Road to accommodate visitor parking. Officers acknowledge that visibility from spaces 5 and 6 into the site is restricted however given that speeds within the development would be slow this arrangement is considered acceptable.

Access to the site will be from Church Road and in a position that is identical to that for the previously approved scheme for the 10 flats. The access is considered to be of a suitable width to allow two vehicles to pass each other and the access onto Church Road is satisfactory in terms of visibility.

With respect to servicing, bin storage area will be provided to the front of the site (given that refuse vehicles would not be able to manoeuvre within the site). The site would be able to accommodate smaller delivery vehicles.

In the interests of highway safety it is considered appropriate to attach conditions to secure the car parking, access and turning arrangements as shown on the plans, the provision of the refuse storage, cycle storage prior to first occupation. Conditions will also be applied to ensure the existing access (located centrally) is stopped up within 6 months of the first use and also to secure an appropriate surface for the access.

#### 5.6 Landscape/Trees

No objection to the proposal has been raised to the proposed landscaping and a condition will be attached to secure the landscaping that has been proposed.

The Tree Officer raises no objection to the proposal but notes the location of two areas of boundary vegetation at the north-east and south-western corners of the site. These features have root protection areas that fall within the footprint of the site and therefore require protection. For this reason a condition requiring a tree protection plan and a method statement for any works that are proposed within the root protection areas will be attached to the decision notice with the requirement given that this is submitted prior to the commencement of development.

#### 5.7 Education Provision

Policy LC4 of the South Gloucestershire Local Plan (Jan 2006) requires that where local provision is inadequate to meet the projected need for school places (be it pre-school, primary or secondary) arising from the future occupiers of a proposal for residential development, the Council will negotiate to secure provision in scale and kind to meet those needs. Policy CS23 of the South Gloucestershire Local Plan Core Strategy December 2013 reiterates this under the heading of "Community Infrastructure and Cultural Activity" in which schools are identified as a key part of that infrastructure.

Officers have identified a deficit of primary school places within this specific locality of 1 primary school place. Based upon the current Department for Education cost calculators this equates to a requirement of £11,474 per

additional primary pupil place, based at the Quarter 4 2013 value of the Royal Institute of Chartered Surveyors Building Cost All-In Tender Price Index. There is no shortfall of secondary school places.

However it must be noted that since the 28<sup>th</sup> November (Autumn Budget Statement), it has no longer been possible to request "S106 tariffs" for developments of 10 dwellings or less. As this development is for 9 dwellings this request can no longer be made.

#### 5.8 Affordable Housing

A scheme for 10 units was previously approved (see Section 3 above) however at that time the threshold for Affordable Housing within the urban setting was 15 units so no Affordable Housing was required.

No contribution was requested when this was originally referred to the Circulated Schedule in October 2014, however as indicated in 5.8 above, Affordable Housing Contributions can only be sought on development of 11 units or more.

#### 5.9 Community Services

No contribution was sought when the proposal first appeared on the Circulated Schedule in October 2014 nevertheless as indicated above no such contribution can in any case be sought for developments of 10 units or less.

### 6. CONCLUSION

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

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

### 7. RECOMMENDATION

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

2. Prior to the first occupation of the dwellings hereby approved, the parking spaces, access and turning arrangements shall be provided in accordance with the details shown on Drawing No. 859W14-SP01A and 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 Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006 (saved policy) and the South Gloucestershire Residential Parking Standards December 2013..

3. The proposed access shall not be brought into use until it has been surfaced with a consolidated material (not loose stone or gravel) for a minimum distance of 6m from the public highway and provided with surface water drainage.

Reason

To prevent loose stones and water from discharging across the highway in the interest of highway safety and to accord with Policy T12 of the South Gloucestershire Local Plan (2006) Saved Policy

4. Prior to the first occupation of the development hereby approved full details of covered and secure cycle storage for Plots 1-6 (one space per dwelling) shall be submitted to and approved in writing by the Local Planning Authority. The cycle storage shall be provided in accordance with the approved details prior to the first occupation of the buildings.

Reason

To promote sustainable transport choices and to accord with Policy T12 of the South Gloucestershire Local Plan (Adopted 2006 - Saved Policies)

5. The existing vehicle crossover shall be closed up and reinstated with a full face kerb within 6 months of the first use of the new access hereby approved

Reason

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

6. Prior to the commencement of development full details of the refuse storage point as shown on Drg No. 859W14 - SP01 (A) shall be submitted to and approved in writing by the Local Planning Authority. Bin storage shall be provided prior to first occupation of the development and retained as such thereafter.

Reason

To accommodate the waste generating by the proposal in the interests of the amenity of the locality and to accord with Policy CS1 of the South Gloucestershire Local Plan Core Strategy 2013

7. Prior to the commencement of development, a Tree Protection Plan and method statement for the works (in relation to the hedges identified as H2 and G4 on Appendix 2 of the submitted Tree Survey and Arboricultural Impact Assessment received 8th August 2014) shall be submitted to and approved in writing by the Local Planning Authority. All works shall be carried out in accordance with the approved details.

Reason

To protect the character and appearance of the area to accord with Policies L1 of the South Gloucestershire Local Plan (Adopted) January 2006 Saved Policies and Policy CS9 of the South Gloucestershire Local Plan Core Strategy (Adopted 2013) .

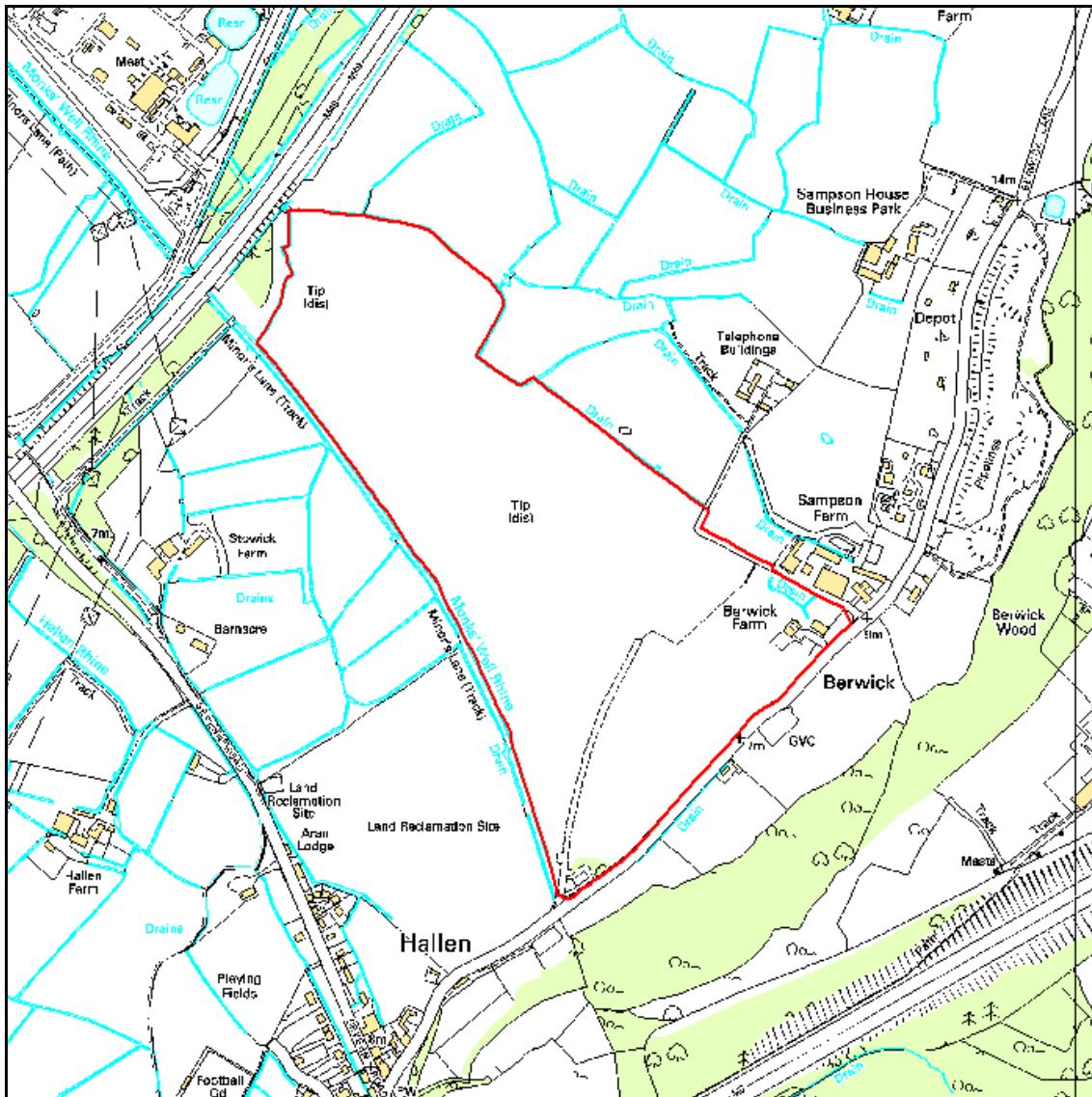
8. The hours of working on site during the period of construction shall be restricted to 0800 to 1800 Monday to Friday and 0800 to 1300 Saturday and no working shall take place on Sundays or Public Holidays. The term 'working' shall, for the purpose of clarification of this condition include: the use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

Reason

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

**CIRCULATED SCHEDULE NO. 03/15 – 16 JANUARY 2015**

<b>App No.:</b>	PT14/3206/MW	<b>Applicant:</b>	Mr M Greslow SITA UK
<b>Site:</b>	Berwick Farm Berwick Lane Hallen South Gloucestershire BS10 7RS	<b>Date Reg:</b>	30th September 2014
<b>Proposal:</b>	Variation of condition 1 attached to planning permission PT09/5578/MW to extend the length of time of permission	<b>Parish:</b>	Almondsbury Parish Council
<b>Map Ref:</b>	355649 180647	<b>Ward:</b>	Almondsbury
<b>Application Category:</b>		<b>Target Date:</b>	25th December 2014



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 100023410, 2014. N.T.S. PT14/3206/MW

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

This application appears on the Circulated Schedule as a result of representations received to the consultation process.

### **1. THE PROPOSAL**

- 1.1 The application is for the variation of condition 1 attached to planning permission PT09/5578/MW to extend the length of time of permission. PT09/5578/MW was for the restoration of the existing landfill site through capping and importation of inert material and a change of the approved afteruse from golf course to agricultural pasture. Condition 1 of that consent required that the restoration development should be completed on or before the expiry of two years from the date of consent. The permission was issued on the 17<sup>th</sup> August 2012. The applicants seek to extend the time period until 31<sup>st</sup> December 2015. Subsequent on-site restoration operations shall be completed on or before the 30<sup>th</sup> June 2016. The current application was submitted prior to the two year expiry period.
- 1.2 The proposal relates to the existing landfill located at Berwick Farm, situated off Berwick Lane, Hallen. The site is located approximately 0.5km north east of the centre of the village of Hallen. The site is roughly rectangular in shape and comprises 25ha of land most of which is either operational landfill or disturbed land. The boundary of the site is well defined by existing physical features, Berwick Lane to the south, a track named Minor's Lane and the Monks Well Rhine to the west and the M49 to the north. To the east boundary the site adjoins agricultural land. The site is located within the Green Belt.
- 1.3 The nearest properties to the landfill to the immediate east are Berwick Farm (a derelict property on the edge of the application site itself), Sampsons Farm and Severn House, approximately 90 and 220 metres from the landfill respectively. To the north east are the Telephone Buildings, approximately 160 metres away, beyond which is the Sampson Business Park. To the west the nearest properties start around 220 metres from the edge of the landfill whilst south west towards Hallen, the nearest properties are around 250 metres along Berwick Lane. Access to the site is off Berwick Lane through the site entrance located at the southern corner of the site. A public right of way comprising a footpath runs along the southeastern boundary of the site from the site entrance to the eastern corner of the site.
- 1.4 The application has been screened in accordance with EIA regulations. In addition to land use planning requirements and the satisfactory restoration and capping of waste sites the requirement for restoration is also necessary in terms of ongoing environmental and pollution control.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
National Planning Policy Framework  
National Planning Policy for Waste



## 2.2 South Gloucestershire Minerals and Waste Local Plan

Policy 6	Landscape Protection
Policy 9	Green Belt
Policy 20	Water Resources
Policy 21	Drainage
Policy 22	Residential/Local Amenity
Policy 24	Traffic Impact
Policy 28	Restoration
Policy 29	Standard of Restoration

## 2.3 West of England Joint Waste Core Strategy (Adopted) March 2011

Policy 8	Landfill, Landraise, Engineering and Other Operations (Principles)
Policy 9	Landfill, Landraise, Engineering and Other Operations (Details)
Policy 11	Planning Designations
Policy 12	General Considerations

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

- 3.1 In 1982 a submission was made to determine whether a proposed agricultural improvement scheme, including deposit of waste materials, required planning permission. It was resolved that planning permission was not required. Tipping commenced in 1983. In 1989 an application for planning permission was submitted to reprofile the partially completed site to contours incorporating minimum slopes of 1 in 20, consistent with current landfill practice at that time. The application was refused in 1990. The applicants subsequently appealed and consent was granted in 1992. In 1993 an application (P93/1765) for planning permission was submitted to amend the restoration profile to facilitate restoration of the site to a golf course. This was granted on 20 November 1995. Planning application ref. PT01/1071/RVC sought to extend the time limit for the completion of landfilling and restoration of the site. This was granted on 2 April 2003 for a further four years from that date. (i.e. tipping to be completed by 2007, and the site fully restored within a further year.)
- 3.2 Application ref. PT04/1415/F sought permission for the amendment of the approved working details and restoration profile to incorporate additional landfill capacity that removal of pipelines across the site would provide. This application was refused by the Council on 8<sup>th</sup> June 2005. The decision was subsequently appealed and allowed on 4<sup>th</sup> October 2006. The site operators and the site itself were subsequently acquired by SITA. Since that time SITA had made a commercial decision not to implement the appeal decision and the formal timescale for implementation has now expired.
- 3.3 PT09/5578/MW – Restoration of landfill site through capping and importation of inert material to achieve amended finished contours and change approved afteruse from golf course to agricultural pasture. Approved 17<sup>th</sup> August 2010.

### **4. CONSULTATION RESPONSES**

#### 4.1 Almondsbury Parish Council

Almondsbury Parish Council object subject to a meeting between contractors and residents. There is extreme concern over the length of time this is taking

having already been granted an extension and still failing to complete. Residents are still having to deal with muddy lorries leaving a trail of mud behind them.

#### Ecology

The variation relates purely to an extension of the time period for PT09/5578/MW and will therefore have no ecological implications. There are no ecological constraints to granting planning permission.

#### Sustainable Transportation

We have now reviewed this planning application and note that it seeks to allow an extension of the time over which it is permitted to use land at Berwick Farm, Berwick Lane, Hallen for landfill purposes. We understand that the use of this site for these purposes was originally permitted in 2012 and that Condition 1 of this permission required the site to be filled and restored by 31<sup>st</sup> December 2015. The sites owners (SITA UK Ltd) are now seeking for a variation to this condition to permit the date of completion to be extended to 31<sup>st</sup> December 2016.

The applicants suggest that the extension of the time period allowed to complete the filling and restoration of this site will result in the deliveries of waste fill also taking place over a longer period, hence the number of vehicles visiting the site every day could be smaller. Moreover, the number of vehicles making deliveries every day will be very small (a maximum of 110 vehicles per day). Hence we believe that the impact of this change will be traffic neutral. Consequently, we have no transportation comments about this application.

#### Highways Drainage

No comment

#### Lower Severn Drainage Board

No comments received

#### Environment Agency

No objections

#### Landscape

No objection to the proposed extension of time for the completion of works at the site

#### Civil Aviation Authority

No comments to make

#### Ministry of Defence

No safeguarding objections to this proposal

#### National Grid

Raised initial potential issues with the proximity of the proposals in close proximity to a High Pressure Gas Pipeline. However upon further

consideration raise no objections to the proposals.

Fisher German (on behalf of clients – The Government Pipelines and Storage System (GPSS))

Apparatus is located within the vicinity of the proposals and may therefore be affected. The operators should contact GPSS prior to any works commencing. Guidance can be provided on the required procedures of works affecting such apparatus and any such works will need to adhere to agreed procedures and duty of care requirements.

Other Consultees:

Local Residents

Two letters of objection from one household have been received:

The objections of the first representation are summarised as follows:

The owners have been aware of the completion date since they took over the site

Neighbours to the site have had to put up with too much disruption already which hasn't been addressed

The HGV's speed along Severn Road and Berwick Lane

Mud from the site is often thick and clumpy causing a problem for the speeding traffic and left overnight on the road

To resolve the mud on the road issues a road sweeper is used. This is continual from 8am until 5pm even if the road is clear and causes its own dust and noise problems

The road sweeper renders the road surface unsafe and causes health and safety issues for the public and horses

Mud should not be leaving the site

The site produces dust issues

The land will not be suitable for agricultural use due to the gradients

The land is poorly cared for and Ragwort covers the property and this causes problems on neighbouring land with wind blown seeds

The noise levels from the site are not acceptable

The site should have been completed and the disruption ceased

All materials required for the site should have been brought onto the site prior to the application ceasing.

The second representation cites noise, pollution dust speeding traffic and mud on the road as reasons for objection

## **5. ANALYSIS OF PROPOSAL**

### **5.1 Principle of Development**

As the site history section above demonstrates, the principle of the site for use as a landfill has been established and ongoing for a number of years. This principle was extended in 2006 when, on appeal, additional tipping opportunity that had been identified by the operators through the potential removal of pipelines that crossed the site, was subsequently approved. The proposed afteruse of the site at that time remained as a golf course and therefore restoration proposals, planting, contours and aftercare and management were designed for such use. The tipping capacity and life of the site as a landfill was to be increased as well as the final contours and landform amended as the

removal of oil pipelines across the site provided greater voidspace for tipping. The site operators and the site itself were subsequently acquired by SITA. Since that time SITA had made a commercial decision not to implement the approval under the appeal decision. Instead it was sought to amend the timescale in which the existing site could be restored, and change the permitted afteruse of the site from golf course to agricultural. These proposals essentially therefore seek to implement the necessary restoration requirements in order to restore the existing landraised area, and return the land to, upon completion, to agricultural pasture.

5.2 Landfilling activities themselves have ceased and any remaining importation of materials would be for the effective capping and restoration of the site. Policy 9 of the West of England Joint Waste Core Strategy (Adopted) March 2011 and Policies 28 and 29 of the South Gloucestershire Minerals and Waste Local Plan (Adopted) May 2002 require effective restoration of such sites. A restoration scheme has been approved for the site under the last consent. The site has been partially capped with approximately 70% of the site restored. Operations to import restoration materials would be spread until 31<sup>st</sup> December 2015. It is considered that due to market conditions which appear to have limited demand for inert material for landfilling/restoration purposes, that the applicants have been unable to restore the site fully within the limited timescales. The site would continue to import inert material as per the existing planning permission to achieve the consented contour levels.

5.3 This application seeks additional time in which to complete the approved restoration. Restoration of the site is therefore a necessary requirement both in terms of land use requirements as well through the Environment Agency licensing regime associated with the effective capping and containment of the landfilled site and therefore in principle considered acceptable, subject to detailed development control considerations.

5.4 Green Belt

The site is located on the edge of the Green Belt. As illustrated above the principle of the site as a landraising scheme in the Green Belt has been established by previous decisions. Upon cessation of landfilling it would be expected that the site would be restored in accordance with an approved scheme and the site returned into the wider landscape. Due to non-implementation and lapses in time restrictions set on previous consents, the need for a further application exists. However the principle of restoring the site and , in this instance returning it to agriculture, would not be considered to conflict with the requirements of Green Belt policy and would in fact benefit this area of Green Belt in terms of securing a restoration that would improve the sites impact upon openness and visual amenity.

5.5 Visual Amenity

The context of the site as landraised area has been established in ongoing operations and previous consents resulting in its undulating appearance. This application seeks to restore the land on the basis of what has been placed on site under previous consents. With the necessary cap and cover laid across the site as part of the restoration scheme the site would be a maximum 28 metres a.o.d. at its single highest point (pre-settlement). This would reduce to around

24 metres a.o.d. post settlement at the highest single point. The landform would follow the peaks and troughs format that the landfill has established mainly due to the network of pipelines that exist across the site and the need to avoid landfill in their proximity. The remainder of the peaks would be between 14 and 22 metres a.o.d, post settlement and the general average heights of the finished post settlement landform would be undulating from 8 metres a.o.d., up to the height of the peaks. The restoration landform would follow the existing pattern of the landfilling across the site. There are no in principle landscape objections to the proposals and restoration to agriculture use would be more visually acceptable. A scheme providing further, more specific detail in the form of a landscape plan, should be requested through condition, to address location and detail of plant mixes, maintenance, protective fencing and details of any open water or wetland area. An aftercare scheme can also be requested to address a 5 year period for effective management of the site.

#### 5.6 Ecology

The site lies within the floodplain of the Severn Estuary. The Severn Estuary itself, in recognition of its nationally and internationally important wildlife, is subject to a range of statutory and non-statutory nature conservation designations and is a Site of Special Scientific Interest (SSSI), Special Protection Area (SPA) candidate Special Area of Conservation (cSAC) and is also a Natura 2000 (N2K) site. The application site itself however does not lie directly in an area of any designations. However, given its proximity to this area, and given the land available and potential opportunity it creates, the site does provide for the potential to allow for the creation of additional wildfowl habitat. This is considered particularly relevant on such areas surrounding the estuary to help avoid issues arising from developments within Severnside, linked to the historic ICI consents and to provide additional habitat for the wildfowl associated with it and off-set the potential loss of habitats in that area. Such habitat could include a series of shallow scrapes to provide an area where water may at times accumulate and allow a natural accumulation of invertebrates and therefore a feeding habitat. On this basis the applicants have confirmed this would be acceptable. In accordance with previous requirements for the site, details of this should be secured by a condition, which could be linked to the landscape management plan above, as well as be subject to the subsequent aftercare requirements.

#### 5.7 Local Amenity

The site is required to be restored to a suitable standard after use as a landfill and this principle is evident through the various planning decisions over the history of the site that provide for various restoration requirements. Under the terms of an earlier Inspectors appeal decision, it was considered acceptable for the site to open up new areas and continue landfilling until 2016 prior to final restoration. The current proposal is for extension to the restoration period only which it is considered would enable full completion including restoration sooner than this. It is considered therefore that whilst HGV movements and site activity continue, this would be at a lesser scale and duration than that previously approved and it would be with a view to beneficially completing the site. Furthermore the types of material going into the site would be clean, uncontaminated restoration materials as opposed to the general waste accepted by the site as a landfill, with the potential to generate greater amenity

and environmental concerns. It is considered that there remains a requirement for the satisfactory completion of restoration of the previously approved landfill and the extension of time the subject of this application is reasonable and acceptable.

5.8 A five year aftercare period would follow the completion of restoration works, through which an aftercare plan can be secured through condition. Landfill gas will continue to be collected from the site for electricity generation as long as sufficient landfill gas is being generated. The operators would retain responsibility and management of the landfill thereafter until such a time as the Environment Agency were satisfied that the pollution control permit for the site could be surrendered. The specific issue of HGV's is discussed in more detail below.

5.9 Highways

It is estimated that 47,300 cubic metres of material is required to achieve the approved restoration of the site. Spread until 31<sup>st</sup> December 2015, this would equate to a daily average of 11 loads to the site (22 movements). It is likely that there will be some variation to this average. It was estimated on the previous consent that there could be between 40 to 55 movements per day. The applicant would like to retain some commercial flexibility in this respect in order that they may be able to react should major projects works materials become available. This would of course in turn shorten the time period over which any importation works would be required to be undertaken. There are no Highways objections to the proposals. Compliance with speed restrictions is not a planning matter. Wheel wash facilities exist at the site, however, and in accordance with requirements of the previous consent details can be requested under condition to allow for review of their suitability

5.10 Drainage

A Flood Risk Assessment was prepared in support of the permitted scheme and demonstrated the low level of risk affecting the site and the restoration scheme. The continued operation of the restoration scheme will not lead to an increase in flood risk on or in the vicinity of the site. There are no objections from either the Highways Drainage Team or the Environment Agency on this basis. In addition to this, it is recommended that further detailed surface water management and maintenance schemes are required through condition in accordance with previous requirements on the site.

**6. CONCLUSION**

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

6.2 The site as a landfill already exists and the requirement for restoration therefore also exists. Previous consents that enable the restoration of the site have lapsed and so the need for a further planning permission to enable the required restoration also exists. The proposals would involve restoration materials only and would enable the completion of the site over a lesser timescale than the

earlier planning consent for the site which also permitted further landfilling. The application is on this basis considered to be in accordance with Policy 9 of the West of England Joint Waste Core Strategy (Adopted) March 2011. In addition to this, whilst the site is located within the Green Belt as the proposals seek to restore an existing landfill site the application is not in conflict with Green Belt policy. Existing access would be used. It would not be expected that traffic flows at proposed levels would have any greater impact on the highway network than uses approved through previous planning applications and transport impacts are likely to lessen as restoration approaches completion. It is not considered that the proposals would increase upon any amenity impact and in fact would reduce any potential impact when compared to previously approved schemes. In terms of visual amenity the proposals would enable the satisfactory restoration of a landfill site and integrate the site within the surrounding area. Once restored the site will offer additional ecological benefits to the area through the creation of additional habitat and for estuarine wildfowl associated with the nearby Severn estuary. Additional drainage safeguards would be required through condition. The proposals are therefore in accordance with Policies 11 and 12 of the West of England Joint Waste Core Strategy (Adopted) March 2011.

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

## **7. RECOMMENDATION**

- 7.1 That planning permission is granted subject to conditions. Conditions will reflect those previously granted under planning permission reference PT09/5578/MW except where they have been discharged or are no longer relevant to the development.

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

## **CONDITIONS**

1. The importation of materials the subject of this permission shall be completed on or before the 31st December 2015. Subsequent on-site restoration operations shall be completed on or before the 30th June 2016. The Council shall be notified in writing upon the completion of works.

### Reason

In the interests of local amenity and to ensure a satisfactory restoration of the site within a defined timescale, and to accord with Policies 11 and 12 of the West of England Joint Waste Core Strategy (Adopted) March 2012 and Policies 6, 9, 22, 24, 28 and 29 of the South Gloucestershire Minerals and Waste Local Plan (Adopted) May 2002.

2. A survey of levels shall be submitted annually to the the Local Planning Authority, the first one being submitted within 12 months from the date of this permission. A final survey shall be submitted to the Local Planning Authority upon the completion of restoration works.

Reason

In the interests of monitoring the levels of the site, the satisfactory restoration of the site and visula amenity, and to accord with Policy 12 of the West of England Joint Waste Core Strategy (Adopted) March 2011.

3. Within two months from the date of this permission a Landscape and Ecological Management plan shall be submitted to the Local Planning Authority for written approval. Such a plan shall include provision of wetland habitat (grazed wet grassland utilising a series of 'scrapes'), details on the intended grazing regime, tree and shrub planting location and mixes to reflect the tree and shrub composition of the woodland/hedgerows within the vicinity, the seed mix for the restored grassland and a scheme for the protection of trees and hedgerows. The details of the plan shall be implemented as approved within 6 months of the completion of the restoration contours. The Council shall be notified in writing upon the completion of such implementation.

Reason

In the interests of the visual amenity of the area and the provision of ecological habitat and to accord with Policy 12 of the West of England Joint Waste Core Strategy (Approved) March 2011.

4. Within two months from the date of this permission an aftercare scheme for the restored site shall be submitted to the Council for written approval. Such a scheme shall provide for a five year plan for the aftercare and management of the site. The period shall commence upon the completion of the implementation of the landscape and ecology works required under condition 3 above. The scheme shall include the provision for an annual report on the aftercare of the restored site and provide details of measures undertaken over the previous year and aftercare measures proposed for the forthcoming year.

Reason

In the interests of the visual amenity and ecological benefit of the site and in the interests of the satisfactory restoration and aftercare of the site, in accordance with Policy 9 of the West of England Joint Waste Core Strategy (Adopted) March 2011.

5. Within two months from the date of this permission a scheme for the provision and implementation of surface water run-off limitation shall been submitted to the Local Planning Authority for written approval. Upon such written approval the scheme shall thereafter be implemented in accordance with the approved programme and details at all times.

Reason

To prevent any increased risk of flooding and to accord with Policy 12 of the West of England Joint Waste Core Strategy (Adopted) March 2011.



6. Within two months from the date of this permission a full operation and maintenance strategy for surface water drainage shall be submitted to the Local Planning Authority for written approval. The strategy shall identify all future land use limitations, identify the ownership, operational and maintenance arrangements for the works over the lifetime of the scheme.

Reason

To ensure that the works provide the necessary mitigation against flooding for the lifetime of the existing and proposed development and to accord with Policy 12 of the West of England Joint Waste Core Strategy (Adopted) March 2011.

7. Prior to the commencement of development hereby permitted, details of wheel and chassis cleaning facilities shall be submitted to, and approved in writing by the local planning authority. The wheel and chassis cleaning facilities shall be provided in accordance with the approved details before development commences and shall be retained and used thereafter until the completion of the development.

Reason

In the interests of local amenity and highway safety and to accord with Policy 12 of the West of England Joint Waste Core Strategy (Adopted) March 2011.

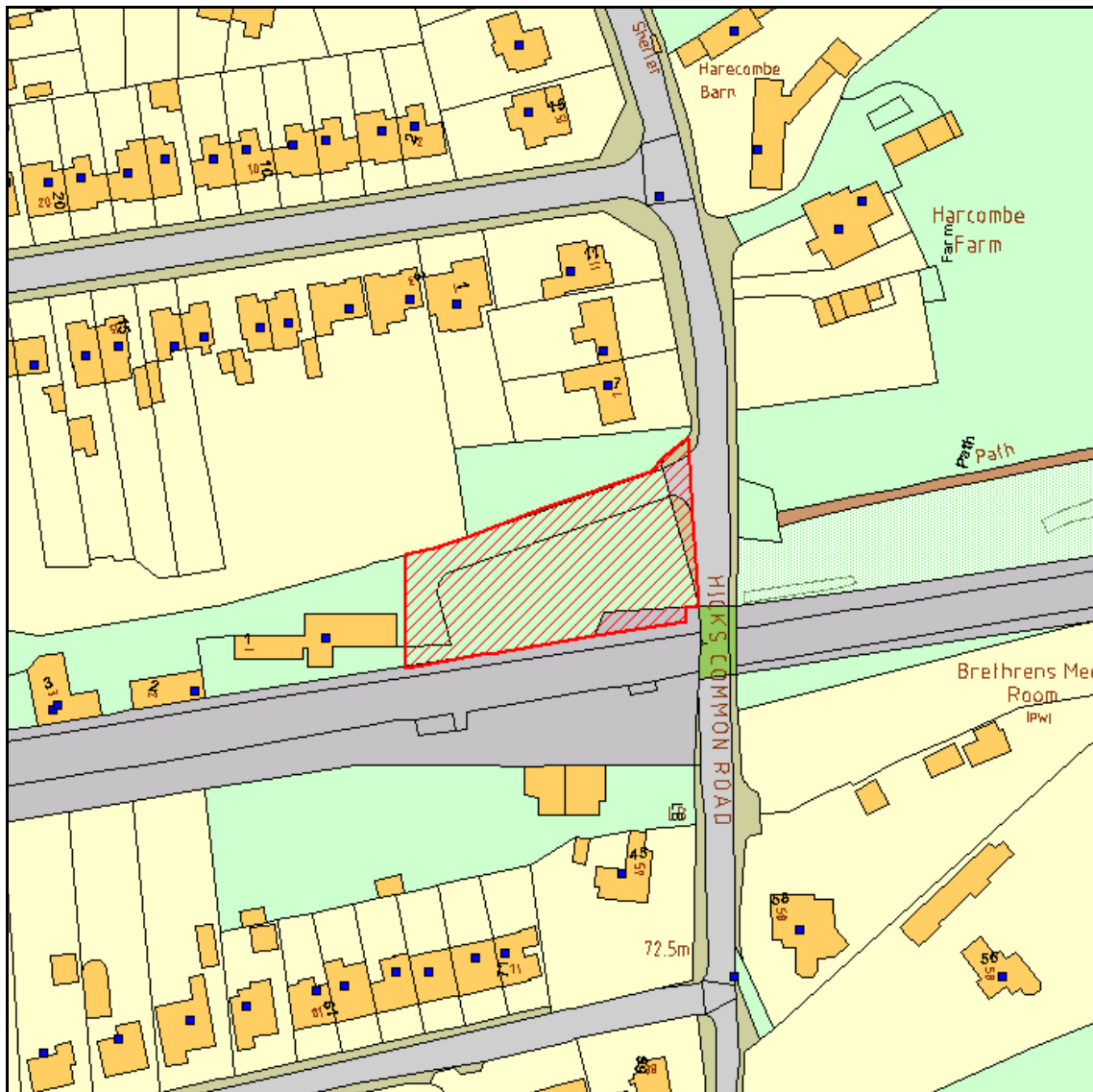
8. No plant or machinery shall be operated, no operations carried out and no lorries shall enter or leave the site outside of the times of 07.30 to 17.00 Monday to Friday and 08.00 to 13.00 Saturdays and at no times on Sundays or Bank Holidays.

Reason

In the interests of local amenity and to accord with Policy 12 of the West of England Joint Waste Core Strategy (Adopted) March 2011

## CIRCULATED SCHEDULE NO. 03/15 – 16 JANUARY 2015

<b>App No.:</b>	PT14/3637/O	<b>Applicant:</b>	Mr Alex James
<b>Site:</b>	Land At Station Yard Hicks Common Road Winterbourne South Gloucestershire BS36 1EJ	<b>Date Reg:</b>	30th September 2014
<b>Proposal:</b>	Erection of 4no. dwellings and 1no. Class B1 Commercial Unit (Outline) with access to be determined. All other matters reserved.	<b>Parish:</b>	Winterbourne Parish Council
<b>Map Ref:</b>	365325 179936	<b>Ward:</b>	Winterbourne
<b>Application Category:</b>	Minor	<b>Target Date:</b>	17th November 2014



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100023410, 2014.

N.T.S.

PT14/3637/O

## 1. THE PROPOSAL

- 1.1 This application seeks outline planning permission for the erection of 4no. dwellings and 1no. commercial unit (Use Class B1. Access is to be considered and all other matters are reserved.
- 1.2 The application site comprises 0.184 square metres of land on the western side of Hicks Common Road. The site is just within the defined Winterbourne settlement boundary, and just outside the Green Belt. The settlement and Green Belt boundary forms the eastern boundary to the site. A railway line extends directly to the rear (south) of the site. Although the site itself has no nature designations it lies adjacent to the Winterbourne Railway Cutting Site of Special Scientific Interest; Huckford Quarry Local Nature Reserve is situated approximately 150m south-east of the site.
- 1.3 The access drive is off Hicks Common Lane, which slopes down into the site, and also serves a number of existing commercial properties. Part of the application site is elevated above the access lane, some 4 metres at the highest point.

## 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)  
T12 Transportation Development Control Policy for New Development  
L9 Species Protection  
EP4 Noise Sensitive Development  
E3 Employment Development within the Existing Urban Area  
  
South Gloucestershire Local Plan Core Strategy Adopted December 2013  
CS1 High Quality Design  
CS4A Presumption in Favour of Sustainable Development  
CS5 Location of Development  
CS9 Managing the Environment and Heritage  
CS16 Housing Density  
CS18 Affordable Housing  
CS34 Rural Areas
- 2.3 Supplementary Planning Guidance  
The South Gloucestershire Design Checklist SPD (adopted)  
The South Gloucestershire Residential Parking Standards PD (adopted)

## 3. RELEVANT PLANNING HISTORY

- 3.1 PT07/1369/O, Erection of 3no. dwellings and detached garages with means of access, layout and landscaping to be determined. All other matters reserved, withdrawn, 08/05/07.

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

4.1 Winterbourne Parish Council

Strong objection - The proprietor of a local engineering company attended the meeting to raise a strong objection. This is an inappropriate development in a busy industrial area with up to 15 lorries per day visiting the site. If the development takes place it would reduce the space currently used for turning and unloading on the site this would have a detrimental impact on the existing businesses. Members were also concerned at the noise level of high speed trains passing very close to the proposed development.

4.2 Archaeology Officer

No objection

4.3 Trading Standards Officer

The applicant should seriously consider liaising with South Gloucestershire Council Transportation Development Control team and agree a Construction Management Plan prior to the commencement of any works at the site and agree a suitable route for large goods vehicles (and other plant machinery) to and from the site, should permission for the development of the site be granted. It would be diligent for the applicant/contractor(s) for the works to make all LGV drivers visiting/departing the site aware of the weight restriction on the bridge prior to the arrival at the site.

4.4 Drainage Officer

No objection subject to condition

4.5 Network Rail

No objection subject to standard advice

4.6 Environmental Health Officer

No objection subject to conditions for the development to be implemented in accordance with the recommendations of the noise and vibration assessment, to control operations at the commercial unit, and for consideration as to the orientation of rooms to ensure that wherever possible habitable rooms are situated away from the railway.

4.7 Ecological Officer

No objection

#### **Other Representations**

4.8 Local Residents

Three letters of objection have been submitted from members of the public, as well as a letter of objection from the secretary for Reynolds Engineering (Winterbourne) Ltd. The following is a summary of the reasons given for objecting:

- Overdevelopment of the site;
- Exacerbate existing highway safety issues;

- Inappropriate visibility;
- Exacerbate existing parking issues;
- Who will be responsible for the heavy wear and tear on the access road;
- Little room for manoeuvring due to small size of site;
- Insufficient parking;
- Land is/has been used by Network Rail and British Rail;
- There are trees and hedges on the site;
- The planning unit is B1(c), which is light industrial;
- Insufficient information in terms of materials and measurements;
- There are protected species on the site;
- Occupiers will be bound to be affected by noise;
- Insufficient consultation;
- Inaccurate site plan submitted;
- The commercial unit proposed is in an area used for turning by vehicles;
- Will lead to vehicles reversing onto Hicks Common Road;
- Fencing required is higher than normal residential fencing;
- No consideration has been given to the upcoming electrification of the railway line;

A letter of objection has been received from Quod on behalf of their client Travis Perkins (Properties) Limited ('TPP') in conjunction with an initial holding letter. The following is a summary of the reasons given for objecting in the two letters:

- Proposal has the potential to affect customer access to and from the builders yard to the west of the site;
- Many trips are made by tradesmen in larger vans and lorries;
- Detrimental effect on the trading ability of the branch;
- Builders yard has unrestricted access rights over the entrance;
- The Transport Officer did not actually state that they would support the scheme, or consider the conflict with existing business at pre-application stage;
- Insufficient parking may lead to cars blocking the entrance road;
- The industrial/commercial context of the site is not in-keeping with the residential use proposed;
- The noise report does not take into account the surrounding industrial nature of the land which could harm residential amenity;
- Proposal is contrary to policy CS1 of the Core Strategy.

## **5. ANALYSIS OF PROPOSAL**

### **5.1 Principle of Development**

Policy CS5 of the Core Strategy sets out that outside the Green Belt, small scale development may be permitted within the settlement boundaries of villages defined on the Policies Map. As such, the proposed erection of 4no. dwellings and a single commercial unit are considered to be sufficiently small scale to be acceptable in principle.

- 5.2 The site area is approximately 0.184 hectares and the number of dwellings proposed is 4; therefore, the proposal falls under the affordable housing threshold. There are no objections to the density of the scheme of approximately 27 dwellings per hectare, and it is considered that it makes the most efficient use of land that is compatible with the site given the location on the edge of the settlement boundary. If a future application is submitted to change the commercial unit to a dwelling then this will be considered as a whole for the purposes of calculating affordable housing.
- 5.3 The main issues to consider are the appearance/form; the transportation effects; the impact on the residential amenity of neighbouring occupiers; and the environmental effects.
- 5.4 Transportation  
Whilst the site has had the benefit of pre-application discussions, this related to 4no. residential units only, which differs from the proposal. The B1 unit has the effect of potentially restricting the manoeuvring space for the existing users at Station Yard, but given that the applicant has indicated that they own this area of land, the ancillary use of this area by others could be ceased at any time and is a civil matter rather than a planning issue. During the pre-application process speed readings were undertaken by the applicant that indicated that the 85 percentile speed in the vicinity of the site are in excess of the posted speed limit and the available visibility. To counter this, the applicant has proposed that a scheme could be designed to reduce the speed in the vicinity of the site, and has submitted a provisional scheme for consideration. The Highway Authority are of the opinion that the proposals do not go far enough in physically reducing speeds; however they are of the opinion that a solution could be achieved based on the works indicated in principle on drawing no.SK02 together with a contribution of £40,000 to cover additional physical works to restrict the speed of vehicles on Hicks Common Road.
- 5.5 The comments made by the Highway Authority are noted; however, weight is given to guidance contained within the National Planning Policy Framework (NPPF). This states that planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition. Although the Transportation Officer considers that the highway improvements shown on the submitted plans do not go far enough in physically reducing speeds, he states that an acceptable solution could be achieved through further improvements along Hicks Common Road along with the works indicated on the plan submitted. Therefore, if permission is granted, a Grampian condition is recommended to ensure that development cannot commence until the proposed road improvements have been implemented, as well as any further road improvements required, to be agreed in writing with the Local Planning Authority.
- 5.6 In terms of parking and manoeuvring, the indicative plans demonstrate that an adequate amount of parking could be provided in accordance with the Council's adopted parking standards to the front of the dwellings; and significant weight is given to the fact that the Council's Transportation Officer has raised no objections on this basis. Accordingly, whilst concerns have been raised regarding the potential for parked vehicles associated with the dwellings

blocking the access road to the detriment of existing businesses, it is not considered that the proposal will have a detrimental effect on this basis. This planning application does not affect rights of access over the access road.

5.7 Residential Amenity

The pair of dwellings proposed adjacent to Hicks Common Road are 2 storeys in height, whilst the pair further to the west are 2.5 storeys. A commercial property is located to the south of the application site on the opposite side of the railway yard with a dwelling beyond (no.45 Harcombe Hill) which is approximately 50 metres from the proposed dwelling. This level of separation is considered to be sufficient to ensure that the privacy of neighbouring occupiers will not be significantly adversely affected by the proposal.

5.8 The neighbouring property no.7 Hicks Common Road and the rear garden boundaries of nos. 1 and 3 Bradley Avenue are located north of the application site. No.7 Hicks Common Road and its garden are at the same level as the access lane, whilst nos. 1 and 3 Bradley Avenue, and their gardens are elevated above the lane. Although the semi-detached dwellings adjacent to Hicks Common Road will be elevated above the access lane, the section plan submitted demonstrates that they will not be significantly higher than no.7. The second pair of semi-detached dwellings will be part built into the bank to reduce its height.

5.9 The first pair of semi detached properties shown on the indicative plans will primarily face the side elevation of the neighbouring property no. 7 Hicks Common Road, which contains a small window at first floor level. Given the level of separation between the proposed dwellings and the neighbouring property (24 metres approx.), and the fact that there is mature vegetation growing on the southern boundary of the neighbouring property, which will help to screen the proposal, it is not considered that neighbouring occupiers will be significantly adversely affected through loss of privacy. The second pair of semi-detached properties will face towards the garden boundaries of no.7 Hicks Common Road, and no.1 Bradley Avenue; however, given the level of separation to the proposed dwellings (25 metres approx.), and with vegetation growing on the southern boundary, on balance, it is not considered that the privacy of neighbouring occupiers will be significantly adversely affected notwithstanding the 2.5 storey scale of the dwellings.

5.10 Although the proposed dwellings are directly south of neighbouring properties, it is considered that there is a sufficient level of separation to ensure that occupiers are not significantly adversely affected through loss of natural light or outlook.

5.11 Noise and Vibration

The site is constrained by the proximity of a railway line which extends to the rear of the site, as well as a number of commercial units and a proposed commercial unit to the west, which will be a source of noise and vibration. Guidance contained in the NPPF is that planning policies should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development; and mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new

development, including through the use of planning conditions. A Noise and Vibration Assessment by Entran has been submitted in support of the proposal, which sets out how the proposed development will likely be affected by noise and vibration from the railway line and commercial units.

- 5.12 The report sets out that during the day, noise levels adjacent to the proposed residential dwellings will range from 60-70db (facing the railway) and between 60-65db for the side elevations. The noise levels for the façade facing the access road is between 55-60db. At night, noise levels adjacent to the proposed residential dwellings will range from 60-65db (facing the railway) and between 55-60db for the side elevations. The noise levels for the façade facing the access road is between 45-50db (there is no traffic on the access road at night). For the commercial unit, daytime levels range from 65-70db. The report sets out that the assessment of noise levels at the site indicates that mitigation measures will be necessary to ensure that noise levels across the development site area are sufficiently attenuated in order to achieve the internal noise levels required by the standard set out in BS8233:2014.
- 5.13 In terms of vibration, the report sets out that the indicative day and night time values calculated for the likely vibration level within a habitable room located on the upper storey of a residential property indicate a less than low probability of adverse comment during the day and night time periods, when compared to guidance contained in BS6472:2008, and mitigation measures are not therefore, necessary.
- 5.14 To reduce external noise in the amenity areas, the report states that a 2.5 metre high noise fence will be required, which, in combination with the height of the railway cutting, will provide significant noise attenuation. The noise levels for the majority of the amenity areas will range from 55-57db, and whilst this noise level is slightly higher than adopted amenity space criterion of 55dB, the report states that it affords significant protection of garden spaces. With regards to internal noise levels, the report sets out that acoustic windows, providing an attenuation of 37db, will be necessary to the south, east and west facades to ensure the internal noise levels will be within the BS8233/WHO criteria. As windows will need to remain closed to meet the internal target noise levels, the report states that additional means of ventilation, i.e. acoustic trickle vents or passive systems will be required on all elevations of the residential buildings. The report concludes that with the recommended mitigation measures, noise does not pose a constraint to the proposed development.
- 5.15 The report does not include an assessment of the proposed commercial unit (Use Class B1), and states that it is assumed that the commercial use will be compatible with the adjoining proposed residential use. Given the level of separation between the proposed commercial unit and the closest dwelling 7 metres (approx.), and the indicative relatively small scale of the commercial unit (100square metres), it is not considered that there will be a significant adverse effect on the residential amenity of neighbouring occupiers. If permission is granted conditions are recommended to control the hours of operation in the interests of the residential amenity of neighbouring occupiers. Although the access road, will be used by vehicles, some of which may be HGVs, will be relatively close to the front elevations of the dwellings, on balance, it is



considered that the dwellings would provide an acceptable standard of living accommodation to future occupiers.

5.16 Weight is given to the fact that the Council's Environmental Health Officer has raised no objections to the proposal provided that the development is implemented in accordance with the recommendations in the submitted noise and vibration assessment, and consideration is given to the orientation of the rooms in the residential units to ensure that wherever possible, habitable rooms are situated away from the railway line. A condition is recommended on this basis if permission is granted.

5.17 Appearance/Form

A supporting Planning Statement recognises that the immediate locality does not contain a uniform local vernacular, and instead has a mix of architectural styles. The surrounding properties are primarily two-storey detached and semi-detached properties, and there is a mix of modern and traditional architecture in a relatively loose arrangement. Pennant sandstone walls are a common feature in the local area, and this is recognised in the Winterbourne Down Village Design Statement. The boundary walls, close proximity of open fields to the east, and vegetation growing on boundaries, give Hicks Common Road a somewhat traditional/rural feel.

5.18 The linear arrangement of the proposed development is influenced by the narrow shape of the site. The proposal also responds to the site constraints, as the pair of dwellings furthest from Hicks Common Road will be split level to address the change in levels. The details submitted indicate that the first pair of semi-detached dwellings will be two-storey in height with the eaves and ridge level at 4.9 and 7.5 metres respectively, whilst the second pair will be 2.5 storey, and be 5.8 metres and 8.4 metres at the eaves and ridge respectively; the commercial unit is single storey in height.

5.19 The indicative plans show that, although elevated above the access lane, the first pair of semi-detached dwellings would not be significantly higher than no.7 to the north, and although relatively close to Hicks Common, Road, it is not considered that it would appear adversely out of keeping with the siting of the surrounding built form. There were concerns that the scale and massing of the 2.5 storey semi-detached dwellings, which were originally proposed with a ridge height of 8.9 metres and an eaves height of 6.4 metres, would appear out of keeping with the character of the area. Officers requested that the ridge and eaves heights of the semi-detached pair of dwellings be reduced to ensure a more attractive stepped appearance along the access drive; relate better to the character of the surrounding built form, and the single storey scale of the proposed commercial building. A revised indicative plan has been submitted which reduces the ridge height and eaves height to 8.4 metres and 5.4 metres respectively. The revised indicative plans submitted demonstrate a scale and massing that is more in-keeping with the character of the area. In addition, the agent has also provided indicative finished floor levels and ridgeline (AOD) measurements for the semi-detached properties, which indicates that with a small amount of excavation, the second pair of semi-detached dwellings can be stepped down by a metre from the first pair. Subject to a condition, if permission is granted, for a reserved matters application to be in accordance

with the indicative parameters submitted, the proposal is considered to be acceptably in-keeping with the character of surrounding built form.

5.20 It is not considered that any trees or vegetation that makes a significant contribution to the character of the area will be adversely affected by the proposal. Accordingly, it is considered that the development, as indicated on the plans submitted, could be adequately accommodated within the site without appearing adversely out of keeping with the character of surrounding built form or harming the visual amenity of the area. The noise report submitted recommends the use of a 2.5 metre high noise fence; whilst this is higher than most residential fences, it is not considered that it will appear adversely out of keeping with the character of the surrounding built form. It is considered that there is adequate space for the storage of recyclable waste materials in a convenient and practical location.

5.21 Ecology

The site consists of previously developed land, currently subject to regular grass cutting. The site itself has no designations but lies adjacent to Winterbourne Railway Cutting Site of Special Scientific Interest designated for its geological interest. Huckford Quarry Local Nature Reserve is situated approximately 150m south-east of the site. Neither are anticipated to be adversely affected by the proposal.

5.22 An Ecology Appraisal has been provided (Ecology Planning, dated 28 July 2014) with findings as follows:-

- (Para 2.8 – presumed a ‘typo’ and that summer was not considered a constraint to assessing trees for bat potential).
- Semi-natural habitat – scrub.
- No evidence was found for the site to have potential to support protected species other than nesting birds in the scrub – nesting birds are protected under the Wildlife and Countryside Act 1981.
- Potential for European hedgehog foraging, breeding and hibernating – not currently protected but a UK and South Gloucestershire Biodiversity Action Plan Priority Species.
- Although the possibility of slow-worms being present was dismissed in the report, it is considered that there is a low potential for this species to be encountered, given the suitability of the habitats in the surrounding gardens to support this species and slow-worms’ ability to traverse hard-standing. Slow-worms are protected under the Wildlife and Countryside Act 1981.

5.23 There is no ecological constraint to granting planning permission for this application. If permission is granted, conditions are recommended to secure biodiversity enhancements and to ensure that slow-worms are not harmed.

5.24 Drainage

The Council’s Drainage Officer has raised no objections to the proposal. However, he does query the method of connection to the public foul sewer due to the distance and elevation of the public sewer; and the fact that it is not stated how surface water will be disposed of, as there is no public surface

water sewer available. Given the fact that there are other residential properties close to the site, it is considered highly likely that an acceptable means of drainage could be provided. Therefore, if permission is granted, a condition is recommended for a sustainable urban drainage scheme to be agreed with the Council.

5.25 Further Matters

Matters raised relating to the effect of additional traffic on the wear and tear of the access road is a civil matter and is outside the scope of this application.

5.26 An objection has been received on the basis that the land has previously been used by Network Rail for maintenance purposes, and also the future electrification of the railway line. However, the applicant has signed Certificate A in the application form to certify that they are the sole owners of the application site. Moreover, Network Rail has raised no objections to the proposal. They have provided comments to ensure the safe operation of the railway and the protection of Network Rail's adjoining land, which will be provided to the applicant by way of informatives if permission is granted.

5.27 Objections have been received on the basis of the lack of detail submitted with the application, and insufficient consultation. However, the consultation process has been carried out in accordance with the adopted protocol, and the level of information submitted is acceptable to be able to determine the scheme in outline.

6. **CONCLUSION**

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

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

7. **RECOMMENDATION**

7.1 Planning permission is GRANTED subject to the following conditions.

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

**CONDITIONS**

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

Reason

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

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

Reason

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

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

Reason

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

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

Reason

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

5. Application for the approval of the reserved matters shall be in accordance with the indicative parameters described in the planning statement hereby approved and the agent letter dated 9th January 2015.

Reason

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

Reason

To achieve an adequate standard of design in-keeping with the character of the area and to accord with policy CS1 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013.

6. Notwithstanding the details submitted no development shall take place until a revised highway improvements plan to calm traffic along Hicks Common Road is submitted to and agreed in writing by the Local Planning Authority. The agreed highway improvements shall be completed in accordance with the agreed plan prior to the first occupation of the units hereby approved.

Reason

To restrict the speed of vehicles on Hicks Common Road to ensure that the local highway can accommodate the development safely in the interests of highway safety and to accord with policy T12 of the South Gloucestershire Local Plan (adopted) January 2006 (saved policy).

7. The development shall be carried out in accordance with the noise and vibration mitigation measures contained in the revised Noise and Vibration Assessment prepared by Entran and received by the Local Planning Authority on 19th November 2014.

Reason

To ensure that the units provide a good standard of amenity for future occupiers and to accord with policy CS1 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013.

8. The use of the commercial unit as shown on the layout plan no.100C shall not be carried out outside the following times:

Monday to Friday.....7:30am - 6:00pm  
Saturdays.....8:00am - 1:00pm

For the avoidance of doubt the use shall not be carried out on Sundays or Bank Holidays.

Reason

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

9. The hours of working on site during the period of construction shall be restricted to the following times:

Monday to Friday.....7:30am - 6:00pm  
Saturday.....8:00am - 1:00pm

No working shall take place on Sundays or Public Holidays.

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

Reason

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

10. The reserved matters application shall demonstrate where possible principal rooms facing away from the railway line.

Reason

To reduce the impact of noise and vibration from the railway line on the residential amenity of future occupiers of the dwellings and to accord with policy CS1 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013.

11. Prior to the commencement of the development an Ecological Mitigation and Enhancement Plan based on recommendations provided in Section 5 of the Ecology Appraisal (Ecology Planning, dated July 2014), which shall also include recommendations for avoidance of harm to reptiles shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details.

Reason

To protect the wildlife and the ecological interests of the site and to accord with policy CS9 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013; and policy L9 of the South Gloucestershire Local Plan (adopted) January 2006 (saved policy).

12. No development shall take place until a Construction Management Plan has been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details. For the avoidance of doubt, the Construction Management Plan shall include the following:

Parking of vehicle of site operatives and visitors;  
Routes for construction traffic;  
Method of prevention of mud being carried onto highway;  
Procedures for maintaining good public relations including complaint management, public consultation and liaison.

Reason

In the interests of highway safety and the amenities of the area and to accord with policy T12 of the South Gloucestershire Local Plan (adopted) January 2006 (saved policy).

13. 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 an adequate means of drainage is provided and to accord with policy CS9 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013.

14. No development shall take place until a Waste Management Audit has been submitted to and approved by the Local Planning Authority in writing. The Waste Management Audit shall include details of:

(a) The volume and nature of the waste which will be generated through the excavation process.

- (b) The volume of that waste which will be utilised within the site in establishing pre-construction levels, landscaping features, noise attenuation mounds etc.
- (c) Proposals for recycling/recovering materials of value from the waste not used in schemes identified in (b), including as appropriate proposals for the production of secondary aggregates on the site using mobile screen plant.
- (d) The volume of additional fill material which may be required to achieve, for example, permitted ground contours or the surcharging of land prior to construction.
- (e) The probable destination of that waste which needs to be removed from the site and the steps that have been taken to identify a productive use for it as an alternative to landfill.

Development shall be carried out in accordance with the agreed details

Reason

To encourage the re-use of materials in the interests of sustainability and to accord with policy CS9 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013.

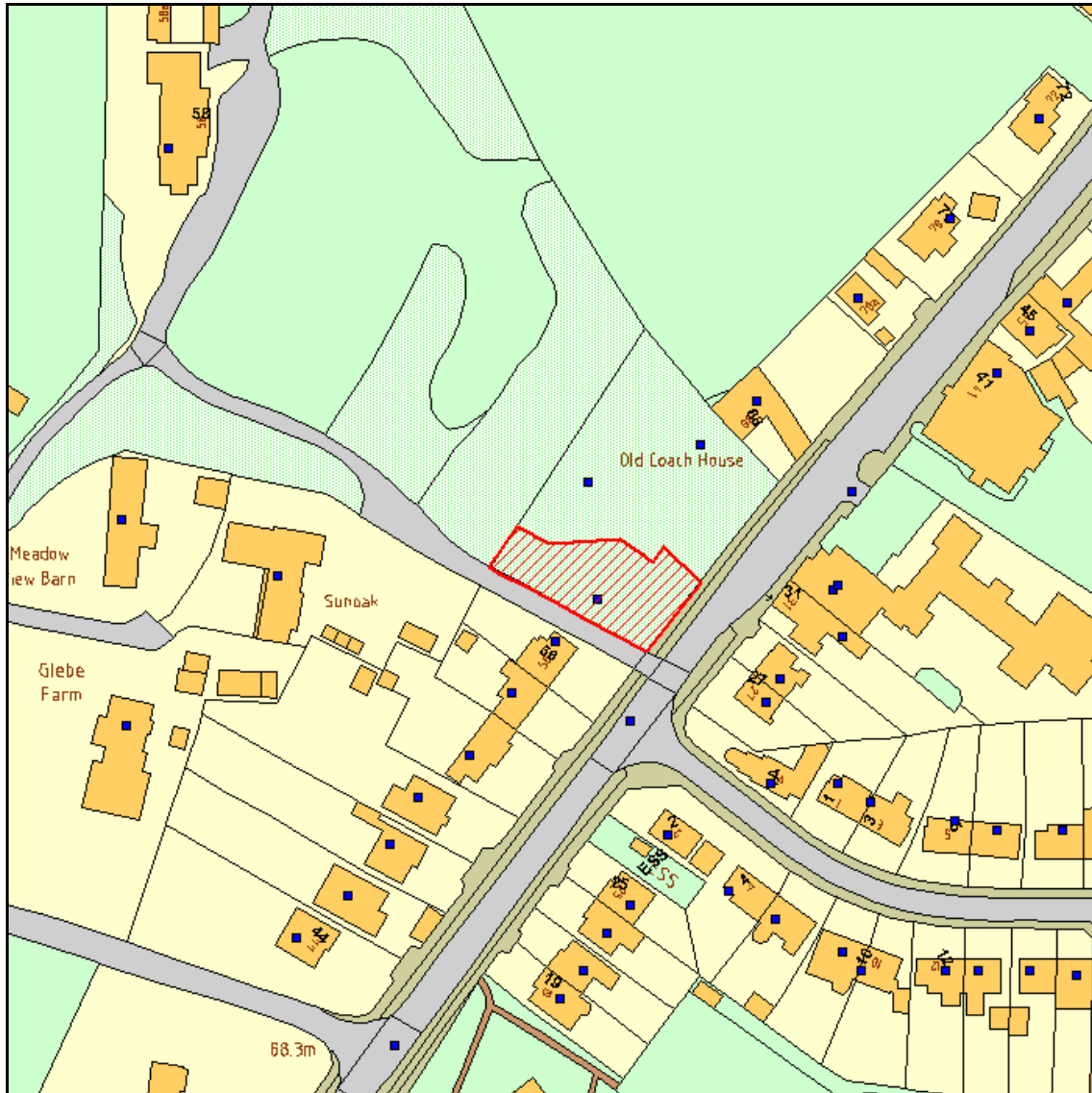
15. The reserved matters application shall include section plans to show the relationship with existing residential properties to the east.

Reason

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

## CIRCULATED SCHEDULE NO. 03/15 – 16 JANUARY 2015

<b>App No.:</b>	PT14/4288/LB	<b>Applicant:</b>	Mrs Patricia Thompson
<b>Site:</b>	Magnolia House The Walled Garden High Street Winterbourne South Gloucestershire BS36 1JQ	<b>Date Reg:</b>	2nd December 2014
<b>Proposal:</b>	Works to lower section of boundary wall.	<b>Parish:</b>	Winterbourne Parish Council
<b>Map Ref:</b>	364934 180901	<b>Ward:</b>	Winterbourne
<b>Application Category:</b>	Minor	<b>Target Date:</b>	22nd January 2015



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PT14/4288/LB



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

Officers have included this application on the circulated schedule because letters of support has been received contrary to officer recommendations.

### **1. THE PROPOSAL**

1.1 The applicant seeks listed building consent to lower a section of brick wall forming part of the former walled garden to The Rectory, a grade II listed building. The section of wall runs along one of two entrances into the The Rectory and has recently been lowered by 10 courses of brick as part of urgent works to correct a lean in the upper part of the wall. The walled garden was developed in 2013 with the erection of 3 detached dwellings. A new access was inserted into the walled garden at this time from the High Street.

### **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  
CS9 Managing the Environment and Heritage

South Gloucestershire Local Plan (Adopted) January 2006 – Saved Policies  
L13 Listed Buildings

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

- 3.1 PT14/1577/F Erection of two storey rear extension to provide additional living accommodation  
Approved with conditions 18.06.2014
- 3.2 PT12/3453/F Erection of 1no. detached dwelling with associated works. (Part amendment to previously approved scheme PT09/6129/F).  
Approved with conditions 09.01.2013
- 3.3 PT11/1424/LB Alterations to boundary wall to facilitate the creation of new vehicular access.  
Approved with conditions 21.06.2011
- 3.4 PT09/6129/F Erection of 3 no. dwellings with associated works.  
Creation of new vehicular access  
Approved with conditions 22.04.2011

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

- 4.1 Winterbourne Parish Council  
Objection – The house was bought with the wall installed, the wall is part of a listed building.
- 4.2 Other Consultees  
None received

#### **Other Representations**

- 4.3 Local Residents  
Rt. Revd. Mike Hill – supports the application and has no objection to the wall being lowered to the suggested height of 2.05m which will be in line with the size of the other surrounding walls and will allow more light into the neighbours property.

#### Other representations

Conservation Planning Consultancy – concludes that the approach taken to modify the wall is one that should be supported and the design ensures the changes are not visually dominant, stand out or are out of character.

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

- 5.1 Principle of Development  
This application stands to be assessed against National Planning Policy Framework March 2012 and Planning (Listed Buildings and Conservation Areas) Act 1990.
- 5.2 Assessment  
The applicant proposes the lowering of the section of brick wall that forms part of the rear boundary of the dwelling house. This boundary is the southern side of the historic walled garden associated with The Rectory located approximately 140m to the North West. The walled garden is 19<sup>th</sup> century in date and is likely associated with the rebuilding of the Rectory in c1832. It is constructed predominantly from local pennant rubble stone laid in lime mortar and it originally had pedestrian gateways through the west and south facing walls, these giving direct access into the Rectory garden and to the access track that exits onto the High Street. This is the only section of brick construction in the wall.
- 5.3 In 2011, Listed Building Consent was granted for a new vehicular gateway into the walled garden to facilitate the development of three detached dwellings. A central opening in the east facing wall was approved, with the wall swept down and round into the site. The works were completed in 2013. At the same time, the former openings into The Rectory garden and the access track were blocked using reclaimed pennant stone.
- 5.4 The section of wall that is the subject of the application is a c15.7m length of brick wall built in a rat-trap bond, an economic system of bonding that saves on the number of brick by creating cavities in the wall. The wall was originally the

same height (c2.8m) as the remaining c19.7m of natural stone wall on the southern side of the walled garden. It dropped down to meet the lower front stone wall close to the corner junction, mirroring the natural stone wall that forms the southern side of the access track and which is now the boundary to number 56 High Street, a 20<sup>th</sup> century semi-detached dwelling. The reason for the difference in material may be down to a localised collapse of the natural stone wall close to the High Street entrance, it being rebuilt in an economical way using bricks rather than the rubble stone. Care was, however, taken to rebuild the wall to its original height and profile, matching the remaining length of stone wall and the wall to the south. This created the characteristic strong sense of enclosure and definition to the walled garden despite the difference in materials.

- 5.5 During the construction of the three dwellings, a large amount of vegetation was cleared from the walls revealing the damage to the brick built section. The brickwork along the top of the wall and piers had worked loose and the wall had a significant lean affecting the top 10 courses of brick. As part of the repairs to the walls agreed via conditions attached to the approval for the new dwellings, it was agreed to carefully take down the top 10 courses of brick and to rebuild the section of wall to its original height, bond and profile using the reclaimed brick.
- 5.6 The top 10 courses were removed in accordance with an agreed schedule of repairs but the applicant seeks permission to rebuild the wall to a lower height. The statement submitted with the application proposes a new height of 2.05m whereas the proposed elevations state 2.150 but have been drawn at c2.05m. Notwithstanding this slight discrepancy, the overall effect would be to reduce the original height of the wall by approximately one quarter of its original height. Where the lower section of wall joins the original stone walls, the bricks will be swept up, creating an artificially lowered length of wall between the two higher sections that extend along the east and south sides of the walled garden.
- 5.7 The proposed lowering of the wall creates an incongruous, lower section in an otherwise continuous length of tall natural stone wall that is characteristic of walled gardens. This opens up views of the new dwelling from in front of, and along, the access drive, making it appear more imposing and intrusive from the entrance, and reducing the original sense of balance between the two opposing walls and the enclosure of the drive. The lower wall height also reduces the sense of enclosure and containment of the walled garden itself, and creates a section of boundary wall which will have more of a contrived, domestic appearance compared to the simple form and height of the original. The north, south and east facing walls are all tall and, with the exception of the new vehicular entrance, are of a consistent height. This contributes to an appreciation of the former function, character and historic significance of the curtilage listed walled garden which would be harmed by the proposal. The applicant has commented that the works would provide more light into the kitchen window, thereby reducing energy consumption, but this is not a material consideration and is not a clear and convincing justification for the works. Whilst there is a length along the west facing length of the walled garden that is of a similar lower height, this is not typical of the remainder of the walled garden where the wall heights are closer to 3m. The applicant notes that the

new vehicular entrance to the walled garden in the east facing wall has already altered the enclosed nature and character of the walled garden, but the function of this is clear, the wall has been well detailed and the justification was tied to the development of the site, not for the personal benefit of one resident.

- 5.7 A letter from the Conservation Planning Consultancy has been submitted on behalf of the applicant raising concerns over the stability of the wall and the difficulty of rebuilding it to its original height without the need for additional foundation work and underpinning and noting that the works as proposed will be beneficial to the long term viability of the wall as well as having no impact, direct or indirect, upon the setting or the character of the principal listed building. In terms of the stability of the wall, the council were advised by the developers architect prior to the start of the repairs that the wall could be repaired without any additional works and reusing the original bricks. The long term viability of the wall would then still be assured without compromising the character or appearance of the wall and the High Street entrance to The Rectory. It is acknowledged that the works do not have a direct impact on the principal listed building (The Rectory) and that it is sufficiently distant from the principal listed building not to have a harmful impact on its immediate setting. This is, however, the main High Street entrance to 58 & 58A (The Rectory and the Bishops Office respectively) and the proposal would, in this officers opinion, affect an historic approach to the formal gardens and setting of the listed building as well as having a detrimental impact on the historic character, significance and appearance of the curtilage listed walled garden.
- 5.8 Two responses have been received to the public consultation. Winterbourne Parish Council has objected to the proposal on the basis that the wall existed in its original form when the house was purchased and that the works would affect part of the listed building. A letter of support was received from the Rt. Revd. Mike Hill, the Bishop of Bristol, stating that the brick wall is not visible from The Rectory and that he has no objection to the wall being lowered to be in line with the size of other surrounding walls and thus allowing more light into the neighbour's property. As commented above, the benefit of additional light resulting from the lowering of the wall is not a material planning consideration and the application must be assessed purely on the basis of the impact on the character and significance of the listed building and its setting. In addition, the surrounding walls are all taller than the proposed height of the brick wall and the works will, therefore, be perceived as being discordant and contrived in appearance.
- 5.9 The proposal to lower the section of brick wall that forms part of the curtilage listed walled garden will have a detrimental impact on its character and significance and on the wider setting of the listed building, contrary to section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990. The benefit of additional light to the applicant is not sufficient justification to overcome the harm to the character and significance of the curtilage listed wall.

## 6. **CONCLUSION**

- 6.1 The recommendation to **refuse** Listed Building Consent has been taken having regard to the section 16(2) of the Planning (Listed Building and Conservation

Areas) Act 1990 and Government advice contained in the National Planning Policy Framework.

## **7. RECOMMENDATION**

7.1 That the application be **refused** for the reasons outlined on the decision notice.

**Contact Officer: Ian Gething**

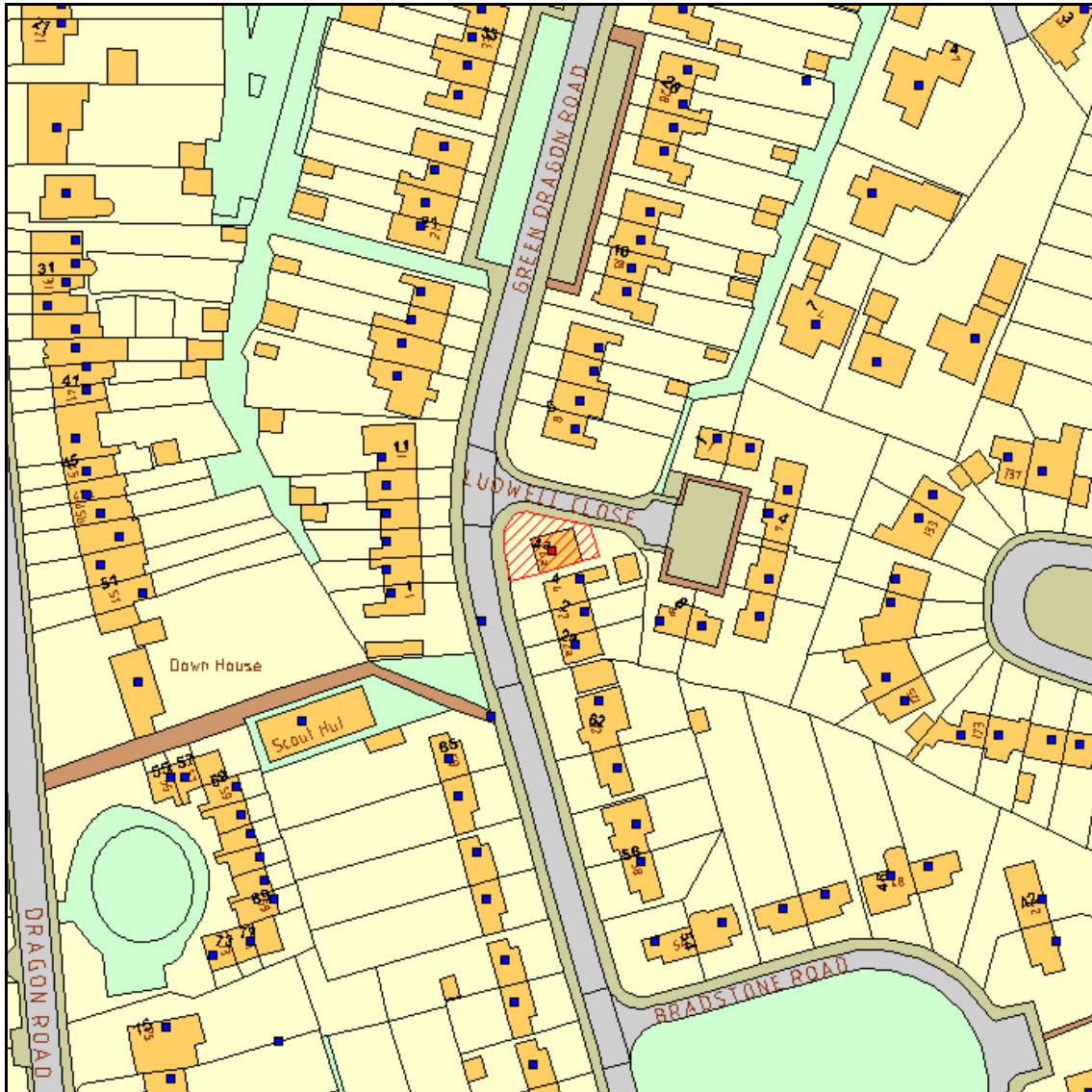
**Tel. No.**

## **REASONS FOR REFUSAL**

1. The proposal, by virtue of the design, loss of historic fabric and harm to the sense of enclosure and definition of the walled garden and the adjoining entrance drive, will have a harmful impact on the character and significance of the curtilage listed building and the setting of the grade II listed Rectory contrary to section 16(2) of the Planning (Listed Building and Conservation Areas) Act 1990 and Government advice contained in the National Planning Policy Framework.

## CIRCULATED SCHEDULE NO. 03/15 – 16 JANUARY 2015

<b>App No.:</b>	PT14/4522/F	<b>Applicant:</b>	Mr I Singh
<b>Site:</b>	4A Green Dragon Road Winterbourne BS36 1HF	<b>Date Reg:</b>	21st November 2014
<b>Proposal:</b>	Erection of one and two storey side extension to form additional living accommodation	<b>Parish:</b>	Winterbourne Parish Council
<b>Map Ref:</b>	364916 180348	<b>Ward:</b>	Winterbourne
<b>Application Category:</b>	Householder	<b>Target Date:</b>	13th January 2015



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PT14/4522/F

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

The application has been referred to the Circulated Schedule procedure following a strong objection from the Parish Council which is contrary to the recommendation made within the officer's report.

### **1. THE PROPOSAL**

- 1.1 This application seeks planning permission for the erection of a one and two storey side extension to a new build detached dwelling on a corner plot between Green Dragon Road and Ludwell Close in Winterbourne.
- 1.2 Permission is sought for the one and two storey extension to provide a hallway, wetroom and a second living room which is intended to double up as an additional bedroom at ground floor level. At first floor level, the extension will provide a carer's bedroom.

### **2. POLICY CONTEXT**

#### 2.1 National Guidance

National Planning Policy Framework March 2012  
National Planning Policy Guidance 2014

#### 2.2 Development Plans

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

CS1 High Quality Design  
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

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

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

- 3.1 PT14/2024/F Approve with conditions 19/08/2014  
Erection of single storey front and side extension to provide additional living accommodation.

*This planning permission has not been implemented to date.*

- 3.2 PT09/0066/RVC Approve with conditions 20/02/2009  
Removal of Condition 9 attached to planning permission PT07/3081/F relating to the Code for Sustainable Buildings

- 3.3 PT07/3081/F Approve with conditions 06/12/2007  
Erection of 1 no. detached dwelling with associated works.

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

4.1 Winterbourne Parish Council

Strong objection – the proposed development is an overdevelopment of a site which has already been previously development. There will be no amenity space left if this is built. It appears that foundations are already being constructed.

4.2 Other Consultees

Highway Drainage

No comment.

Sustainable Transport

No objection subject to revisions to show a widened vehicular access off Green Dragon Road to accommodate three parking spaces.

Trading Standards

Requests an informative advising the applicant of weight restrictions in the area.

#### **Other Representations**

4.3 Local Residents

None received.

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

5.1 Principle of Development

Saved Policy H4 of the South Gloucestershire Local Plan is supportive in principle of proposals for alterations and extensions to existing dwellings within their curtilage, providing that the design is acceptable and in accordance with policy CS1 of the Core Strategy, and that there is no unacceptable impact on residential and visual amenity, and also that there is safe and adequate parking provision and no negative effects on transportation. Therefore, the proposal is acceptable in principle but should be determined against the analysis set out below.

5.2 Design

The existing dwelling is a new build, two storey dwelling with a hipped roof, and forward facing feature gable on the principal elevation. It has a lean-to canopy over the porch. The proposal is to extend the hipped roof to the north and add a second feature gable to match the existing, to fill in the canopy to create a porch, and to extend at single storey level to the rear of the new two storey element. The Parish Council have expressed concerns that the site is overdeveloped, and although the extension does reduce the available curtilage to a rather modest amount, it should be noted that it has the same footprint as the previously approved scheme (PT14/2024/F) which was proposed to be a



four bedroom dwelling. Whilst the proposed dwelling will appear to be almost doubling in size when viewed from Green Dragon Road, it's position within a corner plot allows for it to act as a 'book end' with an alternative design to the semi-detached and terraced houses in the vicinity, but one that has enough similarities to relate back to its surroundings, including a hipped roof and render finish. The ridge height of the proposed addition is subservient to the existing ridge height, and it is considered that the unusual shape of the extension makes efficient use of the space. The materials have been chosen to match the existing dwelling and whilst the extension is large, it is considered to be acceptable in terms of policy CS1 of the Core Strategy (Adopted) December 2013.

5.3 Residential Amenity

Development should not be permitted that prejudices residential amenity. Amenity should be considered with due regard to the amenities of the application site and all nearby occupiers. Whilst the development will reduce the amount of private amenity space available to the application site, it is not considered to be severe enough to warrant a recommendation for refusal, particularly as the part of the garden to be built on is to the side of the corner plot and is not private. The rear garden is to remain the same size.

5.4 This assessment has been made on the basis that the existing dwelling and proposed extension would form one residential unit with shared parking and amenity space. As an independent unit of accommodation, the proposed extension would offer a poor level of residential amenity. As the proposal has its own large living area, bedroom, wet room and a separate access with limited interconnectivity between the two (one door into the hallway) a condition restricting the occupancy of the extension should be attached to any permission required it to be used as ancillary accommodation to the main dwelling.

5.5 No loss of light is caused by the proposal due to its position on the corner of two highways. No windows are proposed on the side and rear elevation, with only a door on each (although the side door is shown only on the floor plan and not on the elevations). Neither doors will cause overlooking as they face towards the highway, as do the proposed windows in the principal elevation of the extension. It is therefore considered that the proposal is acceptable in terms of policy H4 of the Local Plan (Adopted) January 2006.

5.6 Transport

The proposal will add a combined living room and bedroom space to the dwelling, as well as a carer's bedroom, taking the total capacity of the property to five bedrooms. The Residential Parking Standards SPD (Adopted) December 2013 states that five-bedroom properties require a minimum of three off-street parking spaces. Only two spaces are shown on the Site Block Plan but it is considered that sufficient space is available to the front of the site for three parking spaces. Therefore in the event of a recommendation for approval, a condition will be added to the decision notice requiring that a parking plan is submitted to show a widened vehicular access off Green Dragon Road to accommodate three parking spaces. Subject to the above, there is no transportation objection to the proposed development.

## 6. CONCLUSION

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

## 7. RECOMMENDATION

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

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

## CONDITIONS

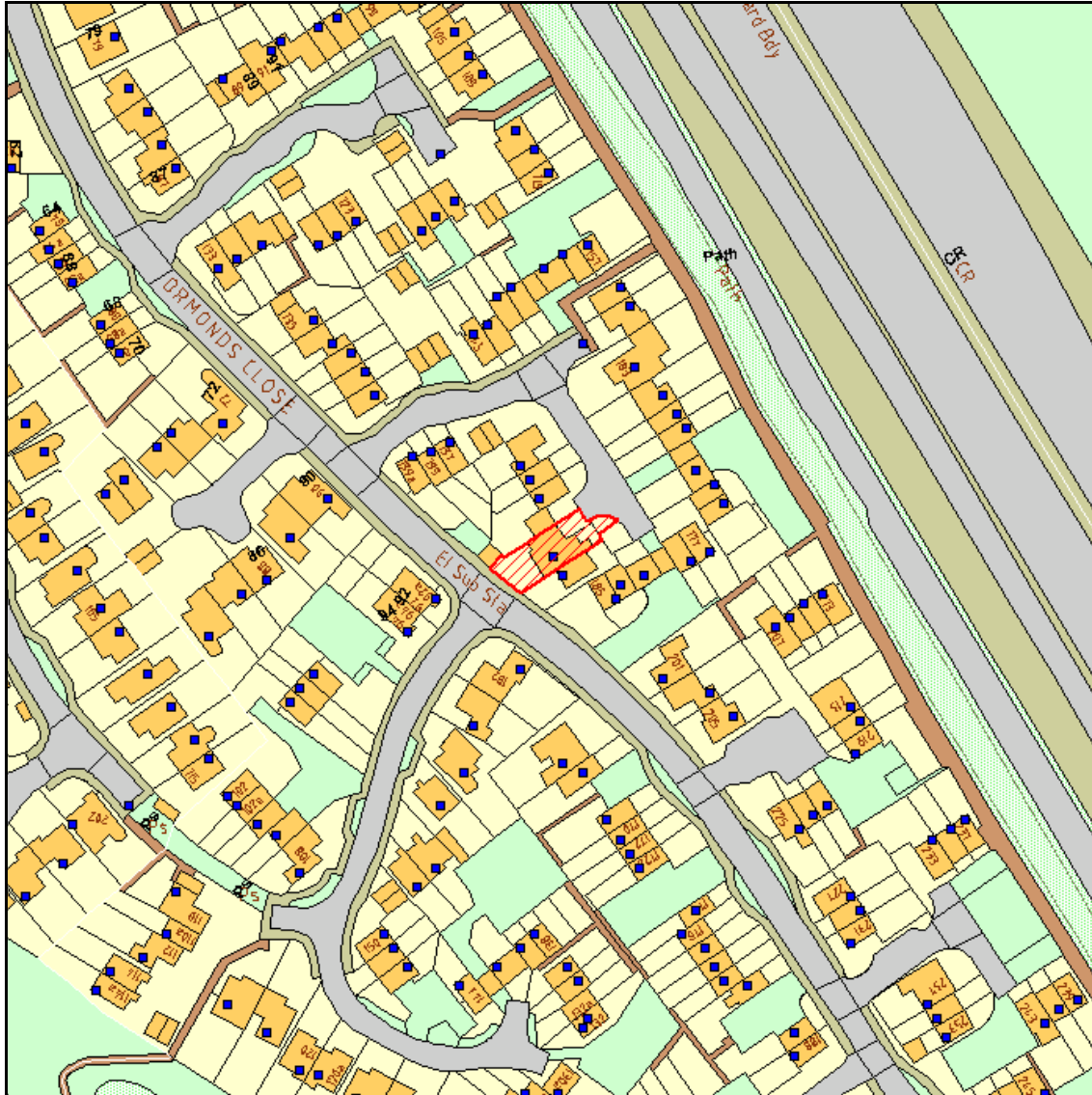
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
  
Reason  
To comply with the requirements of Section 91 of the Town & Country Planning Act 1990 (as amended).
2. The extension hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 4A Green Dragon Road.  
  
Reason  
The development would be unsuitable for use as a separate residential dwelling because it would suffer from poor levels of residential amenity and parking and would be contrary to policies CS1 and CS8 of the South Gloucestershire Core Strategy (Adopted) December 2013.
3. Prior to the commencement of development and notwithstanding the parking details on drawing no. 3376-D2P Rev B, detailed plans showing the provision of a widened access from Green Dragon Road and three off-street car parking spaces measuring 2.4 metres by 4.8 metres shall be submitted to the Local Planning Authority for approval. Thereafter, the development shall proceed in accordance with the agreed scheme, with the parking facilities provided prior to the first occupation of the building; and thereafter retained for that purpose.

Reason

To ensure the satisfactory provision of parking facilities and in the interest of highway safety and the amenity of the area, and to accord with Policy CS8 of the South Gloucestershire Core Strategy (Adopted) December 2013 and the Residential Parking Standards SPD (Adopted) December 2013,

## CIRCULATED SCHEDULE NO. 03/15 – 16 JANUARY 2015

<b>App No.:</b>	PT14/4620/F	<b>Applicant:</b>	Mr And Mrs Kevin Hill
<b>Site:</b>	189 Ormonds Close Bradley Stoke Bristol South Gloucestershire BS32 0DU	<b>Date Reg:</b>	28th November 2014
<b>Proposal:</b>	Erection of first floor side and single storey rear extension to form additional living accommodation. Installation of 1no. dormer window to facilitate loft conversion. (Resubmission of PT14/3243/F)	<b>Parish:</b>	Bradley Stoke Town Council
<b>Map Ref:</b>	362396 182442	<b>Ward:</b>	Bradley Stoke North
<b>Application Category:</b>	Householder	<b>Target Date:</b>	22nd January 2015



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Erection of rear conservatory and front porch

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

- 4.1 Bradley Stoke Town Council  
Objection – overdevelopment of the site and the proposals are not in keeping with the street scene.
- 4.2 Almondsbury Parish Council  
None received.
- 4.3 Other Consultees
- Highway Drainage  
No comment.
- Sustainable Transport  
No objection.

#### **Other Representations**

- 4.3 Local Residents  
None received.

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

- 5.1 Principle of Development  
Saved Policy H4 of the South Gloucestershire Local Plan is supportive in principle of proposals for alterations and extensions to existing dwellings within their curtilage, providing that the design is acceptable and in accordance with policy CS1 of the Core Strategy, and that there is no unacceptable impact on residential and visual amenity, and also that there is safe and adequate parking provision and no negative effects on transportation. Therefore, the proposal is acceptable in principle but should be determined against the analysis set out below.
- 5.2 Design  
The application site relates to a small semi-detached two storey property situated on a secondary branch of Ormonds Close, in Bradley Stoke. It has an attached garage which is attached to two neighbouring garages in a row of three, and an rear conservatory which was constructed following a previous planning permission. The property is finished primarily in red brick although there are some render and pale brick properties in the vicinity, and it has a tiled, gable roofline with a pitched feature, white UPVC windows and doors and a front porch with a hipped roof.
- 5.3 The extensions proposed are predominantly the same as the previously withdrawn scheme, with only the parking arrangements and the shape of the dormer window being redesigned. The applicant intends to extend at first floor level atop the attached garage, following the same ridge height, and to partially convert and rebuild the existing conservatory into a lean-to single storey rear

extension, with three roof lights, large feature windows and a pair of patio doors. In order to convert the loft into a master bedroom with an en-suite bathroom, a dormer window is proposed, extending across the whole rear width of the dwelling, both existing and proposed. The height of the dormer has been reduced from the previous scheme, and a sloped roof rather than a flat roof has been introduced. This reduces the impact of the dormer when viewed from the rear and side. All of the materials are to match those used in the host dwelling, with the exception of Broseley tile cladding to be used on the dormer window. Whilst tiled cladding cannot be seen on the stretch of Ormonds Close that no. 189 is situated upon, it can be seen on the opposite cul de sac to the rear of the dwelling, where the dormer will be visible from. It is therefore considered that the use of Broseley tiles is acceptable in this instance.

5.4 The Town Council have raised concerns that the site is overdeveloped and not in keeping with the area. Whilst it is noted that the extension is significant, the first floor side extension is considered to appear as though part of the original dwelling, due to the ridge height being maintained and the materials chosen to be an exact match. The rear extension is the same footprint as the existing conservatory and the dormer window has been reduced in height since the previous submission. It is also worth noting that the dwelling cannot be extended further without a planning application, as the permitted development rights have already been removed under application P87/0020/58, and this site is considered to be at maximum capacity whilst still respecting the scale and layout of its surroundings. Therefore, on balance, the design is considered acceptable in terms of policy CS1 of the Core Strategy (Adopted) December 2013.

5.5 Residential Amenity

No side windows are proposed on the first floor extension or the dormer window, and only a high level, obscure glazed window is proposed on the south east elevation of the single storey rear extension. A condition will be added to the decision notice in the event of an approval to ensure that the obscure glazing cannot be replaced with clear glass. Any overshadowing caused by the first floor addition should only affect the driveways in front of the neighbouring double garage. The noise created from the rear parking space proposed is not considered to be detrimental to residential amenity of no 187, as only one space is proposed and large bushes sit along the boundary between the two sites.

5.6 The amenities of the application site must also be considered, and the dormer window and first floor extension do not impact the amount of private amenity space available to the present and future occupiers of no. 189 Ormonds Close. The rear extension sits on the same footprint as the existing conservatory so does not alter the garden either, however the proposed parking space in the rear garden takes away an area 2.4 metres by 4.8 metres. The remaining garden space once this parking space is implemented is considered adequate for the three-bedroom property, however the new access being created leaves the garden open to the main stretch of Ormonds Close to the rear, and would severely harm the privacy of the occupiers of the property whilst using the garden. In order to mitigate this impact, a condition will ensure that a close boarded, timber gate which opens into the garden, of at least 1.6 metres in

height, will be installed across the access so that the garden is private when the access is not being used to get to the parking space. With this condition, it is considered that the proposal is acceptable in terms of residential amenity and is in accordance with policy H4 of the Local Plan (Adopted) January 2006.

#### 5.7 Transport

Assessment of transportation impacts with regard to extensions to existing houses relates to the provision of adequate off-street parking. Under the Residential Parking Standards, a three-bedroom dwelling should have two off-street parking spaces. Amendments have been made between the previously withdrawn scheme and the current proposal to make provision for two off-street parking spaces; one to the front of the site, and the other in the rear garden via a new access, which in the event of an approval is to be conditioned to be gated. The gate will open into the garden and not out across the footpath, to avoid interfering with pedestrian movements. The garage to be converted did not meet the minimum requirements for a parking space, and this loss of storage will be met by the existing garden shed to provide cycle parking. Therefore, there are no transportation objections to the proposal.

### 6. CONCLUSION

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

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

### 7. RECOMMENDATION

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

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

### CONDITIONS

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

Reason

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



2. The two off-street parking spaces shown on the Block Plan hereby approved (drawing no. 11 of 11, Revision D1) shall be provided before the extension is first occupied, and thereafter retained for that purpose.

Reason

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

3. The new access to the south west of the site shown in the Block Plan hereby approved (drawing no. 11 of 11, Revision D1) shall have a vehicular gate (of at least 1.6 metres in height) installed before the extension is first occupied, and thereafter retained. The gate shall be of a close boarded timber finish unless otherwise agreed in writing with the Local Planning Authority.

Reason

In order to protect the privacy and amenity of the application site and to be in accordance with policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

4. Any new windows, including those detailed in the plans hereby approved, which are inserted at any time into the south-east elevation of the single-storey rear extension hereby approved shall be obscure glazed and retained as such thereafter.

Reason

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

CIRCULATED SCHEDULE NO. 03/15 – 16 JANUARY 2015

<b>App No.:</b>	PT14/4710/F	<b>Applicant:</b>	Mr & Ms Morris and Baker
<b>Site:</b>	70A Church Road Winterbourne Down Bristol South Gloucestershire BS36 1BY	<b>Date Reg:</b>	8th December 2014
<b>Proposal:</b>	Erection of two storey side extension to form additional living accommodation.	<b>Parish:</b>	Winterbourne Parish Council
<b>Map Ref:</b>	365333 179581	<b>Ward:</b>	Winterbourne
<b>Application Category:</b>	Householder	<b>Target Date:</b>	28th January 2015



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

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

### **1. THE PROPOSAL**

- 1.1 This application seeks planning permission to erect a two storey side extension to form additional living accommodation.
- 1.2 The end semi-detached dwelling is located within Winterbourne Down, set back from the residential road, Church Road.
- 1.3 The proposal will extend to the side of the existing dwelling by 3.3 metres and have a maximum height of 6.6 metres. The proposal will have three components where the extension extends to the rear at different lengths; this staggered approach is needed due to the 'wedge' shape of the plot. The proposal will extend where an existing garage currently is, this will be demolished.
- 1.4 From the plans it is evident that a single-storey rear extension is included, this is also denoted within the application form the agent has submitted. The permitted development rights at the property are in fact, and the single-storey rear extension is considered to be permitted development under Schedule 2, Part 1, Class A of the GPDO. Accordingly, this rear extension does not require planning permission, and as a result will not be assessed as part of this planning application.

### **2. POLICY CONTEXT**

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

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

- 3.1 None relevant.

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

4.1 Winterbourne Parish Council  
No Objection, however we are concerned about the lack of parking spaces as this is a very congested area.

4.2 Other Consultees

Highway Drainage  
No comment.

#### **Other Representations**

4.3 Local Residents  
None received.

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

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

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.

5.2 Design  
The maximum height of the proposal will be 0.5 metres lower than the existing dwelling and will have a dual pitch roof matching the angle of the existing pitched roof. As expressed in the introductory section the proposal has a staggered approach. This results in there being a modest single-storey section at the rear of the proposal; this will have a balcony above it, accessed from the first floor of the proposed extension. Overall, the form and scale of proposal is appropriate as the two-storey side extension will remain subordinate to the existing dwelling.

The proposal matches materials on the whole well, although the front elevation of the proposal will not be finished in hanging tiles like the front elevations of the first floor of both the existing and neighbouring dwelling (no. 70 Church Road). However, the proposal will be finished in matching render and brick which is deemed acceptable.

On the whole, the proposal is considered to have an appropriate standard of design, which respects the character and scale of the existing dwelling and surrounding area. As a consequence of this, the proposal is judged to satisfy policy CS1 of the adopted Core Strategy.

### 5.3 Residential Amenity

As a result of this proposal, the residential amenity of the neighbouring occupiers must not be detrimentally impacted. Due to the position of the proposal there will be no material loss of light to neighbouring dwellings as the minimal shadow would mainly fall on Church Road.

Although the proposal is two-storeys high, in terms of the front elevation the proposal will not extend any closer to the adjacent dwelling no. 72 Church Road than the existing dwelling. As well as this, the adjacent dwelling has garage which has an approximate maximum height of 3 metres, this garage marks the boundary with the host property. Accordingly, it is judged that the proposal will not have a significantly overbearing impact on the neighbouring occupiers.

The proposal has no windows in the side elevation which reduces any overlooking impact that proposal would have. However, the rear elevation has double doors on the first floor which open out onto a balcony, as well as a small window. It is judged that the balcony will not result in a material loss of privacy to the neighbouring occupiers, the proposed balcony is modest in size and minimal indirect views into neighbouring dwellings are expected in proposal of this kind.

Therefore, the proposal would not result in any materially detrimental impacts on the residential amenity of neighbouring occupiers. As such the proposal is considered acceptable in terms of saved policy H4 of the adopted Local Plan.

### 5.4 Highways

The Parish Council have expressed concerns regarding the parking at the host property. The submitted Proposed Elevations and Block Plan (0663/2), demonstrates two parking spaces, these spaces are of sufficient size and satisfy the Council's adopted residential parking standard. To ensure these spaces are implemented, a condition will be imposed on any permission granted.

## 6. CONCLUSION

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

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

## **7. RECOMMENDATION**

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

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

### **CONDITIONS**

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

Reason

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

2. Prior to the occupation of the permitted extension, the two parking spaces located in front of the northern elevation of the property, shall be constructed in accordance with the Proposed Elevations and Block Plan (drawing number 0663/2).

Reason

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