



**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. 16/15

Date to Members: 17/04/15

Member's Deadline: 23/04/15 (5:00pm)

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

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

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

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

NOTES FOR COUNCILLORS - FORMAL ARRANGEMENTS

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

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

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

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

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

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

GUIDANCE FOR 'REFERRING' APPLICATIONS

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

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

Dates and Deadlines for Circulated Schedule
During May Bank Holidays 2015

Schedule Number	Date to Members 9am on	Members Deadline
18/15	Friday 01 May 2015	Friday 08 May 2015 4.30pm
19/15	Friday 08 May 2015	Thursday 14 May 2015 5pm
20/15	Friday 15 May 2015	Thursday 21 May 2015 5pm
21/15	Friday 22 May 2015	Friday 29 May 2015 4.30pm
22/15	Friday 29 May 2015	Thursday 04 June 2015 5pm

For clarity I have highlighted those schedules in RED which have changed deadlines.

All other dates remain as usual.

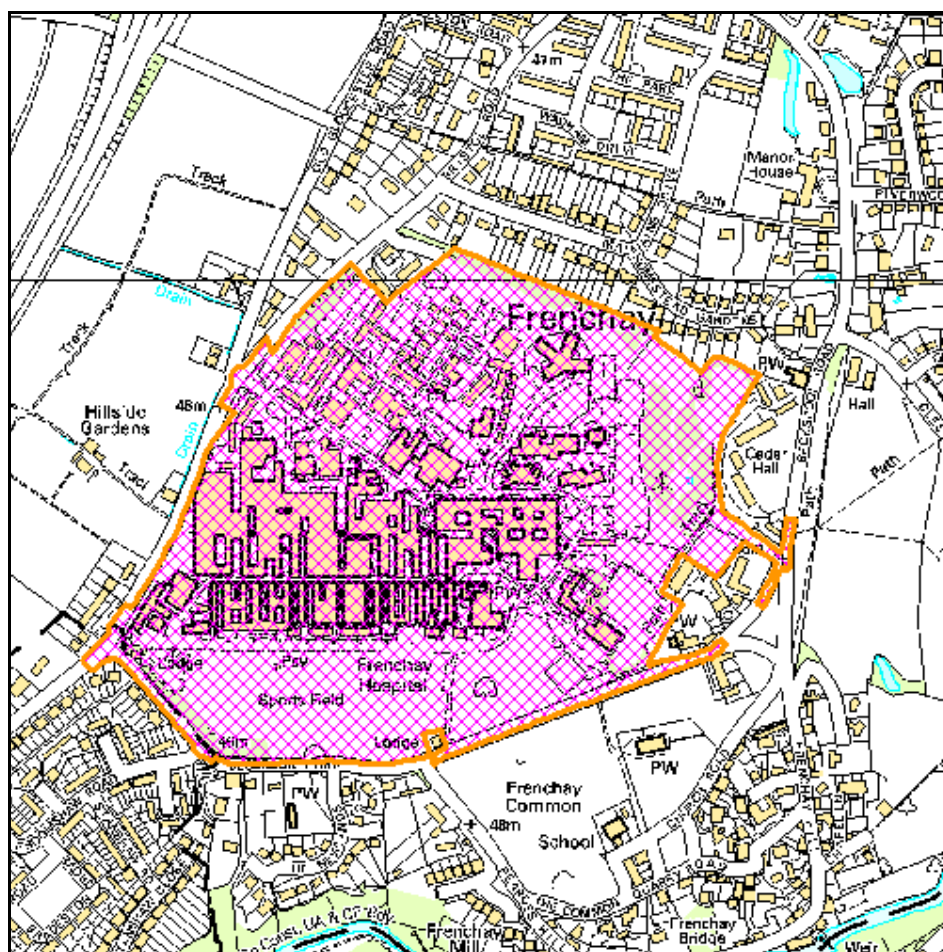
CIRCULATED SCHEDULE 17 April 2015

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ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
1	MODT15/0003	Approve	Frenchay Hospital Frenchay Park Road Frenchay South Gloucestershire BS16 1LE	Frenchay And Stoke Park	Winterbourne Parish Council
2	PK14/4846/R3F	Deemed Consent	Land Between Broad Lane And Nibley Lane Westerleigh Bristol South Gloucestershire BS37 8QF	Westerleigh	Westerleigh Parish Council
3	PK15/0179/RV	Approve with Conditions	Dental Surgery 8 Hounds Road Chipping Sodbury South Gloucestershire BS37 6EE	Chipping	Sodbury Town Council
4	PK15/0419/F	Approve with Conditions	14 High Street Warmley South Gloucestershire BS15 4ND	Siston	Siston Parish Council
5	PK15/0585/CLE	Approve	Rivermead Keynsham Road Keynsham South Gloucestershire BS31 2DE	Bitton	Bitton Parish Council
6	PK15/0690/F	Approve with Conditions	1 Tapsters Cadbury Heath South Gloucestershire BS30 8HN	Parkwall	Oldland Parish Council
7	PK15/0808/F	Approve with Conditions	25 Northcote Road Mangotsfield South Gloucestershire BS16 9HF	Rodway	None
8	PK15/0897/F	Approve with Conditions	12 Church Lane Downend South Gloucestershire BS16 6TA	Emersons	Downend And Bromley Heath Parish Council
9	PK15/0961/CLP	Refusal	21 Lower Hanham Road Hanham South Gloucestershire BS15 8QP	Hanham	Hanham Parish Council
10	PK15/0992/CLP	Approve	28 Ridley Avenue Siston South Gloucestershire BS16 9QN	Siston	Siston Parish Council
11	PT14/3442/F	Approve with Conditions	Woodlands Ram Hill Coalpit Heath South Gloucestershire BS36 2UF	Westerleigh	Westerleigh Parish Council
12	PT15/0319/F	Approve with Conditions	Whitewall House Whitewall Lane Buckover South Gloucestershire GL12 8DY	Thornbury North	Thornbury Town Council
13	PT15/0702/CLE	Approve with Conditions	The Mall Upper Level Unit UR22 Cribbs Causeway Regional Shopping Centre Patchway South Gloucestershire BS34 5DG	Patchway	Almondsbury Parish Council
14	PT15/1025/F	Approve with Conditions	Land Adjacent To 45 Cumbria Close Thornbury South Gloucestershire BS35 2YF	Thornbury South And	Thornbury Town Council
15	PT15/1026/ADV	Approve	Traffic Roundabout Gipsy Patch Lane/Hatchet Road Little Stoke South Gloucestershire BS34 8LU	Stoke Gifford	Stoke Gifford Parish Council
16	PT15/1032/ADV	Approve with Conditions	Traffic Roundabout Winterbourne Rd / Bradley Stoke Way Bradley Stoke South Gloucestershire BS32 8DH	Stoke Gifford	Stoke Gifford Parish Council
17	PT15/1055/F	Refusal	6 Salem Road Winterbourne South Gloucestershire	Winterbourne	Winterbourne Parish Council
18	PT15/1072/ADV	Approve with Conditions	Lloyds Pharmacy 8 Horseshoe Lane Thornbury South Gloucestershire BS35 2AZ	Thornbury North	Thornbury Town Council

CIRCULATED SCHEDULE NO. 16/15 17APRIL 2015

App No.:	MODT15/0003	Applicant:	DAC Beachcroft LLP
Site:	Frenchay Hospital Frenchay Park Road Frenchay Bristol South Gloucestershire BS16 1LE	Date Reg:	13th April 2015
Proposal:	Modification of S106 Agreement attached to planning application PT13/0002/O	Parish:	Winterbourne Parish Council
Map Ref:	363383 177635	Ward:	Frenchay And Stoke Park
Application Category:		Target Date:	30th May 2015



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1. THE PROPOSAL

- 1.1 Outline planning permission was granted for the residential redevelopment of the Frenchay Hospital site in December 2014 following the completion of the S106 agreement under reference PT13/0002/F.
- 1.2 During the consideration of the application, along with providing community facilities for the prospective residents of the development there was concern about the impact of the redevelopment on the existing community facilities. In particular there was concern that the existing significant community resource provided by the Frenchay museum could be lost, as the lodge building that houses the museum is only leased to The Frenchay Tuckett Society by the North Bristol Healthcare Trust (NBT). Consequently, as part of the sale of the site the freehold could transfer to the new owner which is likely to be a national house builder.
- 1.3 To address the potential uncertainty over the future of the museum in its current location, as noted from paragraph 5.142 of the DC (West) Committee Report (10th December 2013), the outline application should be seen as an opportunity to “*secure a permanent future for the museum in light of the importance of the museum as a resource for promoting the history and development of the village*”.
- 1.4 Through negotiations with the NBT and the DVS, the existing freehold of the museum building was valued at £175,000. It was considered that between the Council and the museum trustees, this value could be met. The agreed and approved proposal (as set out within the committee report and secured through Schedule 6 of the S106 agreement) was that the community infrastructure contribution would be reduced by £175,000 to secure the freehold for the Council. In a back-to-back agreement, the Council would then sell the freehold to the museum trustees for £80,000 which would be recycled back into the community infrastructure contribution. The Council's contribution therefore to securing the freehold would be £95,000.

2. PROPOSED AMENDMENTS TO THE S106

- 2.1 Following detailed discussions between the NBT and the museum trustees, the trustees have requested that the freehold be directly transferred to them as opposed to first going to the Council.
- 2.2 It is considered that there are clear benefits to all parties in agreeing a direct transfer between the NBT and the museum trustees. Along with removing any liability issues for the Council, with the museum seeking accreditation it is understood that there is a time pressure to ensure the freehold is secured as quickly as possible and a direct transfer between the parties would help minimise the process required to enable them to secure the freehold. A direct transfer would also be less costly to all parties in terms of overall legal fees. There is therefore no objection to amending Schedule 6 of the S106 to allow for the potential direct transfer between the NBT and the museum trustees.

- 2.3 However, if the freehold was to be transferred directly between the NBT and the museum trustees, the £80,000 that would have been secured against the sale of the freehold to the museum trustees and recycled back into the community infrastructure contribution needs to be recovered. Therefore an additional clause needs to be added or an existing one amended to ensure that if the transfer of freehold is made directly between the NBT and the museum trustees, the community infrastructure figure is increased by £80,000 so the lower figure set out in paragraph 2.2 of Schedule 6 (£203,672) is increased by £80,000 to £283,672.
- 2.4 Subject to securing the £80,000, the Council's financial contribution to securing the freehold of the museum will be as previously approved by DC West Committee and secured through the S106 agreement. There is therefore no objection to varying the S106 agreement accordingly.

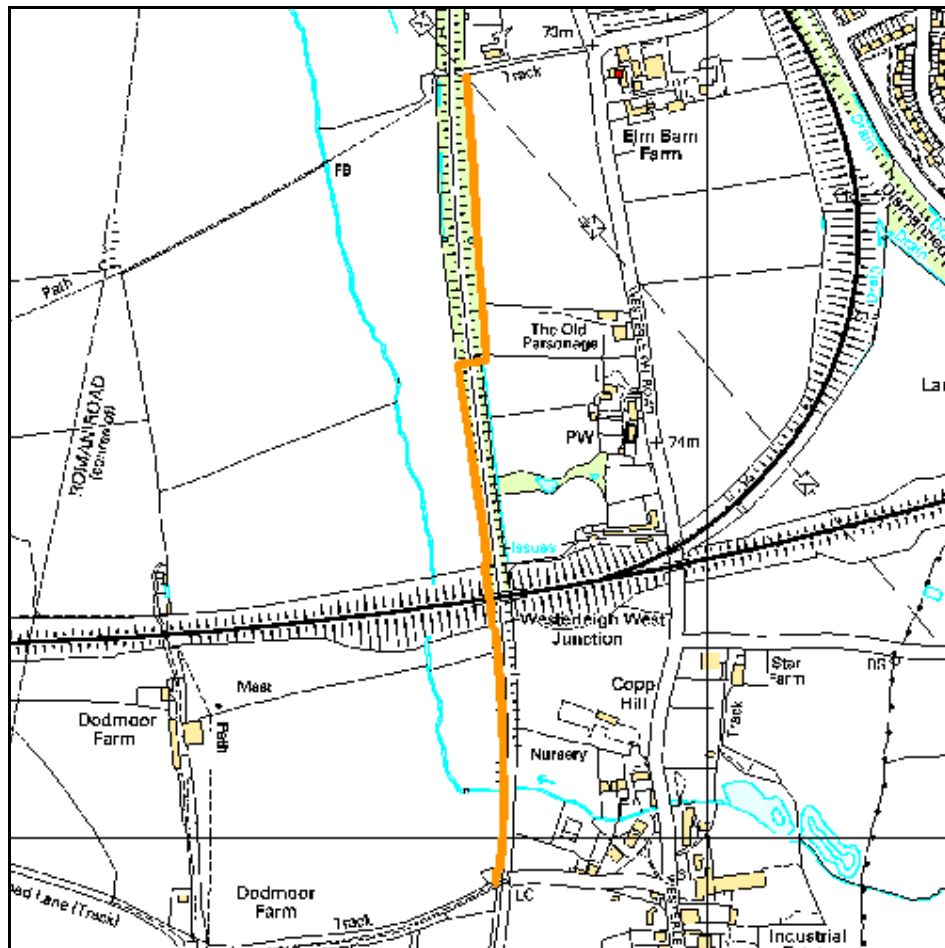
3. RECOMMENDATION

- 3.1 That authority be delegated to the Director of Environment and Community Services to instruct Legal Services to agree a Deed of Variation under section 106 of the Town and Country Planning Act 1990 (as amended) to secure the following:
1. A variation to Schedule 6 to enable the freehold of the museum building to be transferred directly between the NBT and the museum trustees.
A variation to Schedule 6 so if (1) takes place, the community infrastructure contribution is increased to £283,672

Contact Officer: Robert Nicholson
Tel. No. 01454 863536

CIRCULATED SCHEDULE NO. 16/15 17 APRIL 2015

App No.:	PK14/4846/R3F	Applicant:	South Gloucestershire Council
Site:	Land Between Broad Lane And Nibley Lane Westerleigh Bristol South Gloucestershire BS37 8QF	Date Reg:	24th December 2014
Proposal:	Change of use from railway verge to shared use path as extension to national cycle network.	Parish:	Westerleigh Parish Council
Map Ref:	369899 180860	Ward:	Westerleigh
Application Category:	Minor	Target Date:	13th February 2015



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application has been referred to the Circulated Schedule as the application has been submitted on behalf of South Gloucestershire Council and as such, under the Council's Scheme of Delegation, must be determined via the Circulated Schedule.

1. THE PROPOSAL

- 1.1 Full planning permission PK10/0404/R3F was originally granted for the construction of a new shared use cycle/pedestrian and part equestrian path between the existing Bristol & Bath Railway Path at Coxgrove Hill to Shire Way, Yate. The approved route is approximately 3 miles long. The width of the cycle path/bridle way corridor would vary between 5 and 10 metres depending on the requirements for each section. The minimum width of the smooth bitumen surfaced path would be 3m. Generally the cycle path would be a 220mm deep paved layer. In some sections a parallel grass verge would be provided for equestrian use. Appropriate stock or other fencing would be provided to delineate the boundary of the path and retain animal stock.
- 1.2 The originally approved route starts in the south at Coxgrove Hill and runs generally north along the disused railway before passing under the M4 and following the edge of farmland adjacent to the rail sidings. It then uses the Westerleigh level crossing located on a restricted rail line, and traverses an overgrown hill and short length of dismantled railway to reach Westerleigh Road.
- 1.3 From Westerleigh Road to its junction with Nibley Lane at Yate, the original route runs over agricultural land, existing tracks and public highway, before terminating at Shire Way, Yate.
- 1.4 The southern part of the route from Coxgrove Hill to Westerleigh Road was previously granted permission in Sept. 2002 (see PK02/1373/F) but this permission lapsed due to lack of funding. In 2008 however the situation changed when South Gloucestershire Council along with Bristol City Council, were given Cycling City status, with the aim of doubling the number of regular cyclists in Greater Bristol by 2011. The proposal forms part of Route 15, the Mangotsfield to Yate Cycle Path, the preferred route of which has been derived from historic consultations with landowners, route location and more recent design work.
- 1.5 A subsequent application PK13/3875/F was approved to amend a small section of the originally approved scheme to provide a link from the fields section parallel with Westerleigh Road onto Broad Lane; this being due to land ownership problems.
- 1.6 The current application PK14/4846/R3F represents a slight diversion of the originally approved route and seeks to avoid agricultural land owned by Dodmoor Farm, as well as some poor quality farm access roads. Instead the development, as now proposed, comprises the construction of a new section of cycle-path entirely on Network Rail land linking Broad Lane to Nibley Lane and by-passes the already approved route along the parallel field edge. Once the

cycle-way is built, the public will be able to avoid using the level crossing to Westerleigh Village and the very busy Westerleigh Road to Yate.

2. POLICY CONTEXT

2.1 National Policy

The National Planning Policy Framework 27 March 2012
Technical Guidance to the NNPPF
The National Planning Practice Guidance 2014

Development Plans

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

CS1 - High quality designs
CS7 - Strategic Transport Infrastructure

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

L1 - Landscape Protection and Enhancement
L4 - Forest of Avon
L8 - Sites of Regional and Local Nature Conservation Interest
L9 - Species Protection
T6 - Cycle Routes and Pedestrian Routes
T12 - Transportation Development Control Policy for New Development.
LC7 - Allocated sites for formal and informal open space.
LC12 - Recreational Routes.

2.5 Supplementary Planning Guidance

The South Gloucestershire Landscape Character Assessment (adopted) NOV 2014 - Character Area 12 : Westerleigh Vale & Oldland Ridge.
The South Gloucestershire Design Check List (SPD) Adopted August 2007.
Trees on Development Sites Adopted Nov. 2005.
Development in the Green Belt (SPD) June 2007.

Emerging Plan

2.6 Draft Policies, Sites & Places Plan – June 2014

PSP2 - Landscape
PSP3 - Trees and Woodland
PSP7 - Development in the Green Belt
PSP14 - Active Travel Routes
PSP15 - Active Travel Routes: Provision and Design of New and Improved Routes
PSP19 - Wider Biodiversity
PSP20 - Flood Risk, Surface Water and Watercourse Management
PSP42 - Outdoor Sport and Recreation Outside Settlement Boundaries.

3. **RELEVANT PLANNING HISTORY**

- 3.1 PK02/1373/F - Change of use from railway sidings and agricultural land to shared use path as extension to national cycle network.
Approved 30th Sept. 2002.
- 3.2 PK10/0404/R3F - Change of use from agricultural land to shared use path as extension to national cycle network.
Deemed Consent 4 Nov 2010.
- 3.3 PK13/3875/F - Link of shared use path in highway verge to connect field edge path with Broad Lane and associated works.
Approved 14th Feb. 2014

4. **CONSULTATION RESPONSES**

- 4.1 Westerleigh Parish Council
No objection

- 4.2 Other Consultees

Highway Drainage

No objection subject to a SUDS Drainage Scheme.

PROW

No objection

Open Spaces Society

No response

Historic Environment

No objection

Ecology Officer

No objection subject to a condition to secure a Mitigation and Enhancement Brief and an informative relating to nesting birds.

Environment Agency

No objection subject to standard informatives.

The Coal Authority

No objection subject to standard informative.

Other Representations

- 4.3 Local Residents

3 no. letters of support were received from local residents. The points made are summarised as follows:

- A safe and direct route is needed to connect Yate with Emersons Green.
- The application will enable cycleway to follow the best available route.

- The cycleway should be constructed with a smooth durable surface with some form of lighting to encourage use in Winter.
- The application will help to reduce congestion on the roads.

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

In the first instance the application must be determined in light of the Green Belt policy within the NPPF and The South Gloucestershire Development in the Green Belt SPD.

5.2 The NPPF (para.81) confirms that one of the primary objectives of the Green Belt is to provide opportunities for outdoor sport and outdoor recreation. Furthermore (para.89), it confirms that the use of land for an appropriate recreation facility is not considered to be inappropriate development provided that it preserves the open character of the Green Belt and does not conflict with the purposes of including the land within it.

5.3 Policy CS7 of the South Gloucestershire Local Plan Core Strategy (Adopted) Dec 2013, safeguards routes of dismantled railways as transport routes, with preference given to cycle/walkways and includes the route from Bristol-Mangotsfield-Yate and Bath. This strategy is intended to reduce congestion by providing alternative modes of transport to the car.

5.4 Furthermore Policy T6 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 also safeguards land for proposed cycle/pedestrian routes and lists those routes that are protected. Although not all of the proposed route is safeguarded, it includes the route from the Bristol & Bath Railway Path through to Broad Lane. The schedule to Policy T6 includes under Westerleigh – 1. Westerleigh Village; 2. Broad Lane and 3. Kidney Hill/Westerleigh. Policy LC12 seeks to retain and improve upon the rights of way network. Particular importance is attached to routes that provide links between residential areas and major employment sites and/or town centres and routes that link urban areas with the open countryside. Officers are therefore satisfied that since the proposal meets the above criteria, that it is acceptable in principle subject to consideration of the following issues:

5.5 Landscape and Green Belt Issues

Consideration must be given to whether or not the proposal retains the openness of the Green Belt and whether the character, distinctiveness, quality and amenity of the landscape in general would be sufficiently conserved and enhanced in accordance with the NPPF, Green Belt SPD and Policy L1 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 respectively. Under the previous consents it was established that the Cycle Path is considered to be an essential recreational facility which would not be inappropriate within the Green Belt; as such it is by definition not harmful to the openness of the Green Belt. Furthermore the proposal is not considered to be harmful to the visual amenity of the Green Belt or have adverse affects on the attributes of the

landscape which make a significant contribution to the character or distinctiveness of the landscape along the Cycle Way route.

5.6 The slight deviation proposed from the originally approved Cycle Path route, the subject of this current proposal, is relatively small, involving only the section from Broad Lane, Westerleigh to Nibley Lane and being parallel to that previously approved. The proposal now utilises an area of Network Rail land having previously been intended to be within the adjacent agricultural field.

5.7 Transportation Issues

The proposed section of the Cycle Way provides the link between Broad Lane and Nibley Lane.

5.8 Officers are satisfied that the proposal would enhance the existing pedestrian and cycle provisions. The path would be finished with machine laid bitmac generally 2.5m wide. The path would connect Broad Lane which is a bridleway which has been rebuilt with a sound stone surface, with the farm track leading up to Nibley Lane. It is intended to reconstruct Nibley Lane to the same standard although this work is not part of this current application as it was covered in the earlier approval. The proposal is therefore considered to comply with Policy T12 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

5.9 Environmental Issues

The Council's Highways Drainage Engineer raises no objection to the scheme subject to a condition to secure a SUDS Drainage Scheme. Some of the route passes through Flood Zones 2 & 3 and as such a Flood Risk Assessment has been submitted to the satisfaction of The Environment Agency, who raised no objection. Officers consider that for the purposes of the NPPF paras. 100 – 102, the development can be classed as an 'Essential Infrastructure' project. In terms of the sequential test, as there is no other realistic route for the cycle path if it is to link Broad Lane with Nibley Lane, the test is passed. The proposal also provides wider sustainability benefits to the community that outweigh any flood risk, such as it is. The development is at surface level and would not increase flood risk elsewhere. Improvements to drainage along the route would reduce flood risk overall. The Exception test is therefore also passed (see NPPF paras. 101 and 102).

5.10 Ecology

The site consists of strips of land running alongside the Westerleigh railway line, first to the west and then to the east of the line. Neither it nor adjacent land is subject to any nature conservation designations. An Ecological Appraisal has been provided and subject to a condition to secure a Mitigation and Enhancement Brief based on the section entitled 'Mitigation' of the Appraisal, there are no objections on ecological grounds.

5.11 PROW

The proposal would affect footpath LWE16/10 which runs along the access track at the north of the site; there are however no PROW objections, subject to standard informatives.

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) Dec 2013 set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

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

Contact Officer: Roger Hemming
Tel. No. 01454 863537

CONDITIONS

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

Reason

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

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

Reason

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

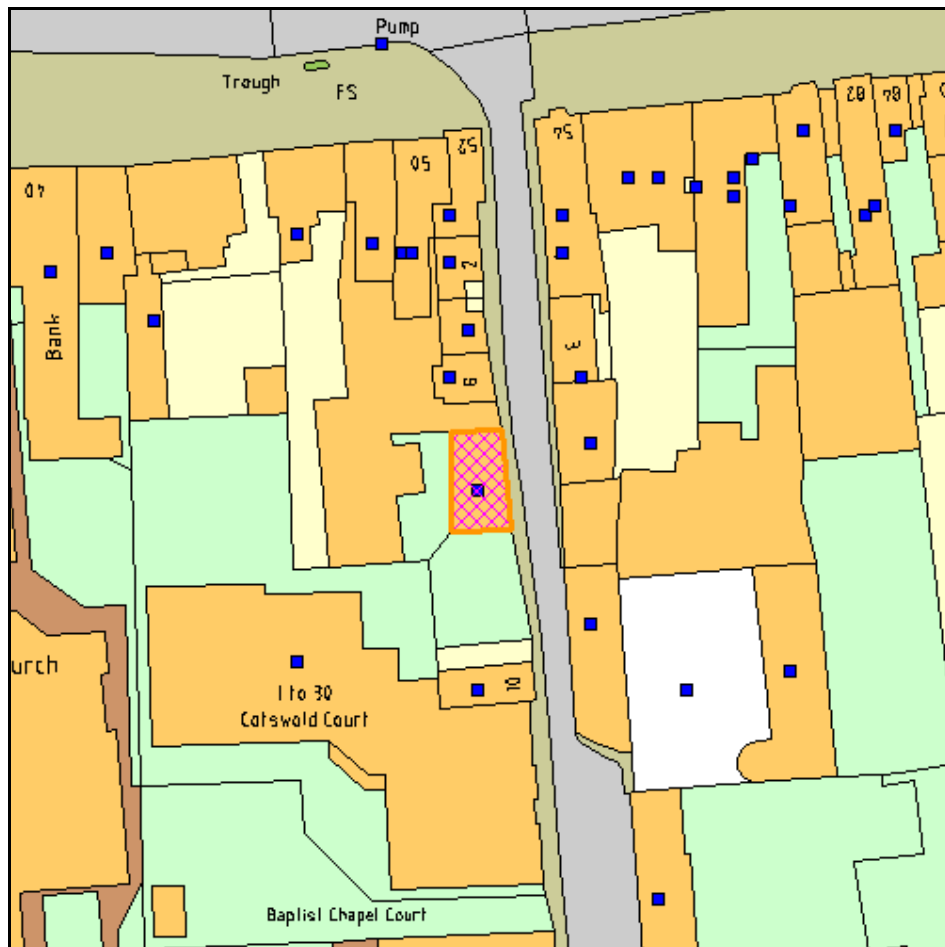
3. Prior to the commencement of the development hereby approved, a Mitigation and Enhancement Brief, to include ongoing management prescriptions based on the proposals under the section entitled 'Mitigation' in the submitted Ecological Appraisal (WEC Dated May 2014) shall be submitted to and approved in writing by the Local Planning Authority. The development and subsequent site management shall then be carried out in strict accordance with the approved brief.

Reason

In the interests of ecological habitat and protected species in accordance with Policy L9 of The South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

CIRCULATED SCHEDULE NO. 16/15 17 APRIL 2015

App No.:	PK15/0179/RVC	Applicant:	Hounds Road Dental Practice
Site:	Dental Surgery 8 Hounds Road Chipping Sodbury Bristol South Gloucestershire BS37 6EE	Date Reg:	30th January 2015
Proposal:	Removal of condition b attached to previously approved planning permission N5710 dated 24 May 1979 to remove the requirement to provide a minimum of four car parking spaces.	Parish:	Sodbury Town Council
Map Ref:	372802 182160	Ward:	Chipping Sodbury
Application Category:	Minor	Target Date:	25th March 2015



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REASON FOR REPORTING TO THE CIRCULATED SCHEDULE

This application is referred to the Circulated Schedule as a number of objection have been received which are contrary to the Officer recommendation for approval.

1. THE PROPOSAL

- 1.1 This application seeks to remove condition b attached to planning permission N5710; this condition requires the provision of four parking spaces on an area of land to the south of, but not directly adjacent to, the dental surgery at 8 Hounds Road in Chipping Sodbury. The application is made under section 73 of the Town and Country Planning Act 1990 (as amended).
- 1.2 Hounds Road is a relatively narrow street which runs from High Street/Broad Street on the edge of the burgage plots to the rear of the buildings; from there the street opens out into post-war housing. To the south of the dental surgery is an open piece of land, and to the southern end of this (adjacent to no.10 Hounds Road) is the area on land on which the condition requires the provision of parking spaces.
- 1.3 The site lies with the urban area of Yate/Chipping Sodbury and the Chipping Sodbury Conservation Area. The site also lies within the proposed town centre boundary for Chipping Sodbury being brought forward through the Policies Sites and Places DPD currently being prepared (it should be noted, however, that at the current stage of production, the proposed boundary has very limited weight).

2. POLICY CONTEXT

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

South Gloucestershire Local Plan Core Strategy Adopted December 2013
CS1 High Quality Design
CS4A Presumption in Favour of Sustainable Development
CS5 Location of Development
CS8 Improving Accessibility
CS14 Town Centres and Retail
CS30 Yate and Chipping Sodbury

South Gloucestershire Local Plan Adopted January 2006 (Saved Policies)
L12 Conservation Areas
T8 Parking Standards
T12 Transportation
RT1 Town Centres
- 2.3 Supplementary Planning Guidance
Chipping Sodbury Conservation Area (Adopted) February 2009

3. RELEVANT PLANNING HISTORY

- 3.1 N5710 Approve with Conditions 12/07/1979
Change of use of premises from residential to dental surgery.

4. CONSULTATION RESPONSES

- 4.1 Sodbury Town Council
No objection

- 4.2 Conservation Officer
No objection

- 4.3 Drainage
No comment

- 4.4 Transportation
Objection: No parking survey has been carried out to justify removal of parking spaces; there are parking issues locally, including on the High Street; this part of Hounds Road is narrow; parking issue at the nearby school; if permitted, the proposal would displace the use of these spaces into the surrounding area where there are parking difficulties; may set a precedence; proximity of public parking cannot be used to justify removal of parking in this location.

Other Representations

- 4.5 Local Residents
One public comment has been received raising the following points:
- surgery is located on a narrow road
 - parking restrictions in place on the street
 - no room for emergency vehicles
 - dentist is very busy
 - would cause upheaval

5. ANALYSIS OF PROPOSAL

- 5.1 This application seeks to remove a condition requiring the provision of four parking spaces.

- 5.2 Principle of Development
Applications made under s73 of the Act seek permission for the development of land without compliance with conditions subject to which a previous planning permission was granted. With applications made under s73, the Local Planning Authority shall consider only the conditions subject to which planning permission was granted; the principle of development is therefore established.

- 5.3 If the Local Planning Authority decides that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, or that it should be granted unconditionally, the Authority should grant permission accordingly. If the Authority decides that planning permission should be granted subject to the same conditions, then the application should be refused.
- 5.4 Site Description
The dental surgery is located within Chipping Sodbury town centre, which is a suitable location as it benefits from good access to public transport and other services making linked journeys more probable. To the south of the surgery is an area of open land, not all of which is in the control of the applicant. At the southern end of this open land is the area on which a previous condition requires the provision of four parking spaces. The land is visually undistinguishable from the remainder of the open yard.
- 5.5 Whilst the condition requires the provision of four car parking spaces, it is considered highly unlikely that four modern medium sized vehicles could be parked completely within the land to which the condition relates, and certainly there would be some element of tandem parking. Furthermore, the area of land to which the condition relates is unlikely to be able to provide any turning facilities so that some movements to or from the site would not be undertaken in a forward gear.
- 5.6 Hounds Road is a narrow single track highway from where it departs Broad Street to the junction with Arnold Court and it is on this stretch that the dentist is located. This section is subject to double yellow lines denoting a 'no waiting' restriction. Beyond the double yellow lines, further stopping restrictions are in place on the western side of Hounds Road consisting of yellow zig-zags in front of the school.
- 5.7 Public car parking is available on High Street/Broad Street, 35 metres to the north of the surgery. The Town's public car park is located on Wickwar Road on the opposite side of the High Street.
- 5.8 Proposed Removal of Parking Spaces
When condition b was imposed in 1979 it was done so in the interests of highway safety. The highways officer has raised an objection to the proposal, partly on the basis of highway safety.
- 5.9 However, the test set out in the NPPF says that development should not be refused on transport grounds unless the impact is severe. Therefore, the matter of scale is critical in determining this application.
- 5.10 Condition b requires the provision of four parking spaces. It is considered highly unlikely that the land could accommodate four modern vehicles. Whilst the assessment must be made on the basis that, if allowed, the development would displace four parking spaces, in reality it is likely that the actual displacement impact would be significantly lower.

- 5.11 As the site is located within the town centre, it is reasonable to assess the application in relation to the centre as a whole. This is particularly the case when a trip to the dentist could also be linked with other activities and services provided in the town centre. For example, one might 'nip to the bank' before or after having one's teeth polished. When sites are located outside of a town centre, linked trips are far less probable. Therefore, patients would park in the most convenient location for the cumulative trip – for example, where the parking restriction is most generous. This need not necessarily be the closest place to the dentist.
- 5.12 As there are double yellow lines outside the dentist, it cannot be considered that the proposal would result in the blocking of Hounds Road to the detriment of highway safety.
- 5.13 When considering the scale of the development (a maximum loss of four parking spaces) against the provision of parking within the town, it is not considered that the development would result in a severe impact on highway safety. It would therefore be contrary to guidance in the NPPF if the application was to be refused on this basis.
- 5.14 Parking Policy
It is not considered that the development would be harmful to highway safety; however, the proposed removal of the condition should be assessed against all relevant policies in the development plan, such as parking standards.
- 5.15 A dentist would fall into a D1 use, as defined in the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended). Under policy T8 of the Local Plan, D1 uses are subject to a maximum parking standard rather than a minimum. Therefore, under this policy it would be permissible to have a site without the provision of on-site parking where the site is located in a sustainable location.
- 5.16 As previously mentioned, the site is located within Chipping Sodbury Town Centre. The town centre is walking distance from a good number of the town's residents and there are regular bus services to and from it. It is therefore considered to be a sustainable location. The removal of the requirement to provide four parking spaces would not be contrary to the Council's adopted parking standard.
- 5.17 Other Conditions
One other condition is attached to planning permission N5710 which restricts permitted development rights for changes of use and limits the use of the building to a dental surgery. Due to the constrained nature of the site, this condition is considered to remain relevant and (in a reworded form) to pass the tests of a planning condition as set out in the NPPF. A replacement condition shall be attached accordingly to any permission granted. No further planning conditions are considered 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 It is recommended that planning permission is GRANTED subject to the condition listed below.

Contact Officer: Griff Bunce
Tel. No. 01454 863438

CONDITIONS

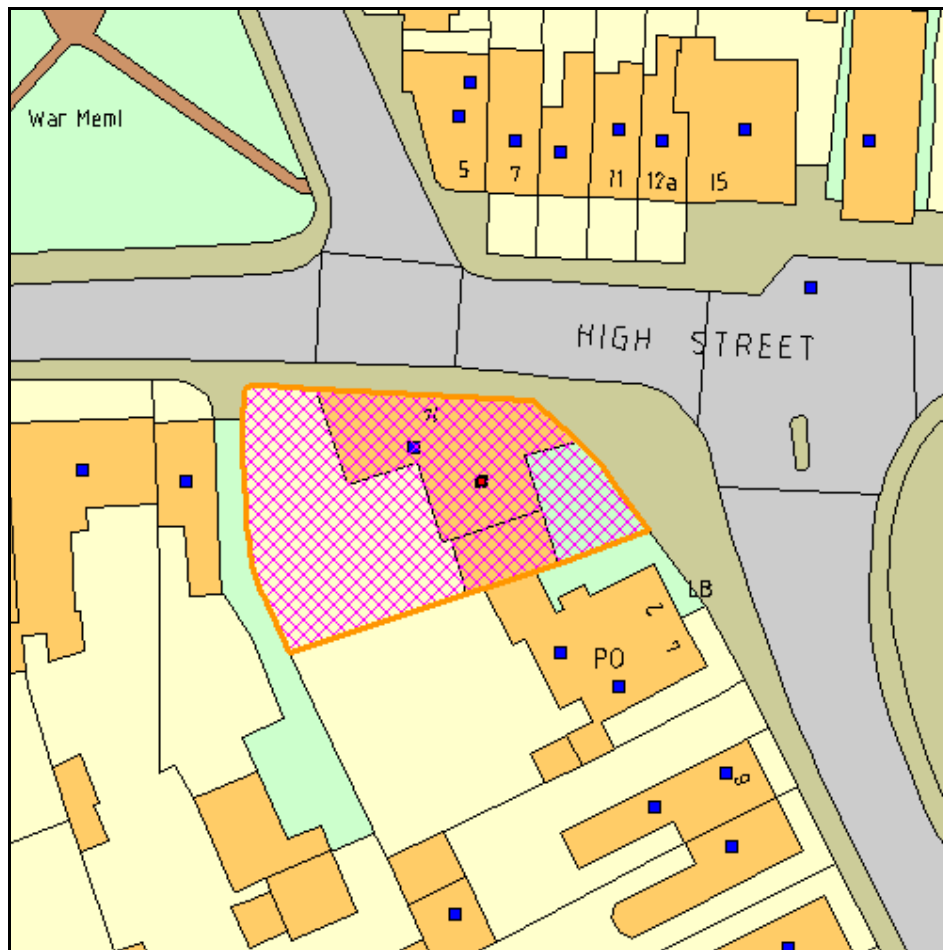
1. The premises shall be used for a dentist surgery and for no other purpose (including any other purpose in Class D1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to the Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason

To ensure the use of the site is appropriate for the constrained nature of the location and to accord with Policy CS1, CS4A, and CS14 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 and Policy L12, T12 and E3 of the South Gloucestershire Local Plan (Adopted) January 2006 (Saved Policies).

CIRCULATED SCHEDULE NO. 16/15 – 17 APRIL 2015

App No.:	PK15/0419/F	Applicant:	Mr P Yates
Site:	14 High Street Warmley Bristol South Gloucestershire BS15 4ND	Date Reg:	5th February 2015
Proposal:	Part demolition of existing building to erect 2no. three bedroom dwellings, 1 no. two bedroom flat above existing shop and associated works. (Resubmission of PK14/4626/F)	Parish:	Siston Parish Council
Map Ref:	366886 173554	Ward:	Siston
Application Category:	Minor	Target Date:	30th March 2015



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 100023410, 2008. N.T.S. PK15/0419/F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

The application is referred to the Circulated Schedule as representations have been received which are contrary to the Officer's recommendation.

1. THE PROPOSAL

- 1.1 The application seeks permission for the part demolition of the existing building and double storey side and rear extensions to facilitate the erection of 2no. attached three bedroom dwellings, and the conversion of the building to form a two bedroom flat (plus study) at first floor level retaining the ground floor shop.
- 1.2 As a result of the proposed development the site would consist of four units: a ground floor shop, a first floor flat and 2no. attached dwellings.
- 1.3 The application relates to the former 'Webbs of Warmley' cycle shop which fronts Warmley High Street on a corner plot adjacent to the junction of High Street and Tower Road North. The site is served by two existing accesses: one to the west of the building from High Street, and one to the west of the building from Tower Road North (which crosses the pedestrian footpath).
- 1.4 The host building is a prominent traditional double storey locally listed building situated on the High Street directly to the west and within the setting of a grade II listed building (Apex House). It has a single storey extension to the west elevation and a single storey workshop/ storage extension to the south elevation.
- 1.5 The application is a re-submission of a previously withdrawn application ref. PK14/4626/F, which was withdrawn following concerns relating to highway safety and design/ heritage impact.
- 1.6 During the course of the application revised plans have been submitted in order to address comments made by Officers. A re-consultation period has been undertaken (ending 15th April).

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework March 2012
National Planning Practice 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
CS9 Managing Environment and Heritage
CS16 Housing Density
CS17 Housing Diversity
CS29 Communities of the East Bristol Fringe

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

- L13 Listed Buildings
- L15 Locally Listed Buildings
- EP2 Flood Risk and Development
- T12 Transportation Development Control Policy

2.3 Supplementary Planning Guidance

- South Gloucestershire Design Checklist SPD (Adopted) 2007
- Residential Parking Standards SPD (Adopted) 2013
- Local List SPD (Adopted) 2008

3. RELEVANT PLANNING HISTORY

- 3.1 PK14/4626/F - Part demolition of existing building to erect 2 no. three bedroom houses, 1 no. two bedroom house, 1 no. two bedroom flat above existing shop and associated works. Withdrawn 15th January 2015
- 3.2 PK06/1562/F - Installation of new roller shutter to front elevation. Refused 13th July 2006
- 3.3 P99/4712/A - Retention of internally illuminated wall-mounted advertisement display unit. Approved 11th February 2000
- 3.4 K7559 - Erection of single storey side extension (Previous ID: K7559). Approved 9th December 1993

4. CONSULTATION RESPONSES

4.1 Oldland Parish Council

The Parish Council presents no objection to this application but is concerned regarding the inadequate provision of off-street car parking.

4.2 Siston Parish Council

Siston Parish councillors note the removal of a previously proposed two bed cottage to the High Street frontage but feel this does nothing to lessen the danger for pedestrians and road users as a result of increased residential development on this site.

Increased use of either vehicle access point at this difficult to access/exit corner plot would guarantee continuing daily dangers for the many pedestrians and motor vehicle drivers near these heavily trafficked main road junctions. In wishing to maintain objection and support for the earlier refusal on highway and safety grounds, the Parish Council note with continuing concern the plan to still provide for vehicle manoeuvring on the High Street/Tower Road North pedestrian footway.

The Parish Council welcome the promise to ensure the historic East gable wall advertising sign is professionally preserved and ask this be secured by condition in any future consent

4.3 Transportation DC

Previous objections withdrawn following revised plans. No objection subject to conditions securing the following:

- 'Construction Management Plan' for works during construction period and to include measures to safeguard public safety /road safety all to be agreed in writing with the Council's Street Care Manger.
- No construction deliveries between 07.45 to 09.15am and 15.45 to 18.15pm.
- Off-street parking and turning area implemented in accordance with revised plans.
- Site entrance from High Street to be widened to 4.5m wide.

4.4 Conservation Officer

Previous objections removed. The form and design of the building are now acceptable subject to the detailing of the construction/architectural features. This will include the window/door surrounds, canopies, eaves, verge, parapet etc details. Recommendation to use vertically sliding sash windows in the new build to enhance its character and appearance.

4.5 The Coal Authority

The Coal Authority considers that the Coal Mining Risk Assessment Report as submitted does not provide sufficient information to determine whether or not issues of land instability can be satisfactorily overcome. However, it appears from supplementary information that intrusive site investigation works are proposed in order to support the findings of the Coal Mining Risk Assessment.

The Coal Authority recommends that the LPA impose a Planning Condition should planning permission be granted for the proposed development requiring these site investigation works subsequent to demolition/site clearance but prior to commencement of development in order to establish the exact situation regarding coal mining legacy issues on the site.

4.6 Drainage Engineer

No objection subject to condition securing SUDs.

4.7 Highway Structures

No comment

Other Representations

4.8 Local Residents

Four letters of objection have been received from local residents. The comments are summarised as follows:

- Parking space sizes.
- Vehicle movements and reversing across public footpath.
- Turning area appears tight.
- Enforcement measures to prevent on street parking.
- Increase in vehicles.
- Construction traffic.
- Busy road and junction.
- Design to be in keeping with traditional character.

- Original wall advert to be professionally preserved.
- Overdevelopment.
- Encroachment on privacy.
- Access and security.
- Moving gate will remove security.
- Consideration of users of path.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The application seeks permission to demolish the extended parts of the locally listed building and to erect 2no. attached three bedroom dwellings: one to the west elevation and one to the south elevation. The proposal is to retain but alter the ground floor shop and the first floor flat above the shop. The site is situated on the High Street in a sustainable location within the established urban area in the East Bristol fringe. The principle of the proposed additional residential units is therefore considered acceptable subject to detailed consideration of design, highway safety, residential amenity and the environment.

5.2 The application relates to a locally listed building which lies within the setting of the Grade II listed Apex House. Significant weight is therefore afforded to the impact of the development on the significance of the heritage assets.

5.3 Heritage Impact/ Design

14 High Street, Warmley has been identified as a building of local architectural or historic interest that makes a significant contribution to the character and distinctiveness of the locality. It was added to the list as part of the 2010 review and the significance of the site was described as follows:

Webbs of Warmley, High Street, Warmley

Mass cycle ownership took off from the 1890s, with the development of cheap and mass-produced bicycles with pneumatic tyres, and Webbs of Warmley has been selling bicycles from this shop-house (built in the 1880s) since 1903. The large painted advertising sign on the gable end wall and the original shop front (to the right of the three-bay front elevation) are important historical relics of this long established business, as is the original doorcase, to the right, allowing separate entry to the dwelling above the shop, and the single storey workshop, with its own separate entrance, alongside.

The continuity of the business adds to the interest of a property that has a significant local association (criterion 8), arguably has a landmark quality by virtue of the painted advertising sign (criterion 6) and that represents a traditional function (criterion 7).

5.4 The building is a prominent building on the High Street with the sign being a local landmark feature viewed on the approach into Bristol along the A420. The building also forms part of the setting of the group of grade II listed buildings to the west, comprising an attractive group of three early 19th century, two storey terrace houses abutting the three storey, grade II listed Apex House. The building, therefore, contributes to the setting and group value of these buildings which is enhanced by the presence of the Memorial Garden and grade II listed

war memorial opposite. Around the site are further terraces of 19th, early 20th century date, creating a strong linear character to the road, and sense of repetition and rhythm of the street frontages.

- 5.5 The application proposed to demolish the single storey extensions on the east and south elevations and to erect double storey extensions in their place in order to facilitate the erection of 2no. additional attached dwellings. The application is a re-submission of a previously withdrawn application and has sought to address previous comments by reducing the number of units proposed and amending the design. During the course of the application additional revisions have been made to the access arrangements into the site and to the design in order to address consultee comments. The revised design consists of a double storey extension to the west elevation which directly abuts the public footpath incorporating stone facing and revised fenestration to respect the existing. The proposed extension to the south elevation is larger, with a hipped roof and finished in render.
- 5.6 Policy CS1 of the Adopted Core Strategy states that development will only be permitted where the highest possible standards of design and site planning are achieved. Policy CS9 also expects development to “ensure that heritage assets are conserved, respected and enhanced in a manner appropriate to their significance” this being reinforced through policy L13 of the adopted Local Plan which states that development affecting listed buildings will not be permitted unless “the building and its setting would be preserved.”. Guidance contained in the adopted local list SPD states:
- When designing extensions to Locally Listed buildings it is important that the character and setting of the building is not harmed, and that the extension relates appropriately in scale and massing. Extensions should be subservient to the building in height and massing.*
- 5.7 Concern had previously been raised that the proportions, layout and appearance of the proposed extension to the High Street frontage would sit uncomfortably within the street scene, and that the detailing and design failed to respect the local vernacular or the historic setting of the locally listed building or the adjacent Grade II listed buildings. The development has however now undergone a large amount of revision and amendments in order to address these concerns. This includes an amendment to the layout to ensure that the building line respects its High Street frontage, alterations to the fenestration in order to respect the host building, and detailing amendments. The extension to the south elevation, which holds a less prominent position, has been designed so as to be subordinate in appearance to the main street frontage.
- 5.8 It is considered by the Conservation Officer that the revised design and layout has addressed the previous objections and that the development would now respect its prominent and historic setting. It is recommended that the windows are vertically sliding sashes as opposed to top hung mock sash, and that final large scale details of the architectural features including the eaves, verges, parapets and window/door surrounds, are submitted to the Council for approval. These details can be secured by a suitably worded condition. Subject to this, and subject to the use of high quality materials (which can also be

secured by condition) there are now no objections on grounds of design and heritage impact.

5.9 It is noted that an attractive feature of the existing building is the landmark painted sign which is on the east elevation of the building. The applicant states that the intention is to retain this sign and as such it would continue to contribute towards the historic character of the site and the street scene. A condition has been requested by the Parish Council in order to secure the preservation of the sign. This requested is noted and Officers are mindful of the contribution it makes to the character of the locality. However, on consideration of imposing a condition to this effect it is not considered that this would meet the tests of paragraph 206 of the NPPF. This elevation of the building could be painted without the benefit of planning permission prior to the implementation of the development and, as the development does not directly impact this elevation, it is not considered that a condition would be reasonable or sufficiently relevant to the development to be permitted. Council's cannot impose conditions unless they are directly and reasonably related to the development proposed.

5.10 Highway Safety

The application site is served by two existing access points. The first is across the public footpath to the west of the building from High Street through existing gates with parking to the side and rear. The second access is across the public footpath to a parking area which sits behind the shop between the single storey rear wing of the building and the public footpath. This access is directly adjacent to the junction of High Street and Tower Road North. The parking area has no off street turning facilities and as such manoeuvres are made on the public footpath or vehicles are forced to reverse onto or from Tower Road North.

5.11 It is considered that the two additional residential dwellings proposed would generate more traffic compared to the extant use of the site as a shop with first floor residential accommodation. The site is located on part of the A420, a principal classified road, which experiences a high level of congestion and traffic in particular during the peak hour period where traffic on the A420 outside the site often queues across both Stanley Road and Tower Road North junctions. It is therefore essential for the development to provide adequate and safe access to prevent conflict on the highway and to accommodate the increased vehicular movements that would result from the additional units.

5.12 The revised proposal includes improvements to the existing access to the west of the building from High Street and to continue to utilise the existing access from Tower Road North. The improvements to the High Street access consist of a widening of the access and driveway to enable two vehicles to pass without reversing back onto the highway. The development layout includes the provision of a turning area within the site boundary to enable vehicles to access and egress from the High Street access in a forward gear. The layout of the development would also increase the depth of the parking spaces behind the shop access from Tower Road North by setting the proposed extension further back than the existing building line. Four parking spaces are identified to the

rear of the High Street Frontage whilst three are identified on the area adjacent to the extension accessed from Tower Road North.

- 5.13 In terms of the High Street access it is considered that the revised layout, which provides of a 4.5 wide access drive, would provide a satisfactory access for the amount of development proposed and is at an appropriate width for two vehicles to pass without them being forced to reverse back onto the highway. A turning area is proposed to the rear of the High Street frontage which, when combined with the widened parking spaces would improve manoeuvrability for vehicles on the site. The 2m by 32m visibility splay annotated on the submitted drawing is considered too short for a 30mph speed limit road on a bus route however Officer are mindful that the speed of vehicles travelling westwards along High Street past the site would be partly influenced by vehicular turning movements to and from the Tower Road North Junction with High Street as well as the junction between High Street and Stanley Road. Additionally, the speed of vehicles travelling eastwards along High Street is influenced by the presence of the signalised pedestrian crossing on High Street. In view of this and having regard to the extant use of the access Officer are accepting to the visibility distances as shown in this case.
- 5.14 It is acknowledged that the parking and access from Tower Road North is highly undesirable with vehicles forced to manoeuvre on the adjacent footpath thus raising conflict with other road users and users of the path. Substantial weight is however afforded to the extant use of the site and the access, which is as existing. The proposal does proposes to increase the depth of the parking spaces, the amount of which remain the same, in order to prevent the risk of vehicles overlapping into the public highway. Given that this access and parking area is existing there are not considered to be any sustainable objections on grounds of the use of this access.
- 5.15 A total of seven parking spaces are proposed to serve 3no. three bedroom units plus the shop. This amount of parking is in accordance with the Council's minimum residential standards and as such there are no objections on these grounds. The site is also situated within a sustainable location within easy walking distance of local services and public transport. A local resident has requested that enforcement measures are imposed to prevent on-street parking. Whilst noted it would not be reasonable to apply a condition to this effect given that it would relate to highway land. It is not considered that the development would give rise to an increase in on street parking due to the parking provision that can be provided within the site boundary. The onus is on the driver of the vehicle to ensure that any parking is undertaken within the law and any restrictions imposed.
- 5.16 Due to the location of the site it is considered necessary to impose a condition to secure the submission of a construction management plan and for hours of delivery during construction to fall outside of peak hours (07.45 to 09.15am and 15.45 to 18.15pm). Conditions are also recommended in order to secure the provision of the off street parking and access improvements prior to occupation. Subject to these conditions there are no objections on grounds of highway safety.

5.17 Residential Amenity

The application site consists of a corner plot adjacent to the junction of High Street and Tower Road North. It is bordered to the west by a dwelling also fronting the High Street which has no windows in its side elevation facing the application site. It is bordered to the south by the Post Office which has a residential unit at first floor level (no.2 – 4 Tower Road North) and a rear garden extending the width of the application site. A double storey height outbuilding is situated to the rear and side of no.2 adjacent to the mutual boundary with the site.

5.18 The proposal is to introduce 2no. additional double storey height dwellings to the site retaining the ground floor shop and altering the first floor residential unit. This would be achieved by erecting double storey extensions to the west and south elevations of the main building with windows proposed to all elevations. The extensions would replace existing single storey height buildings.

5.19 It is considered that the proposed development, by virtue of their layout and siting, would not appear significantly overbearing or oppressive to the occupiers of the surrounding dwellings and would not have an impact on existing levels of outlook or light. It is noted that the development would introduce a number of additional windows to the south elevation which would overlook the rear garden of no.s 2 - 4 Tower Road North. Views of the most private part of the rear garden would however be obscured by the existing double storey height outbuilding adjacent to the mutual boundary and there would be no direct line of visibility between windows. Given the urban nature of the locality it is not considered unusual for there to be a degree of overlooking across rear gardens. On balance, whilst it is acknowledged that overlooking of the neighbouring garden would occur, it is not considered that the loss of privacy would be at such a level that a refusal on these grounds could be warranted.

5.20 The site plan indicates that the two new dwellings on the site would each be served by a small private amenity garden area complete with bin storage. The garden area identified to the south side of the site adjacent to plot 2 is small but would nevertheless provide some outdoor space. The garden area serving plot 1 would be larger and is considered adequate for the size of the unit. Unit 2, which is the first floor flat, would not have any amenity space provision, which is highly undesirable but not unusual within the urban context. Public open space is available within easy walking distance of the site. On balance, in the context of the site and the locality, it is not considered that the lack of amenity space for unit 2 would warrant a refusal.

5.21 Land Stability

The application is a resubmission of application PK14/4626/F, which the Coal Authority had objected to on grounds that the accompanying Coal Mining Risk Assessment failed to demonstrate that the site is, or can be made, safe and stable for the proposed development without the undertaking of intrusive site investigation works.

5.22 It is noted that the current application is accompanied by the same Risk Assessment Report which accompanied the previous application. This Report

has been informed by an appropriate range of sources of information; including a Coal Mining Report, a Bristol Coal Mining Archives Report, historical Ordnance Survey Mapping and geological mapping. The Coal Mining Risk Assessment Report makes reference to the potential presence of coal seams within 25m of the surface which may have been worked. The report concludes that generally, workings of this depth and age will be of no concern, ground movement having normally long since ceased. No intrusive site investigation works are proposed and only limited precautionary measures are recommended during construction works. In addition to the Coal Mining Risk Assessment, a letter also accompanies the report recommending the undertaking of intrusive site investigation works on site, following demolition works and site clearance, in order to support the findings of the Coal Mining Risk Assessment.

- 5.23 As with planning application PK14/4626/F, The Coal Authority does not consider that conclusions of the Risk Assessment adequately addresses the potential impact of coal mining legacy on the proposed development. However, the carrying out of an appropriate scheme of intrusive site investigation works as suggested would ascertain the precise ground conditions and would establish the presence or otherwise of mine workings beneath the site. Consideration should also be given to the monitoring of mine gas during intrusive ground investigations.
- 5.24 The applicant should ensure that the exact form of any intrusive site investigation, including the number, location and depth of boreholes, is agreed with The Coal Authority's Licensing and Permitting Department as part of their permit application. The findings of these intrusive site investigations should inform any mitigation measures which may be required in order to ensure the safety and stability of the proposed development.
- 5.25 The Coal Authority recommends a Condition requiring these site investigation works subsequent to demolition/site clearance but prior to commencement of development in order to establish the exact situation regarding coal mining legacy issues on the site. In the event that the site investigations confirm the need for remedial works to treat areas of unrecorded shallow mine workings to ensure the safety and stability of the proposed development, this should also be conditioned to ensure that any remedial works are undertaken subsequent to demolition/site clearance but prior to commencement of development.
- 5.26 Drainage
No drainage details have been submitted with the application. There are no objections on these grounds provided these details are submitted to the Council for approval which can be secured by condition. These details would include 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. As a note the applicant is advised that run off from previously developed sites should be compared with existing discharge rates, however developers will be required to reduce run off rates (30%) and volumes as much as is reasonably practicable.

5.27 The applicant is further advised that a legal right to connect and add additional flow to the existing private sewer system should be established by consulting the owners (users) to the point of connection with the public sewer. This is a civil matter for the applicant/developer and users to agree.

5.28 Other Matters

Concern has been raised that the access improvements would remove the security to the neighbouring properties. Whilst it is noted that the access gates into the site would move as a result of the development it would not appear from the plans that this would have an impact on the retention of a safe and secure environment. The boundary treatment between the site and the neighbouring property would remain in situ.

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 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

Details are required prior to commencement to ensure that flood prevention is adequately addressed and that a satisfactory means of drainage is incorporated into

the development from the outset, to accord with policy CS9 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013.

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

Reason

To ensure a satisfactory standard of external appearance, to preserve the character and appearance of the locally listed building, and the setting of the Grade II listed buildings, to accord with Policies CS1 and CS9 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013, policies L13 and L15 of the South Gloucestershire Local Plan (Adopted) January 2006, and the Local List SPD (Adopted) 2008

4. Prior to the relevant part of the development commencing a sample panel of the stonework, demonstrating the colour, texture and pointing is to be erected on site and approved in writing by the Local Planning Authority. The approved sample panel shall be kept on site for reference until the stonework is complete. Development shall be carried out in accordance with the agreed sample.

Reason

To ensure a satisfactory standard of external appearance, to preserve the character and appearance of the locally listed building, and the setting of the Grade II listed buildings, to accord with Policies CS1 and CS9 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013, policies L13 and L15 of the South Gloucestershire Local Plan (Adopted) January 2006, and the Local List SPD (Adopted) 2008

5. Prior to the relevant part of the development commencing full details comprising plans at a scale of 1:20 of the following items shall be submitted to and agreed in writing with the Local Planning Authority. Development shall be carried out in accordance with the agreed details.
 - (a) eaves
 - (b) verges
 - (c) parapets
 - (d) window and door surrounds

Reason

To ensure a satisfactory standard of external appearance, to preserve the character and appearance of the locally listed building, and the setting of the Grade II listed buildings, to accord with Policies CS1 and CS9 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013, policies L13 and L15 of the South Gloucestershire Local Plan (Adopted) January 2006, and the Local List SPD (Adopted) 2008

6. Notwithstanding the approved plans the windows to be used on the proposed development shall be vertically sliding sash windows, large scale details of which shall be submitted to the Local Planning Authority and agreed in writing prior to the

commencement of the relevant parts of the development. Development shall be carried out in accordance with the agreed details.

Reason

To enhance the appearance of the development, to ensure a satisfactory standard of external appearance, to preserve the character and appearance of the locally listed building, and the setting of the Grade II listed buildings, all to accord with Policies CS1 and CS9 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013, policies L13 and L15 of the South Gloucestershire Local Plan (Adopted) January 2006, and the Local List SPD (Adopted) 2008

7. (a) Prior to the commencement of the development an intrusive site investigation shall be undertaken in order to establish the exact situation regarding coal mining legacy issues on the site, full details for which shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development.

(b) In the event that the site investigations confirm the need for remedial works to treat any areas of shallow mining to ensure the safety and stability of the proposed development, a further scheme of such remedial works shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. Development shall be carried out in accordance with the agreed details.

Reason

Details are required prior to commencement in order to ensure the safety and stability of the proposed development and to accord with the requirements of the Coal Authority, the National Planning Policy Framework and Policy CS1 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013.

8. Prior to the commencement of development (including demolition) a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The details shall include measures to safeguard public safety/ road safety. Development shall be carried out in accordance with the agreed details.

Reason

It is necessary to agree these details prior to any development commencing to ensure that all works are carried out in a satisfactory manner that do not adversely impact on highway safety, and to comply with saved Policy T12 of the South Gloucestershire Local Plan (Adopted) 2006

9. No construction deliveries shall take between the hours of 07.45 to 09.15am and 15.45 to 18.15pm Mondays to Fridays (inclusive)

Reason

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

10. Prior to the first occupation of the new dwellings hereby approved the access, turning facilities, and off street parking facilities as shown on 'Proposed Ground Floor Plan' (06 Rev.D) received on 13th April 2015, and 'Visibility and Manoeuvrability' plan (10 Rev.C) received 24th March 2015 shall be provided and retained as such thereafter

Reason

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

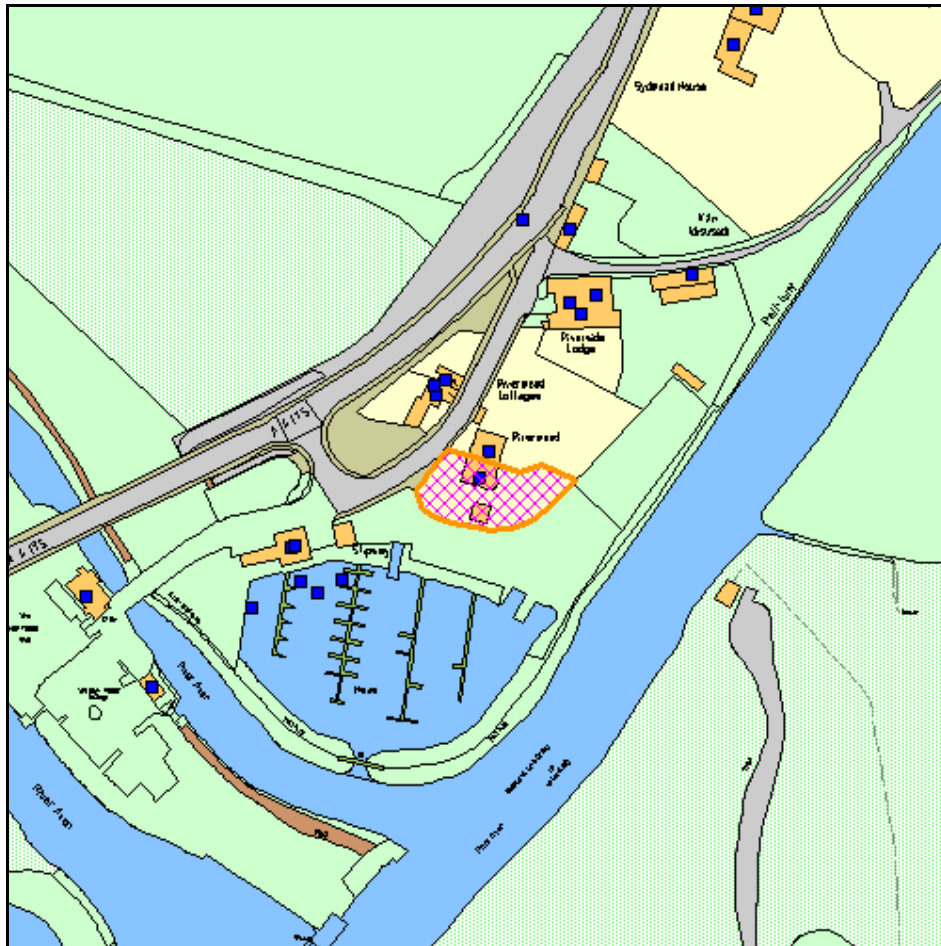
11. The hours of working on site during the period of construction shall be restricted to 08:00 to 18:00 Mondays to Fridays (inclusive), 08:30 to 13:00 Saturdays, and no working shall take place on Sundays or Public Holidays. The term `working' shall, for the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the curtilage of site.

Reason

To protect the amenity of the nearby occupiers and to accord with the provisions of the National Planning Policy Framework 2012

CIRCULATED SCHEDULE NO. 16/15 – 17 APRIL 2015

App No.:	PK15/0585/CLE	Applicant:	Ms Irene Robinson
Site:	Rivermead Keynsham Road Keynsham South Gloucestershire BS31 2DE	Date Reg:	19th February 2015
Proposal:	Application for a Certificate of Lawfulness for the existing use of part of the dwelling at Rivermead as a separate residential unit (Class C3) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended)	Parish:	Bitton Parish Council
Map Ref:	366077 169033	Ward:	Bitton
Application Category:		Target Date:	13th April 2015



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PK15/0585/CLE

REASON FOR REPORTING TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 This application is for a Certificate of Lawfulness for the existing use of part of the dwelling at Rivermead as a separate residential unit (Class C3) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended).
- 1.2 The application site relates to a large detached house, situated within the Green Belt between the A4175 Keynsham Road and the River Avon. The Portavon Marina lies adjacent to the southern boundary of the site. Adjacent are two cottages, and to the north is a commercial premises. Access to the properties is via a slip-road off the A4175.
- 1.3 In 2003, planning permission was granted for a two storey side extension (Ref. PK03/0068/F). In 2004, planning permission was applied for the conversion of the existing dwelling into 2no. dwellings – permission was refused in April 2004. The applicant claims that Rivermead has been occupied as 2no. dwellings since 7th February 2005.

2. POLICY CONTEXT

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

3. RELEVANT PLANNING HISTORY

- 3.1 PK04/0728/F Conversion of existing dwelling into 2no. dwellings
Refused 26.04.04
Appeal dismissed on flooding grounds 08.12.04
- 3.2 PK03/0068/F Erection of two storey side extension and conversion
Approved 21.07.03
- 3.3 PK02/3431/F Erection of two storey side extension and conversion
to 2no. dwellings
Withdrawn 29.11.02

4. SUMMARY OF EVIDENCE IN SUPPORT OF THE APPLICATION

- 4.1 In support of the application, the following information has been submitted:
 - A letter was submitted from the applicant's agent explaining originally Rivermead was a single dwellinghouse and the property was divided into two self-contained dwellings (Rivermead and The Old House) in January 2005. The Old House (original dwelling) has been let to tenants and

occupied separately since February 2005. It is claimed that The Old House has been used as a separate dwellinghouse for a period exceeding ten years and has therefore become immune;

- Copy of sworn statement from Mrs Robinson's (applicant) letting agent Mr P.T.F. Jarman of Assured Property Rentals confirming the rental period between 2005 to present day (as of 12.12.14) covering the first six months of each tenancy agreement dated 1st April 2015;
- Copy of letter from Mr P.T.F Jarman of Assured Property Rentals Limited providing confirmation of rental payments received by tenants when tenancy agreement has been continued beyond the fixed term to a 'Periodic Tenancy', including a copy of one bank statement showing the latest payment from the tenant C.R Dunkley on 23rd February 2015 (letter dated 2nd April 2015).

4.2 Documents that have been submitted include:

- Red edged plan of the application site (The Old House);
- Letter from planning agent detailing use of Rivermead and The Old House as two, separate, self-contained dwellings;
- Copy of sworn statement from applicant Mrs Robinson explaining the history of her health and the sub-division of the property (dated 1st April 2015).

4.3 Evidence gathered by Officer:

- Plans and Officers report relating to planning application PK04/0728/F – existing and proposed floor plans are on file. The proposed layout plans were implemented;
- Aerial photographs from 2005, 2006 and 2008/09 show a new hedgerow planted and fence erected in rear garden;

5. **SUMMARY OF CONTRARY EVIDENCE**

5.1 Evidence gathered by Officer from Council records:

- Council Tax records (contacted 17.03.15) – Rivermead has been set up as paying Council tax since at least 1992. The Old House has been paying Council tax as a separate dwelling since 31.05.13;
- Building Control documents – 'Building Notice's submitted 27.02.04 for erection of two storey side extension. Completion Notice on file dated 22.12.06. Extension was inspected 4no. times in 2004;

6. **CONSULTATION RESPONSES**

6.1 Bitton Parish Council

Bitton Parish Council is not in a position to comment on this application.

6.2 Councillor

No comment received.

6.3 Conservation Officer

No comments.

- 6.4 Sustainable Transport
No comment to make on this application (i.e. 'Certificate of Lawfulness') as it is considered to be the test for facts and the legal issues.

Other Representations

- 6.5 Local Residents
No comments received.

7. EVALUATION

- 7.1 The application for a Certificate of Lawfulness is not a planning application and is purely an evidential test. The test of evidence to be applied is whether or not the case has been shown on the balance of probability. As such, the applicant needs to provide precise and unambiguous evidence.
- 7.2 The guidance contained within the National Planning Practice Guidance 2014 states that if a local planning authority has no evidence itself, nor any from others, to contradict or otherwise make the applicant's version of events less than probable, there is no good reason to refuse the application. This is however with the provision that the applicant's evidence alone is sufficiently precise and unambiguous to justify the grant of a certificate on the balance of probability.
- 7.3 Assessment of Evidence
The applicant claims that the main dwellinghouse Rivermead was subdivided into two separate units (Rivermead and The Old House) in early 2005. The applicant must be able to demonstrate that on the balance of probability the existing use of part of the dwelling at Rivermead as a separate residential unit (Class C3) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended) continuously for a period of 4 years or more. The evidence submitted by the applicant and evidence gathered by the Officer are considered below in this report.
- 7.4 In respect of the planning history, planning permission was obtained in July 2003 for the erection of a two-storey side extension (Ref. PK03/0068/F); this was implemented in 2004. Subsequent to this application, planning permission was applied for in March 2004 for the subdivision of the dwellinghouse into two separate dwellings (Ref. PK04/0728/F). Planning permission was refused for two reasons: impact on residential amenity, and the application sites location within the River Avon Flood Plain and risk from flooding. The applicant appealed and this was dismissed by the Planning Inspectorate in December 2004. The Planning Inspectorate upheld the concerns of the Council in respect of the high risk flood zone location of the application site.
- 7.5 Following further advice from the Officer, the applicant Mrs Robinson and her letting agent Mr P.T.F Jarman from Assured Property Rentals have submitted sworn statements dated 1st April 2015. The most detailed information is contained in the applicant's letter dated 7th March 2015 which summarises the history of Rivermead and its sub-division. In this letter Mrs Robinsons states that she has lived at Rivermead since 1978 and started a business from home

in 1993 employing four staff. Mrs Robinson is disabled and has to use a wheelchair outdoors. As Mrs Robinson's health has declined, the house and garden were too much for her to manage. The two storey extension was designed to be disabled-friendly (i.e. ramps on the front and back were included, lowered kitchen units installed, etc.) and was erected following the approval of planning application PK03/0068/F. When the extension was built, only the kitchen door and loft opened into the old part of the house (The Old House).

- 7.6 Following the completion of the extension, Mrs Robinson planned to rent out some of the rooms that were not needed in The Old House and move into the new accommodation (i.e. the extension). In 2004, Mrs Robinson applied to split the house into two units so that she could sell the part of the house she no longer used; however, permission was refused. Mrs Robinson no longer used rooms in the old part of the house, so the interconnecting door in the kitchen was closed, the stair lift removed and a kitchen was installed in the former office (in The Old House). Mrs Robinson claims that the proposed layout plans submitted with planning application PK04/0728/F were implemented despite planning permission being refused. In addition, a hedge was planted and fence erected to split the rear private garden into two gardens to serve Rivermead and The Old House. The hedge and fence can be seen on the Council's aerial photographs from 2006, 2006 and 2008/09.
- 7.7 The letting agent (Assured Property Rentals) has supplied copies of signed tenancy agreements from 07.02.05 to 20.05.13. However, these tenancy agreements only cover the first six months of each tenant's occupation since the first occupant in 2005. Therefore, whilst the applicant claims that The Old House has been continuously occupied since February 2005, the tenancy agreements supplied leave gaps ranging from 5 months - over 3 years. In Mr P.F.T Jarman's supporting letter dated 2nd April 2015, he confirms that when the tenancy agreement has continued beyond the fixed term to a 'Periodic Tenancy', it is on a monthly rolling basis. In addition, Mr P.F.T. Jarman's (letting agent) submitted sworn statement dated 1st April 2015 confirms that the rental period has been continuous from 2005 to present day and has provided a copy of Assured Property Rentals Limited bank statement dated 25th – 26th February 2015 showing a credit amount of £1230 from CR Dunkley, the current tenant since May 2013.
- 7.8 The evidence held by the Council in respect of the planning history, building control documents and council tax records do not wholly support the applicant's claims that the house has been sub-divided into two self-contained houses for over four years. The council tax records only show The Old House as being registered as a separate dwellinghouse from 31.05.13, which falls significantly short of the minimum four year period for the change of use to a separate dwellinghouse. In addition, the Council's Building Control records confirm a Completion Certificate for the two storey side extension as being issued in December 2006. Having checked with Building Control, this is not unusual that a Completion Certificate is not issued until much later after the works have been completed and is often due to missing calculations or documents. However, the Council's aerial photographs from 2005 (taken 07.06.05) and

2006 (08.06.06) do show the two-storey extension in situ and the rear garden division with a fence and hedgerow planting.

7.9 Whilst the Council's records do not fully support the applicant's claims, they do not provide substantial contrary evidence to outweigh the sworn statements provided by the applicant and their letting agent. No other contrary evidence has been found or received from neighbouring residents or other persons. In conclusion to the above, it is considered that on the balance of probability the use of part of the dwelling at Rivermead as a separate dwelling has been proven by the provision of sworn statements which hold substantial weight. The evidence clearly and unambiguously demonstrates that the use of part of the dwelling at Rivermead for a consistent period of at least four years (more likely over ten years). This application for a certificate of lawfulness for an existing use is therefore approved.

8. CONCLUSION

8.1 On the balance of probability, the use of part of the dwelling at Rivermead as a separate dwelling has been established for over four years and so the use is considered to be lawful.

8. RECOMMENDATION

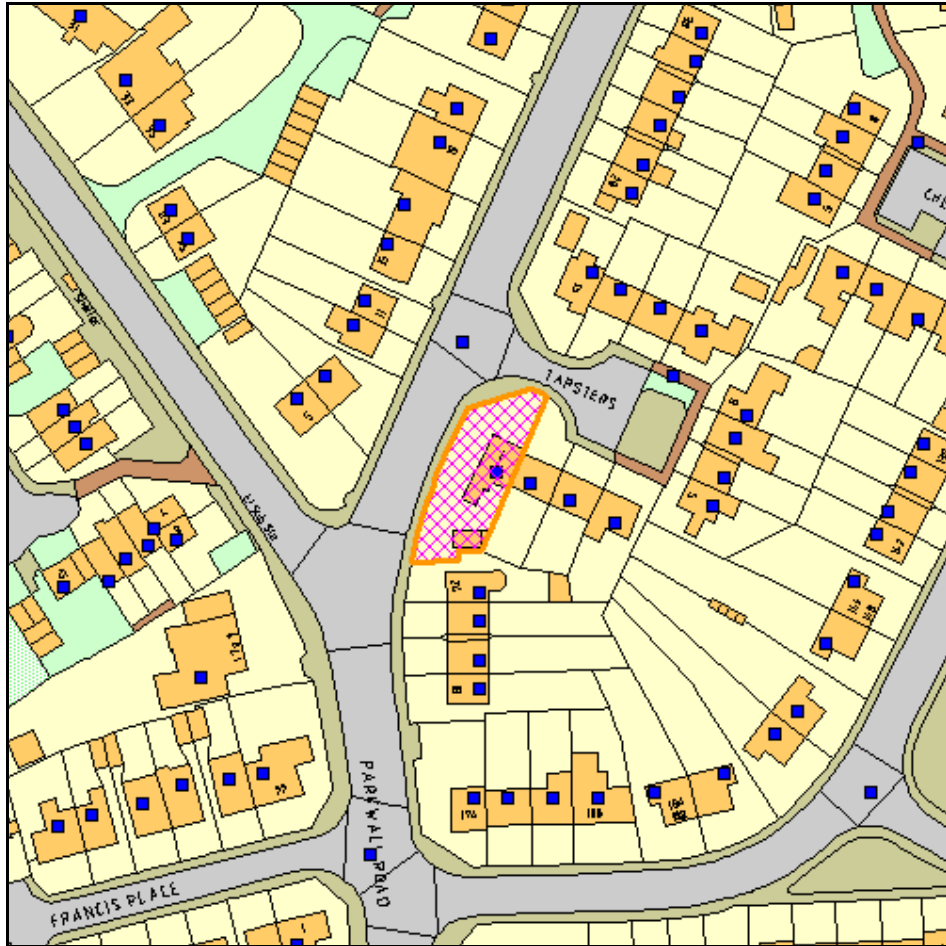
9.1 That the Certificate of Lawfulness is **APPROVED**.

Contact Officer: Katie Warrington

Tel. No. 01454 863436

CIRCULATED SCHEDULE NO. 16/15 – 17 APRIL 2015

App No.:	PK15/0690/F	Applicant:	Mr Ian Fry
Site:	1 Tapsters Cadbury Heath Bristol South Gloucestershire BS30 8HN	Date Reg:	24th February 2015
Proposal:	Erection of 1no. attached bungalow with associated works.	Parish:	Oldland Parish Council
Map Ref:	366018 171632	Ward:	Parkwall
Application Category:	Minor	Target Date:	13th April 2015



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REASON FOR REPORTING TO THE CIRCULATED SCHEDULE

This application is referred to the circulated schedule for determination as comments of objection have been received which are contrary to the officer recommendation for approval.

1. THE PROPOSAL

- 1.1 This application seeks planning permission for the erection of a bungalow attached to 1 Tapsters in Cadbury Heath. No.1 Tapsters is an end-of-terraced house on a corner plot facing both Tapsters and Parkwall Road. The proposed bungalow would, in effect, sit on the rear of the property but face onto Parkwall Road.
- 1.2 The site is located within the existing fringe of East Bristol and is located within the coal referral area. No further land use designations cover the site.
- 1.3 Previously, planning permission has been granted for the extension of the building and its conversion to flats.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework March 2012

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

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

South Gloucestershire Local Plan Adopted January 2006 (Saved Policies)

T12 Transportation
H4 Development within Existing Residential Curtilages
H5 Residential Conversions

- 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 PK13/2130/F Approve with Conditions 01/11/2013
Conversion of existing house to include single storey front and rear extensions to provide 2no. two bedroom apartments and 1no. one bedroom apartment.
- 3.2 PK12/4290/F Refusal 15/02/2013

Two storey side extension to form 2 no semi detached flats with new access and associated works.

4. CONSULTATION RESPONSES

- 4.1 Oldland Parish Council
Objection Overdevelopment; inadequate parking provision
- 4.2 Coal Authority
No objection
- 4.3 Drainage
No objection; request SUDS condition
- 4.4 Highway Structures
No comment
- 4.5 Transport
Seek further details

Other Representations

- 4.3 Local Residents
One comment of objection from a local resident has been received which raises the following points:
- Tapsters only provides limited parking; creation of dropped kerb would reduce this
 - If permitted, development would result in insufficient parking for those people who live on the close.

5. ANALYSIS OF PROPOSAL

- 5.1 This application seeks planning permission to erect a bungalow within the curtilage of no.1 Tapsters, Cadbury Heath.
- 5.2 Principle of Development
The application site lies within the Bristol East Fringe and already is within a residential use. Therefore, in principle, residential development may be acceptable on the site subject to the assessment set out below.
- 5.3 Design
The existing property is a two-storey end-of-terraced dwelling. Externally, it is finished predominantly in brick with a rendered gabled wall to the front elevation on Tapsters. The plot is rectangular in nature with two sides bounded by roads - Tapsters to the north, Parkwall Road to the west. The southern and eastern boundaries adjoin residential properties.
- 5.4 It is proposed to demolish the existing rear lean-to and the detached garage to erect the bungalow. The bungalow would be similar to the rear extension permitted under PK13/2130/F in terms of site layout and elevations. Although the gardens provided for each of the dwellings on the site would be small and

of low quality, as the layout is broadly similar to that previously permitted it would be unreasonable to raise this as an objection to the current application.

- 5.5 Externally, the proposed bungalow would be similar in appearance to the previously approved rear extension. On the principle elevation, the proposed front door has been centralised and swapped with the position of the casement window from that previously approved. An additional wing to include the kitchen has been added to what was previously approved. As before, the development would be finished in a matching brick to that of the main house.
- 5.6 It is stated on the submitted plans that one of the existing rear windows on the house would be repositioned to the elevation facing Parkwall Road; the relocated window is not shown on the proposed elevations. However, it is shown on plans submitted in association with PK13/2130/F and therefore an informed assessment can be made. The relocation of the window is considered acceptable.
- 5.7 Overall, the proposed development is considered to be acceptable with regard to the layout and design as the proposal broadly reflects that previously permitted under planning permission PK13/2130/F and therefore cannot be considered to be harmful to the visual amenity of the locality.
- 5.8 Living Conditions
Development should not be permitted that would have a prejudicial impact on residential amenity. The previous planning permission would have led to the conversion and extension of the building to provide three flats. If permitted, the proposed bungalow would result in two residential units on the site. The built form is very similar to that previously approved and therefore it is not considered that, if permitted, the proposed development would have an unacceptable impact on the residential amenity of nearby occupiers.
- 5.9 However, there is a change to the amenity spaces provided. Previously, one of the flats would have been provided with a narrow garden sandwiched between the boundary and the proposed rear extension. It is now proposed that this space would be used by the retained dwelling, along with the majority of the front and side gardens. The proposed bungalow would have a small garden to the southern most extent of the site, adjacent to the parking area and a small front garden.
- 5.10 The Local Planning Authority does not have a minimum size standard for residential gardens, although one may come forward through the Policies Sites and Places DPD currently being prepared. Therefore, the test is whether the proposal provides 'adequate' private amenity space.
- 5.11 Both properties would benefit from some private amenity space. They would also benefit from a front garden. For the main house, the front garden could be made more private if necessary. As the number of units on the site has been reduced, the overall demands on the site are lessened. It is therefore considered, in the absence of a size standard and with due regard to the extant planning permission for three flats, that the development would not have an

adverse impact on residential amenity and would provide reasonable living conditions for occupiers.

5.12 Transport and Parking

With residential development of this nature, the main concern from a highways perspective is the provision of adequate off-street parking. The highways officer has raised concern that the plans are inaccurate, yet the plans show access and are therefore considered to suffice.

5.13 A new parking area is proposed; this would be access from Tapsters (a C4 classified road) to provide two parking spaces for the main dwelling. This level of parking provision would accord with the Residential Parking Standard SPD. As this access is located off a class C4 highway, the access could be implemented without planning permission.

5.14 The existing access would be solely utilised by the proposed one-bedroom bungalow. The intensity of the use of the modified access (with the removal of some of the front boundary) would lessen should this development be approved. This is because the access would no longer serve a three-bedroom dwelling, instead providing access and parking for a one-bedroom property. This access would also provide sufficient off-street parking to meet the requirements of the Residential Parking Standard SPD for a one-bedroom property.

5.15 On the basis that the development, if permitted, would lessen the use of an existing, albeit, substandard access it cannot be concluded that the development would result in a severe transportation impact. Guidance in the NPPF states that development should not be refused on highway grounds unless the impact would be severe. On balance, the proposed use of the existing access is therefore considered to be acceptable.

5.16 It is stated that the development would have an adverse affect on the provision of parking available to the existing residents of Tapsters. Subject to the consent of the highway authority, no.1 Tapsters would be able to install a dropped kerb without the need for planning permission. Furthermore, on-street parking cannot be considered as a guarantee as it is outside the control of the planning system. Therefore, such matters are given very little weight in determining this application.

5.17 Planning Conditions

The recommendation to approve the proposed development is heavily influenced by the previous approval of PK13/2130/F. This previous permission has yet to be implemented but is still extant. It would be possible for the applicant to implement the proposed conversion to three flats by conducting internal works and erecting the front extension. Should the rear extension be omitted, it would then be possible to implement the proposed bungalow in addition to the two flats.

5.18 Should both planning permissions be implemented then it is considered that the site is unlikely to be able to provide sufficient off-street car parking or reach an acceptable standard of residential amenity.

5.19 Therefore, it is considered by officers (with reference to paragraph 206 of the NPPF) that should planning permission be granted for the proposed bungalow, it should be accompanied by a condition which requires the bungalow to be an alternative development to PK13/2130/F and prevent the implementation of both permissions. The agent has verbally indicated that the applicant is agreeable to such a condition.

5.20 Drainage

The drainage team has requested a SUDS condition. However, due to the size of the site and the scale of development, it is considered in this instance that drainage matters could adequately be addressed through building regulations. As such, it is not proposed to add such a condition to 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 It is recommended that planning permission is GRANTED subject to the conditions listed below.

Contact Officer: Griff Bunce
Tel. No. 01454 863438

CONDITIONS

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

Reason

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

2. The development hereby permitted shall be carried out as an alternative to the permission granted on 1 November 2013 for the conversion of the existing house to include single storey front and rear extensions to provide 2no. two-bedroom apartments and 1no. one-bedroom apartment at 1 Tapsters, Cadbury Heath (Reference PK13/2130/F) but not in addition to it, to the intent that the applicant may

carry out one of the developments permitted but not both, nor parts of both developments.

Reason

The proposed development has been permitted on the merits of the case as a substitute development; alternative development would require further consideration against policies CS1, CS4A, CS5, CS16, CS17 and CS29 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013, policies T12, H4 and H5 of the South Gloucestershire Local Plan (Adopted) January 2006 (Saved Policies), and the Residential Parking Standard SDD (Adopted) December 2013.

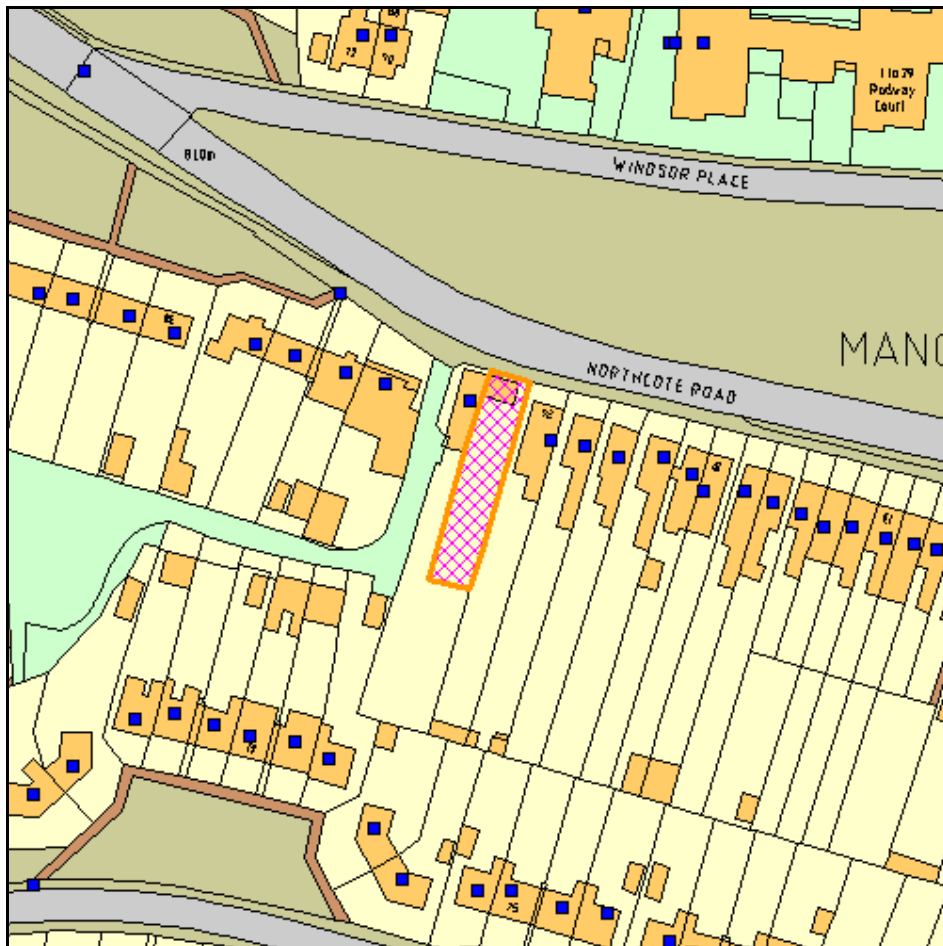
3. The off-street parking facilities shown on the plan hereby approved shall be provided before the building is first occupied, and thereafter retained for that purpose.

Reason

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

CIRCULATED SCHEDULE NO. 16/15 - 17 APRIL 2015

App No.:	PK15/0808/F	Applicant:	Mr Andrew Massey
Site:	25 Northcote Road Mangotsfield Bristol South Gloucestershire BS16 9HF	Date Reg:	4th March 2015
Proposal:	Erection of 1no. Detached dwelling with new access, parking and associated works.	Parish:	None
Map Ref:	366120 176433	Ward:	Rodway
Application Category:	Minor	Target Date:	24th April 2015



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

The application has been submitted to the Circulated Schedule procedure, following an objection from a neighbour which is contrary to the recommendation detailed in this report.

CIRCULATED SCHEDULE

The below report appears on the Circulated Schedule following objections from a local resident.

1. THE PROPOSAL

- 1.1 The applicant seeks full planning permission for the erection of 1no. detached dwelling with new access, parking and associated works. The application site is the side garden associated with No. 25 Northcote Road situated within the established boundary settlement of Mangotsfield. The application site is next to a row of stone fronted locally listed buildings.
- 1.2 During the course of the application the applicant was informed of concerns expressed by the Highway Officer, especially in light of the other applications pending consideration on the site. Revised plans were received showing the parking for the host property No. 25 and an increase to the manoeuvring area to the rear of the site and these were considered acceptable. As there was no change in the principle of the development the plans were not put out for re-consultation.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework March 2012

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy (Adopted December 2013)

CS1 High Quality Design

CS5 Location of Development

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

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

T12 Transportation Development Control

L15 Locally listed buildings

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 K824 Two storey extension to existing dwelling to provide new kitchen with bedroom over

	Approved	12.6.75
3.2	K824/1 Approved	Erection of replacement garage 26.7.95
3.3	PK14/4621/F Withdrawn	Demolition of existing extensions to facilitate the erection of a two storey side extension to provide additional living accommodation. 29.12.14
3.4	PK15/0621/F Pending	Demolition of existing extensions to facilitate the erection of a two storey side extension with small lean-to to provide additional living accommodation.
3.5	PK15/0835/F Pending	Erection of 2 No semi detached houses with associated works

4. **CONSULTATION RESPONSES**

4.1 Parish/Town Council
The area is unparished

4.2 Other Consultees

Highway Engineer

No objection subject to conditions relating to parking are attached to the decision notice.

Listed Building Officer

No objection subject to conditions relating to samples of materials

Highway Drainage

No objection subject to a condition regarding SUDS and flooding from mining and informatives regarding surface water are attached to the decision notice.

Highway Structures

No comments

Archaeologist

No comment

Other Representations

4.3 Local Residents

One letter of objection has been received from a local resident:

- The side wall of the proposed house protrudes past the rear of my house and continues alongside the south facing conservatory. The outlook from

my kitchen and side of conservatory/living room will be of a 25 foot high wall/roof – less than six feet away

- This will be totally overbearing, create a tunnel feel and will greatly reduce the light in my living room, back bedroom, bathroom, kitchen, top of stairs and conservatory. Afternoon sun which I have always enjoyed from an open aspect until late evening will be lost
- Window in side elevation east: even with raised cill height to 1500 (less height than the average person) is loss of privacy and overlooking directly at close proximity into my kitchen and conservatory
- I have lived at No. 24 for 43 years and enjoyed use of my conservatory for nearly 30 years – this proposed development will have a detrimental effect on the use and privacy of my property

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

The proposal stands to be assessed against the above listed policies and all material considerations. Of particular importance is the overall design of the proposed dwelling especially given its proximity next to a row of locally listed dwellings (CS1, L15); the impact on the residential amenity of both the existing dwelling and that of the neighbours (H4) and the impact on highway safety (T12, CS8, SPD: Residential Parking Standards). It is considered that the proposal accords with the principle of development and this is discussed in the below report.

5.2 Character of the area and impact on the locally listed buildings

This application site is within a highly built up urban area where development has clearly evolved over a considerable time. This is evidenced not only by the application site itself, the row of adjacent locally listed cottages, but by other historic cottages on the opposite side of the Northcote Road. It is acknowledged that other more recent development, possibly not of the same quality, is also in close proximity to the application site. Nevertheless, as the adjacent cottages have been recognised as being worthy of a locally listed status, the design of any building in close proximity to them is subject to rigorous scrutiny. It is recognised that the cottages have achieved their place on the local list due to the contribution they make to the character and distinctiveness of the locality. Policies within national and local policy seek to protect the significance of non-designated heritage assets and their immediate settings.

- 5.3 The series of locally listed cottages immediately to the east of the application site reflect the traditional pennant stone built former miners cottages that can be considered to contribute to a sense of local distinctiveness. The existing property at No. 25 Northcote Road can also be said to make a positive contribution to the area. The proposed design, detailing and materials of the new dwelling to be positioned in between the cottages and No. 25, are considered to reflect the existing characteristics of its context and this is to be welcomed. In terms of its impact on the street scene, the proposed new dwelling would help to maintain the local distinctive character and appearance of the area. Key to achieving this, however, will be the quality of the stone facing in terms of coursing, texture and mortar. It is further noted that the gap

currently forms a visual break between the series of locally listed buildings and No. 25 and although its loss would be regrettable, it in itself would not result in any material harm to the setting of the locally listed buildings.

- 5.4 Notwithstanding the positive comments above whereby from the front the aesthetic appearance of the building can be considered to reflect the local vernacular, it is Officer Opinion that the building is far too deep for what would traditionally be a building of modest scale. It is acknowledged that the perception of the building's depth would be limited to narrow oblique views but the depth poses other concerns in terms of its impact on the residential amenity of the neighbouring dwelling and this is assessed below. The visual relationship between the existing property of No. 25 and the proposed house is also considered rather contrived due to their differing scales, form and close proximity which would be uncharacteristically tight.
- 5.5 The property holds a corner position with a characteristically long garden to the rear. Maps from the 1880s show it as being 'L' shape and it is therefore surmised that the building in its plot has not changed much over time. This proposal and others pending consideration, would split the garden effectively into four. The original house, turned its back on the row of cottages and quarry further along Northcote Road to the east and therefore its main entrance now faces directly onto the side of the beginning of post war semis and terraces that extend some considerable distance to the north along Northcote Road.
- 5.5 Design
The existing property has recently sought some alterations pending planning permission under PK15/0621/F for firstly, the demolition of an existing rear extension and secondly the demolition of a two-storey and single storey side extension and their replacement with a slightly bigger two-storey and single storey extensions. No. 25 benefits from holding a corner plot position with a characteristically long garden to the rear. Under application PK15/0621/F the garden would be effectively quartered to accommodate the residential space for this proposed new dwelling and the two other dwellings pending consideration under application PK15/0835/F. Parking for the respective 4no. properties would be to the rear off the existing access lane.
- 5.6 No. 25 presents a narrow elevation to Northcote Road, particularly following the removal of its single storey rear element which led onto the row of cottages. The cottages are to all intent and purpose detached properties linked by an arch over their respective side passages. They too are characterised by their tall narrow proportions but whereas No. 25 presents a side gable to Northcote Road they present their simple frontages. The cottages are stepped back from the highway having small front gardens bound by a low stone wall with railings atop. The proposed new dwelling would also be stepped back to correspond with the front building line of the row of locally listed cottages but would have a gable to the front to complement No. 25. Its main entrance would be to the side, whereas the cottages have front doors facing the highway. Its proposed roof height would be somewhere in between the cottages and No. 25. As mentioned above although the proportions could have been a little more considered, the scheme is not sufficiently unacceptable as to warrant a refusal and the materials used will assist in tying it into the street scene.

- 5.8 The proposed new dwelling would measure approximately 6.6 metres wide and its two-storey element would extend approximately 12 metres into the garden, followed by a single storey pitched roof addition of approximately 3.7 metres in depth. Openings would be concentrated in the north, south and west elevations with the exception of a first floor window and two ground floor windows in the east elevation. The overall height of the dwelling would be 8.4 metres with the cottages achieving an overall height of 10.5 and No. 25 reaching a height of 7.1 metres. The eaves heights would be more comparable with that of the cottage being 6 metres, the new dwelling 5.7 metres and No. 25 5.5 metres (approximately). Materials used would be stone with brick detailing around the windows to the front to match No.25. Other materials for the rear and side elevations would be hand thrown render and Redland could roman roof tiles. Render is not an unusual material in this area and a condition would secure samples would be approved by the LPA prior to commencement of development. It is noted that a small section of the historic stone wall comprising the front boundary is to be removed. This is unfortunate but recognised as being necessary to facilitate the development. Plans indicate that the new opening would be approximately 1 metre wide with pillars either side. Given that the majority of the stone wall which is regarded as an attractive feature of the area will remain, the proposed new entrance is considered appropriate.
- 5.9 In terms of its overall design, scale and massing the proposed is considered complementary to the area in general and as such is acceptable.
- 5.10 Residential Amenity
Comments have been received from a local resident expressing concern of the impact of the proposed new dwelling. No. 24 lies to the east of the application site and is part of the row of locally listed cottages. These cottages benefit from narrow rear extensions running along their eastern most boundaries into their considerable gardens, but not stretching across the entire width of the properties. These structures can be clearly seen on the 1880s OS map. It is not clear if they were originally two storey but they are all now at least 1.5 storeys high, providing ground and first floor space and some have single storey additions following on. No 24. also benefits from a rear conservatory which has been positioned in the gap between the main house and the rear extension.
- 5.11 The proposed dwelling would extend past the rear building line of No. 24 for a total of approximately 6.5 metres made up of a two storey structure of 2.8 metres followed by a single storey family room of 3.7 metres length. It is acknowledged that No. 24 would experience changes. However, in built up areas the density and pattern of housing is expected to change as new development is encouraged in sustainable locations. The application site is considered to be a prime site for development provided it meets the appropriate policy criteria. It is noted that the other cottages each currently experiences a similar situation created by the existing 1.5 / 2 storey rear extensions of their neighbours. It is acknowledged that given their orientations the conservatory at No. 24 would experience some loss of evening sun but the existing situation of the fence/boundary wall and planting in between the two gardens must also be

factored into the balancing exercise. The boundary is due west of No.24 and therefore given that the setting sun would be very low in the sky it is reasonable to assume that the amount of light entering the conservatory would be compromised by the fence and planting. The conservatory is likely to receive most sunlight in the afternoon when the sun would be directly to the south. Given the orientation and the very long garden that serves No. 24 it is considered that although there would be changes these would not be sufficient to warrant the refusal of the application.

- 5.12 Impact on the outlook from No. 24 as well as it being overbearing and resulting in loss of sunlight to a number of rooms have been cited as further objections to the proposal. Officers acknowledge that the existing situation has remained unaltered for a considerable time and that there will be changes resulting from the new development. However, it must also be recognised that No. 24 benefits from a large garden which extends to the south and as such would still receive a considerable amount of sun and light throughout the day. As mentioned above the proposed two storey element would extend out beyond the building line of this neighbouring property by approximately 2.8 metres. This is not an unacceptable level considering the location of the site in a built up area. Examples of similar situations can be seen even along the row of locally listed cottages where their existing rear extensions can be said to have an affect on their own neighbours. On balance it is considered that the proposal would not impact on the residential amenity of this neighbour to such a degree as to constitute an unchallengeable reason for refusal.
- 5.13 Other comments made state that the proposed kitchen window in the east elevation would result in overlooking and loss of privacy for the neighbour. Plans indicate that the proposed window would have its lower cill height at 1.4 metres above ground level. However, the boundary between the two properties here would only be approximately 1.5 metres high and given this and the close proximity it is considered that there would be limited inter-visibility between the new property and the existing conservatory. As such it is reasonable that this window be conditioned to be of obscure glazing.
- 5.14 It is noted that the proposed residential amenity space for the new dwelling would be approximately 65 square metres. It is worth noting that a draft Policy Sites and Place DPD is out for consultation. This document proposes minimum residential amenity space for all new dwellings, for a four bedroom property 70 square metres of usable residential amenity space, excluding space for the parking of vehicles and cycles, will be required. As mentioned above the existing site is part of the large garden originally associated with No. 25 Northcote Road which is to be subdivided to accommodate a potentially additional 3no. Dwellings of which this application is one. It is unfortunate that the amount of residential amenity space as proposed is small for a 4no. bedroom property and secondly, particularly out of character with the area when looking at the pattern and degree of amenity space allocated for use of other nearby dwellings. The remaining amenity space for the proposed new dwelling is regarded as being adequate. As this policy is not yet adopted there is no amenity space standard under current policy terms and as such the proposal cannot be refused for reason of poor size of amenity space.

5.15 Sustainable Transport

Initial comments from the Highway Engineer expressed concerns regarding the access lane in particular given its restricted width which would in turn lead to restricted manoeuvring space. It was noted that the lane varies in width from between 3.2 metres and 4.7 metres. At the entrance to the parking spaces the lane width was approximately 4.5 metres which was considered insufficient for an average size vehicle to manoeuvre into or out of the space in one movement. It is generally accepted that 6 metres manoeuvring space is necessary for easy access or egress into a parking space. Due to the restricted access to the parking the Officer had concerns that the proposal would lead to on-street parking issues and, given the proximity of the dwelling to the junction of the lane with Northcote Road this could result in obstruction to the visibility splays and impact on other road users. This would be unacceptable in highway safety terms.

5.16 Following these comments revised plans were received which showed parking for the proposed new dwelling and also that for No. 25 which has been subject of a recent planning application. The new plans indicated that there manoeuvring area for the proposed two parking spaces had increased to 6 metres. This has been achieved by reducing the length of the plot of land to the rear of the application site from approximately 27 metres to 24.5 metres. A condition attached to the decision notice will secure this parking space and manoeuvring area for the future.

6. CONCLUSION

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

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

7. RECOMMENDATION

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

Contact Officer: Anne Joseph
Tel. No. 01454 863788

CONDITIONS

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

Reason

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

2. Prior to the commencement of development a representative sample panel of natural facing stone, 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 development shall be completed strictly in accordance with the approved panel, which shall be retained on site until completion of development, for consistency.

Reason:

To maintain and enhance the character and setting of the locally listed building, and to accord with Policy L15 of the South Gloucestershire Local Plan (Adopted 2006), Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013) and the provisions of the NPPF.

3. The off-street parking facilities (for all vehicles, including cycles) shown on the plan Block roof plna as proposed - 1025 DH/PR/05 rev B hereby approved shall be provided before the building is first occupied, and thereafter retained for that purpose.

Reason

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

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

Reason

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

5. Flooding from mining drainage levels: This site is within the former Bristol coalfields. No mine shaft or adit must be filled or grouted in such a manner that underground mining drainage levels or culverts are likely to become blocked or sealed in order to avoid flooding or water emergence. A mining report should be provided for assessment.

It is recommended that this be subject to a planning condition.

The applicant/agent is advised to contact Technical Support (Street Care) in all cases where mining remedial works are required.

Reason

To prevent pollution and flooding, and to accord with Policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) 2013 and the NPPF 2012.

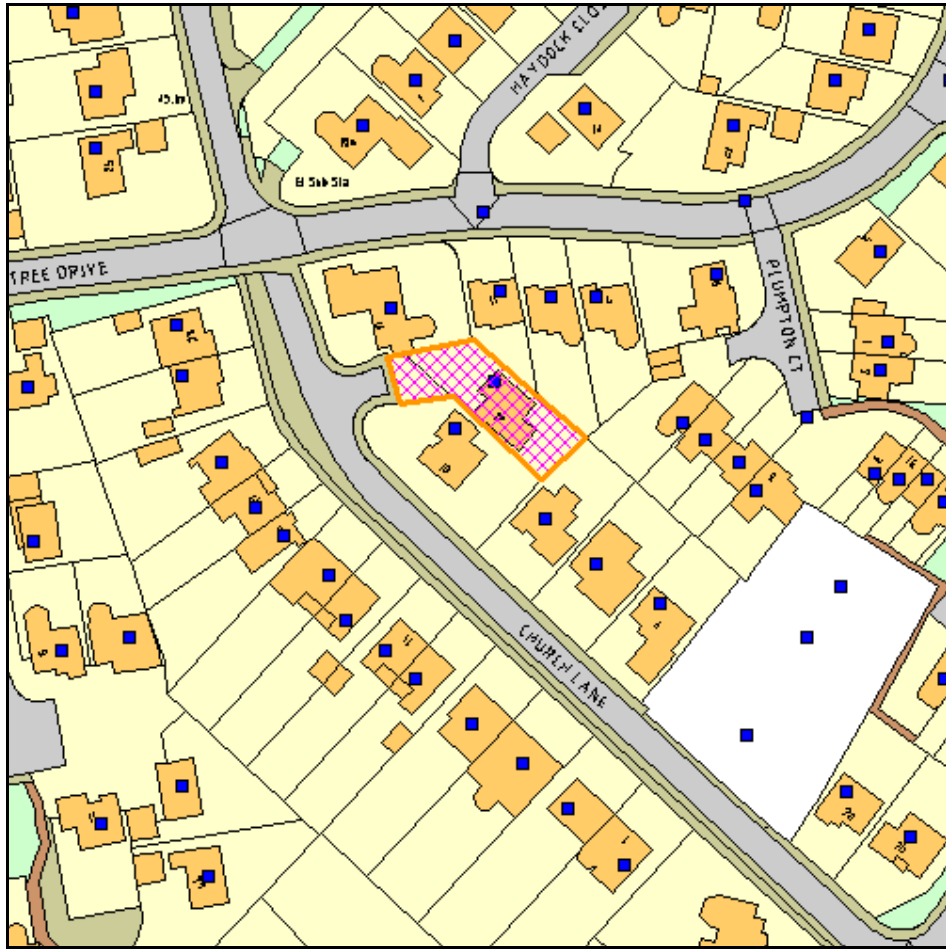
6. The hours of working on site during the period of construction shall be restricted to 7:30 to 18:00 Monday to Friday and 8:00 to 13:00 on Saturdays; and no working shall take place on Sundays or Public Holidays. The term `working? shall, for the purpose of clarification of this condition include: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

Reason

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policy CS5 of the South Gloucestershire Local Plan : Core Strategy (Adopted) 2013

CIRCULATED SCHEDULE NO. 16/15 17 APRIL 2015

App No.:	PK15/0897/F	Applicant:	Mr And Mrs A New
Site:	12 Church Lane Downend Bristol South Gloucestershire BS16 6TA	Date Reg:	5th March 2015
Proposal:	Erection of two storey front extension to form additional living accommodation	Parish:	Downend And Bromley Heath Parish Council
Map Ref:	365836 178184	Ward:	Emersons Green
Application Category:	Householder	Target Date:	27th April 2015



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

The application has been submitted to the Circulated Schedule procedure, following an objection from a neighbour which is contrary to the recommendation detailed in this report.

CIRCULATED SCHEDULE

This report appears on the Circulated Schedule following objections from local residents.

1. THE PROPOSAL

- 1.1 The applicant seeks full planning permission for the erection of a two storey front extension to form additional living accommodation. The application site relates to a large detached modern dwelling house situated at the end of a cul-de-sac in the established residential area of Downend.
- 1.2 During the course of the application it was noticed that the red edge had been drawn correctly around the site and including part of a shared driveway giving access into the application site. At the time the applicant had not completed Certificate B to notify the other parties who also share the driveway of the application. The applicant has now done so and the application can proceed.
- 1.3 During the course of the application one letter withdrawing their objection was received from a neighbour.

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

South Gloucestershire Local Plan (Adopted) January 2006 – Saved Policies
H4 Development within Existing Residential Curtilages, Including
Extensions and New Dwellings
T12 Transportation Development Control
- 2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist (Adopted 2007)
South Gloucestershire SPD: Residential Parking Standards (adopted) 2013

3. RELEVANT PLANNING HISTORY

- 3.1 K4989/2 Erection of 51 dwellings and garages and estate
Roads
Approved 2.3.87

4. CONSULTATION RESPONSES

4.1 Downend and Bromley Heath Parish Council
No objection

4.2 Other Consultees

Highway Drainage

No objection subject to an informative attached to the decision notice

Other Representations

4.3 Local Residents

Two local residents have written in with comments/objections to the scheme as follows.

- The proposed two storey extension and apex roof will result in a significant loss of daylight and sunlight to the rear of my property and rear garden
- Also due to the close proximity of my property with 12 Church Lane which is less than 6 metres from the rear of my property the proposed extension will be very overbearing and will result in a loss of privacy
- The planning proposal will have a detrimental impact upon the amount of daylight and sunlight that is currently enjoyed. The sun is very low at certain times of the year and these extension proposals will result in greatly reduced house of sunlight in the adjacent garden. The proposed extension will directly cut out sight of the sun and also greatly reduce the enjoyment of natural light which will result in a feeling of being hemmed-in and of being overshadowed

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The proposal stands to be considered against the policies listed above and all material considerations. Of particular relevance is the overall design of the proposed structure and its impact on the character of the area (CS1); the impact on the residential amenity of neighbouring dwellings (H4) and the impact on highway safety (T12). Policy H4 is supportive of development within residential curtilages and as such the proposal is considered to accord with policy. This is discussed in more detail in the report below.

5.2 Design and Visual Amenity

The application site relates to no.12 Church Lane, part of a small cul-de-sac in Downend. The character of this street is varied ranging from post war semi-detached dwellings, modern eco-type houses and houses of the 1980/90s ere of which this application site is one. The house is situated at the end of the cul-de-sac in a tucked away position off the turning head area. It relates to its immediate neighbours on Church Lane in terms of its complementary design and materials although all are slightly different.

5.3 The application site benefits from a small projection to the front elevation which comprises a lean-to roof over the main entrance and continues along the front across the front of the garage. The proposed two-storey extension would

thereby infill the existing gap to create a flush front building line. As the same time the two storey element would be located above this new ground floor extension and above the front entrance only. As such a small element of lean-to roof would remain above the garage door. The proposed extension would create a gable feature to the front elevation. Other examples of such front two-storey gables are evident in the immediate area.

5.4 Plans clearly indicate the proposed depth of the front extension. It would as mentioned above follow on from the existing front projection which is approximately 1.95 metres deep and 5.8 metres in length. Its eaves height would match that of the existing dwelling house while the ridge height would be lower than that of the main part of the house. Examples of such two-storey front gables are evident in the immediate vicinity. Materials used in the construction would be to match those existing. The proposal would provide an extension to the kitchen at ground floor level and create a large bedroom to the front at first floor. Openings would be located in the front elevation. It is further noted that internal alterations would result in the creation of a study at first floor level and a window is proposed in the south elevation to bring light into this new room.

5.5 Given the above it is considered that the proposed two-storey front extension is appropriate to the host property and the character of the area in general in terms of its design, scale and massing and is therefore recommended for approval.

5.6 Residential Amenity

The proposed front extension has attracted comments from neighbours on all both sides of the application site, but those from No. 10 Church Lane have now been withdrawn. The neighbour to the north at No. 11 Aintree Drive has expressed concern that the proposal would result in loss of daylight and sunlight, overbearing and loss of privacy. As discussed in the design section above the proposal would firstly be infilling a small gap at ground floor level which has a depth of approximately 1.9 metres. The first floor element would be positioned directly above this and also extend across the porch. As such the extension would be to the south of the application site at its furthest position away from No. 11 Aintree. Windows would be in the southwest elevation and given that the site is angled away from this neighbour it is considered that there would be no adverse impact in terms of loss of privacy over and above the existing situation. Given the distance between No. 11 and the proposed extension of approximately 11 metres and the angle of the properties it is considered the proposal would not give rise to issues of overbearing to this neighbour. With regard to loss of sunlight the orientation of the properties and the fact that the two storey element would follow on from the existing two storey house it is considered there would be no adverse loss of daylight or sunlight resulting from the proposal.

5.7 Neighbours at No. 10 Church Lane have now withdrawn their objection on the basis that it has been confirmed to them that the proposed scheme would measure less than 2 metres deep. From plans submitted it is noted that No. 10 is positioned slightly in front of the application site and further to the southwest. The proposed infill ground floor extension would be closest to the

attached single storey garage of No. 10. It is therefore Officer Opinion that the proposal would not overhang this property or impact on its privacy. In terms of effect on visual, this has been dealt with above, and it is noted that No.10 itself benefits from a similar two-storey front gable.

5.8 Although it is acknowledged that the proposal would create an additional room at first floor, which is labelled a study, this is comparable in size to bedroom 3 and as such could become a fifth bedroom. The implications on parking following this will be discussed in the section below on transport. It is however, considered necessary that the proposed side window be of obscure glazing to maintain the privacy of immediate neighbours at No. 10.

5.9 Comments have been received from neighbours at No. 9 Aintree Drive. This property is located to the northeast of the application site and as such only limited views of the extension would be had from this property. Given the orientation, with the bulk of No 12 between the extension and No. 9 it is considered that this neighbour would not be adverse affected by the development.

5.10 The proposal therefore accords with policy and can be recommended for approval.

5.11 Sustainable Transport

The application site benefits from a single integral garage and an area of outside parking that could accommodate up to 4 no vehicles. The proposed development could result in the property having a total of 5no. Bedrooms. Adopted residential parking standards require that for a property of this size 3 no. off street parking spaces are required. It is therefore considered that the proposal accords with the standard and can be recommended for approval.

5.12 Other matters

It is noted that neighbours originally commented that the red edge had been incorrectly drawn as it has included part of the communal driveway/area which this neighbour also uses to access his property. The purpose of the red edge is to identify land that is in the control of the applicant. In this case the red edge has in fact been correctly drawn to include the access into the property, but the applicant is not in absolute control of the access as it is shared with the neighbouring property. As such the applicant is required to notify others with an interest in that land that a planning application has been made that would include or be over that land. The applicant was notified of this requirement and has subsequently formally notified the neighbour of the proposal and signed Certificate B attached to the planning application form. The correct procedure has therefore been followed.

6. CONCLUSION

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

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

7. RECOMMENDATION

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

Contact Officer: Anne Joseph
Tel. No. 01454 863788

CONDITIONS

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

Reason

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

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

Reason

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

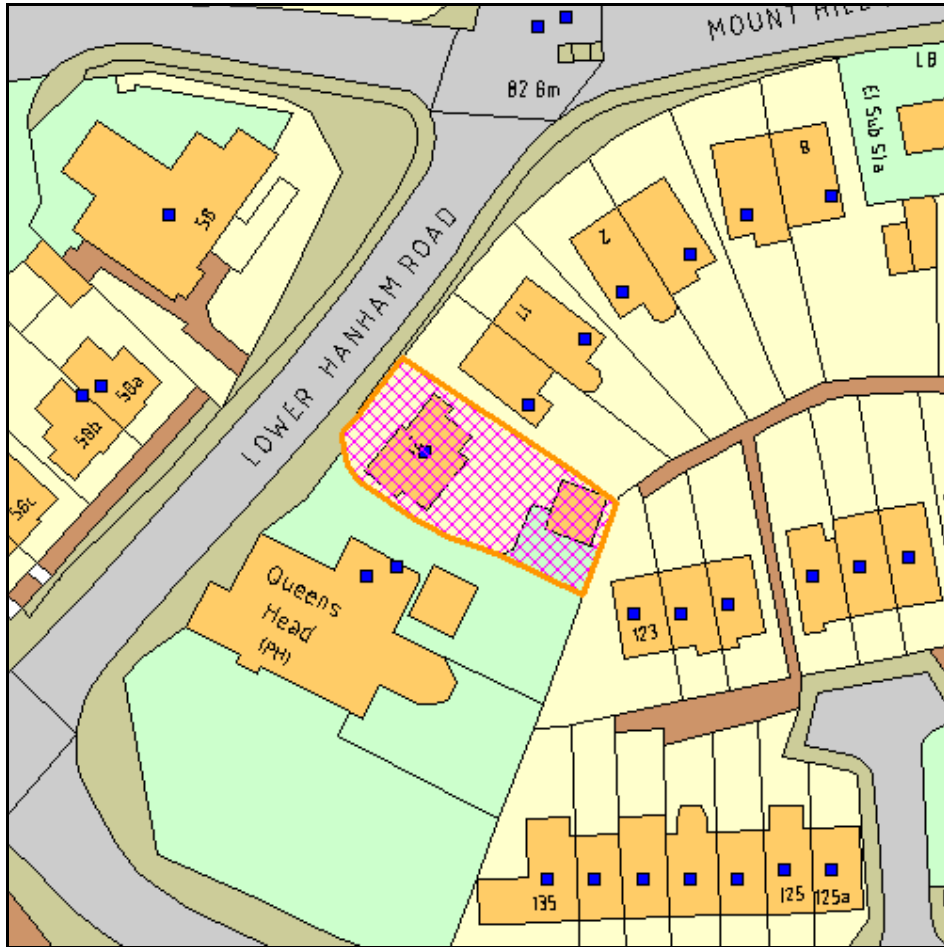
3. The hours of working on site during the period of construction shall be restricted to 7:30 to 18:00 Monday to Friday and 8:00 to 13:00 on Saturdays and no working shall take place on Sundays or Public Holidays. The term `working? shall, for the purpose of clarification of this condition include: the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

Reason

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006 and Policy CS5 of the South Gloucestershire Local Plan: Core Strategy (Adopted) 2013.

CIRCULATED SCHEDULE NO. 16/15 – 17 APRIL 2015

App No.:	PK15/0961/CLP	Applicant:	Mr Patel
Site:	21 Lower Hanham Road Hanham South Gloucestershire BS15 8QP	Date Reg:	10th March 2015
Proposal:	Certificate of lawfulness for the proposed erection of a single storey rear extension.	Parish:	Hanham Parish Council
Map Ref:	364392 172611	Ward:	Hanham
Application Category:		Target Date:	30th April 2015



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

1.1 The applicant is seeking a formal decision as to whether the proposed rear extension to 21 Lower Hanham Road, Hanham would be lawful.

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

2. POLICY CONTEXT

2.1 National Guidance

Town and Country Planning Act 1990 (As Amended) 1990 section 192 Country Planning (General Permitted Development) Order 1995 (GPDO) (As Amended) Schedule 2, Part 1, Class A.

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

3. RELEVANT PLANNING HISTORY

3.1 There is no relevant planning history

4. CONSULTATION RESPONSES

4.1 Hanham Parish Council
No Objection

4.2 Councillor
No Comments Received

4.3 Highway Drainage
No Comment

Other Representations

4.3 Local Residents
No Comments Received

5. SUMMARY OF EVIDENCE IN SUPPORT OF APPLICATION

- 5.1 15015_P1 Site Location Plan, Site Plan, Floor Plan, and Elevations as Existing. On the same drawing sheet is also the Site plan, floor plan, Elevations as Proposed, all of which were received on 4th March 2015.

6. ANALYSIS OF PROPOSAL

6.1 Principle of Development

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

- 6.2 The key issue in this instance is to determine whether the proposal falls within the permitted development rights afforded to householders under Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) Order 1995 (GPDO) (As Amended).

- 6.3 The proposed development consists of a single story extension to the rear of property. This development would fall within Schedule 2, Part 1, Class A, which allows for the enlargement, improvement or other alteration of a dwellinghouse, provided it meets the criteria as detailed below:

A1 Development is NOT permitted by Class A if –

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

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

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

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

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

The height of the eaves of the proposed extensions would not exceed the height of the highest eaves of the main dwelling and as such meets this criterion.

- (d) The enlarged part of the dwellinghouse would extend beyond a wall which—**
- (i) fronts a highway, and**
 - (ii) forms either the principal elevation or a side elevation of the original dwellinghouse;**

The extension does not extend beyond a wall which fronts a highway or a principal elevation of the original dwelling house, however the extension will extend beyond a wall that forms a side elevation.

- (e) The enlarged part of the dwellinghouse would have a single storey and—**
- (i) extend beyond the rear wall of the original dwellinghouse by more than 4 metres in the case of a detached dwellinghouse, or 3 metres in the case of any other dwellinghouse, or**
 - (ii) exceed 4 metres in height;**

The proposal extends from the rear of the dwellinghouse by 6.2 metres at its maximum depth. This is too large to be considered permitted development without a prior notification procedure undertaken, and therefore does not meet this criteria.

- (ea) Until 30th May 2016, for a dwellinghouse not on article 1(5) land nor on a site of special scientific interest, the enlarged part of the dwellinghouse would have a single storey and –**
- (i) extend beyond the rear wall of the original dwellinghouse by more than 8 metres in the case of a detached dwellinghouse, or 6 metres in the case of any other dwellinghouse or**
 - (ii) exceed 4 metres in height**

Not Applicable

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

Not Applicable.

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

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

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

The proposal extends beyond the side wall to the property but will not exceed more than half the width of the original dwelling house and will not exceed 4 metres in height. It should however be noted that if the development was to be implemented, under permitted development the applicant shall not infill the section of land between both extensions to the rear of the utility space.

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

The proposal does not include any of the above and consequently meets this criterion.

A2 In the case of a dwellinghouse on article 1(5) land, development is not permitted if:

- (a) **It would consist of or include the cladding of any part of the exterior of the dwellinghouse with stone, artificial stone, pebbledash, render, timber, plastic or tiles :**
- (b) **The enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse; or**
- (c) **The enlarged part of the dwellinghouse would have more than one storey and extend beyond the rear wall of the original dwellinghouse.**

The site is not located within article 1(5) land and as such the proposal meets this criterion.

CONDITIONS

A3 Development is permitted by Class A subject to the following conditions:

- (a) **The materials used in any exterior work (other than materials used in the construction of a conservatory) shall be of a similar**

appearance to those used in the construction of the exterior of the existing dwellinghouse;

The proposal would be finished in materials to match the roof, walls and windows of the existing dwelling.

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

- (c) Where the enlarged part of the dwellinghouse has more than one storey, the roof pitch of the enlarged part shall, so far as practicable, be the same as the roof pitch of the original dwellinghouse.**

Not Applicable

A4 Conditions apply to development falling under A1 (ea). These include:

Development shall be completed on or before 30th May 2016 and the developer shall notify the local planning authority of the completion of the development.

7. RECOMMENDATION

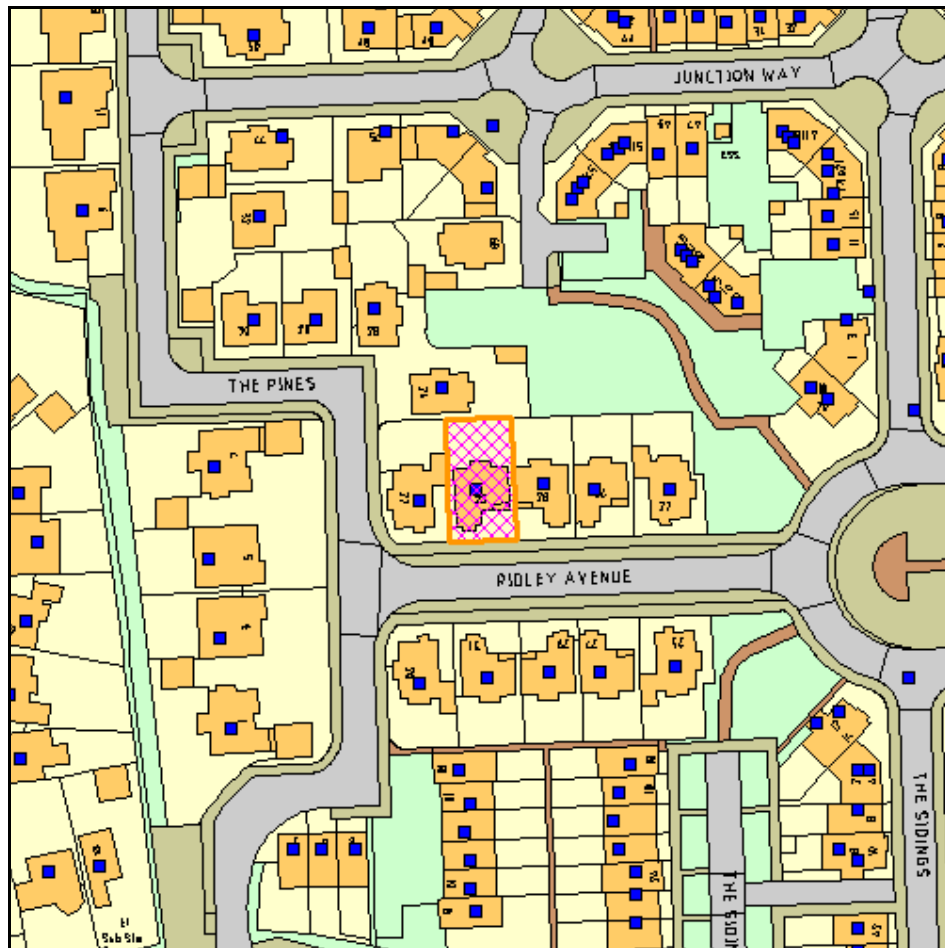
- 7.1 That a certificate of Lawfulness for Proposed Development is **refused** for the following reason:

Evidence has been provided to demonstrate that the development does not fall within permitted development for the curtilage of the dwellinghouse under Schedule 2, Part 1, of the Town and Country Planning (General Permitted Development) Order 1995 (GPDO) (As Amended) as it does not accord with Class A. (F) (i) as it extends further than 4 metres from the rear wall of the original dwellinghouse. This is too large to be considered permitted development without a prior notification procedure being undertaken, and therefore does not meet this criteria.

Contact Officer: Jessica Robinson
Tel. No. 01454 868388

CIRCULATED SCHEDULE NO. 16/15 - 17 APRIL 2015

App No.:	PK15/0992/CLP	Applicant:	Mr Anthony Lewis
Site:	28 Ridley Avenue Siston Bristol South Gloucestershire BS16 9QN	Date Reg:	11th March 2015
Proposal:	Application for a Certificate of Lawfulness for the proposed installation of 3no. front and 4no. rear rooflights to facilitate loft conversion. (amendment to previously approved scheme PK14/4664/CLP)	Parish:	Siston Parish Council
Map Ref:	366439 175029	Ward:	Siston
Application Category:		Target Date:	30th April 2015



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 100023410, 2008. N.T.S. PK15/0992/CLP

REASON FOR REPORTING TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 The applicant is seeking a formal decision as to whether the proposed installation of 4 no. rooflights on the front (south) roof elevation and 3 no. rooflights on the rear (north) roof elevation, to facilitate a loft conversion at 28 Ridley Avenue, Siston, is lawful. This is based on the assertion that the proposal falls within the permitted development rights normally afforded to householders under the Town and Country Planning (General Permitted Development) (England) Order 2015 (coming into force 15th April 2015).
- 1.2 The application is a formal way of establishing whether the proposal requires planning permission or not. Accordingly there is no consideration of planning merit, the decision is based solely on the facts presented.
- 1.3 Although the permitted development rights are restricted in terms of the retention of garages and extending properties under planning ref. P98/4880 (see below), they are intact in terms of alterations to roofs.
- 1.4 This application is a resubmission of a previously approved certificate planning ref. PK14/4664/CLP, in order to rectify the applicant wishing to insert the rooflights in a different position on the roof to what was approved under planning ref. PK14/4664/CLP.

2. POLICY CONTEXT

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

3. RELEVANT PLANNING HISTORY

- 3.1 PK14/4664/CLP Approved 21/01/2015
Application for a Certificate of Lawfulness for the proposed installation of 4no. front and 3no. rear rooflights to facilitate loft conversion.
- 3.2 PK04/2581/RM Approved 08/07/2005
Erection of 450 no. dwellings with access roads, parking, landscaping, open space provision, siting, design, external appearance and associated works. (Reserved Matters). To be read in conjunction with Outline planning application P98/4880 dated 10th September 2001. Variation of condition 24 to vary the proposed mix of house types.
- 3.3 P98/4880 Approval of Outline 08/07/1999
Residential development (outline).

Cond 18:- Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 (or any Order revoking and re-enacting that Order with or without modification, the garage(s) forming part of the dwelling(s) hereby permitted shall be retained as such and shall not be used for any purposes other than the garaging of private motor vehicles, and ancillary domestic storage, without the prior written consent of the Local Planning Authority.

Cond 19:- Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 (or any Order revoking and re-enacting that Order with or without modification) the dwellinghouse shall not be extended without the prior written consent of the Local Planning Authority.

4. CONSULTATION RESPONSES

4.1 Siston Parish Council
None received.

Other Consultees

Councillor
No comment received.

Highway Drainage
No comment.

Other Representations

Local Residents
None received.

5. SUMMARY OF EVIDENCE IN SUPPORT OF APPLICATION

5.1 Existing Plans and Proposed Plans (received by the Council on the 10/03/2013), Combined Plans, Site Location Plan and Application Form (received by the Council on 05/03/2015).

6. ANALYSIS OF PROPOSAL

6.1 This 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 planning application 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.

6.2 The key issue in this instance is to determine whether the proposal falls within the permitted development rights afforded to householders under Schedule 2, Part 1, Class C of the GPDO (2015)

6.3 The proposed development consists of a rear extension. This development would fall within Schedule 2, Part 1, Class C, which allows for alterations to the roof of a dwellinghouse, provided it meets the criteria as detailed below:

C.1 Development is not permitted by Class C if-

Permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, N, P or Q of Part 3 of this Schedule (change of use);

Planning permission for the existing dwellinghouse was not granted by virtue of Class M, N, P or Q of Part 3.

The alteration would protrude more than 0.15 metres beyond the plane of the slope of the original roof when measured from the perpendicular with the external surface of the original roof;

From the submitted plans it is clear that the proposed rooflights only protrude 100mm beyond the plane of the slope of the original roof.

It would result in the highest part of the alteration being higher than the highest part of the original roof; or

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

It would consist of or include-

The installation, alteration or replacement of a chimney, flue or soil and vent pipe, or;

The installation, alteration or replacement of solar photovoltaics or solar thermal equipment.

The proposal does not include any of the above.

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

obscure glazed; and

non-opening unless the parts of the window which can be opened is more than 1.7 metres above the floor of the room in which it is installed.

The rooflights are not positioned on a roof slope forming a side elevation; therefore this criterion is not applicable.

7. RECOMMENDATION

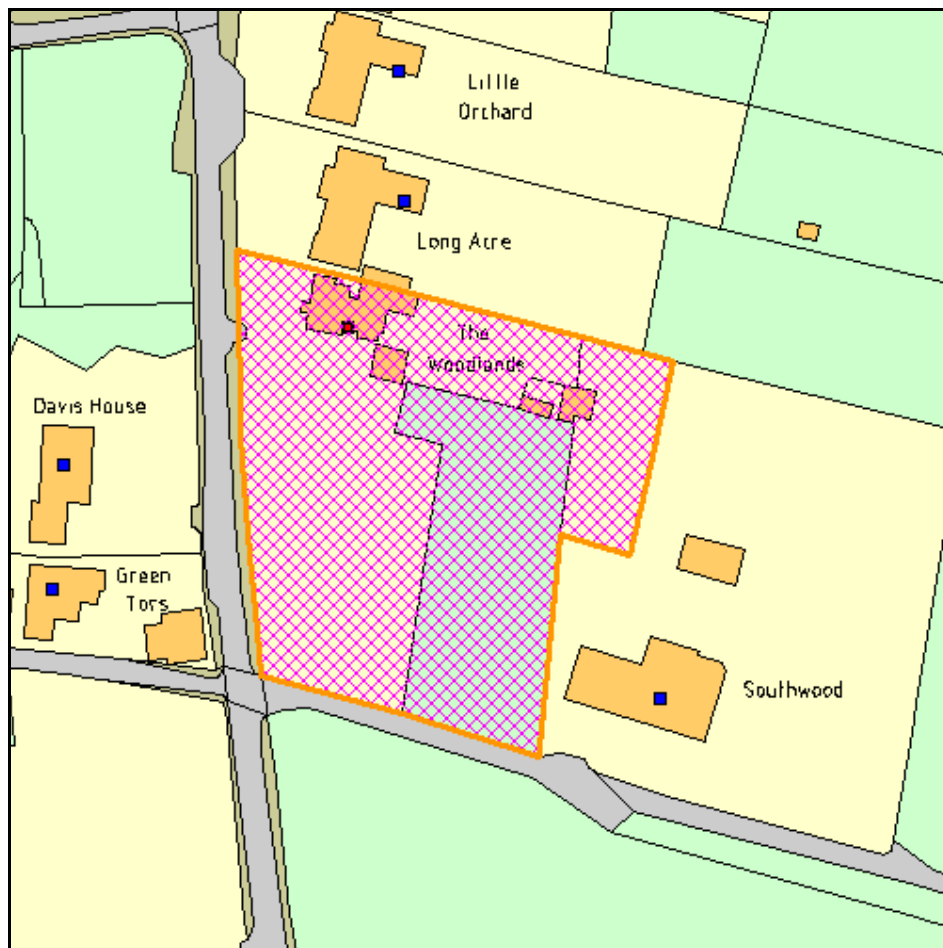
7.1 That a Certificate of Lawfulness for Proposed Development is granted for the following reason;

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

Contact Officer: Matthew Bunt
Tel. No. 01454 863131

CIRCULATED SCHEDULE NO. 16/15 - 17 APRIL 2015

App No.:	PT14/3442/F	Applicant:	Mr And Mrs K Brock
Site:	Woodlands Ram Hill Coalpit Heath Bristol South Gloucestershire BS36 2UF	Date Reg:	25th September 2014
Proposal:	Demolition of existing house and outbuildings and erection of 1no replacement dwelling with associated access drive and landscaping. (resubmission of PT14/1904/F)	Parish:	Westerleigh Parish Council
Map Ref:	367835 179793	Ward:	Westerleigh
Application Category:	Minor	Target Date:	4th November 2014



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N.T.S.

PT14/3442/F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

The application is referred to the Circulated Schedule as representations have been received which are contrary to the Officer's recommendation.

1. THE PROPOSAL

- 1.1 The application seeks permission to demolish an existing detached bungalow and outbuildings and to erect a detached replacement dwelling.
- 1.2 The application relates to a bungalow within a large plot which is situated outside of the defined settlement boundaries within the open countryside. The site falls within the adopted Bath/ Bristol Green Belt. The site is covered by a blanket Tree Preservation Order.
- 1.3 The application is a re-submission of a previous application ref. PT14/1904/F which was withdrawn owing to concerns raised in relation to Green Belt, ecology and visual impact.
- 1.4 During the course of the application revised plans have been submitted in order to amend the north elevation and boundary treatment. A re-consultation period was not considered necessary.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework March 2012
National Planning Practice 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
CS9 Managing Environment and Heritage
CS16 Housing Density
CS17 Housing Diversity
CS34 Rural Areas

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

L1 Landscape Protection and Enhancement
L9 Protected Species
H3 Residential Development in the Countryside
H4 Development within Existing Residential Curtilages
H11 Replacement Dwellings in the Countryside
EP2 Flood Risk and development

2.3 Supplementary Planning Guidance

Design Checklist SPD (Adopted) 2007
Green Belt SPD (Adopted) 2007
Residential Parking Standards SPD (Adopted) 2013

3. RELEVANT PLANNING HISTORY

- 3.1 PT14/4274/CLE - Certificate of lawfulness for the existing use of land shown on the submitted plan as a residential garden (Use Class C3). Approved 30th March 2015
- 3.2 PT14/1904/F - Demolition of existing house and outbuildings and erection of 1no replacement dwelling with associated access drive and landscaping. Withdrawn 10th July 2014

4. CONSULTATION RESPONSES

- 4.1 Westerleigh Parish Council
No objection
- 4.2 Ecology Officer
There are no ecological constraints to granting planning permission. A condition should be attached regarding bat roosting locations within the roof fabric of the new property and Informatives regarding bats and birds.
- 4.3 Tree Officer
The applicant is required to submit a Tree schedule in accordance with BS:5837:2012 and a detailed arboricultural method statement for works proposed within the RPA.
- 4.4 Landscape Officer
The development is in accordance with Policies L1 and CS1. In the event of permission being granted a condition should be attached requiring the submission of a detailed planting plan. Permitted development rights should be removed.
- 4.5 Drainage Officer
No objection subject to SUDs.
- 4.6 Public Rights of Way
This development is unlikely to affect the nearest public footpath, ref. LWE39/10 which runs from Ram Hill adjacent to the southern boundary of the property. Informative recommended.
- 4.7 Transportation DC
No objection
- 4.8 Highway Structures
No comment

Other Representations

- 4.9 Local Residents
Seven letters have been received from local residents: two objecting, two raising mixed comments, one making an observation on the garden, and two supporting. The comments are summarised as follows:

4.10 Objection:

- It might be more appropriate to build a property which retains the charm and openness of the existing property.
- Reference Frampton Cotterell Village Design Statement.
- Loss of privacy.
- Landscaping to boundaries is essential to minimise loss of privacy.
- Support replacement but preferred siting as per previous application.
- Overdevelopment.
- More than 50% of original dwelling.
- Not in keeping.
- Change of use Green Belt to garden.

4.11 Support

- Development appears sensitive to the landscape and likely to enhance the local area.
- No fear of overdevelopment.
- Reasonable size for plot.
- Enhance plot and area.

4.12 Other:

- No livestock on land for last 15 years.
- Ensure that building is built in accordance with approved plans.
- Boundary planting to be conditioned.
- Consider removing permitted development rights.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The application seeks permission for the demolition of the existing bungalow and outbuildings and their replacement within a detached double storey dwelling. The site falls within the adopted Green Belt and within the open countryside. The principle of the proposed development therefore stands to be assessed against section 9 of the NPPF, policies CS5 and CS34 of the Core Strategy (Adopted 2013), and saved policies H3 and H11 of the Local Plan (Adopted 2006).

5.2 Green Belt

Section 9 of the NPPF makes it clear that Local Planning Authorities should consider the erection of new buildings in the Green Belt as inappropriate development. Exceptions to this are listed under paragraph 89 of the NPPF which, amongst others, identifies the following type of development is an exception: *the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces.*

5.3 The proposal is to demolish the existing bungalow and associated outbuildings, which are clustered around the northern side of the site, and to replace them with a single larger modern detached dwelling which would be half double storey and half single storey. The new dwelling would be situated within the northern half of the site but encroaching further into the open garden area to the south. The footprint of the new building is larger, and part of it would be

greater in height than the existing bungalow. The volume increase over and above the original bungalow and outbuildings combined falls just below 50%. The bungalow as it stands has not been extended in recent history.

- 5.4 The lawful residential use of the whole site has recently been established under a certificate of lawfulness application PT14/4274/CLE. The application therefore does not include a change of use of any of the land included within the red line.
- 5.4 In terms of the principle of the development in the Green Belt it is noted that the replacement of a building is listed as an exception under paragraph 89 of the NPPF with the provision that the new building is not materially larger. 'Materially larger' is not defined by the NPPF and there is no specific guidance to this effect within the Council's Development in the Green Belt SPD. The SPD does however state that a replacement dwelling must be of a similar size and scale to the original dwelling. It also provides guidance on volume increases that are likely to be considered acceptable for extensions.
- 5.5 On assessing the scale of the new building compared to the existing it is noted that the new dwelling would be greater in height and on a larger footprint than the original. It would also however consolidate the various outbuildings within the site boundary. The design of the new dwelling is modern with a flat roof to the double storey element and a living green roof to the single storey element. A large amount of glazing is proposed to the west and north elevations of the new dwelling which would help to retain a relatively lightweight structure. The flat roof also ensures that the impact of the double storey height part of the dwelling would be kept to a minimum. The revised location of the new dwelling further to the north of the site would also help to reduce the impact of the new dwelling on the openness of the plot, which is large, spacious and currently undeveloped with no residential paraphernalia. Views of the new building would, as a result of the revised siting, be relatively well screened by existing and proposed vegetation.
- 5.6 On reaching an overall balance weight is afforded to the potential development on the site that could be undertaken under either permitted development (both extensions and outbuildings) or through an application to extend the dwelling within the limitations allowed in the Green Belt as stated by the NPPF and the Green Belt SPD. In the absence of specific guidance relating to the definition of 'materially larger' it is considered appropriate to assess the scale against the limitations that are generally considered acceptable for extending dwellings in the Green Belt. As a guide the Green Belt SPD suggest that a volume increase larger than 50% is likely to be considered unacceptable. The proposed dwelling has been calculated at just under a 50% increase which is considered to be at the very top end of what is likely to fall within the limitations of 'not materially larger'. On balance, however, it is considered that the siting and design of the new dwelling and the consolidation of the buildings on the site is such that the development would not a significantly greater impact on openness than the existing building and as such a refusal on Green Belt grounds could not be sustained. It is however considered that it would be necessary to remove the permitted development rights from the dwelling in order to retain satisfactory control over future development on the site.

5.7 Location of Development

The application proposes to demolish the existing bungalow and replace it with a new dwelling on a site which falls in an unsustainable location outside of the defined settlement boundaries and within the open countryside. The existing bungalow, although dated, appears to be in a good state of repair and is currently in use. The application has made no comment on the structural repair of the existing bungalow but does go into some detail on the sustainability principles and energy efficiency that the new dwelling would have.

5.8 The requirement of saved policies H3 and H11 of the Local Plan (Adopted 2006) is that replacement dwellings in the countryside, outside of the settlement boundaries, will only be allowed where the residential use has not been abandoned, where the existing dwelling is incapable of retention in its current state, and where the new dwelling is of a similar size and within the same curtilage as the existing. It is noted however that these policies pre-date the provisions of the NPPF and the policy tests are not directly reflected within the wording of the NPPF. The aim of the policies is however relevant, and seeks to protect the countryside for its own good.

5.9 It is noted that the new dwelling would not meet the second policy test of H11 such that it is capable of retention in its current state and is currently habitable. Weight is however afforded to the greater benefits of replacing the existing outdated bungalow with an energy efficient building which would adopt 'passivhaus' principles and renewable energy sources. On balance it is considered that the benefits of replacing the building would outweigh the policy requirement of retaining the existing building and would meet the Government's presumption in favour of sustainable development. Given that the site is an existing residential curtilage it is not considered that the development would compromise the aim of preserving the countryside for its own good.

5.10 It is noted that whilst the new building would appear to extend beyond the historic curtilage of the bungalow, substantial weight is afforded to the recently approved certificate of lawfulness which establishes the residential use of the whole site. There is therefore not considered to be a sustainable objection on these grounds.

5.11 Design/ Visual Amenity

The application site consists of a modest detached bungalow with a pitched roof finished in render. It is situated within a large open and spacious plot which has a large garden area extending to the south. It is situated on the southern end and on the west side of Ram Hill. The existing building is unremarkable in appearance and does not appear particularly noticeable in the street scene in particular when read in the context of the linear development along Ram Hill. The site contains a number of trees which are covered by a blanket tree preservation order.

5.12 Ram Hill, which was originally a colliery settlement and is described in the South Gloucestershire Landscape Character Assessment as a "*small dispersed/linear hamlet consisting of a mix of pennant sandstone with more recent render and brick buildings, focused around a convergence of minor*

roads and lanes.” With regards to land cover it describes the area around Ram Hill as having “some small scale, scattered, non-agricultural land uses, with inert material storage/sorting compounds, horse paddocks with associated ad hoc home-made stables and sheds, timber fences and use of old railway wagons.”

- 5.13 Although there are scattered dwellings in all directions, the area further to the south has a rural character. Ram Hill consists predominantly of bungalows set in relatively large plots with well-established gardens. They mostly date from the mid to late 19C and have a traditional and unremarkable appearance. The site has boundaries with residential properties to the north and east, there are properties to the west on the other side of Ram Hill road. There is a horse paddock to the south. A public footpath runs alongside the fenced boundary to the south of the site. The site has a slight variation in land level with it decreasing slightly from north to south and west to east. Southwood, which is the nearest neighbouring property to the east is sited on lower land. The surrounding countryside to the south also experiences drops in land level.
- 5.14 The application proposes a larger detached modern dwelling with a flat roof to the double storey element and a living green roof to the single storey element. The proposal is to construct it using brick, render, glazing and with some timber screens. The proposals building is of a design and appearance that would be very unique to the area and would not be in keeping with the traditional and modest character of the surrounding properties. Whilst the overall design, detailing and appearance of the new dwelling would be very different to the surrounding building, it is nevertheless of an innovative design and incorporates a number of green credentials into the building construction.
- 5.15 The NPPF seeks to achieve high quality design and encourages the introduction of innovation, originality and initiative requiring Local Authorities to avoid unsubstantiated requirements to conform to certain development forms and styles. This should not, however, be at the detriment of local distinctiveness. Great weight should be afforded to outstanding or innovative designs that help raise the standard of design more generally in the area.
- 5.16 On consideration of the design of the building, whilst it would not respect the surrounding form and appearance, it would nevertheless introduce an innovative and original design to the locality, helping to raise the standard of design more generally in the area. On balance therefore it is considered that the development would accord with the aims contained within the NPPF and as such no objections are raised to the overall design and appearance of the modern building.
- 5.17 Although the new dwelling would be higher than the surrounding bungalows it is not considered that the scale or proportions of it would necessarily appear overbearing or incongruous in its setting given the very large nature of the plot. Its siting, when compared to the previously withdrawn application, is much further to the north thus retaining the very open character of the garden to the south. The re-siting also helps to reduce the visual impact of the building from the public right of way and open countryside to the south. The application includes a details landscaping proposal which includes the proposal to plant a

native hedge on the southern boundary and to remove the leylandii hedge. Additional planting is also proposed to the entrance into the site and to mutual boundaries with the neighbouring occupiers. All of the planting proposed will help to screen the development and enhance the character and rural setting of the site. The green roof to the single storey element of the building would further help to integrate it into the site.

5.17 The proposed boundary treatments consist predominantly of vegetation with a post and rail fence to the far southern boundary. A new 1.5m high timber picket fence is proposed to the entrance in to the site which, although slightly domestic, is a significant improvement on the previously proposed 1.8m close boarded fence. In time this boundary treatment would also be screened by the proposed new hedgerow. The proposal also include the formalisation of the garden area including the introduction of patios however, as the residential use of the land has been established, this part of the proposal would not require planning permission.

5.18 Overall, subject to conditions securing the landscaping proposals, and subsequent maintenance, and subject to the use of high quality materials, samples of which can also be secured by condition, it is considered that the development is acceptable in design, landscape, and visual amenity terms.

5.19 Trees

The application site is covered by a blanket tree preservation order and, in response to comments made by the Tree Officer, an arboricultural impact assessment, tree protection plan, and method statement have been provided. The assessment establishes that ten trees will be lost in order to facilitate the development all of which are category C with the exception of one category B. A further three trees and one group of trees will also be lost to facilitate the proposed landscaping infrastructure. It is considered that the proposed landscaping proposal would adequately mitigate the loss of these lower value trees and would introduce appropriate native specimens.

5.20 The report submitted identifies how retained trees will be protected during the course of the application identifying appropriate tree protective fencing and methodology.

5.21 Overall it is considered that the application has satisfactorily addressed the impact of the development on the protected trees and provides adequate mitigation for those lost to facilitate the development. Provided development is carried out in accordance with the submitted arboricultural information there are no objections on grounds of the impact on trees.

5.22 Ecology

The application site consists of an existing detached property and domestic garden on the eastern side of Ram Hill to the south of Coalpit Heath. The site is not covered by any statutory or non-statutory nature conservation designations. The application includes a bat and bird survey dated August 2014 by the Bat Consultancy. An inspection of the building found that the property presented little by way of opportunities for bats with only one location - a gap beneath three of the ridge tiles – considered to offer a potential roosting site. No bats

were recorded during two emergence surveys in suitable weather conditions in July and August 2014. In addition, no signs of nesting birds were recorded during the inspection of the building. There are therefore considered to be no ecological constraints to granting planning permission.

5.23 Biodiversity gain is however sought in accordance with the NPPF and as such a condition is recommended to secure bat roosting locations within the fabric of the new dwelling details of which are to be submitted to the Council for approval. Informatives are also recommended regarding bats and birds.

5.24 Residential Amenity

The application site is bordered to the north and east by neighbouring occupiers. This includes 'Long Acre' which is a detached bungalow situated directly adjacent to the north boundary, and 'Southwood' which is a larger detached dormer bungalow situated to the east.

5.25 The revised layout of the development would result in the erection of a new dwelling within the northern half of the plot. The double storey part of the building would be 19 metres from the northern boundary and 43 metres from the furthest western boundary, whilst the single storey part of the building would be 5.5 metres and 35 metres respectively. Revised plans indicate that the windows at first floor level on the north elevation would be obscure glazed with timber screens. Glazing is predominantly contained on the south elevation facing the open garden land but some glazing is also proposed at first floor level on the east elevation.

5.26 Due to the height, scale and siting of the new dwelling it is considered that adequate distance would remain between the building and the two nearby properties to ensure that the amenity of the occupiers would not be adversely impacted by loss of light, overbearing impact or loss of outlook. It is noted that the new dwelling would introduce first floor windows looking across the site towards the garden of Southwood however given the substantial distance it is not considered that this would prejudice mutual privacy. The first floor windows facing Long Acre are to be obscure glazed with timber screens which would ensure that the most private part of the rear garden of Long Acre is protected from overlooking. It is recommended that this is secured by a condition. Subject to the there are considered to be no concerns in terms of residential amenity.

5.27 Highway Safety

The application proposes to utilise the existing access in order to serve the replacement dwelling. It would be served by a private driveway, turning area and more than three parking spaces.

5.28 The access is considered acceptable for the development proposed and, with ample space to park and turn within the curtilage the site is considered to provide adequate parking and manoeuvring capable of accommodating the development proposed. Therefore, subject to the provision of the parking prior to occupation there are no highway concerns to raise.

5.29 Drainage

No drainage details have been submitted with the application. There are no objections on these grounds provided 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 are submitted to and approved by the Local Planning Authority prior to the commencement of development.

5.30 The Environment Agency 3rd generation Flood Maps for surface water show ground profiles in this 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 1000 yr surface water flooding. In line with Flood Risk Standing Advice the applicant is required to appropriately consider surface water drainage and flood risks to and from the development site. It is therefore considered that a pre-commencement condition requiring these details is a necessity in order to reduce the causes and impacts of flooding and pollution.

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

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

Reason

To ensure that a satisfactory means of drainage is provided, and to accord with policy CS9 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013. Due to the location of the site within category 1 in 1000 yr surface water flooding the applicant is required to consider surface water drainage and flood risk to and from the development site prior to commencing any development.

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

Reason

To ensure a satisfactory standard of external appearance and to accord with Policy CS1 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013, and the provisions of the National Planning Policy Framework 2012

4. Prior to the commencement of development, a detailed scheme for the provision of new roosting opportunities for bats including their location shall be submitted to and agreed in writing by the Local Planning Authority. Development shall thereafter be carried out in accordance with the agreed details.

Reason

To ensure that appropriate mitigation is incorporated into the development and to conserve and enhance biodiversity in accordance with policy CS9 of the South Gloucestershire Local Plan Core Strategy (Adopted) 2013, saved policy L9 of the South Gloucestershire Local Plan (Adopted) 2006, and the provisions of the National Planning Policy Framework 2012.

5. All hard and soft landscape works and boundary treatments shall be carried out in accordance with the approved Landscape Infrastructure Proposals (drawing no.664-0C) received by the Council on 13th April 2015. The works shall be carried out in the first planting season following the first occupation of the dwelling or in the first planting season following the completion of the dwelling whichever is sooner.

Reason

To protect the character and appearance of the area to accord with Policy L1 of the South Gloucestershire Local Plan (Adopted) January 2006, policies CS1, CS9 and CS34 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013, and the provisions of the National Planning Policy Framework 2012

6. Any trees or plants subject to condition 5 which die, are removed, are damaged or become diseased within 5 years of the completion of the approved landscaping scheme to which they relate, shall be replaced by the end of the next planting season. Replacement trees and plants shall be of the same size and species as those lost.

Reason

To protect the character and appearance of the area to accord with Policy L1 of the South Gloucestershire Local Plan (Adopted) January 2006, policies CS1, CS9 and CS34 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013, and the provisions of the National Planning Policy Framework 2012

7. Development shall be carried out in strict accordance with the Arboricultural Implications Assessment (ref. JP_v2), and Tree Protection Plan (drawing no. 140903-WRH-TPP-L1) received by the Council on 17th October 2014

Reason

To ensure the works are carried out in an appropriate manner and in the interests of the health and visual amenity of the trees, and to accord with policies CS1 and CS9 of the South Gloucestershire Local Plan Core Strategy (Adopted) 2013, and saved policy L1 of the South Gloucestershire Local Plan (Adopted) December 2013

8. The off-street parking facilities shown on 'Site Plan Proposed' (Drawing no. PL12 Rev.A) hereby approved shall be provided before the building is first occupied, and thereafter retained for that purpose.

Reason

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

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

Reason

To protect the privacy and amenity of neighbouring occupiers, and to accord with saved policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006 and the provisions of the National Planning Policy Framework 2012

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

Reason

To protect the open and rural character and appearance of the area, in the interests of visual amenity and the landscape, to accord with Policies CS1, CS9 and CS34 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013, and saved policies H4 and L1 of the South Gloucestershire Local Plan (Adopted) January 2006.

CIRCULATED SCHEDULE NO. 16/15 – 17 APRIL 2015

App No.:	PT15/0319/F	Applicant:	Mr Tony Williams
Site:	Whitewall House Whitewall Lane Buckover South Gloucestershire GL12 8DY	Date Reg:	11th February 2015
Proposal:	Alterations including raising the roofline of existing outbuilding to facilitate conversion to residential annexe.	Parish:	Thornbury Town Council
Map Ref:	366121 190367	Ward:	Thornbury North
Application Category:	Householder	Target Date:	3rd April 2015



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 100023410, 2008. N.T.S. PT15/0319/F

REASON FOR REPORTING TO THE CIRCULATED SCHEDULE

This application is referred to the circulated schedule as objections have been received which are contrary to the officer recommendation for approval.

1. THE PROPOSAL

- 1.1 This application seeks planning permission for the conversion of an existing outbuilding into a residential annexe at Whitewall House in Buckover. The proposed annexe would contain all the principal elements of living accommodation, including a kitchen, living room, two bedrooms and a bathroom. The annexe would share access, parking and private amenity space with the existing dwelling. At present, the building to be converted is a one-and-a-half- and two-storey stone outbuilding abutting Whitewall Lane.
- 1.2 A public right of way runs to the front and south of the application site. The site is located outside of any defined settlement boundary as depicted on the Local Plan Proposal Maps.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework March 2012

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design

CS4A Presumption in Favour of Sustainable Development

CS5 Location of Development

CS8 Improving Accessibility

CS9 Managing the Environment and Heritage

C34 Rural Areas

South Gloucestershire Local Plan Adopted January 2006 (Saved Policies)

L1 Landscape

T12 Transportation

H4 Development within Existing Residential Curtilages

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted) August 2007

Residential Parking Standard (Adopted) December 2013

3. RELEVANT PLANNING HISTORY

- 3.1 PT03/0858/F Approve with Conditions 19/05/2003
Erection of first floor extension to provide master bedroom and en-suite facilities.

- 3.2 N7091 Approve with Conditions 04/12/1980
Erection of a single storey building for the accommodation of goats, 36 feet long, 15 feet wide and 7 feet 6 inches to eaves.

4. CONSULTATION RESPONSES

- 4.1 Thornbury Town Council
Objection Site is outside town development boundary
- 4.2 Drainage
No objection
- 4.3 Public Rights of Way
No objection
- 4.4 Transportation
No objection subject to condition to secure sufficient off-street parking

Other Representations

- 4.5 Local Residents
None received

5. ANALYSIS OF PROPOSAL

- 5.1 This application seeks planning permission for the conversion of an existing stone outbuilding to an annexe.
- 5.2 Principle of Development
Planning permission is sought to convert the existing outbuilding. In order to establish the principle, the question needs to be asked, (based on the proposed provision of living accommodation), whether the development is tantamount to a new dwelling or whether it would form part of the existing planning unit.
- 5.3 Policy H10 may allow for the conversion of a rural building into a residential dwelling subject to a detailed assessment whilst policy H4 would allow the extension or alteration of an existing dwelling, which can include the creation of an annexe.
- 5.4 *The Test of an Annexe*
In essence, an annexe will become a separate dwelling where it contains all the necessary day to day living facilities and, importantly, has resulted in the creation of a separate planning unit.
- 5.5 In this instance, the proposed conversion would contain all the principal elements of living accommodation and therefore, in theory, could be used as a separate independent dwelling. The question for assessment is therefore whether it would form a separate unit or whether the planning unit would remain as one.

- 5.6 For the planning unit to remain as one there must be some form of reliance or shared facilities between the annexe and the main house; otherwise, it is more likely that a subdivision has occurred.
- 5.7 Access to the site is provided between the existing house and the outbuilding. This opens out into a courtyard parking area and carport behind the outbuilding. It is indicated on the submitted plans that the carport directly behind the outbuilding is to be retained. There is no other easily identifiable access point for the annexe. Furthermore, the annexe and house would be required to share private amenity space. (It should be noted that the red line as submitted in this application is not considered to be the residential curtilage of the dwelling.)
- 5.8 The layout of the site makes it implausible that the annexe and the house would be used independently without some form of reliance on each other. Therefore, it is concluded that, if permitted, the proposal would function as an annexe and remain within one single planning unit. A condition will be attached that restricts the use of the annexe so that it can only be used in conjunction with the main dwelling. The proposal should therefore be assessed with regard to the design, residential amenity, and transport impacts of the proposal.
- 5.9 Design
The design should be in keeping with the character and appearance of the site and its context. The site is located within a rural area along a single carriageway lane serving a small cluster of dwellings. The main house is finished in a render whilst the outbuilding is stone. The front of the barn is directly adjacent to the highway. It is proposed to raise the roof level over part of the outbuilding to provide sufficient head height; this does have a fairly significant impact on the character of the existing building. However, it would retain its linear form and would not result in an increase to the footprint of the building. These are considered to be important given the rural location and therefore can justify the increase in ridge height over part of the building.
- 5.10 Whilst three windows are shown on the front elevation, two of these are in previous openings and are acceptable. The third opening on its own is not considered to be harmful to the appearance of the building.
- 5.11 Greater alterations are made to the rear of the building, including half dormered roof lights. These would not be highly visible from the public realm and are not considered to be harmful to visual amenity.
- 5.12 Residential Amenity
Development should not have a prejudicial impact on residential amenity. As the proposal is for an annexe, it would share the existing amenity space with the main dwelling. This is considered acceptable. Due to the rural location of the site and the position of surrounding buildings, it is not considered that the proposal would result in a material loss of privacy or have an undue impact on the amenities of nearby occupiers.

5.13 Transport and Parking

For this type of development, transportation considerations mainly relate to the provision of adequate off-street parking. As the site would operate as one planning unit, the Residential Parking Standard would require three parking spaces for a dwelling with five or more bedrooms. It is considered that the provision of three parking spaces would be likely to be adequate for the transportation requirements arising from the site.

5.14 From the case officer's site visit, it is clear that parking to meet this level is already provided on the site and therefore the condition suggested by the transport officer is not required and will not be applied.

5.15 Other Matters

A large area of land has been included within the red line of this planning application. The application does not include any change of use of land and it is not considered by the Local Planning Authority that the entirety of the land included within the red edge would form the residential curtilage of the property. No permission is given for this land to be changed to a Class C3 use as part of this planning application. An informative to this extent shall be included on the decision notice.

6. CONCLUSION

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

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

7. RECOMMENDATION

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

Contact Officer: Griff Bunce
Tel. No. 01454 863438

CONDITIONS

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

Reason

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

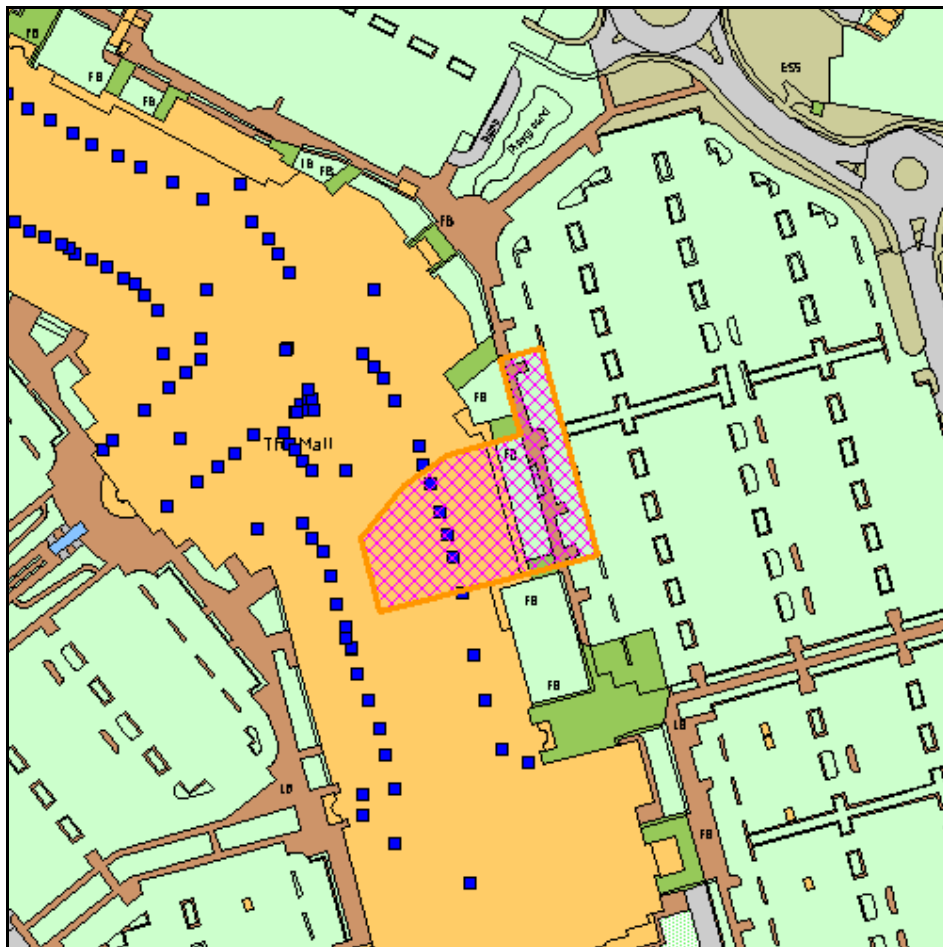
2. The conversion to an annexe hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as Whitewall House, Whitewall Lane, Buckover.

Reason

The development has been permitted on the particular circumstances of the case and the development would be unsuitable for use as a separate residential dwelling because of limited parking and amenity space and would require further consideration against Policy CS1, CS8, CS16, CS17 and CS34 of the South Gloucestershire Local Plan Core Strategy (Doted) December 2013 and Policy T12, H4 and H10 of the South Gloucestershire Local Plan (Adopted) January 2006 and the Residential Parking Standard SPD (Adopted) December 2013.

CIRCULATED SCHEDULE NO. 16/15 - 17 APRIL 2015

App No.:	PT15/0702/CLE	Applicant:	Baylis Estates Ltd Cribbs Mall Nominee (1) Ltd, ,
Site:	The Mall Upper Level Unit UR22 Cribbs Causeway Regional Shopping Centre Patchway South Gloucestershire BS34 5DG	Date Reg:	27th February 2015
Proposal:	Development approved under PT11/3639/F has been lawfully implemented in accordance with Section 56 of the Town and Country Planning Act 1990 prior to 17th February 2015.	Parish:	Almondsbury Parish Council
Map Ref:	358759 180881	Ward:	Patchway
Application Category:		Target Date:	21st April 2015



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 100023410, 2008. N.T.S. PT15/0702/CLE

REASON FOR REPORTING TO CIRCULATED SCHEDULE

The application appears on the Circulated Schedule as the application is for a Certificate of Lawful Use.

1. THE PROPOSAL

- 1.1 The site consists of part of the roof of the Upper Mall directly over unit UR22. Planning permission was granted on 17th February 2012 for the construction of an extension to the retail unit taking place on the roof of the building. The approval is subject to a number of conditions including the standard 3 year time limit (Condition 1) in respect of the commencement of the approved development.
- 1.2 The applicant seeks confirmation that the development has commenced in accordance with condition 1 of the planning permission as a Certificate of Lawful Development. The effect of issuing such a certificate would be to formally confirm that development has commenced and in doing so the development can continue indefinitely. The applicant maintains that the installation of the ground beam foundations, escalator pit steel works and other works, comprise a 'material operation' as defined within Section 56(4) of the Town and Country Planning Act.

2. POLICY CONTEXT

- 2.1 National Guidance
Town and Country Planning (General Procedures) Order 1995 Article 24
Town and Country Planning Act s.171

3. RELEVANT PLANNING HISTORY

- 3.1 PT11/3639/F Erection of extension to existing retail unit with associated works.

Approved 17th February 2012

4. SUMMARY OF EVIDENCE IN SUPPORT OF THE APPLICATION

- 4.1 A bundle of documents is submitted as follows;
 - i) Overview of enabling works undertaken both externally and internally;
 - ii) Project Directory;
 - iii) Drawings of enabling works undertaken both externally and internally;
 - iv) Photographs demonstrating the undertaking of works to install ground beams dated between 24th November 2014 and 22nd December 2014;
 - v) Construction certification; and,
 - vi) Certificate of Completion dated 22nd December 2014.

5. SUMMARY OF CONTRARY EVIDENCE

- 5.1 None

6. OTHER REPRESENTATIONS RECEIVED

- 6.1 Almondsbury Parish Council
No Objection
- 6.2 Highways Authority
No Comment received
- 6.3 Local Residents
No comments have been received

7. EVALUATION

- 7.1 The application for a Certificate of Lawfulness is not a planning application and is purely an evidential test. The test of evidence to be applied is whether or not the case has been shown on the balance of probability. As such the applicant needs to provide precise and unambiguous evidence.
- 7.2 The applicant claims that various works have been carried out in relation to the development approved under PT11/3639/F. This work includes new foundations, escalator steel work and other enabling works ahead of the works to develop the approved extension.
- 7.3 Essentially, the applicant must be able to demonstrate (on the balance of probability) that the enabling works necessary to complete the approved development have been implemented prior to the 17th February 2015 (as this is the expiry of three years from the granting of planning consent) in accordance with the approved plans. The photographs clearly show the positions of ground beams in place; and these were viewed in person by the case officer on 24th March 2015. The applicant also submits a Practical Completion Certificate certified by the contractor who carried out the works which dates the completion at 22nd December 2014. The Practical Completion Certificate describes the works as 'advanced works to construct concrete foundations and an escalator pit, ahead of the main extension project'. Officers are satisfied that the Practical Completion Certificate relates to the works approved under PT11/3639/F and that the officer site visit revealed works carried out consistent with the Practical Completion Certificate.
- 7.4 In terms of the scope of the work that have been carried out, officers are satisfied that it is in compliance with the approved drawings under planning permission PT11/3639/F and that there would be no other reason for installing the foundations other than to commence the development so approved; and that on the balance of probability have been carried out prior to 17th February 2015. Officers are also satisfied that the work makes a substantial start to the development and as such does comprise 'material operation' as defined within Section 56(4) of the Town and Country Planning Act.

8. RECOMENDATION

- 8.1 That a Certificate of Lawful Development is Granted that shows that works relating to Planning Permission PT11/3639/F have commenced prior to 17th February 2015 (the expiry of condition 1) of the planning permission.

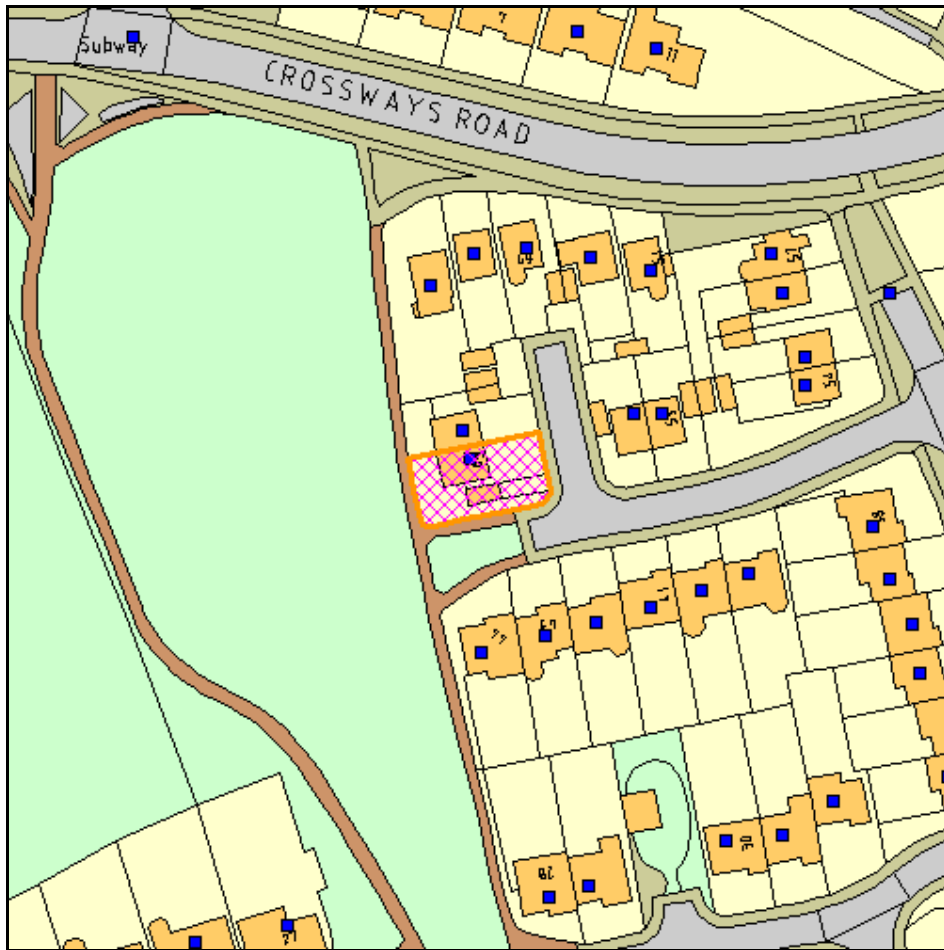
Contact Officer: Simon Penketh
Tel. No. 01454 863433

REASON

Evidence has been provided that shows that on the balance of probability, that the development approved under planning permission PT11/3639/F commenced prior to 17th February 2015 in accordance with condition 1 of the planning permission.

CIRCULATED SCHEDULE NO. 16/15 - 17 APRIL 2015

App No.:	PT15/1025/F	Applicant:	Mr Davey
Site:	Land Adjacent To 45 Cumbria Close Thornbury Bristol South Gloucestershire BS35 2YF	Date Reg:	16th March 2015
Proposal:	Erection of 1 no. attached dwelling to include demolition of existing garage with new access and associated works	Parish:	Thornbury Town Council
Map Ref:	364973 190221	Ward:	Thornbury South And Alveston
Application Category:	Minor	Target Date:	8th May 2015



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 100023410, 2008. **N.T.S.** **PT15/1025/F**

REASON FOR SUBMISSION TO THE CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 The proposal seeks to erect a dwelling with a new access and associated works.
- 1.2 The application site is within the established settlement boundary of Thornbury, and the site consists of a side garden to no. 45 Cumbria Close. The host dwelling forms one of a semi-detached pair.
- 1.3 Cumbria Close is a residential area with a mix of housing designs. The host dwelling forms part of a two-storey semi-detached arrangement with a gable end. The proposed dwelling will extend from the southern elevation of the host dwelling no. 45 Cumbria Close, meaning to facilitate this dwelling the existing single storey garage will be demolished. As a result of this proposal the host dwelling would be a mid-terraced property and the proposed dwelling would be an end terraced property.
- 1.4 The application site is bound by a small residential path to the west which the host dwelling fronts onto; a turning area/footpath to the south and a small residential road to the east. To the north is the host dwelling.
- 1.5 For clarity the case officer has considered the proposed dwelling to contain three bedrooms, as the existing property does.
- 1.6 Over the course of the application the agent has submitted a revised plan to demonstrate adequate parking and access.

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

T7 Cycle Parking

T12 Transportation Development Control Policy for New Development

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design

CS4A Presumption in Favour of Sustainable Development

CS5 Location of Development

CS8 Improving Accessibility

CS15 Distribution of Housing

CS16 Housing Density
CS17 Housing Diversity

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

3. RELEVANT PLANNING HISTORY

- 3.1 N801/4 Approve with Conditions 12/02/1976
Erection of 69 houses and garages; construction of estate roads and footpath.
(Details following outline). To be read in conjunction with planning permission
Ref. No. SG.10888.

4. CONSULTATION RESPONSES

- 4.1 Thornbury Town Council
Objection – the development is contrary to Thornbury Town and South Gloucestershire Council's policies regarding enclosing open space and would detract from the visual amenity and open character of the area. The loss of parking space would result in more on-road parking.

4.2 Other Consultees

Highway Drainage
No comment.

Sustainable Transport
No objection subject to a minimum of two off-street car parking spaces per dwelling being provided.

Highway Structures
No comment.

Community Spaces
No objection, but advised that all building materials etc. are stored and operated within the boundary of the property. This will be included as an informative note.

Other Representations

- 4.3 Local Residents
Ten letters of objection have been received by the Council from neighbouring residents. The objections are summarised below:

- The proposal will constitute a three bedroom development attached to another three bedroom dwelling;
- The existing dwelling has three parking space (one in the form of a garage), after this proposal there will only be two parking spaces for the existing dwelling;

- No need for housing – already over 500 homes being built in Thornbury;
- Cumbria Close is not a sustainable location – car-dependent.

ACCESS/PARKING

- The proposed access is in the short section of the Close meaning the useable road width is vulnerable to being reduced;
- The proposed parking arrangement side-by-side will cause manoeuvrability problems;
- Access to other properties may be affected during building works;
- The access will need to kerb to be lowered this will reduce on-street parking for existing residents;
- Service vehicles will find difficulty in accessing the final section of the cul-de-sac.

CHARACTER AND VISUAL AMENITY

- The loss of the garage will detract from the character of the area;
- The rear boundary treatment will change the character of the area;
- The proposal will introduce a terraced element to no. 45 and no. 46 – this is uncharacteristic of the Close;
- The proposal will reduce the openness of the estate through removing green space;
- The massing of two houses on a plot meant for one could set a precedent.

RESIDENTIAL AMENITY

- Lack of private amenity space;
- The proposal will come 6 metres closer to our property (no. 44 Cumbria Close) meaning no. 44 will feel more enclosed;
- The resale value of no. 46 Cumbria Close may be reduced;
- The noise level and pollution from cars being parked nearer to us (no. 46 Cumbria Close), will affect the enjoyment of the garden amenities of no. 46 which is against the occupiers human rights.

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

Policy CS5 of the adopted Core Strategy supports small scale infill development within defined settlement boundaries - the proposal is located in the defined settlement boundary of Thornbury. Saved Policy H4 of the South Gloucestershire Local Plan (adopted January 2006) is supportive in principle of development within the curtilage of existing dwellings, subject to considerations of design, residential amenity and highway safety. In addition to this, policy CS1 of the adopted Core Strategy requires development to be of the highest possible design quality. Policy CS17 of the adopted Core Strategy is supportive of housing development in gardens, only where the character of the area would not be adversely affected. CS16 of the adopted Core Strategy requires housing development to make efficient use of land, but suggests the density of new

development should be informed by the character of the local area and such developments must provide adequate private outdoor space.

5.2 Design and Site Planning

The proposed dwelling will simply continue the ridge line and front and rear elevations of the existing dwelling, extending approximately 5.8 metres to the south of the existing dwelling. The proposed dwelling will have a near-identical appearance to the existing dwelling through having similar measurements and matching fenestration arrangements. In addition to this, all the proposed materials will match those used in the existing dwelling.

5.3 A number of local residents have submitted comments suggesting the proposal will detrimentally affect the character of the area. From a site visit it is noted that the area does have a comparable character through a number of properties being arranged in a similar semi-detached manner. However, the officer is of the opinion that such a character is not considered to be distinct, and also that the proposal, due to its form, scale and choice of materials is considered to be in-keeping with the area.

5.4 In addition to this, a resident suggested the proposal would disrupt a building line with no. 53 Cumbria Close. Although it is noted that the existing dwelling's southern elevation is in line with no. 53's southern elevation, this building line does not form a prominent or important architectural feature within Cumbria Close, especially as no. 53's building line is not in line with that of no. 54 Cumbria Close.

5.5 As a result of the proposed parking arrangement, the rear boundary of the existing dwelling will be materially changed. Specifically, the rear wall will be removed to provide vehicular access. Such works are considered acceptable in terms of design, as along the residential road to the rear of the host dwelling has a number of accesses which disturb rear boundary walls.

5.6 The southern boundary of the existing plot is marked by a small strip of shrubbery, the proposal will result in this being removed and this boundary will then be marked by the proposed southern elevation. An objection comment has stated that the loss of this shrubbery/area will have a detrimental impact on the character of the close. The proposal is set back from the residential road and the dwelling will continue the elevation lines of the existing dwelling. By nature of the proposal being set back from the road, it is considered that the proposal will not detrimentally impact the character of the area.

5.7 The proposal is shaped by the character of the area, which is a requirement of policy CS17 for housing development in existing residential gardens, namely through having an appropriate form continuing the elevations of the existing dwelling. In addition to this density of the development is appropriate and accords with policy CS16 of the adopted Core Strategy.

5.8 Accordingly, it is judged that the proposal has an acceptable standard of design and is considered to be in-keeping with policy CS1 of the adopted Core Strategy.

5.9 Residential Amenity

Saved policy H4 of the adopted Local Plan requires new development within the residential curtilage of existing dwellings to not prejudice the amenity of nearby occupiers. In addition to this, both policy CS16 and saved policy H4 require proposals of this kind to have adequate levels of private amenity space.

- 5.10 A number of residents have submitted comments stating the proposal would result in inadequate private amenity space for the existing and proposed dwelling. After taking into account the proposed parking area and bin storage facilities, it is judged that both properties would have adequate private amenity space, especially when considering both the front and rear gardens.
- 5.11 The proposal will have two windows on the first floor side elevation, as the existing side elevation has. Between these windows and the front elevations of the closest affected properties (nos. 44 and 43 Cumbria Close) is a tree, a grassed area and driveways which compose an approximate distance of 18 metres. In addition to this, these specific windows are for a bathroom and a landing. Accordingly, such rooms are not considered to be primary rooms, meaning together with the distance the proposal will not result in a loss of privacy to any of the neighbouring occupiers.
- 5.12 As the proposal is situated on the southern elevation of the existing proposal, the proposed dwelling would not result in a material loss of light to the neighbouring occupiers.
- 5.13 Once again, due to the proposal being located on the southern elevation and the scale and form of the proposal, there is judged to be no material overbearing impact. Statements of objection have suggested the proposal will cause the occupiers of no. 44 Cumbria Close to feel 'enclosed'. Due to the distance between these properties (approximately 18 metres), the case officer is of the opinion that this will not be case.
- 5.14 The occupiers of no. 46 Cumbria Close, the adjacent attached dwelling to the host dwelling, suggests that the proposed new parking arrangement will result in increased noise and pollution levels, which will disturb the residential amenity of occupiers of no. 46 to such a degree their human rights would be contravened. Although the proposal will result in cars being parked adjacent to the rear garden of no. 46 Cumbria Close, the parking of two cars in this position is not considered to result in such levels of noise and exhaust pollution which would detrimentally impact on the residential amenity of the occupiers, nor would it change how these occupiers used their rear garden. It also must be considered that a car could park to the rear of this garden, a similar distance from their garden as the proposed parking spaces are.
- 5.15 Therefore, the proposal would not result in a materially detrimental impact on the residential amenity of the neighbouring occupiers, and also provides sufficient private amenity space for both the proposed and existing dwelling.

Accordingly, the proposal satisfies saved policy H4 of the adopted Local Plan and also policy CS16 of the adopted Core Strategy.

5.16 Highways

Both the proposed and existing dwellings are considered to be three bedroom houses. To accord with the Council's residential parking standard, both houses would need to provide at least two off-street parking spaces respectively. The Proposed Site Plan (dwg no. 15006_P1 Rev B), demarcates two parking spaces of an appropriate size with access from the residential road to the rear of the host and proposed dwelling, this road is not a classified highway. Accordingly, the proposed parking satisfies the Council's residential parking guidance and the Council's Sustainable Transport Officer has no objections to this proposal. A condition will be imposed on any permission granted to ensure this residential parking standard is implemented.

5.17 As stated the residential road to the rear of the existing and proposed dwellings is not a classified highway, meaning no permission is needed to form a new access from this. However, the applicant should seek permission to drop the kerb from the Council in terms of ownership issues. A resident has stated that the dropping of this kerb will reduce the amount of on-street parking available to the residents of Cumbria Close, this is not a material consideration, especially as there are no restrictions to parking in the area and also that the Council does not encourage on-street parking.

5.18 Many objections have related to congestion within Cumbria Close and the new dwelling resulting in extra on-street parking which could result in service vehicles not accessing that part of the cul-de-sac. The level of parking provided on site is satisfactory as expressed above, based on this there is not expected to be any additional on-street parking to result from this proposal.

5.19 Saved policy T7 of the adopted Local Plan requires a proposal for a newly built dwelling to have two secure undercover cycle parking spaces for a dwelling with two or more bedrooms. The proposed plan demonstrates this cycle parking area and a condition will be imposed upon any permission granted to ensure this requirement is met.

5.20 Accordingly, the proposal meets all the minimum parking requirements adequately and is not judged to detrimentally impact on the highway safety within Cumbria Close. Therefore there are no highway objections to this proposal, subject to the conditions mentioned throughout this section.

5.21 Permitted Development Rights

The host dwelling's householder permitted development rights have been removed under planning ref. N801/4 (condition M). The permitted development rights will also be removed for the proposed dwelling should planning permission be granted. This is deemed appropriate as any further addition to the proposal would disturb the visual amenity of the area.

5.22 Other Matters

A working hours condition will be imposed on any permission granted to reduce disruption to the wider Cumbria Close. This is considered to be required as Cumbria Close is a relatively quiet cul-de-sac, and any disruption resulting from the proposed building works must be limited.

5.23 A submitted letter from a resident has suggested there is no need for housing in Thornbury as there are a number of other larger developments within Thornbury. Housing need is not considered to be material to this proposal, the principle of this development is acceptable.

5.24 The resale value of nearby properties is not considered to be material to the determining of this 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** with conditions.

Contact Officer: Matthew Bunt

Tel. No. 01454 863131

CONDITIONS

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

Reason

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

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

Reason

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

3. Prior to the occupation of the permitted dwelling, two secure undercover cycle parking spaces shall be provided and retained to the rear of the existing and hereby permitted dwelling, in accordance with the 'Proposed Site Plan' (dwg no. 15006_P1 Rev B).

Reason

To ensure the satisfactory provision of cycle parking facilities and in the interest of highway safety and the amenity of the area, and to accord with saved policy T7 of the South Gloucestershire Local Plan (Adopted) January 2006.

4. Prior to the occupation of the hereby permitted dwelling, the proposed parking area located to the rear of the hereby permitted and existing dwelling, shall be constructed and thereafter retained, in accordance with the 'Proposed Site Plan' (dwg no. 15006_P1 Rev B).

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 Residential Parking Standard SPD (Adopted) December 2013, and also to accord with saved Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

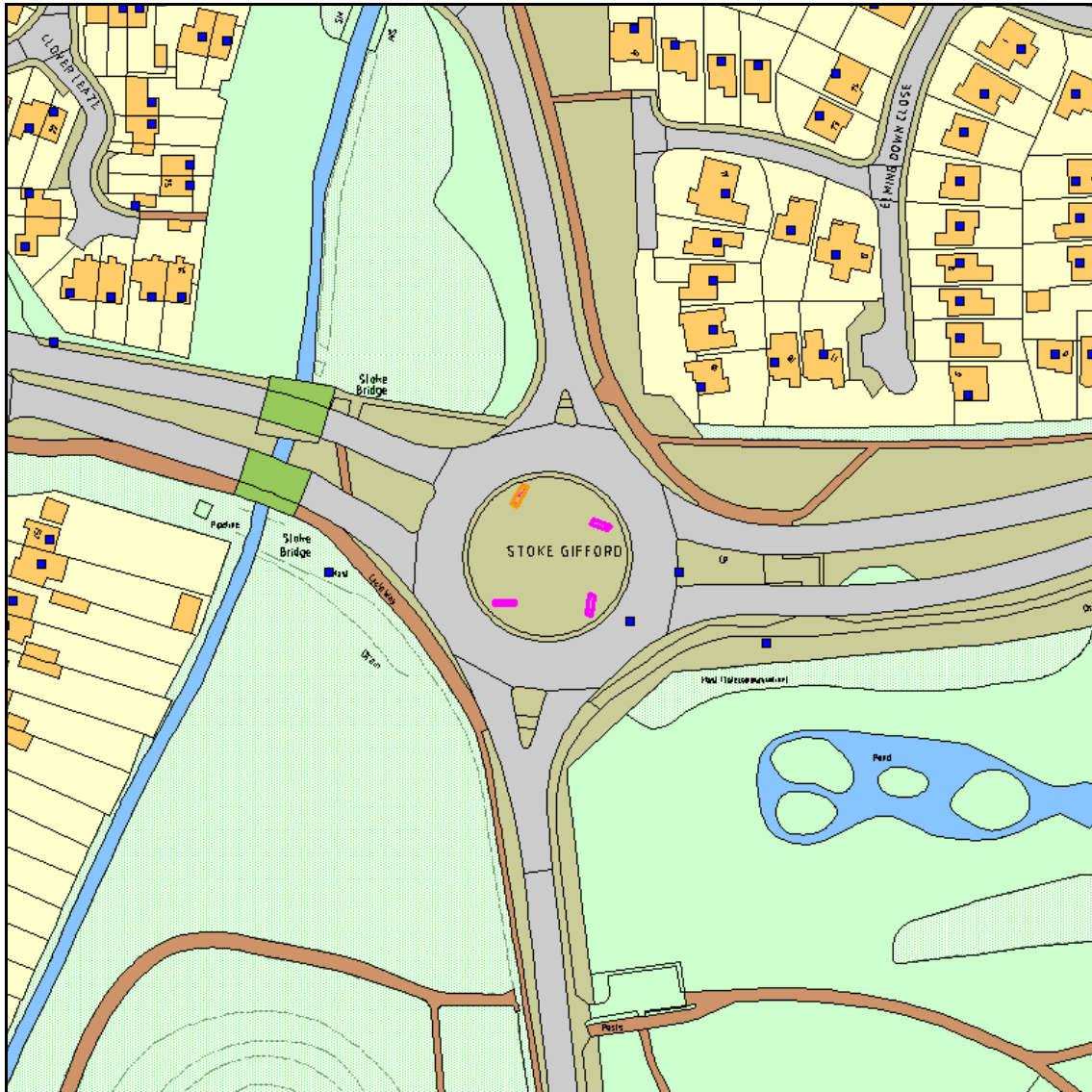
5. The hours of working on site during the period of construction shall be restricted to Monday - Friday 7.30 - 18.00 and Saturday 8.00 - 13.00 and no working shall take place on Sundays or Public Holidays. The term 'working' shall, for the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the curtilage of site.

Reason

To protect the amenity enjoyed by those living in the locality and minimise the disruption to the lane at the rear of the host dwelling, in accordance with saved Policy T12 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

CIRCULATED SCHEDULE NO. 16/15 – 17 APRIL 2015

App No.:	PT15/1026/ADV	Applicant:	Bommel UK Ltd
Site:	Traffic Roundabout Gipsy Patch Lane/Hatchet Road Little Stoke Bristol South Gloucestershire BS34 8LU	Date Reg:	11th March 2015
Proposal:	Display of 4no. non-illuminated post mounted signs on roundabout.	Parish:	Stoke Gifford Parish Council
Map Ref:	361240 180539	Ward:	Stoke Gifford
Application Category:	Minor	Target Date:	1st May 2015



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PT15/1026/ADV

REASON FOR REPORTING TO THE CIRCULATED SCHEDULE

This application is referred to the circulated schedule as comments of objection have been received which are contrary to the Officer recommendation for approval.

1. THE PROPOSAL

- 1.1 This application seeks advertisement consent for the display of four non-illuminated signs on the Gipsy Patch Lane/Hatchet Road roundabout in Little Stoke.
- 1.2 The proposed signs consist of an area available for sponsorship surrounded by a blue border incorporating a community message and the Council's logo.
- 1.3 The proposed signage is part of a programme of roundabout signage currently being rolled out across the district.

2. POLICY CONTEXT

2.1 National Guidance

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

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

- CS1 High Quality Design
- CS8 Improving Accessibility

South Gloucestershire Local Plan (Adopted) January 2006 Saved Policies

- T12 Transportation

3. RELEVANT PLANNING HISTORY

- 3.1 PT06/2737/ADV Appeal: Split Decision (allowed) 15/05/2007
Display of non-illuminated safety message signs with various company names and logos. A total of 36 signs spread over 9 roundabouts.

N.B

In this appeal, the roundabout in question was given the identifier roundabout 'A'. The Inspector analysed this roundabout as being 'a large landscaped roundabout, with heavily landscaped banks to the approach roads. Nevertheless it is clearly a roundabout, which is a utilitarian transport feature. It has the usual arrowed roundabout signs on it, and relatively low key directional signs at the junctions. The additions of the proposed signs would not create clutter, nor look out of place. They will be seen against the backdrop of the landscaping and not stand out.'

'Thus my conclusions are that sites A, B, D, E and I could support the proposed four signs per roundabout.' Signs on this roundabout have therefore been previously allowed on appeal.

4. CONSULTATION RESPONSES

4.1 Stoke Gifford Parish Council

No objection

4.2 Public Rights of Way

No objection

4.3 Sustainable Transport

No objection

Other Representations

4.3 Local Residents

Three comments of objection have been received from residents that raise the following issues –

- although there is no record of driver distraction due to 'distraction by advertising' it does not mean that it has not happened
- area is subject to traffic congestion
- report to the Scottish Government identifies that advertisements can cause distraction to drivers
- roundabout is extremely busy with multiple lanes of traffic
- roundabouts are dangerous for cyclists
- signs will distract driver attention
- The Rees Jeffreys Road Fund: Driven to Distraction report identifies that signage can cause driver distraction and should not be located where the drivers' visual workload is high

5. ANALYSIS OF PROPOSAL

5.1 This application seeks advertisement consent for the display of four non-illuminated roundabout signs.

5.2 Principle of Development

Guidance within the National Planning Policy Framework states that advertisements should only be controlled in the interests of amenity, public safety and cumulative impact. Design and design quality is assessed in terms of visual amenity and cumulative impact using policy CS1 of the Core Strategy. Public safety is assessed using saved policy T12 of the Local Plan to ensure that the signage is not detrimental to highway safety or presents a traffic hazard. Further guidance in the NPPF states that development should only be refused on transport grounds where the impact is considered to be 'severe'.

5.3 Design and Amenity

Four very simple signs are proposed which consist of a sign plate with a blue border, community message in white lettering, and a small version of the

Council's logo; the central area is left blank available for the sponsor's message. The sign plate is post mounted, with the posts set behind the sign face.

5.4 The signs measure 1m wide by 0.5m high, set 0.3m above the surface. Excluding the border, the area available for the sponsor's message measures 0.97m wide by 0.43m high.

5.5 Combining the small size of the signage and the simple design of the physical sign, the proposed signage would not be detrimental to the visual amenity of the area.

5.6 Cumulative Impact

When there is a multitude of signage in a location, the cumulative impact should be assessed. In the proximity of the roundabout there are a number of different land uses and signage. However, the approach to the roundabout is uncluttered. Directional signage is clear and unobstructed. The proposed signage will not have a detrimental cumulative effect on the character of the area.

5.7 Public Safety

The applicant has engaged in pre-application discussions with the transportation development control team regarding the roll-out of these signs across the district. As a result of this, the signs of the size are have been revised from the initial proposal to have the least impact.

5.8 Whilst this is a busy roundabout and it is used by cyclists, the proposed signs are not considered to represent a hazard and therefore highways safety is retained for all road users.

5.9 The location and design of the signs are not a hazard to safe and free flow of traffic. As such, there is no objection to the proposed signage on highways grounds. This has been reinforced by the previous appeal decision.

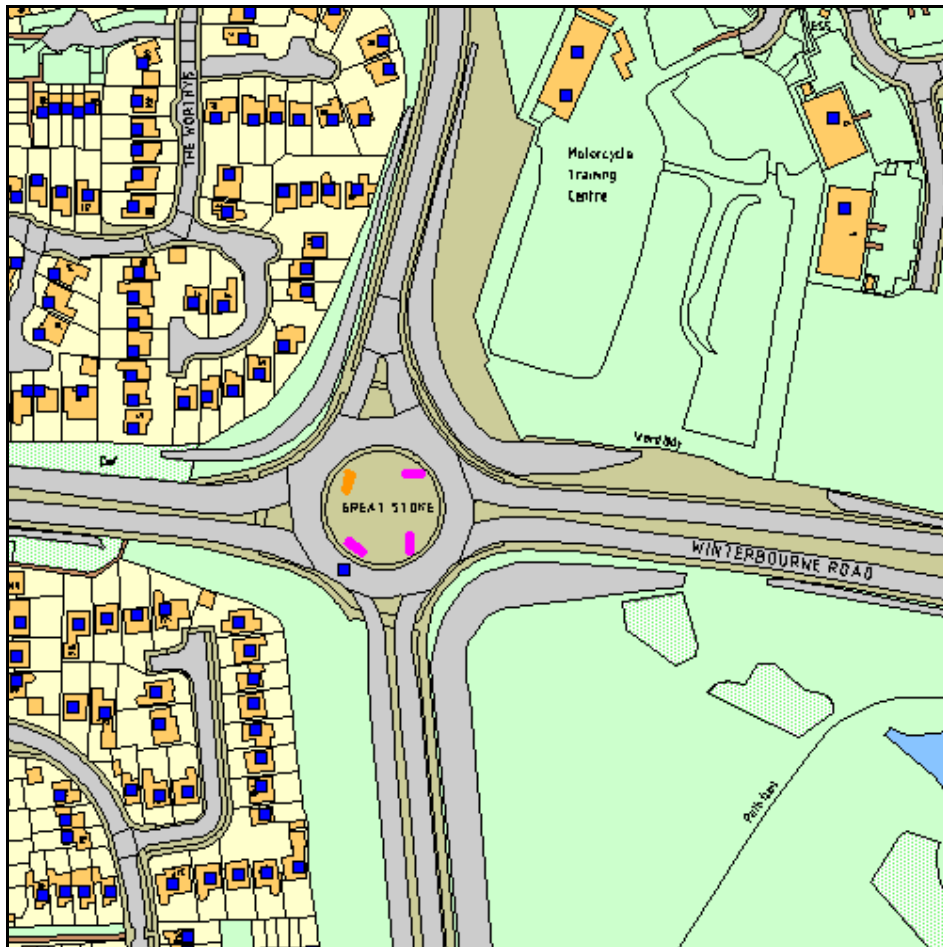
6. RECOMMENDATION

6.1 It is recommended that this application be APPROVED.

Contact Officer: Griff Bunce
Tel. No. 01454 863438

CIRCULATED SCHEDULE NO. 16/15 - 17 APRIL 2015

App No.:	PT15/1032/ADV	Applicant:	Bommel UK Ltd
Site:	Traffic Roundabout Winterbourne Rd / Bradley Stoke Way Bradley Stoke South Gloucestershire BS32 8DH	Date Reg:	11th March 2015
Proposal:	Display of 4no. non-illuminated post mounted signs on roundabout.	Parish:	Stoke Gifford Parish Council
Map Ref:	363193 180375	Ward:	Stoke Gifford
Application Category:	Minor	Target Date:	1st May 2015



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

The application is referred to the Circulated Schedule due to objections raised the members of the public.

1. THE PROPOSAL

- 1.1 The application seeks permission for the display of 4no. non-illuminated post mounted signs.
- 1.2 The application relates to a roundabout situated along the B4057. The roundabout acts as a junction between Winterbourne Road, Bradley stoke way and Great Stoke Way. The roundabout is laid to grass with tree/bush planting.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework March 2012
The Town and Country Planning (Control of Advertisements) (England) (Amendment) Regulations 2007
- 2.2 South Gloucestershire Local Plan Core Strategy (Adopted) December 2013
CS1 High Quality Design
CS8 Improving Accessibility
- 2.3 South Gloucestershire Local Plan (Adopted) January 2006 (Saved Policies)
T12 Transportation

3. RELEVANT PLANNING HISTORY

- 3.1 There is no relevant planning history

4. CONSULTATION RESPONSES

- 4.1 Bradley Stoke Town Council
No Comments Received
- 4.2 Transportation DC
No objection
- 4.3 Planning Enforcement
No Comments Received
- 4.4 Stoke Gifford Parish Council
No Objection

Other Representations

- 4.3 Members of the Public

Two objections have been received on the grounds that roundabouts are particularly dangerous places for cyclists and the signs will distract drivers.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The National Planning Policy Framework states that poorly placed advertisements can have a negative impact on the appearance of the built and natural environment. Control over outdoor advertisements should be efficient, effective and simple in concept and operation. Only those advertisements that will clearly have an appreciable impact on a building or their surroundings should be subject to the Local Planning Authorities detailed assessment. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.

5.2 Public Safety

The proposed signage is in line with the reduced size agreed within a number of previously approved applications on roundabouts across South Gloucestershire. The signs measure a maximum 800mm in height and 1000mm in depth with the panel measuring 500mm by 1000. The advertisement on the panel would be agreed at a later date with the Council and as such would be subject to approval in terms of design, lettering and colour.

It is considered that the location and of the proposed signs would not cause a hazard to safe and free flow of traffic in this locality. There is no evidence to suggest that these types of signs are detrimental to highway safety and as such there are no objections on grounds of public safety.

5.4 Visual Amenity

The application site consists of a roundabout which is laid to grass with a shallow central mound and some tree/bush planting. The roundabout is situated along the B4057 where Winterbourne Road meets Bradly Stoke Way. The immediate area consists of highway with side grass verges and tree planting and beyond these there are two areas of residential housing. The roundabout has existing directional signage as does the surrounding locality.

The proposed signage are identical in terms of size to the signs recently approved on the similar roundabouts in South Gloucestershire. The final graphic and text on the signs would be subject to approval by the Council prior to their installation. Due to the small scale of the signs it is considered that the proposal would not have a detrimental impact on the visual amenity of the roundabout, the planting or the surrounding area. In accordance with guidance contained within the NPPF there are no objections on grounds of visual amenity, as the signs would not have an appreciable impact on the surroundings.

5.6 Cumulative Impact

The proposal has been considered cumulatively within the locality. Although the proposed signage would add some additional clutter to the existing directional signs it is not considered that this would be cumulatively detrimental.

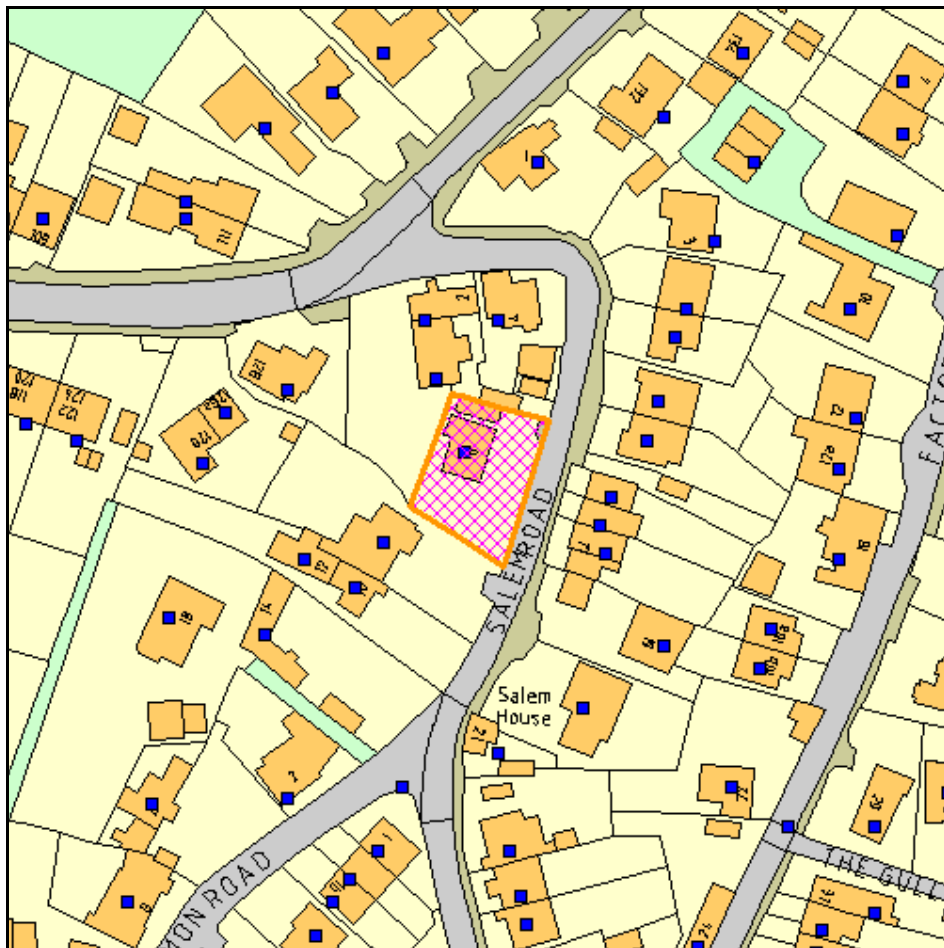
6. **RECOMMENDATION**

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

Contact Officer: Jessica Robinson
Tel. No. 01454 868388

CIRCULATED SCHEDULE NO. 16/15 – 17 APRIL 2015

App No.:	PT15/1055/F	Applicant:	Mrs Lorraine Blunden
Site:	6 Salem Road Winterbourne Bristol South Gloucestershire BS36 1QF	Date Reg:	16th March 2015
Proposal:	Demolition of existing garage. Erection of side and rear extension, installation of 2 no. front dormer windows to form additional living accommodation, loft conversion and attached garage.	Parish:	Winterbourne Parish Council
Map Ref:	365773 181218	Ward:	Winterbourne
Application Category:	Householder	Target Date:	4th May 2015



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application appears on the circulated schedule due to the receipt of three letters of support from local residents.

1. THE PROPOSAL

- 1.1 This application seeks planning permission for a variety of extensions to the existing detached bungalow at 6 Salem Road. The proposed extensions include two storey side and rear extensions, 2 no. front dormer windows, a front porch and boundary fencing.
- 1.2 The application relates to a detached property on Salem Road in Winterbourne. It surrounded by other residential properties which take a variety of styles and forms. It is understood that the property has been vacant for a number of years.
- 1.3 At the time of the officer site visit it was noted that the 'existing' garage and store as shown on the plans were already demolished.

2. POLICY CONTEXT

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

South Gloucestershire Local Plan (Adopted) January 2006 (saved policies)
H4 Residential Development within Existing Residential Curtilages,
Including Extensions and New Dwellings
T12 Transportation Policy for New Development

South Gloucestershire Local Plan Core Strategy Adopted December 2013
CS1 High Quality Design
CS5 Location of Development
- 2.3 Supplementary Planning Guidance
Residential Parking Standard SPD (Adopted) December 2013
South Gloucestershire Design Checklist SPD (Adopted) August 2007

3. RELEVANT PLANNING HISTORY

- 3.1 PT10/0304/F Demolition of existing dwelling to facilitate erection of 2 no. semi-detached dwellings with associated works.
Refused and Appeal Dismissed February 2011

4. CONSULTATION RESPONSES

- 4.1 Winterbourne Parish Council
Object to the proposal. The work has already started on this property. It is overbearing, with a large extension, which will result in a loss of sunlight to neighbouring property. There is concern regarding the boundaries and the erection of a 1.8 metre fence.

4.2 Other Consultees

Highway Drainage

No objection

Other Representations

4.3 Local Residents

3 letters of objection have been received from local residents. A summary of the points received is as follows:

- Fencing along boundary will detract from the visual amenity of the open space provided by the front garden
- Increase bulk of building which seems very close to neighbouring properties.
- Loss of daylight for 130 Watleys End Road
- Overbearing on 130 Watleys End Road
- Concerns over lack of consultation pre-submission
- No mention of the village design statement
- Loss of outlook for No 130 Watleys End Road
- Covenant
- Reduction of natural ground surface and impact on drainage

3 letters of support have been received from local residents. A summary of the points received is as follows:

- The proposed works will greatly improve the property
- The extension adds no more to the buildings footprint and greatly improves the ramshackle to that side of the house
- Will not affect anyone's light
- The front dormers definitely improve and enhance the immediate appearance
- The existing roof is quite ugly and not in keeping with other properties
- The property has been derelict for far too long
- The improvements are wonderful and much better than the wreck it had become

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. This means that 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 application site relates to a detached bungalow with accommodation in the roofspace. The dwelling has been unoccupied for a number of years and is starting to look somewhat rundown. The proposal includes a two storey side extension to be constructed on the northern side of the existing dwelling. The side extension will continue the eaves and ridge height of the existing dwelling and is of a very simple design in keeping with the existing dwelling. The rear gable projection is also of a suitable design that integrates successfully with the scale and design of the host dwelling.

- 5.3 To the front of the property, the proposal includes a front porch, two dormer windows and three roof lights. The rooflights can be installed under permitted development rights but the dormers and porch require planning permission. It is accepted by your officer that front dormers are not a common feature of the locality or street scene but your officer also has to give consideration to the very varied street scene along Salem Road. Although the dormers are not a common feature, it is very difficult to argue that their insertion would have any detrimental impact on either the character of the dwelling or the surrounding street scene. Similarly, the front porch, is also of a scale and design that is appropriate for the property. Overall, the design of all elements of the proposed extensions is considered appropriate and satisfies the requirements of policy CS1 of the adopted Core Strategy and H4 of the South Gloucestershire Local Plan (Adopted)

5.4 Residential Amenity

Due to the historic nature of the area, the application property has an unusual relationship with No. 130 Watleys End Road that stands to the North of the application site. The application site and No 130 have an unusual relationship where the rear of No. 130 faces towards the application property at an angle. As currently stands, and on the basis of the plans provided, the distance between the French doors in the rear elevation of No. 130 and the existing dwelling is just under 6 metres. The proposed side extension would reduce this distance down to less than 4 metres.

- 5.5 In addition to the above, the application also includes a rear gable. This rear gable would project out only 7 metres from the rear of No. 130 in direct view from the rear windows. As a result of the above, the proposed side and rear extensions would have a significant detrimental oppressive impact on No. 130 by means of overbearing contrary to the requirements of Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006.
- 5.6 In determining this application, weight has been given to the fact that the existing garage and store as shown on the plans have actually already been removed. Planning permission would be required to re-construct the

outbuildings if they exceed 2.5 metres in height at any point. This affords the residents of 130 Watleys End Road some protection from overbearing impact. The dwelling does benefit from other permitted development rights and these can be exercised irrespective of the outcome of this planning permission.

5.7 Front Boundary Fence

The plans show the introduction of a 1.8 metre high timber fence along the site boundary. This has been discussed with the agent who has expressed a verbal willingness to make alterations so the fence could potentially be constructed under permitted development rights or even possibly replaced with planting. In light of the above, this will not be added as a further reason for refusal.

5.8 Highways

The proposal has a sufficient level of parking which accord with the Council's Residential Parking Standards SPD.

6. CONCLUSION

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

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

7. RECOMMENDATION

7.1 That the application is refused for the reason below.

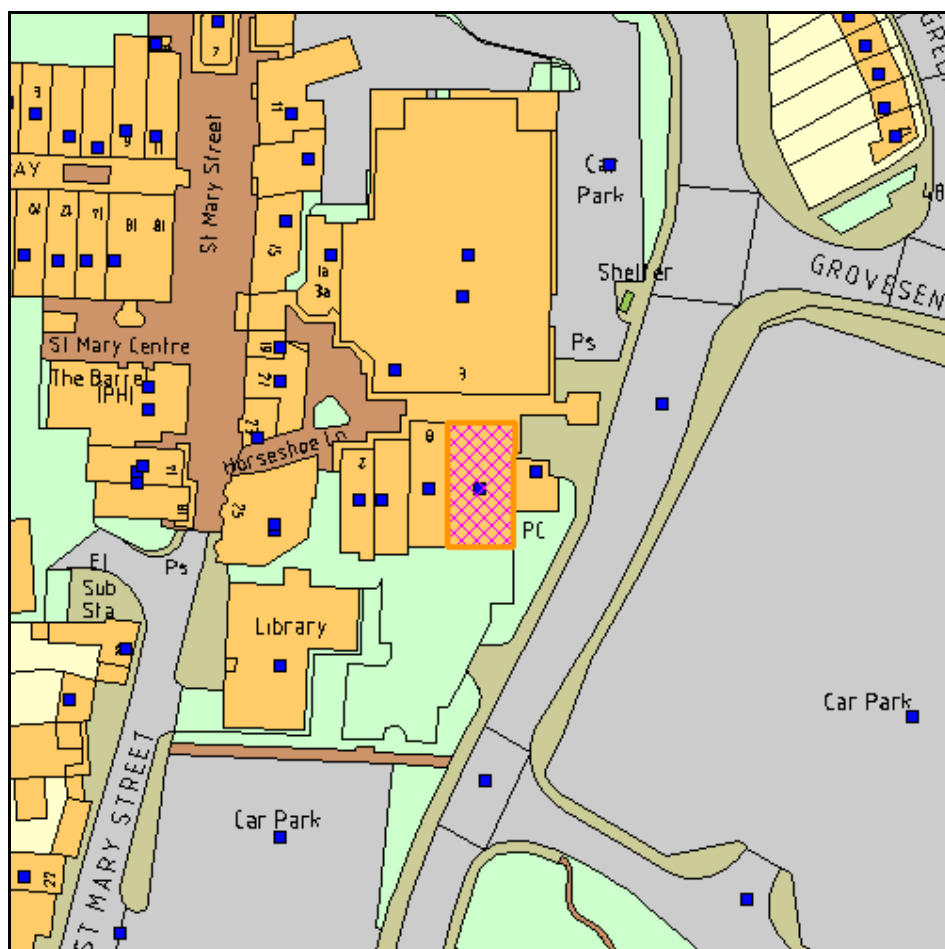
Contact Officer: Marie Bath
Tel. No. 01454 864769

REASON

1. By virtue of the relationship between the application property and No. 130 Watleys End Road, the proposed side and rear extensions would have a significant detrimental oppressive impact on primary room windows in No. 130 Watleys End Road by means of overbearing contrary to the requirements of Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

CIRCULATED SCHEDULE NO. 16/15 – 17 APRIL 2015

App No.:	PT15/1072/ADV	Applicant:	Lloyds Pharmacy
Site:	Lloyds Pharmacy 8 Horseshoe Lane Thornbury South Gloucestershire BS35 2AZ	Date Reg:	16th March 2015
Proposal:	Display of 3no. internally illuminated fascia signs and 2no. non-illuminated vinyls.	Parish:	Thornbury Town Council
Map Ref:	363794 189986	Ward:	Thornbury North
Application Category:	Minor	Target Date:	5th May 2015



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PT15/1072/ADV

REASON FOR REPORTING TO THE CIRCULATED SCHEDULE

This application is referred to the circulated schedule as an objection has been received from the Town Council which is contrary to the Officer recommendation for approval.

1. THE PROPOSAL

- 1.1 This application seeks advertisement consent for the display of three internally illuminated fascia signs and two non-illuminated vinyl window graphics on Lloyds Pharmacy on Horseshoe Lane. From the case officer's site visit, it appears that the signs have already been installed and therefore this application is in fact retrospective in nature.
- 1.2 Lloyds Pharmacy is located at the east end of the St Mary Centre, a pedestrianized shopping centre. To the east is the open cattle market car park and to the west is the historic town centre and High Street. The retail unit itself is a modern unit but it is located within the Thornbury Conservation Area.

2. POLICY CONTEXT

2.1 National Guidance

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

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

- CS1 High Quality Design
- CS8 Improving Accessibility
- CS9 Managing the Environment and Heritage

South Gloucestershire Local Plan Adopted January 2006 (Saved Policies)

- L12 Conservation Areas
- T12 Transportation

2.3 Supplementary Planning Guidance

- Thornbury Conservation Area Advice Note (Approved) March 2004
- Shopfronts and Advertisements (Adopted) April 2012

3. RELEVANT PLANNING HISTORY

- 3.1 PT08/1436/ADV Appeal Allowed 17/12/2008
Display of 3 no. externally illuminated fascia panels and 1 no. acrylic vinyl window sign.

N.B

From the appeal decision, the follow comments by the Inspector should be noted:

'Notwithstanding the historic character of the wider area, the chemist's shop is located within a modern shopping arcade which has a complex roof structure with dominant pillars and an enclosed character.'

'The claim that consent for the appeal scheme could create a precedent for inappropriately illuminated or bulky signage elsewhere in the conservation area is, in my view, not well-founded and is an insufficient reason to dismiss this appeal.'

'The fascia signs in dispute project some 100mm beyond the shop front, but I found this level of projection to be scarcely noticeable [...] The signs which are the subject of this appeal are not, in my opinion, unduly bulky in appearance nor incongruous within the setting of this busy and colourful shopping arcade.'

- | | | | |
|-----|--|---------|------------|
| 3.2 | PT08/0011/ADV | Refusal | 31/08/2008 |
| | Display of 3 no. externally illuminated fascia panels and 1 no. acrylic vinyl window sign. (Resubmission of PT07/2908/ADV) | | |
| 3.3 | PT07/2908/ADV | Refusal | 16/11/2007 |
| | Display of 3 no. internally illuminated fascia panels and 1 no. acrylic vinyl window sign. | | |

CONSULTATION RESPONSES

- 4.1 Thornbury Town Council
Objection Internally illuminated signs are contrary to conservation area policy
- 4.2 Conservation Officer
No objection – application proposes a like-for-like replacement
- 4.3 Transport Officer
No objection

Other Representations

- 4.4 Local Residents
None received

5. ANALYSIS OF PROPOSAL

- 5.1 This application seeks (retrospective) advertisement consent for the display of a number of signs on a pharmacy in Thornbury.
- 5.2 Principle of Development
Guidance within the National Planning Policy Framework states that advertisements should only be controlled in the interests of amenity, public safety and cumulative impact. Design and design quality is assessed in terms of visual amenity and cumulative impact using policy CS1 of the Core Strategy. Public safety is assessed using saved policy T12 of the Local Plan to ensure that the signage is not detrimental to highway safety or presents a traffic

hazard. Further guidance in the NPPF states that development should only be refused on transport grounds where the impact is considered to be 'severe'.

5.3 Design (including Amenity and Heritage)

It is proposed to erect three internally illuminated fascia signs as replacements for the previous signage. The difference between the past and proposed signs consists of a change of company branding which changes the font style and removes the graphic. The illuminated signs are located over each of the shop front window bays; two onto Horseshoe Lane and one towards the car park. The two proposed vinyls are located in the window pane facing towards the car park which is on the side of the unit. These also replace an existing vinyl.

5.4 The illuminated signs would project 100mm from the front of the shop front. Both the projection and illumination have previously been found to be acceptable at appeal. It would therefore be unreasonable of the Local Planning Authority to raise an objection on that basis.

5.5 Due to the location of the signage in the 1980s shopping centre, it is not considered that the signs would have an adverse impact on the setting of the conservation area. Whilst it is agreed illumination is inappropriate in the historic parts of the town, the character of the immediate vicinity is remarkably different to that of the High Street to the extent that illumination may be supported where the signs are not bulky and obtrusive. However, it is important that the general character of the town centre is preserved as much as possible and therefore it is appropriate to control the hours of illumination.

5.6 Other units within the St Marys Centre are subject to illumination hours conditions. Previous appeal decisions on the Aldi store opposite the application site have imposed the following time restrictions: 0800-2000 Monday to Friday, 0730-2000 Saturday, and 0900-1700 Sunday. Having discussed the hours of illumination with the application, it is recommended that the following hours of illumination are controlled by condition in accordance with the times set out above.

5.7 Overall, it is considered that the proposed signs are acceptable, subject to the hours of illumination, and do not mark a significant divergence from the signage previously displayed. On that basis, no objection is raised with regard to the design, impact on visual amenity or the conservation area.

5.8 Public Safety

The signs are located in a pedestrianized part of the town centre. It is not considered that the signs would create a traffic hazard or represent a reduction in public safety. No objection is raised on these grounds.

6. RECOMMENDATION

6.1 It is recommended that permission is GRANTED subject to the condition listed below following the close of the consultation period associated with the advertisement in the Bristol Evening Post on the provision that no additional issues to those addressed in the report are raised; should new issues be raised, it is recommended that the report be re-circulated prior to determination.

(Note: an implementation condition is not attached as the signs are considered to be retrospective.)

Contact Officer: Griff Bunce
Tel. No. 01454 863438

CONDITIONS

1. The signage hereby permitted shall not be illuminated outside the hours of 0800 to 2000 Monday to Friday, 0730 to 2000 Saturday, and 0900 and 1700 Sunday.

Reason

To protect the setting of the Thornbury Conservation Area and to avoid any detrimental impact to residential amenity, and to accord with Policy CS1 and CS9 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013, Policy L12 of the South Gloucestershire Local Plan (Adopted) January 2006, the Shopfronts and Advertisements SPD (Adopted) April 2012, and the provisions of the National Planning Policy Framework, March 2012.