



**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. 17/15**

**Date to Members: 24/04/15**

**Member's Deadline: 30/04/15 (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](mailto:MemberReferral@southglos.gov.uk) providing details of

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

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

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

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

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

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

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

**Dates and Deadlines for Circulated Schedule**  
**During May Bank Holidays 2015**

<b>Schedule Number</b>	<b>Date to Members 9am on</b>	<b>Members Deadline</b>
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.

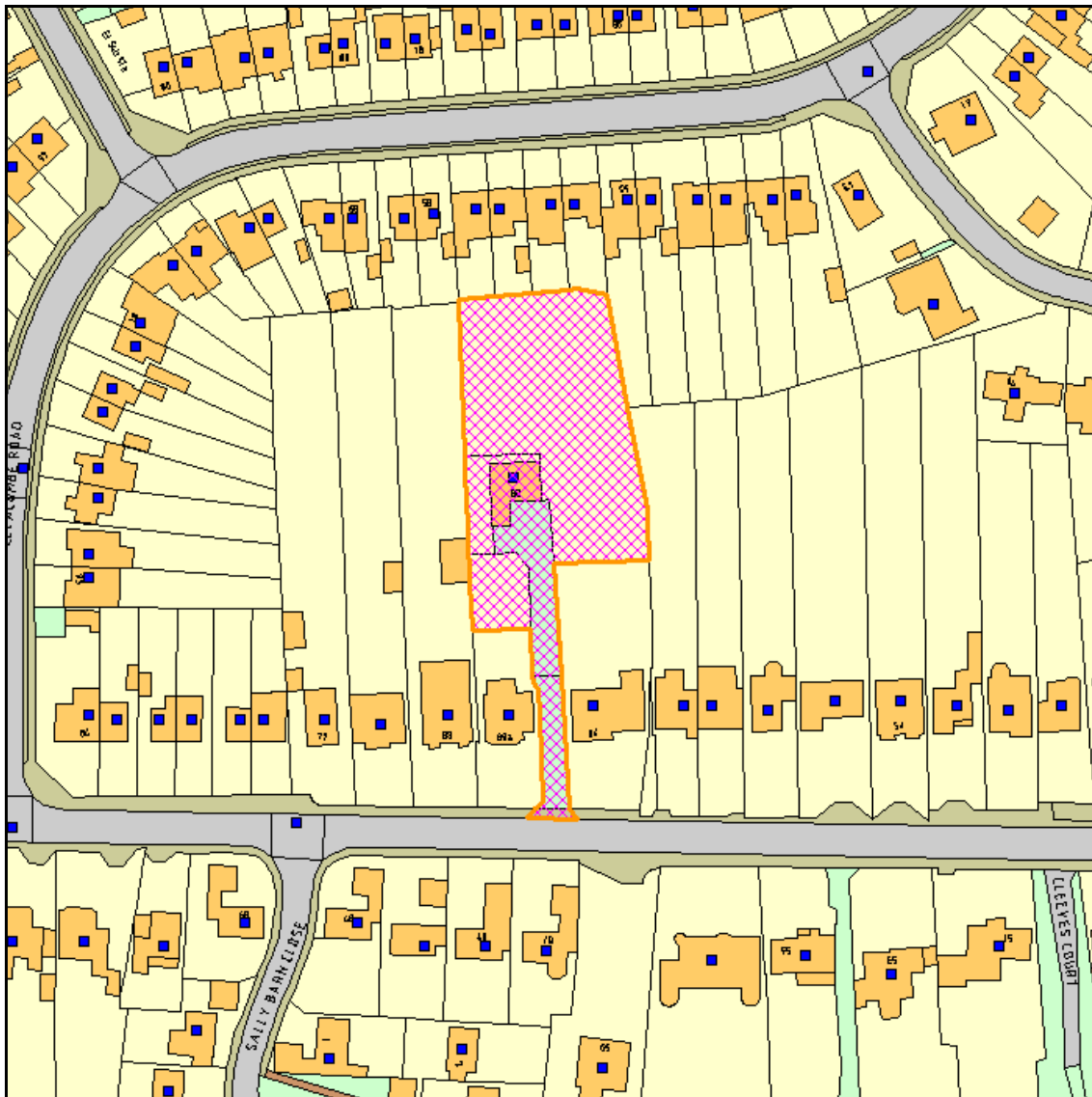
All other dates remain as usual.

## CIRCULATED SCHEDULE - 24 APRIL 2015

ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
1	PK15/0076/F	Approve with Conditions	66 Court Farm Road Longwell Green South Gloucestershire BS30 9AD	Longwell Green	Hanham Abbots Parish Council
2	PK15/0284/F	Approve with Conditions	Land R/o 132 High Street Hanham South Gloucestershire BS15 3HF	Hanham	Hanham Parish Council
3	PK15/0429/F	Approve with Conditions	Land R/o 52 High Street Oldland Common South Gloucestershire BS30 9TL	Oldland	Bitton Parish Council
4	PK15/0565/R3F	Deemed Consent	Mangotsfield Primary School Church Farm Road Emersons Green South Gloucestershire BS16 7EY	Emersons	Mangotsfield Rural Parish Council
5	PK15/0682/F	Approve with Conditions	13 Tormarton Road Acton Turville Badminton South Gloucestershire GL9 1HP	Cotswold Edge	Acton Turville Parish Council
6	PK15/0752/F	Approve with Conditions	9 St Aldams Drive Pucklechurch South Gloucestershire BS16 9QQ	Boyd Valley	Pucklechurch Parish Council
7	PK15/1044/R3F	Deemed Consent	Page Park Pavillion Park Road Staple Hill South Gloucestershire BS16 5LB	Staple Hill	None
8	PK15/1052/F	Approve with Conditions	Mulberry Farm Rookery Lane Doynton South Gloucestershire BS30 5TH	Boyd Valley	Doynton Parish Council
9	PK15/1065/CLP	Approve with Conditions	1 Bridgeleap Road Downend South Gloucestershire	Emersons	Mangotsfield Rural Parish Council
10	PK15/1129/CLP	Approve with Conditions	Unit SU1 Yate Riverside Land Adjacent To Link Road Yate South Gloucestershire BS37 4AP	Yate Central	Yate Town
11	PT14/4525/F	Refusal	Land West Of Hawkfield Haw Lane Olveston South Gloucestershire BS35 4EQ	Severn	Olveston Parish Council
12	PT14/4961/F	Approve with Conditions	Alexandra Midland Way Thornbury South Gloucestershire BS35 2NT	Thornbury South And	Thornbury Town Council
13	PT15/0654/F	Approve with Conditions	8 Florence Park Almondsbury South Gloucestershire BS32 4HE	Almondsbury	Almondsbury Parish Council
14	PT15/0668/F	Approve with Conditions	81 Cooks Close Bradley Stoke South Gloucestershire BS32 0BB	Bradley Stoke North	Bradley Stoke Town Council

CIRCULATED SCHEDULE NO. 17/15 – 24 APRIL 2015

<b>App No.:</b>	PK15/0076/F	<b>Applicant:</b>	Mrs Victoria Morgan
<b>Site:</b>	66 Court Farm Road Longwell Green South Gloucestershire BS30 9AD	<b>Date Reg:</b>	13th January 2015
<b>Proposal:</b>	Erection of 4no. detached dwellings and detached garage with associated works (Resubmission of PK14/2227/F).	<b>Parish:</b>	Hanham Abbots Parish Council
<b>Map Ref:</b>	365525 170696	<b>Ward:</b>	Longwell Green
<b>Application Category:</b>	Minor	<b>Target Date:</b>	5th March 2015



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100023410, 2008. **N.T.S.** **PK15/0076/F**

## **REASON FOR APPEARING ON CIRCULATED SCHEDULE**

This application is to appear on Circulated Schedule due to a number of objections from local residents and Hanham Parish Council, contrary to the Officer's recommendation.

### **1. THE PROPOSAL**

- 1.1 This application seeks full planning permission for the erection of 4no. detached dwellings and detached garage with associated works (Resubmission of PK14/2227/F).
- 1.2 The application site lies to the rear of No's 68a, 66 and 64 Court Farm Road, which front the main road and are all bungalows. The application site is bound on all sides by residential properties on Court Farm Road and Ellacombe Road, in particular their rear gardens.
- 1.3 The application site for the proposed 4no. bungalows is L-shaped, measuring approximately 35 m wide by 57 m in length. There is an existing modern bungalow (no. 66) located on the west side of the plot, at the entrance to the site.
- 1.4 The site will be accessed via an existing residential driveway in between no's 68a and 64. This access will also serve the proposed 2no. bungalows at the rear of No. 68 Court Farm Road (approved January 2015).
- 1.5 During the course of the application, revised plans have been submitted. The Officer advised the agent in respect of concerns about the proposed size and layout of the bungalows. In addition, an ecological survey has been requested by the Ecology Officer; this was also submitted.

### **2. POLICY CONTEXT**

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

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

- CS1 High Quality Design
- CS4A Presumption in Favour of Sustainable Development
- CS5 Location of Development
- CS8 Improving Accessibility
- CS9 Managing the Environment and Heritage
- CS16 Housing Density
- CS17 Housing Diversity
- CS29 Communities of the East Fringe of Bristol Urban Area

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

- H4 Development within Existing Residential Curtilages

L9 Protected Species  
T12 Transportation Development Control Policy for New Development

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

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

- 3.1 PK14/2227/F Amendment to previously approved scheme PK12/3621/RM to enlarge the footprint of 4 no dwellings to form first floor for additional living accommodation  
Withdrawn 11.08.14
- 3.2 PK12/3621/RM Erection of 4 bungalows and construction of access  
Approved 14.12.12
- 3.3 PK11/3880/O Erection of 4 bungalows and construction of access (outline)  
Approved 02.04.2012
- 3.4 Applications relate to adjoining site, land at No. 68 Court Farm Road:  
PK14/2391/F Erection of 2no. detached dwellings with associated works  
Approved 30.01.2015
- 3.5 PK13/3808/O Erection of 2no. dwellings (Outline) with access, appearance, layout and scale to be determined. Landscaping to be reserved.  
Resubmission of PK12/4213/O  
Approved 20.12.13
- 3.6 PK12/4213/O Erection of 2 bungalows (Outline)  
Withdrawn 18.02.13

### **4. CONSULTATION RESPONSES**

- 4.1 Hanham Abbots Parish Council  
Objections. We reiterate our objection to the previously submitted planning applications for this property. It is backland development which would result in a very cramped, dense development, out of keeping with the surrounding area. The access road would be very narrow and could prove problematic for emergency vehicles/refuse vehicles entering the site.
- 4.2 Ecology  
An updated ecological survey was carried out to inform this application (Wessex Ecological Consultancy, dated March 2015). This found there were no significant changes in site ecology from the previous report in 2012.

There are no ecological constraints to granting planning permission. If planning permission is granted, a condition should be attached in respect of earth moving and other similar works.

4.3 Environmental Protection

No objection, but the applicant should be advised of information relating to construction sites as per previous applications relating to this development.

4.4 Hanham District Green Belt Conservation Society

No comments received.

4.5 Highway Drainage

No objection, subject to a SUDS condition.

4.6 Highway Structures

No comment.

4.7 Sustainable Transportation

There is already planning consent for residential development on the site as part of application PK11/3880/O and PK12/3621/RM.

The principal and concept of development on this site has therefore already been established. With the current scheme, the applicant is seeking permission for some amendment to external appearance of the plots but it does not propose amending access or car parking for the development.

The access is unchanged from that previously approved and the parking facilities for the new dwellings would remain in line with the Councils parking standards. There would be adequate off-street turning space on site for service vehicles. Therefore, there are no highway objection to this application subject to all the previous conditions.

### **Other Representations**

4.8 Local Residents

1no. general comment was submitted:

- No details on the plans about street lighting for this development. As someone used to having a quiet, unlit back garden would like to know what has been planned.

2no. local residents support the application:

- Owner of property that runs the entire length of the proposed development, will be glad to have the land cleared and developed;
- May encourage wildlife with additional planting proposed;
- Land has never been a maintained garden, used to be overgrown brambles and bindweed;
- Not a rural location, but a thriving community which boasts new shops and planned housing developments;
- Area to raise a family or retire;



- Main bus routes;
- Brownfield site;
- Disagree new buildings will cause shadowing to existing properties;
- Distances between the new proposed dwellings and existing are generous;
- No windows directly look into any of the existing houses;
- No shade will be created;
- Proposed ridge height is 750mm above approved plans, negligible increase in height;
- Rear garden of No. 62 is 60m in length and the closest new dwelling is positioned 42m from the rear windows of No. 62.

5no. local residents have objected:

- Linked to separate planning application for 68 Court Farm Road, of which we have not been notified but does also impact on our surroundings;
- Details in the planning application is confusing;
- Proposed ridge height is of great concern;
- Garden will be impacted by overshadowing (no. 63 Ellacombe Road);
- What are the plans for the level of the land, will it be raised?
- Flooding risk if land level is increased;
- Prefer bungalows to two storey houses on this plot;
- Potential of being overlooked;
- Proposed increase in ridge height to 6.4m is crucial factor;
- Impact on enjoyment of gardens on Ellacombe Road;
- Privacy impact;
- Shading from the sun;
- Land slopes upwards towards Ellacombe Road and will have a bigger negative visual impact on these properties;
- Genuine one storey bungalows would have less impact;
- PK12/3621/RM officer's report states ridge height under consideration 5.5m and single storey which is a suitable secondary scale commensurate with neighbouring bungalow;
- Backyard development will spoil views and outlook resulting in more noise and lighting;
- Loss of security;
- Boundary of garden not shown correctly for no. 70;
- Street lighting?
- Cramped development, overlooked by existing properties;
- Police aware speeding problem on Court Farm Road;
- Vegetation on site has been cleared, site was a haven for wildlife, including badger activity;
- Semi-rural area now becoming an urban sprawl;
- Scale of previously approved was for chalet bungalows;
- Proposal will compromise existing levels of residential amenity;
- New proposal is for two bedroom houses (Type D plans);
- Front velux windows now dormer style windows;

## 5. ANALYSIS OF PROPOSAL

### 5.1 Principle of Development

The principle of development has been established under previously approved planning permissions PK11/3880/O and PK12/3621/RM. These applications carry significant weight in the determination of the current application, which seeks amendments to the previously approved scheme to include larger dwellings with bedrooms in the roof space. The pertinent issues to consider are the impact of the changes on residential amenity, design and highway safety.

5.2 The NPPF seeks to boost the supply of new housing and contains a presumption in favour of sustainable development. Policy CS1 of the adopted Core Strategy permits development only where the highest possible standards of design and site planning are achieved. Policy CS5 is the locational strategy which sets out that the majority of new development is to be steered to within the existing urban areas. Policies CS16 and CS17 support increased density and greater diversification of housing.

5.3 Saved policy H4 of the adopted Local Plan specifically relates to new development within the curtilage of residential properties, including the extension to existing dwellings and the erection of new dwellings. The proposed development is considered acceptable in principle and shall be assessed against the criteria below.

### 5.4 Efficient Use of Land and Access to Services

Planning policy dictates that the most efficient use of land should be sought and development directed to areas where there is already a good provision of services, shops and public transport routes.

5.5 Being located within the existing urban area of Longwell Green, the site is considered to be a sustainable location for development. There is good access to existing infrastructure, local services and amenities in this location. The development site is considered large enough to accommodate the level of development proposed. The proposed density proposed is considered compatible with the size of the application site and taking into consideration the existing pattern of development to the north and south. The properties would be modest, detached bungalows with living accommodation in the roof in the form of two bedrooms and a bathroom. This is considered to be the most suitable form of development to its backland location and shared access. In this respect, the application site would be unsuited to a higher density given its location, the number of surrounding properties and the site constraints. Overall, the site is considered a sustainable location to development and the proposal would contribute to creating a mix of types and density of housing in the locality.

### 5.6 Design

The proposed dwellings would be three bedroom modern, detached chalet-style bungalows with a front porch, private rear gardens and parking spaces at the front of the property. The dwellings would measure approximately 10.2m wide by 9.2m in length, with an eaves height of 2.5m and a maximum ridge height of 6.5m.

The dwellings will be rendered, with double Roman tiles and permeable paving. The boundary treatments will be close-boarded wooden fencing, which is common in this area. There is no proposed street lighting as part of this proposal. The proposed design, materials and layout are in keeping with the approved 2no. dwellings at the rear of No. 68 Court Farm Road.

- 5.7 The layout of the proposed four dwellings would be the same, aside from a detached garage being erected at the side of plot 1 (at the entrance to the site). The bungalows would have two front dormer windows and one small, central velux window. The first floor would include two bedrooms and a bathroom. The proposed design is largely similar to the approved design, albeit with two front dormer windows giving the appearance of a chalet-style bungalow.
- 5.8 The proposed layout is not considered to be out of character with the locality, which largely consists of detached bungalows and larger detached houses along Court Farm Road, and semi-detached houses on Ellacombe Road. The application site is set back from Court Farm Road and due to the sloping topography of the site; the houses on Ellacombe Road are sited slightly higher. It is not proposed as part of this application that the level on the application site will be raised. The proposed dwellings are considered suitable in terms of scale, form and appearance. They are smaller in scale and size than the original bungalows along the front of Court Farm Road and would remain on lower ground level than houses on Ellacombe Road. In addition, the proposed layout is consistent with the previously approved outline permission (Ref. PK11/3880/O). Overall, the proposed design is considered acceptable and in accordance with policy CS1.
- 5.9 Site Location and Impact on Residential Amenity  
Residential amenity should not be prejudiced as a result of new development. This plot was previously the rear garden of No. 66a Court Farm Road. It has been previously established in the outline and reserved matters applications that this proposal would effectively be backland development of a tertiary nature. The application site is surrounded by residential properties and gardens on all sides. Properties along Court Farm Road historically have large, generous plots with gardens which stretch from Court Farm Road north towards houses on Ellacombe Road.
- 5.10 A number of concerns have been received from local residents concerning the increase in the scale and ridge height of the proposed dwellings. First floor accommodation is to be provided, similar to the recently approved dwellings at No. 68. The ridge height has been increased by approximately 1metre to enable the loft space to be used as two bedrooms and a bathroom with the inclusion of two dormer windows and a small velux on the front elevation. The roofs of the proposed bungalows will still be set lower than the nearest neighbouring properties No's 63 – 57 Ellacombe Road but there will be no windows in the rear roof elevations. The previous outline permission removed permitted development rights to later insert windows in the rear elevation, which could impact in terms of privacy on the dwellings on Ellacombe Road. The land is on a slight slope, with the land falling away to the south.

Whilst the houses at the rear of the site are on slightly higher ground and their rear elevations and gardens would face the application site, some degree of overlooking would occur over the site which is the current situation.

This condition is still considered relevant as rear windows in the form of dormer or veluxes could have an overlooking/privacy impact and therefore this will be attached to this permission.

- 5.11 In respect of any overshadowing impact on the Ellacombe Road properties and their gardens, they are located over 21 metres (back-to-back) from Plots 2-4. The indicative proposed layout shows a garden-to-garden relationship between the existing dwellings to the rear and the proposed development. This is considered standard in the majority of new developments. The application site is located within an urban area; therefore there will always be a small degree of overlooking. There is considered to be significant space between the existing buildings and the proposed development to ensure that there are no significant overshadowing or overlooking issues on the existing dwellings and their rear gardens.
- 5.12 Considering the above, the proposal is not considered to result in a detrimental impact on privacy, overlooking or overshadowing. The effect on residential amenity of the proposed development will be mitigated to some extent by the proposed boundary treatments and planting around the site and along the rear boundary. The private amenity space afforded to the proposed dwellings is considered a suitable size for a 3no. bedroom dwelling and would meet the needs of future occupiers. The proposal is not considered to have a detrimental impact on the existing levels of residential amenity enjoyed by the surrounding occupiers of the site and the proposal therefore accords with saved policy H4 of the adopted Local Plan.
- 5.13 Landscaping and Trees  
A number of trees are located along the eastern and southern boundaries of the application site. A landscaping plan has been submitted proposing a number of trees along the north boundary and within the development site. Existing wooden fencing exists along the north and east; additional similar fencing is proposed along the western boundary. The proposed boundary treatments and additional planting are considered in keeping with the locality and will form a condition attached to the permission.
- 5.14 Ecology and Wildlife  
The application site adjoins a number of gardens of surrounding properties. The land was formerly part of a residential curtilage, but in recent years has been fenced off and has not been maintained for some time.
- 5.15 The Ecology Officer requested an ecological survey in February; the updated report found that there were no significant changes in site ecology from the previous report in 2012. There are no ecological constraints on site as such, apart from a single hole badger sett in the adjacent garden which appears to be active but probably infrequently used. As the sett is in a bank facing the development site, it is considered likely that tunnelling does not extend under the site itself. A further submission regarding the badger sett in the adjacent garden, within 5 metres of the proposed works, has been received via email

(dated 10<sup>th</sup> April 2015), recommending a pre-construction badger check and a Method Statement for the works close to the sett. Conditions will be attached to the permission in relation to a pre-construction badger check of the sett and the submission of a Method Statement detailing proposed works within 10 metres of the sett. Subject to these conditions being attached, the Ecology Officer has no objections to the proposal.

5.16 Access and Parking

Access to the proposed dwellings would be via the existing residential access off Court Farm Road, which serves No. 66. The access is largely 6 metres in width briefly narrowing to a pinch point of 5 metres adjacent to No. 66a. The Transportation Officer considers the principle of development on this site has already been established in the previous approved applications for proposed developments at No. 66 and No. 68. The access will serve a total of 7no. dwellings and is considered adequate for this level of vehicular movement.

5.17 Based on the standards set out in the Council's adopted Residential Parking Standards SPD, the minimum parking provision is 2no. spaces per dwelling – the proposed development meets this requirement. There would be adequate space for visitors to park at the front of the proposed dwellings. The Transportation Officer has also advised that conditions are attached requiring details of the construction of the access and implementation of the off-street parking facilities prior to the occupation of the dwellings, as per approved planning application PK13/3808/O (no. 66) and PK14/2391/F (No. 68). The current speeding issue on Court Farm Road, which has been brought to the attention by the Police, is not considered to impact on the highway safety of the access. Court Farm Road is wide and straight and suitable for an additional access. Overall, it is considered that the access and parking arrangements are acceptable in terms of highway safety and parking provision, in accordance with saved policy T12 of the adopted Local Plan.

5.18 Drainage

In respect of drainage, the Council's Drainage Engineer initially commented that the proposal did not indicate what form of foul drainage is to be utilised and details are required before final comments. Additional information was submitted by the agent; the Drainage Engineer has confirmed that there is no objection to the proposal subject to a SuDS condition being attached to the decision.

5.19 Other Matters

In this section of the report, I shall address any issues raised by local residents that have not yet been addressed earlier in my report.

5.20 A local resident has raised the fact that they were not consulted about the neighbouring site's application at No. 68; this is likely due to their property not directly bounding the site. In line with the Council's adopted Statement of Community Involvement (2014), neighbours immediately adjacent to the proposal are notified of such planning applications.

5.21 A concern has been raised that this backyard development will spoil views and the outlook resulting in more noise and increased lighting. The principle of the development has already been established in the 2011 and 2012 applications. The proposed changes to the design and scale of the dwellings is not considered to result in a negative impact on outlook, nor would it create any additional noise. The proposal remains residential development, in an established residential area. There is no proposed street lighting within the site. The loss of a view is not considered to be a material planning consideration. In its current form, the application site is overgrown and scruffy; therefore the proposed development will put to use redundant residential land and will increase the security of the site.

5.22 The boundary of No. 70's garden has not been shown correctly on the location plans. As the site does not directly bound the application site, this is not considered to be an issue in respect of the proposed development.

## 6. **CONCLUSION**

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

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

## 7. **RECOMMENDATION**

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

**Contact Officer: Katie Warrington**  
**Tel. No. 01454 863436**

## **CONDITIONS**

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

Reason

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

2. No development shall commence until a detailed development layout showing surface water and SUDS (Sustainable Drainage Systems, e.g. soakaways if ground conditions are satisfactory) for flood prevention, pollution control and environmental protection 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 comply with Policies CS1 and CS9 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 and National Planning Policy Framework (2012).

3. Prior to the commencement of development, full construction details of the access road hereby approved from Court Farm Road as shown on the Block Plan (Ref. 960/03/602, received by the Council 1st December 2014), shall be submitted to the Local Planning Authority for approval in writing. The access shall be constructed to an adoptable standard. Development shall be carried out in accordance with the approved details, prior to the occupation of the dwellings.

Reason

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

4. The off-street parking facilities shall be carried out in accordance with the approved plans, prior to the occupation of the dwellings and thereafter retained for that purpose.

Reason

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

5. The hours of working on site during the period of construction shall be restricted to 0730 to 1800 Monday to Friday and 0730 to 1300 on Saturdays and no working shall take place on Sundays or Public Holidays unless with the prior written consent of the Local Planning Authority.

Reason

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

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) (or any Order revoking or re-enacting that Order with or without modification), no windows, velux windows, dormer windows or rooflights shall be constructed in the rear elevation of Plots 1 - 4 inclusive.

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 (Saved Policies) and policy CS1 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013.

7. Prior to commencement of development, a pre-construction badger check should be made to assess the level of activity of the sett within six to eight weeks of works commencing. Should the sett be found to be active (even if only intermittently), it will be necessary to apply for a development licence from Natural England. The results of the pre-construction badger check should be provided in writing to the Local Planning Authority prior to any further operational works taking place on site.

Reason

To protect the wildlife and the ecological interests of the site, in accordance with saved policy L9 of the South Gloucestershire Local Plan (Adopted) January 2006 (Saved Policies) and policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013.

8. Prior to commencement, a Method Statement detailing the operational works that will be taking place within 10 metres of the badger sett, including precautions taken to prevent harm to any badgers that may access the site during works, shall be submitted to the Local Planning Authority for approval in writing. Works will be carried out strictly in accordance with the approved Method Statement.

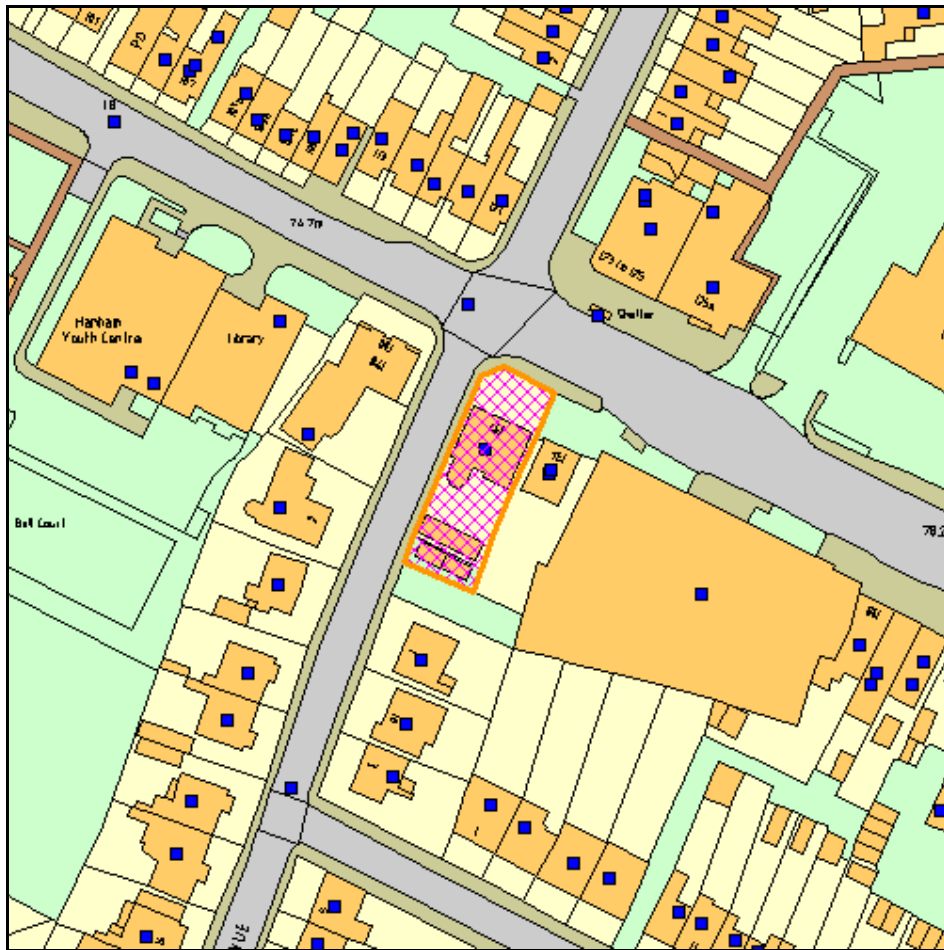
Reason

To protect the wildlife and the ecological interests of the site, in accordance with saved policy L9 of the South Gloucestershire Local Plan (Adopted) January 2006 (Saved Policies) and policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013.



**CIRCULATED SCHEDULE NO. 17/15 – 24 APRIL 2015**

<b>App No.:</b>	PK15/0284/F	<b>Applicant:</b>	Hallwave Limited
<b>Site:</b>	Land R/o 132 High Street Hanham Bristol South Gloucestershire BS15 3HF	<b>Date Reg:</b>	27th January 2015
<b>Proposal:</b>	Demolition of existing public toilet and erection of 1no. detached dwelling with access and associated works. (Resubmission of PK14/3999/F).	<b>Parish:</b>	Hanham Parish Council
<b>Map Ref:</b>	364426 172216	<b>Ward:</b>	Hanham
<b>Application Category:</b>	Minor	<b>Target Date:</b>	19th March 2015



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

This application is to appear on circulated schedule due to the receipt of 5no. objections from local residents, contrary to the Officer's recommendation.

### **1. THE PROPOSAL**

- 1.1 This application seeks full planning permission for the demolition of existing public toilet and erection of 1no. detached dwelling with access and associated works (re-submission of PK14/3999/F).
- 1.2 The application site is located to the rear of No. 132 High Street, Hanham and to the north of No. 1 Creswicke Avenue. The application site is bound on the north south and west sides by residential properties. To the east (rear) of the site is a commercial vehicular storage premises, Tollgate Hire.
- 1.3 The front elevation of the proposed dwelling will face onto Creswicke Avenue. The neighbouring properties on Creswicke Avenue are a mixture of semi-detached one and two-storey properties with traditional pitched and gabled roof styles.
- 1.4 This original application (Ref. PK14/3999/F) sought to re-use the public toilet building as a dwelling. The Officer raised a number of concerns about the design, parking provision and amenity space provision. This resubmission seeks to address the above issues with an increased site area due to part of the rear garden of No. 132 High Street being included.
- 1.5 During the course of the application, revised plans were submitted in response to Officer's comments, including amendments to site location plan (red edge), the proposed parking spaces for No. 132 High Street and the new dwelling and visibility splay.

### **2. POLICY CONTEXT**

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

- 2.2 Development Plans

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

CS1 High Quality Design  
CS5 Location of Development  
CS8 Improving Accessibility  
CS9 Managing Environment and Heritage  
CS15 Distribution of Housing  
CS16 Housing Density  
CS17 Housing Diversity  
CS29 Communities of the East Fringe

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

H4 Development within Existing Residential Curtilages

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

**3. RELEVANT PLANNING HISTORY**

- 3.1 PK14/3999/F Demolition of existing public toilet and creation of 1no. new detached dwelling with new access and associated works  
Withdrawn 05.12.14

**4. CONSULTATION RESPONSES**

4.1 Hanham Parish Council

No objection.

4.2 Highway Drainage

No objection in principle to this application subject to the suggested conditions.

4.3 Highway Structures

No comment.

4.4 Sustainable Transport

There is acceptable parking for both the existing and the proposed unit on site. Furthermore, with the splayed wall as shown on this plan, the Transportation Officer is satisfied that there is acceptable pedestrian vision at the site entrance to ensure pedestrian safety at this location. No objection, subject to conditions providing off-street parking and splayed boundary wall, as shown on the submitted plans.

4.5 The Coal Authority

Recommends that the LPA impose a planning condition requiring the undertaking of intrusive site investigations should planning permission be granted for the proposed development, to ensure that these investigations and any remedial works are undertaken on site prior to commencement of development.

A condition should therefore require prior to the commencement of development:

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

Accordingly, if the LPA were to impose the above planning condition(s) the Coal Authority would have no objection to the proposed development.

### **Other Representations**

#### 4.6 Local Residents

A total of 5no. objections have been received from local residents:

- Proposed dwelling does not adhere to Creswicke Avenue's building line;
- The proposed kitchen and bedroom windows look directly into the windows of No.2 Creswick Avenue and there is only 16 metres distance between the living room/bedroom windows;
- The public toilets are situated in the centre of the High Street and they are a benefit to each member of the community;
- Hanham High Street privileged to have such a facility and unless they are replaced, they should not be demolished;
- 50% of the land for the dwelling is being taken from the existing house No. 132 High Street leading to a loss of existing parking, amenity space, privacy from the road, security, light to the southern aspect and new dwelling would be overbearing;
- Building line runs parallel on both sides of Creswicke Avenue and the existing public toilets and proposed dwelling does not fit in with it;
- The front elevation windows would be less than 21 metres from the lounge and upstairs windows of No. 2 Creswicke Avenue and will result in overlooking and loss of privacy;
- Tollgate Hire approximately 1 metres higher at the rear of the proposed dwelling and will result in overlooking from staff;
- Moving/starting of vehicles in yard will cause nuisance to future occupiers of the new dwellings;
- The proposed dwelling will create tunnelling or obstruction of light;
- Amenity space of proposed dwelling will be affected by the commercial environment;
- Proposed dwelling is a bigger building than previous and not in proportion to the amenity space provided;
- No provision to maintain windows and gutters;
- Rear elevation windows are within 1 metre of the boundary and are not compliant with Building Regulations;
- Side gate to be installed could be a security issue for Tollgate Hire;
- Little improvement to visibility;
- Limited parking space means longer vehicles could overhang onto the pavement;
- Over-intensification of the site;
- If permission is granted, want a condition that a party wall surveyor oversees the works carried out and the developer to be responsible for all costs;
- Applicant needs approval from Wessex Water;
- Proposal out of context in size and parking requirements.

## 5. ANALYSIS OF PROPOSAL

### 5.1 Principle of Development

The application stands to be assessed against the above listed policies and all other material considerations. The overall design and appearance of the proposal will be required to be in-keeping with the character of the locality. New dwellings within the urban area are supported, provided they would not adversely impact on the residential amenity of the existing property and that of the neighbouring occupiers. Highway implications and off-street parking facilities will also need to be fully assessed. The proposal is considered to accord with the principle of development and this is considered in detail in the report below.

### 5.2 Design and Visual Amenity

The application site relates to a 0.01 hectare site which currently comprises of a public toilet building and part of the rear garden of No. 132 High Street. The application site is located within the urban area of Hanham. It is acknowledged that the street scene in the immediate area is varied, comprising of semi detached two storey dwellings and bungalows. The current public toilet building is a single storey, and is constructed in red brick with a flat roof – this is to be demolished and replaced as part of the scheme. The building stands forward of the neighbouring semi-detached property No. 1 Creswicke Avenue. The proposed dwelling would stand as a modern, detached two-bedroom property with a small area of amenity space to the rear and located on a residential street. The majority of the window openings are on the front and rear elevations. Rooflights will be provided to the majority of the first floor areas to maximise access to daylight and improve solar heat gain to the building. Planting will be used to the front and rear of the dwelling to soften the hard landscaping and improve the amenity value of the application site.

5.3 The proposed dwelling would be lower in height than the two neighbouring properties (No. 132 High Street and No. 1 Creswicke Avenue), as shown on the proposed elevations plan (SK13 Rev C) . Local residents have expressed concern that the replacement building does not adhere to the building line. The existing single storey building is set approximately 1.6m increasing to 1.9m from the footpath. The proposed dwelling would be T-shaped and two-storey in scale, with the projecting north-west wing set slightly nearer to the footpath to provide amenity space at the rear. The proposed dwelling would only be slightly nearer to the footpath than the existing building measuring approximately 1.5m increasing to 1.7m. The detached dwelling is closely associated with No. 132 High Street and there is a strip of land that divides the application site and No. 1 Creswicke Avenue. Therefore, whilst the new dwelling would be located on Creswicke Avenue, it is not considered to read as part of the existing dwellings as such due to the location of the plot, it being detached from No.1 Creswicke Avenue, providing a natural break in the street scene, and being more closely associated with No. 132 High Street. The proposed dwelling would have the benefit of more space between the two nearest neighbouring properties to the north-east (No. 132 High Street) and south-east (No. 1 Creswicke Avenue) than the majority of houses on both streets. Given the proposed siting of the dwelling, this would be acceptable and not out of keeping with the area where

other two-storey structures along the east side of Creswicke Avenue. The proposed siting of the dwelling forward of the building line is not considered to negatively impact on the street scene or appear detrimentally out of keeping with the area.

- 5.4 Revised plans indicate that two off-street parking spaces would be provided in the rear garden of No. 132 and an increase in the size of the parking space at the front of the proposed dwelling. The host dwelling currently has a carport and parking area for two vehicles which will be used to form part of the public toilet site, increasing the site area. Additional off-street parking will be created for the host dwelling in their rear garden and a space will be created at the front of the new dwelling. The garden of the host and new dwellings will be fenced off, with a visibility splay and a 1.8m high close boarded fence erected along the south-west elevation. To the rear of the proposed dwelling is an existing 2.7m high rendered wall, which separates the site from Tollgate Hire. Overall, the proposed design and layout is considered acceptable and to comply with design standards set in policy CS1 of the adopted Core Strategy.

5.5 Residential Amenity

Concern has been expressed that the distance between the new dwelling and the existing dwelling No. 2 Creswicke Avenue is only 16 metres and there will be direct overlooking from the new dwelling. The agent has commented that the distance is nearer 18m from the first floor windows and 17m between the non-habitable ground floor rooms. Neighbours to the west are separated from the proposed new dwelling by the road. Given that there are existing similar two storey dwellings along the east side of Creswicke Avenue which are adjacent to detached and semi-detached bungalows, it is considered that there would be no adverse impact on the residential amenity of the neighbours given the established residential location and distances from the neighbouring dwellings. The majority of window openings in the new dwelling are on the front and rear elevations, which is usual practice. Side elevation windows have been restricted given the proximity of the host dwellings rear private garden and nearest neighbouring property to the south (No. 1 Creswicke Avenue). These would serve the staircase and landing only. The Tollgate Hire building and yard would be located at the rear of the property, but there would unlikely be a degree of inter-visibility between employees and the occupiers of the house to result in significant overlooking or privacy impact.

- 5.6 It is acknowledged that the proposed amenity space would be reduced for the existing dwelling due to off-street parking requirements and the increased size of the replacement building. Given the urban location, it is considered that the amenity space for the proposed two-bedroom dwelling would be adequate. Currently, South Gloucestershire Council has no defined space standards for dwellings, but this will be addressed in emerging policy in the Policies, Sites and Places DPD. Concern has been raised by a local resident about the Tollgate Hire commercial premises and yard to the rear of the site impacting on privacy, light access and the enjoyment of the amenity space of the proposed dwelling. The area to the north-west of the building is used for the parking of vehicles, which are regularly moved. The rear boundary of the proposed dwelling would consist of an existing 2.7m high wall. The existing parked vehicles are largely hidden behind the rear wall and only the top of the vehicles

are visible. The existing boundary wall is considered to afford future occupiers adequate privacy, with access to sunlight from the east moving south during the earlier hours of the day. The Officer has consulted with the Council's Environmental Protection team in respect of potential noise impacts; the EP Officer has no objections on the basis of noise potential. Due to the sites urban location, a certain amount of noise is to be expected. There are already residential properties in close proximity to Tollgate Hire (east, south and west). The business is only opened between 8am – 6pm and there has not been a history of complaints in respect of noise or disturbance from neighbouring properties. On balance, it is therefore deemed that the existing and proposed dwellings would have sufficient amount and quality of amenity space.

5.7 Transportation

There is no in-principle highway objection to the proposal. The existing and proposed dwellings would have vehicular access from Creswicke Avenue. Creswicke Avenue is covered by double yellow lines resulting in restricted parking in the immediate area. Adjacent to No. 132 is a nursery with rear vehicular access and limited off-street parking. A new vehicular access and parking area have been created at the existing dwelling to counter-act the loss of their existing parking. The proposed dwelling would have one parking space. Both the existing and proposed dwellings would comply with the Council's adopted Residential Parking Standard SPD requirements for off-street parking provision in terms of the number of spaces and size of spaces provided.

5.8 The Transportation Officer advised the applicant to include a visibility splay at the rear of No. 132 and the boundary of the proposed new dwelling and to increase the length of the parking space provided. A revised plan has been submitted to include the above recommended amendments. The splayed wall, as shown on the revised plan, is considered to provide acceptable pedestrian vision at the site entrance to ensure pedestrian safety. Conditions suggested by the Transportation Officer requiring the provision of off-street parking and a splayed boundary wall will be attached to the permission.

5.9 Coal Authority

The application site falls within the defined Development High Risk Area; therefore within the application site and the surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application. The Coal Authority information indicates that this site is likely to have been subject to historic unrecorded coal mining at shallow depth.

5.10 The applicant has submitted a Bristol Coal Mining Ltd Report (50900, 18/09/14) which forms part of the Design and Access Statement prepared by Welham and Hanna. Whilst the Report correctly identifies that the application site has been subject to past coal mining activity, the Report also confirms that due to the conflicting sources of information available, the evidence is inconclusive with regards to former coal mine workings in the area.

5.11 Based on this review of the existing sources of information, the Mitigation Strategy Proposed concludes that as the evidence is inconclusive, all excavation works will be carefully inspected and if the presence of coal

workings is found, appropriate foundation solutions will be adopted. The Report confirms that intrusive site investigations will not be necessary.

- 5.12 Notwithstanding the above, the Coal Authority does not consider that the conclusion of the Bristol Coal Mining Ltd Report is sufficient to fully address the potential risks associated with this site as the exact situation regarding ground conditions is not known. Therefore the Coal Authority recommends that intrusive site investigation works should be undertaken prior to development taking place in order to determine the exact situation regarding ground conditions. This will enable appropriate remedial measures, including gas protection measures to be identified, if necessary.
- 5.13 It is the view of The Coal Authority as technical expert in the field of coal mining legacy and land instability that the mitigation measures in the form of foundation design proposed of the Planning Statement: Mitigation Strategy Proposed does not appropriately address the risks to the safety and stability of this development proposal from coal mining legacy issues. The Coal Authority therefore, would recommend the undertaking of intrusive site investigations prior to any development taking place to establish the exact situation regarding ground conditions of the site which will then enable appropriate remedial measures to be identified, if necessary. In the event that the site investigations confirm the need for remedial works to treat the areas of shallow mine workings to ensure the safety and stability of the proposed development, this should also be conditioned.
- 5.14 The Coal Authority recommends that the Council impose a condition requiring the undertaking of intrusive site investigations for the proposed development, to ensure that these investigations and any remedial works are undertaken on site prior to commencement of development. Subject the imposition of a condition, the Coal Authority would have no objection to the proposed development.
- 5.15 Other Matters  
Concern has been raised by a couple of local residents that the demolition of the public toilet block will remove an essential local facility that should be replaced. The toilet block is currently a redundant building and appears to have been closed for sometime. Council records indicate that they sold their interest in the building in January 1990, but it is not clear if the public toilets closed at this time. The local high street features numerous shops, public houses, library, community hall and so on, whereby there are likely available toilet facilities. It is not considered that the demolition of the toilet block and its replacement with a dwelling would impact on the provision of this type of facility.
- 5.16 Tollgate Hire have raised a number of issues concerning the maintenance of windows and gutters, the proposed dwelling meeting Building Regulations, security and party wall concerns and Wessex Water approval:
- There is a narrow gravelled access strip along the south-west elevation of the proposed dwelling. The majority of the windows are on the front and rear elevation where access is less restricted. The rear elevation windows are not within 1m of the boundary, they are approximately 2.2m – 2.5m.



- The proposed windows will be reversible for cleaning and will meet Building Regulation requirements.
- The external render proposed will be coloured and will likely require little or no maintenance, likewise the rainwater goods and eaves treatments.
- The proposed dwelling will have a side gate providing access for the occupiers. Existing boundaries will be maintained and will unlikely compromise the existing security levels of Tollgate Hire. In addition, the site will be occupied as a dwelling and would increase the security of the site.
- The Party Wall issues would be dealt with under the Party Wall Act. This legislation is a civil issue between the two parties.
- The agent has advised that a proposal is in place with Wessex Water with regard to drains. Existing manhole to be repositioned and sewer diverted by agreement with Wessex Water.

## 6. **CONCLUSION**

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

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

## 7. **RECOMMENDATION**

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

**Contact Officer: Katie Warrington**  
**Tel. No. 01454 863436**

## **CONDITIONS**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
1. 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. A scheme of intrusive site investigations shall be submitted to the Local Planning Authority for written approval;

- b. Investigations shall proceed in accordance with the agreed method;
- c. Following the investigations, a report of the findings arising from the intrusive site investigations and a scheme of resulting remedial works shall be submitted to the Local Planning Authority for written approval;
- d. All works shall be implemented in accordance with the approved scheme of remedial works.

Reason

In the interests of ensuring the suitability of the site, which has been subject to historic unrecorded coal mining at shallow depth in the past, and to ensure the safety and stability of the proposed development. To accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013.

- 3. Prior to the first occupation of the new dwelling, a splayed boundary wall as shown on the approved 'Proposed Site Layout Plan' (drg no. SK10 Rev C), shall be provided and thereafter permanently retained.

Reason

In the interests of highway safety and to ensure suitable pedestrian visibility is provided, to accord with saved policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006 (Saved Policies) and the South Gloucestershire Residential Parking Standard SPD (Adopted) 2013.

- 4. Prior to the commencement of development, a total of 3no. off-street parking spaces, two for the existing dwelling No. 132 High Street and one for the proposed new dwelling, shall be provided in accordance with the approved 'Proposed Site Layout Plan' (drg no. SK10 Rev C). The parking spaces shall then be permanently retained for the use of these properties thereafter.

Reason

In the interests of highway safety and to accord with saved policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006 (Saved Policies) and the South Gloucestershire Residential Parking Standard SPD (Adopted) 2013.

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

Reason

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

- 6. No development shall commence until surface water drainage details including SUDS (Sustainable Drainage Systems e.g. soakaways if ground conditions are satisfactory), for flood prevention; pollution control and environmental protection have been submitted and approved in writing by the Local Planning Authority.

Reason

To ensure a satisfactory means of drainage control and to comply with Policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and National Planning Policy Framework 2012.

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

To ensure a satisfactory means of drainage control and to comply with Saved Policies EP2 of the South Gloucestershire Local Plan (Adopted) January 2006 (Saved Policies), Policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and National Planning Policy Framework 2012.

8. The hours of working on site during the period of construction shall be restricted to 07.30 to 18.00 Monday to Friday and 08.00 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 the site.

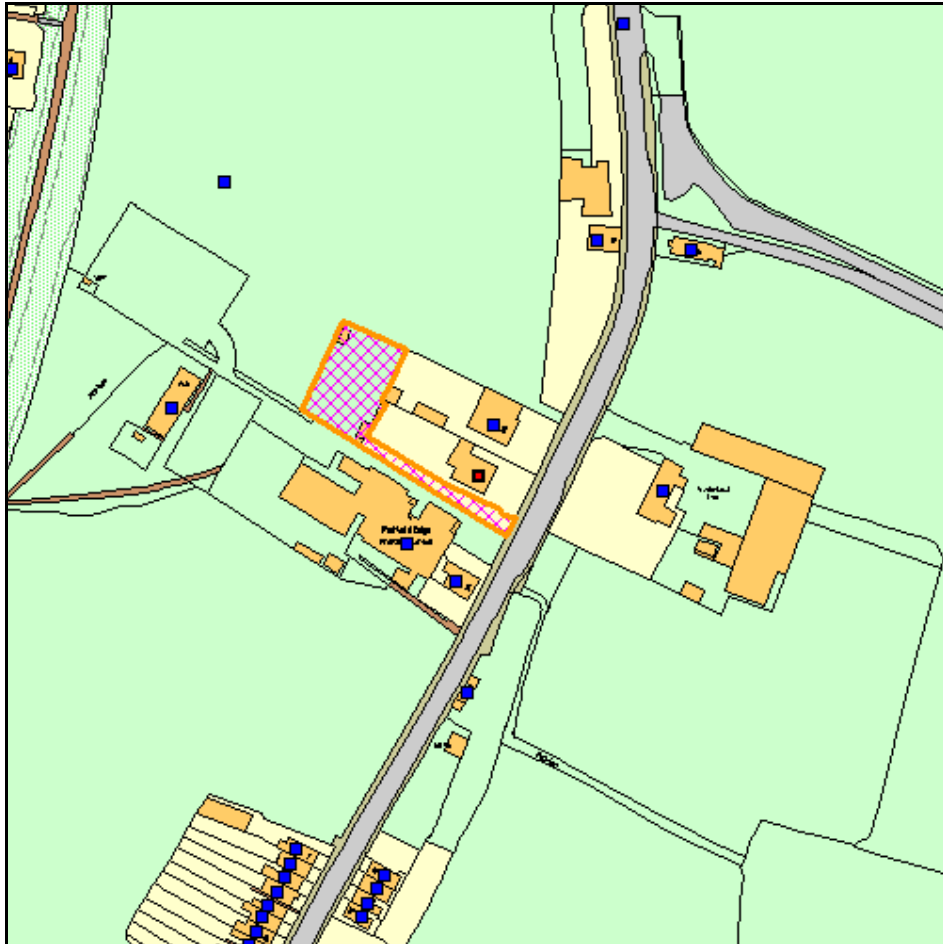
Reason

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

## CIRCULATED SCHEDULE NO. 17/15 – 24 APRIL 2015

<b>App No.:</b>	PK15/0429/F	<b>Applicant:</b>	Mr And Mrs Player
<b>Site:</b>	Land R/o 52 High Street Oldland Common Bristol South Gloucestershire BS30 9TL	<b>Date Reg:</b>	17th February 2015
<b>Proposal:</b>	Erection of 3no. low carbon detached dwellings with access and associated works.	<b>Parish:</b>	Bitton Parish Council
<b>Map Ref:</b>	367889 171905	<b>Ward:</b>	Oldland Common
<b>Application Category:</b>	Minor	<b>Target Date:</b>	8th April 2015

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100023410, 2008. N.T.S. PK15/0429/F

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

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

### **1. THE PROPOSAL**

- 1.1 The application seeks permission for the erection of 3no. detached dwellings within a backland plot in the rear garden of no.52 High Street, Oldland Common wrapping around the rear of the garden of no. 50 High Street. The development includes excavation works to facilitate a lower ground floor (basement) level to the dwellings
- 1.2 The application relates to the rear garden of a large detached dwelling which is situated within a spacious plot facing High Street, Oldland Common, to the north of Redfield Edge Primary School. It falls just within the defined settlement boundary in the East Bristol Fringe. The site utilises the existing accesses serving no.52 from High Street.
- 1.3 During the course of the application revised plans have been submitted in order to address comments made by Officers. A re-consultation period was undertaken.

### **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)

L1 Landscape Protection and Enhancement  
H4 Development within Existing Residential Curtilages  
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

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

- 3.1 PK12/1431/EXT - Erection of 2 no. semi-detached dwellings and 2 no. double garages with associated works. (Resubmission of PK07/2394/F) (Consent to extend PK08/2796/F). Approved 22<sup>nd</sup> June 2012
- 3.2 PK08/2796/F - Erection of 2 no. semi-detached dwellings and 2 no. double garages with associated works. (Resubmission of PK07/2394/F). Refused 24<sup>th</sup> November 2008. Appeal Allowed 9<sup>th</sup> June 2009.
- 3.3 PK07/2394/F - Erection of 2 no. semi-detached dwellings and 2 no. double garages with attached car ports and associated works. Refused 12<sup>th</sup> December 2007. Appeal Dismissed 29<sup>th</sup> July 2008.
  - Design.
- 3.4 PK02/0958/F - Erection of two storey rear extension and dormer to side elevation. Erection of new pitched roof to existing attached garage. Approved 25<sup>th</sup> May 2002

### **4. CONSULTATION RESPONSES**

- 4.1 Bitton Parish Council  
Councillors objected to this application which they felt represented over-intensification of development on the site. They also felt that the design of the houses was too out of keeping with others in the area.
- 4.2 Transportation DC  
No objection subject to condition securing access and parking before occupation.
- 4.3 The Coal Authority  
The applicant has submitted some coal mining information (Coal Authority Mining Report – 71000220623001, 01 May 2012) to accompany the planning application; however, The Coal Authority does not consider this adequately addresses the impact of coal mining legacy on the proposed development.  
  
The Coal Authority therefore objects to this planning application, and consider that the applicant needs to submit the required Coal Mining Risk Assessment Report, or equivalent, to the LPA.
- 4.4 Drainage Engineer  
No objection subject to condition securing SUDs.

### **Other Representations**

- 4.5 Local Residents  
No comments received from local residents.

## 5. ANALYSIS OF PROPOSAL

### 5.1 Principle of Development

The application seeks permission to erect 3no. detached dwellings on a backland plot within the rear garden of no.52 High Street. The site is situated just within the defined settlement boundary in the East Bristol fringe.

5.2 The principle of residential development on the site has been established under applications PK12/1431/EXT and PK08/2796/F (which was allowed at appeal) and proposes 2no. detached dwellings. Application PK12/1431/EXT remains extant and as such carries significant material weight under the current application.

5.3 The pertinent issues to consider are design and the impact of the development on residential amenity, highway safety, and the environment.

### 5.4 Design

The application site consists of the far rear garden of no.52 High Street, Oldland Common, which is in an L-shaped plot. Number 52 and the neighbouring property to the northeast (no.50) form two attractive large detached Victorian villa type stone built dwellings set within spacious plots. The site is bordered to the southwest by Redfield Primary School. The locality retains a semi-rural character with playing fields located to the north of no.s 50 and 52 and to the west, with open countryside designated as Green Belt to the east of the highway. Further to the south, beyond the Primary School, and to the east behind the playing fields is the established urban area of East Bristol Fringe. The site falls within the defined settlement boundary and urban area. Development on High Street in the immediate area is predominantly linear in form with the exception of the Primary School, the building for which extends the depth of the application site.

5.5 The proposal is to erect 3no. modern detached double storey dwellings. Half of the dwelling would be timber clad with a flat living roof and a car port at ground floor level, whilst the other half would have a mono-pitch roof finished in dark grey zinc with smooth fibre cement cladding and render to the elevations. The proposal also includes excavation in order to facilitate a lower ground floor (basement) level.

5.6 The principle of the backland development in this locality has already been established within the previous approvals (PK12/1431/EXT and PK08/2796/F). The layout previously approved consists of a pair of large semi-detached dwellings situated at a right angle behind no.50 and with a garage facing the private driveway which runs to side of no.52. The design principle previously adopted was for the new dwellings to appear as a barn. On approving this development the appeal Inspector summarises that due to changes in land levels the siting and scale of the proposal is such that it would remain sufficiently subservient and thus would not detract from the character of the two existing properties. This allowed appeal followed the previously dismissed appeal where the Inspector had considered the siting, height and scale of the garages, and the design detailing of the dwellings to be in competition with the two existing properties detracting from local character.

- 5.7 The maximum height of the new dwellings would be 7.3 metres, which is to the ridge of the mono-pitch roof. The majority of each building would however stand at 5.5 metres above ground level which is the height of the flat roof. The maximum height of the mono-pitch roof falls just below the ridge height of the previous approved dwellings but higher than the previously approved garages. The land is set down in height compared to the garden of no.50 and as such the proposed dwellings are appreciably lower than the two existing Victorian dwellings. Units 2 and 3 are sited in a similar position to the previously approved dwellings whilst unit 3 is sited opposite the private access drive forward of the previously approved garages.
- 5.8 It is considered that the siting, layout and height of the units are such that they would not appear adversely dominant in the street scene, especially given the well screened nature of this backland plot. Units 2 and 3 would be well screened by the existing dwellings and due to the lower height would appear visually subservient. This principle was considered acceptable in the previously allowed appeal where the Inspector had concluded that *'on balance, the height and scale would be sufficiently subservient to the existing dwellings and the distance between the buildings sufficiently large as to make the proposal acceptable'*.
- 5.9 It is noted that the dwelling on Unit 1 would be partially visible from High Street along the private driveway with the lower eaves of the mono-pitch roof protruding beyond the side elevation of no.52. Within the previously dismissed appeal (PK07/2394/F) the Inspector had raised issue with the garages, which would have also been partially visible from High Street. These garages were however of a larger scale and height than the current proposed building and failed to remain subservient to the existing properties. It is not considered that the dwelling on unit 1 would have the same harmful impact that the garages would have had and, given that the designs are substantially different, are not directly comparable.
- 5.10 In terms of the overall design the current proposal adopts a very different design approach to the site introducing a distinctly modern appearance with materials to reflect this. The previously approved design adopted a more traditional design approach attempting to replicate the appearance of a small cluster of barns. The Inspector had previously considered that the traditional design was sensible but this is not to say that a modern approach as currently proposed is not equally acceptable. The NPPF encourages and supports innovative design that is visually attractive as a result of good architecture. Decisions should not attempt to impose architectural styles or particular tastes, and should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. This is not, however, at the cost of local distinctiveness.
- 5.11 Within the previous appeal decisions the Inspectors had afforded substantial weight to the distinctiveness of the two existing dwellings which are described as attractive large Victorian villas. Under the dismissed appeal the Inspector emphasised the importance of respecting the backland nature of the plot ensuring the development does not vie for attention. The dismissed



development was refused on grounds that it's massing and height would do just this.

- 5.12 On assessing the current application it is noted that the development would, by virtue of the innovative design and appearance, introduce a very modern character which could potentially conflict with the traditional appearance of the two existing dwellings. However, on balance, it is considered that the height and scale of the new dwellings would be sufficiently subservient so as not to overbear or compete with the scale, or setting of the existing larger dwellings. The site would contain its own distinct character and would as a result appear visually separate thus not appearing confused or discordant in its setting. The proposed materials consist predominantly of timber clad and render with some smooth cement cladding to the elevations. The development introduces some green credentials in the form of a living roof and with solar panels on the south facing elevation of unit 1. The materials are modern, which is in keeping with the design approach but should not, by virtue of the proposed colour, appear adversely prominent.
- 5.13 It is noted that concern has been raised over the amount of development proposed in the site with issues raised on overdevelopment. In this respect it is noted that the number of dwellings proposed is more than the previous approval. However, this is a relatively large plot and, due to the footprint and scale of the proposed building, each unit would retain a sense of space each with adequate gardens and communal areas. The development does make an efficient use of land optimising the potential of the site which the NPPF supports.
- 5.14 Overall and in conclusion to the above it is considered on balance that the design, layout and scale of the development is acceptable and would not have a harmful impact on the character or distinctiveness of the site or the locality. It is recommended that samples of the materials are submitted to the Council for approval prior to commencement in order to ensure a high quality finish to the development and that a scheme of landscaping is submitted in order to enhance and soften the site in this semi-rural location.
- 5.15 Residential Amenity  
The application relates to the far rear garden of no.52, which wraps around the rear boundary of no.50. No.50 is situated on higher land and has two outbuildings, one of which is directly adjacent to the application site. The site is bordered to the southwest by the Primary School whilst the north and west boundaries border the surrounding playing fields.
- 5.16 In terms of the impact of the development on the occupiers of no.50 it is noted that units 2 and 3 are in a similar position to the development already approved by applications PK12/1431/EXT and PK08/2796/F and the height of the buildings are lower. Due to the difference in land levels and location of no.50's outbuildings it is considered that the development proposal would not have an adverse overbearing impact on the occupiers of no.50 and would not have an appreciable impact on either light entering the rear garden of no.50 or the outlook afforded to the occupiers. A high level window is proposed in the side elevation of unit 2 facing into the garden of no.50 but it is not considered that

this would materially impact the existing levels of privacy afforded to the occupiers. A condition is recommended to prevent the installation of any additional windows to the elevation of unit 3 that faces into no.50.

- 5.17 In terms of the impact on the occupiers of no.52 it is noted that the siting of unit 1 would be directly to the rear with a distance from elevation to elevation of 29 metres. Given the height and scale of the proposed dwellings, and the distance between the relevant dwellings it is not considered that the development raises any issues in terms of overbearing impact, loss of light or loss of outlook for the occupiers of no.52. Unit 1 does have a first floor window on the southeast elevation that faces the rear of no.52 which would overlook the rear garden area having some impact on existing privacy levels. It is however considered that the distance between the two properties is sufficient such that a refusal on these grounds could not be warranted.
- 5.18 It is considered that the layout of the three dwellings is such that each property would be afforded adequate levels of outlook and light and each would be served by a sufficient private amenity area. There would be no direct lines of visibility between windows on the new dwellings and as such each property would retain a satisfactory level of privacy. This is with the provision that no new windows are installed in the northeast elevation of unit 1.
- 5.19 Officers had raised concern in respect of the outlook afforded to and the amount of light entering the rooms on the lower ground floor (basement level) of the proposed dwellings. These would be served by an excavated void area with French doors opening out onto a small private enclosed patio area. In response revised plans have been submitted increasing the depth of the voids to 2.65 metres. It is considered that whilst the lower ground floor rooms would still be dark with very limited natural light weight is afforded to the fact that these rooms are bedrooms and as such would ordinarily serve the purpose of providing living space during the night. It is considered that the increased depth in the void is sufficient to ensure that the rooms would not feel to oppressive. On balance it is not considered that a refusal on these grounds could be sustained. All other rooms would be served by a a large amount of glazing that would secure a high standard of living in the rooms used during the daylight hours.
- 5.20 The access road would run to the side of no.52 and its rear garden, which is the same as the previous approval/ Although some limited disruption would occur as a result of vehicles using this driveway the previous approvals have established the acceptability of this.
- 5.21 It is noted that during construction disruption is likely to occur as a result of building operations and as such, due to the backland nature of the plot, a condition is recommended in order to control the hours of working for noisy operations.
- 5.22 Highway Safety  
The proposal is to utilise the existing access from High Street which is currently used to serve no.52. The access would have an opening of 4.8 metres including a 2 metres pedestrian visibility splay. The proposal is to lower the

front boundary wall of no.52 in order to provide sufficient visibility. The access is as per the previously approved application which has already been deemed acceptable. It is not considered that the increase in the number of units from two to three would alter the previous assessment in this respect.

- 5.23 The dwelling would each contain two off street spaces within the car port with an additional two shared visitor spaces sited at the end of the turning head. This amount of parking accords with the Council's minimum standards. The layout includes an adequate manoeuvring and turning area meaning that vehicles will be able to access and egress from the site in a forward gear. A dry rise fire appliance is identified adjacent to the rear boundary of no.52.
- 5.24 The previous approval contained a number of conditions relating to highway safety matters, some of which remain pertinent within the current application. These include the implementation of the access and visibility, the implementation and retention of the lowered boundary wall to the front of no.52, and implementation and retention of the parking and turning areas. It is also considered necessary to condition the car port nature of the parking to ensure that it remains as such. Other conditions which relate to the location of the refuse collection and dry rise fire appliance have been addressed within the application submission and as such are longer necessary. Subject to these relevant conditions there are no objections on grounds of highway safety.
- 5.25 Drainage  
No details have been submitted with regard to the proposed drainage to the site. There are no objections on these grounds subject to a conditions securing the surface water drainage details including SUDS (Sustainable Drainage Systems e.g. soakaways if ground conditions are satisfactory) prior to the commencement of development. This is particularly pertinent given that the Environment Agency 3rd generation Flood Maps for surface water show ground profiles in this development area as being subject to overland flow or flood routing in the event of high intensity rainfall (i.e. non-watercourse and non-sewer surcharging). The development area is shown as category 1 in 30yr surface water flooding. In line with Flood Risk Standing Advice the developer must consider whether they have appropriately considered surface water drainage and flood risks to and from the development site which could occur as a result of the development.
- 5.26 Land Stability  
The Coal Authority has objected to the development on the basis that the Coal Authority Mining Report – 71000220623001, 01 May 2012) submitted with the application does not adequately address the impact of coal mining legacy on the proposed development.
- 5.27 Ordinarily the Council would insist on the submission of these details prior to determination as per the Coal Authority's advice. However, in this instance substantial weight is afforded to the fact that the site has an extant permission which was supported by the same documentation as currently submitted. It would, therefore, be unreasonable for the Council to refuse the application on lack of information. It is recommended instead that the appropriate

investigatory work is undertaken prior to commencement to ensure that any mitigation required is implemented satisfactorily.

## **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 a satisfactory means of drainage is provided from the outset, in the interests of flood prevention, and to accord with policy CS9 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013, and the provisions of the National Planning Policy Framework 2012

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

landscaping carried out in the first planting season either following the completion of the first dwelling or following occupation of the first dwelling whichever is sooner

Reason

To enhance and protect the character and appearance of the area, and in the interests of visual amenity to accord with Policies CS1 and CS9 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013. Details are required prior to commencement to ensure that landscaping is properly considered and integrated into the development at the early stages.

4. (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 2012, and Policies CS1 and CS9 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013.

5. 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

6. The dwellings hereby approved shall not be occupied until the means of access has been constructed in accordance with the 'Proposed Site Entrance Detail Plan' (ref. 1944/013). The access shall thereafter be retained as such.

Reason

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

7. The dwellings hereby approved shall not be occupied until the off street parking (including visitor parking), private access road, dry riser fire appliance and refuse collection area have been provided in a permeable and bound material and in accordance with plan refs 1944/013, 1944/003A and 1944/008A. The off street parking (including visitor parking), private access road, dry riser fire appliance and refuse collection area shall be retained as such thereafter.

Reason

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

8. The dwellings hereby approved shall not be occupied until the front boundary wall of no.52 High Street has been lowered to at least 600mm. The wall shall be retained as such thereafter.

Reason

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

9. The car ports forming part of the dwellings hereby approved shall remain permanently open and shall not be used for any purpose other than the parking of private motor vehicles and ancillary domestic storage.

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) 2013

10. No windows other than those shown on the plans hereby approved shall be inserted at any time at first floor level in the side elevations of the dwellings

Reason

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

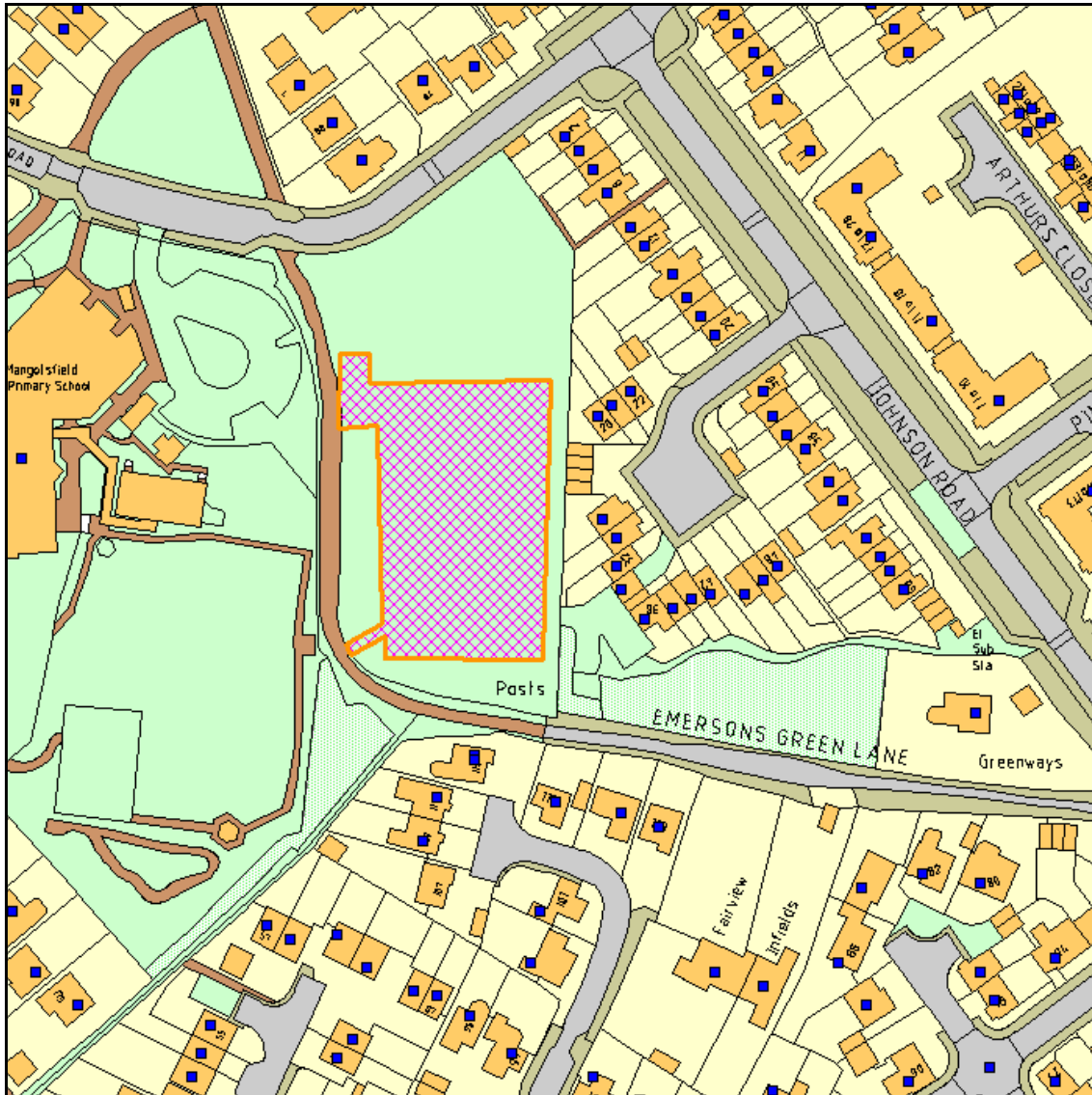
11. The hours of working on site during the period of construction shall be restricted to 08:00 to 18:00 Mondays to Fridays (inclusive), 08:30 to 13:00 Saturdays, and no working shall take place on Sundays or Public Holidays. The term 'working' shall, for the purpose of clarification of this condition 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 residential amenity of the neighbouring occupiers during construction and to accord with the provisions of the National Planning Policy Framework 2012

## CIRCULATED SCHEDULE NO. 17/15 – 24 APRIL 2015

<b>App No.:</b>	PK15/0565/R3F	<b>Applicant:</b>	South Glos. Council
<b>Site:</b>	Mangotsfield Primary School Church Farm Road Emersons Green South Gloucestershire BS16 7EY	<b>Date Reg:</b>	11th March 2015
<b>Proposal:</b>	Installation of a 3G artificial pitch with associated access paths and works.	<b>Parish:</b>	Mangotsfield Rural Parish Council
<b>Map Ref:</b>	366900 176542	<b>Ward:</b>	Emersons Green
<b>Application Category:</b>	Minor	<b>Target Date:</b>	1st May 2015



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100023410, 2008. **N.T.S.** **PK15/0565/R3F**

## **REASON FOR REPORTING TO CIRCULATE SCHEDULE**

This application has been forwarded to the Circulated Schedule as the application is submitted by the Council.

### **1. THE PROPOSAL**

- 1.1 The application site is situated within a residential area of Emersons Green. The site is bounded by residential development on all sides with vehicular access onto Church Farm Road. The school site comprises a two storey primary school building situated towards the north west corner with other ancillary buildings and playing fields to the south and east. The approved extensions are being constructed and the staff car park has now being in use. The field in relating to this current application has been cleared for the construction of the sport field.
- 1.2 The proposal is to install a 3G artificial pitch on the previous approved natural turf sport field, and to construct vehicular and pedestrian access to the pitch. It is also proposed to install 1.2 metres high perimeter fence with 3 metres high 'balls stop net' around the pitch.
- 1.3 The applicant also submitted a supporting statement to indicate that a 3G artificial area would be the best alternative to ensure the children have access to a sports pitch during this school year, as the opportunity to seed the sports pitch in summer / autumn 2014 was missed and the development of the sports pitch has been delayed. The installation of the artificial area would normally take between 5-8 weeks and it is the applicant's intention to allow the school access to use the sport pitch from June 2015.

The applicant confirmed that the artificial area would allow the children access all year round, the plans for the existing planning application PK13/0227/R3F will remain the same with the only change being to the change of surface for the artificial area. The outer area of the pitch will remain as seeded grass which was the original proposal and all landscaping will be carried out as stated in the approved planning application. The applicant has confirmed that it is not proposed to install floodlights.

### **2. POLICY CONTEXT**

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

- 2.2 Development Plans

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

CS1	High Quality Design
CS2	Green Infrastructure
CS5	Location of Development
CS8	Improving Accessibility



CS9	Managing the Environment and Heritage
CS23	Community Infrastructure & Cultural Activity
CS29	Communities of the East Fringe of Bristol Urban Area

South Gloucestershire Local Plan (Adopted) January 2006

L1	Landscape Protection and Enhancement
L9	Species Protection
LC3	Proposals for Sports and Leisure Facilities within the Existing Urban Area and Defined Settlement Boundaries
LC9	Protection of Open Space and Playing Fields
T7	Cycle Parking
T8	Parking Standards
T12	Transportation for New Development

- 2.3 Supplementary Planning Guidance/Documents  
 South Gloucestershire Design Checklist – August 2007  
 Biodiversity Action Plan SPD

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

The site has been subject to a number of planning history in the past.

- 3.1 P98/4510 Erection of new primary school, Approved 23.09.98
- 3.2 PK99/0238/F Erection of two storey extension to existing primary school to provide 4 additional classroom. Approved 25.01.00
- 3.3 PK02/0354/F Erection of storage sheds for outdoor play equipment. Approved 19.03.02
- 3.4 PK03/2531/F Erection of single storey extension. Approved 19.09.03
- 3.5 PK05/0941/R3F Erection of single storey classroom extension. Approved 16.05.05
- 3.6 PK09/1154/R3F Erection of single storey extension to west elevation to form additional classroom space (Option C). Approved 24.07.09
- 3.7 PK09/1157/R3F Erection of single storey extension to west elevation to form additional classroom space (Option B). Approved 24.07.09
- 3.8 PK09/5418/R3F Construction of external hard-play area and erection of a timber pagoda (Retrospective) Approved 11.12.09
- 3.9 PK09/5364/R3F Erection of temporary classroom block with covered walkway for period of three years (Retrospective). (Resubmission of PK09/0915/R3F). Approved 12.11.09
- 3.10 PK10/0692/R3F Erection of single storey extension to existing school hall to provide storage space. Approved 21.05.10

- 3.11 PK12/1925/R3F Erection of 2.4 metre high fencing and gates. Approved 10.08.12
- 3.12 PK12/3917/F Erection of single storey extension to form new Reception area. Erection of boundary fence. Approved 10.01.13
- 3.13 PK13/0227/R3F Installation of 2 no. cycle shelters, 2 no. scooter stands and construction of hardstanding for 3 no. cycle stands. Approved 22.03.13
- 3.14 PK14/1501/R3F Erection of two storey extension to provide 7no. additional classrooms and erection of detached classroom block for a temporary period of two years. Landscaping works to provide external play areas and erection of 2.4m high boundary fencing. Creation of new sports field and staff car park with access and associated works.. Approved 23.07.2014
- 3.15 PK14/3299/RVC Variation of condition 6 attached to PK14/1501/R3F to change the hours of working on site to 07:30 to 18:00 Monday to Friday and 08:00 to 13:00 Saturday and no noisy activities on Sundays or Bank Holidays. Approved 19.12.2014

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

##### 4.1 Parish Council

No objection provided that provided that the proposed new tarmac walkway and new tarmac path do not hinder the growth of the wildlife hedging

##### 4.2 Consultees responses:

Sustainable Transport:	No objection.
Ecology Officer:	No objection.
Landscape Officer:	No objection.
Drainage Engineer:	No objection subject to a condition seeking sustainable drainage.
Public Right of Way Officer:	No objection.

##### **Representations**

##### 4.2 Local Residents

No response received.

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

##### 5.1 Principle of Development

The National Planning Policy Framework was published in March 2012. It is considered that the relevant policies of the adopted Local Plan and Core Strategy do not materially depart from the NPPF. As such full weight can be afforded to the Development Plan policies in this case.

Paragraph 73 and 74 of NPPF states that the Government attached great importance to protect and provide high quality open space, sports and recreation facilities.

Policy LC3 of the South Gloucestershire Local Plan is supportive in principle of proposals for development, expansion or important of indoor and outdoor sports and leisure facilities within the existing urban area providing there would be no detrimental impact in terms of residential amenity, environmental or transportation effects, the site is highly accessible on foot or by bike and the proposal would not give rise to an unacceptable level of on street parking. Policies T8 related to parking standards and T12 related to highway safety are also a material consideration.

As the proposal would not affect the size of the pitch and would not cause a loss of public open space, therefore there is no objection to the principle of the development.

In determination of this application there are no significant differences between the relevant adopted Local Plan policies and the Core Strategy.

#### 5.2 Design and Visual Amenity

Policy CS1 of the adopted Core Strategy requires all new development to be well-designed. The proposed 3G artificial pitch to replace the previously approved natural turf pitch would not materially impact upon the design and visual amenity of the area.

The proposed tarmacked maintenance vehicular access and pedestrian access are relatively modest in scale and the proposed 1.2 metre high perimeter fence with 3 metres high ball stop net are commonly in use on sport fields. As such, it is considered that the proposal would not cause significant adverse impact upon the character and appearance of the locality and the design of the proposal accords with the criteria of Policy CS1 subject a condition is imposed to seek detailed design of the proposed perimeter fence and ball stops net.

#### 5.3 Landscape Issues

To support the proposal, the applicant has confirmed that all landscaping will be carried out in accordance with the approved scheme under PK13/0227/R3F.

It is considered that the proposed changes to the surface materials of the pitch, the proposed vehicular access and pedestrian access, and perimeter fence and ball stop nets would not cause material impact upon the landscape character of the locality, therefore the proposal is considered acceptable.

#### 5.4 Residential Amenity

The proposal would not change the use of the site and the applicant has confirmed that there would not be any additional floodlights on the sport pitch, therefore the proposal would not cause unreasonable adverse impact upon the neighbouring properties in terms of the overlooking, overbearing, noise and nuisance.

#### 5.5 Highway issues

The proposal is to change the surface material of the pitch, and to provide vehicular and pedestrian access to the pitch, and to install perimeter fence and balls stop net. The proposal would not affect the approved vehicular access and parking arrangement and would not generate additional traffic to the site as the use of the site remains the same. Therefore there is no highway objection to the proposal.

#### 5.6 Ecology

The application site comprised an area of rough grassland and bare earth with fringes of scrub vegetation on the eastern side of Emersons Green Lane to the east of the existing Mangotsfield School in Emersons Green. The site is not covered by any statutory or non-statutory nature conservation designations.

The area has been excavated and the area for the proposed artificial pitch would not affect the hedges planting along the site boundary. Although a small parcel of grassed area would be lost for the construction of the vehicular and pedestrian area, it is considered that the ecological impact upon the wildlife habitat would not be significant. Therefore there is ecological objection to the proposal.

#### 5.7 Playing Fields and Open Space

Sport England has regularly updated and published their design guidance note for the construction of artificial outdoor sport surface. The aim of this design note is to ensure that the artificial pitch would be installed to an acceptable standard for sport activities. A planning condition is therefore imposed to ensure that the artificial pitch will be installed in accordance with the latest Sport England and FA guidance design code for artificial surfaces for outdoor sports.

#### 5.8 Drainage

The applicant has confirmed that additional drainage will be installed if required. Officers have no objection to the proposal subject to a condition seeking sustainable surface water drainage.

### 6. CONCLUSION

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

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

## 7. **RECOMMENDATION**

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

**Contact Officer:** Olivia Tresise  
**Tel. No.** 01454 863761

### **CONDITIONS**

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

Reason

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

2. The proposed 3G artificial pitch hereby approved shall be constructed and laid out in accordance with Drawing No. 249 2014./13 Rev D received 2 June 2014 under planning permission PK14/1501/R3F and with the standards and methodologies set out in the Sport England's latest design guidance note of Artificial Surfaces for Outdoor Sport and the FA Artificial grass pitch quality performance standard, and shall be made available for use in accordance with a time frame to be agreed with the Local Planning Authority in writing before the first occupation. The pitch shall be provided in accordance with this time frame.

Reason

To ensure the quality of pitches is satisfactory and they are available for use before development (or agreed timescale) and to accord with Policy CS2 of the South Gloucestershire Local Plan (Adopted December 2013) and Policy LC3 of the South Gloucestershire Local Plan (Adopted) January 2006.

3. Prior to the installation of the proposed perimeter fence and balls stop net hereby permitted, details of the proposed fence and net shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details.

Reason

To avoid any remedial works and to ensure a satisfactory standard of external appearance, and to accord with Policy LC3 of the South Gloucestershire Local Plan (Adopted) January 2006 and Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013).

4. The hours of working on site during the period of construction shall be restricted to 07.30am to 18.00pm Mondays to Fridays, and 08:00am to 13.00pm Saturdays, and no working shall take place on Sundays or Public Holidays. The term 'working' shall, for the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the curtilage of site.

Reason

To minimise disturbance to occupiers of neighbouring residents and to accord with Policy LC3 of the South Gloucestershire Local Plan (Adopted) January 2006.

5. No external lighting, except those have been approved to the new car park, shall be installed on the playing area hereby approved at any time.

Reason

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013) and Policy LC3 of the South Gloucestershire Local Plan (Adopted) January 2006.

6. Prior to the installation of the 3G artificial pitch hereby permitted, a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include details of how the scheme shall be maintained and managed after completion.

Reason

To avoid any remedial works, prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of the surface water drainage system and in accordance with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013).

7. All hard and soft landscape works for the sports pitch shall be carried out in accordance with the approved details, drawing no. 249 2014./12 Rev F (Landscape Proposals Overall) 249 2014./13 Rev D (Landscape Proposals Sports Pitch Detail) and 249 2014./27 Rev E (Landscape Fencing) submitted on 2 June 2014 under planning permission PK14/1501/R3F. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the Local Planning Authority.

Reason

To protect the character and appearance of the area to accord with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013) and Policies L1 and LC3 of the South Gloucestershire Local Plan (Adopted) January 2006.

# ITEM 5

## CIRCULATED SCHEDULE NO. 17/15 – 24 APRIL 2014

**App No.:** PK15/0682/F  
**Site:** 13 Tormarton Road Acton Turville  
Badminton South Gloucestershire GL9  
1HP

**Applicant:** Mr Phillip Hall  
**Date Reg:** 27th February  
2015

**Proposal:** Erection of two storey side and rear  
extension to form additional living  
accommodation

**Parish:** Acton Turville  
Parish Council

**Map Ref:** 380752 180707  
**Application** Householder

**Ward:** Cotswold Edge  
**Target** 21st April 2015

**Category:**

**Date:**



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N.T.S.

PK15/0682/F

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

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

### **1. THE PROPOSAL**

- 1.1 The proposal seeks to erect a two-storey side and rear extension to form additional living accommodation.
- 1.2 The host dwelling is a two-storey demi-detached property set back from the classified highway, Tormarton Road. The dwelling is located in the defined settlement boundary of Acton Turville and also within the Cotswold Area of Outstanding Natural Beauty (AONB). Importantly, the host dwelling is located outside of the Acton Turville Conservation Area.
- 1.3 The two-storey side extension will extend 4.5 metres to the side of the existing dwelling, and to the two-storey rear will extend the same length as the existing single storey rear extension. The two-storey side extension will have a hip-end and the rear two-storey extension will have a dual-pitch roof with an open gable-end. The roof pitch of this rear extension will match that of the hip-end of the side elevation.
- 1.4 Over the period of the application, a number of amendments were made to this proposal, specifically:
  - A revised red line to reflect ownership and residential curtilage correctly;
  - A revised access and parking arrangement; and
  - a number of rooflights on the proposed rear roof elevation facing no. 15 Tormarton Road were moved to the opposite roof elevation away from no. 15 Tormarton Road.

### **2. POLICY CONTEXT**

2.1 National Guidance  
National Planning Policy Framework March 2012

2.2 Development Plans

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

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

L1 Landscape Protection and Environment

L2 Cotswolds Area of Outstanding Natural Beauty (AONB)

T12 Transportation Development Control Policy for New Development

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design

CS5 Location of Development

CS8 Improving Accessibility



- 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 P93/2108 Approval Full Planning 24/10/1993  
Erection of two storey side extension to provide kitchen with bedroom and bathroom above. (no. 15 Tormarton Road – adjacent property)

### **4. CONSULTATION RESPONSES**

- 4.1 Parish Council  
No comment.

- 4.2 Other Consultees

Highway Drainage  
No comment.

Sustainable Transport  
No objection, subject to a condition ensuring that the first 8 metres of the access/driveway are finished in a permeable bound surface.

#### **Other Representations**

- 4.3 Local Residents

One letter of objection has been received by the Local Planning Authority, this comment is summarised below:

- The velux windows on the side elevations will overlook no. 15 Tormarton Road's small garden (these windows have subsequently been moved);
- The front elevation will be unbalanced and no longer a pair, the properties were built as a pair in 190, and should stay as a pair.

- 4.4 One neutral comment has been received by the Local Planning Authority from a neighbouring resident regarding the extent of the red line on the submitted plans. The commenter and the applicant are in the midst of land swap, this land swap is yet to be agreed, but the submitted plans reflected that it had been. These plans have now been amended to reflect the correct ownership.

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

- 5.1 Principle of Development

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

appropriate density and well integrated layout connecting the development to wider transport networks; safeguard and enhance important existing features through incorporation into development; and contribute to strategic objectives.

- 5.2 Saved Policy H4 of the South Gloucestershire Local Plan (adopted January 2006) is supportive in principle of development within the curtilage of existing dwellings. This support is provided proposals respect the existing design; do not prejudice residential and visual amenity, and also that there is safe and adequate parking provision and no negative effects on transportation.
- 5.3 Saved Policy L2 of the adopted Local Plan states development should be well related to the character of the local landscape and must not harm the natural beauty of the Cotswold Area of Outstanding Natural Beauty. As well as this, saved Policy L1 'Landscape Protection and Enhancement' of the adopted Local Plan states new development will only be permitted where the character, distinctiveness, quality and amenity of the landscapes are conserved and enhanced.
- 5.4 Design and Visual Amenity  
The host dwelling forms part of a semi-detached pair of two-storey cottages thought to have been built in the early 20<sup>th</sup> century. During this period the adjacent attached property, no. 15 Tormarton Road, has had a two-storey side extension (planning ref. P93/2108). This extension does disrupt this semi-detached cottage arrangement to a degree, which does result in the properties appearing asymmetrical.
- 5.5 The proposal addresses this through extending to the side of the host dwelling in a similar way as the adjacent dwelling has in the past. It is noted that the host dwelling extends to the side of the existing dwelling by approximately 4.5 metres, meaning the front elevation of the host dwelling would be approximately 1.2 metres wider than that of the existing adjacent dwelling. However, through a site visit and reviewing the appropriate plans it is considered that the proposal would not result in a pair of cottages which were largely asymmetrical or disproportionate.
- 5.6 Accordingly, with regard to the front elevation it is judged that the proposal would represent an improvement which addresses the existing asymmetry between the two semi-detached dwellings.
- 5.7 The rear two-storey extension will extend for approximately 3.4 metres, which is the same distance as the existing single storey rear extension. This existing single storey rear extension will be retained.
- 5.8 The two-storey rear extension will utilise a dual-pitch roof, with the pitch elevation matching that of the hip-end of the two-storey side extension. The ridge-line of the proposed rear extension will be suitably lower than that of the ridge height of the main dwelling, this will aid in the rear extension appearing subordinate to the main dwelling.

- 5.9 The proposed rear extension will have a rather sizeable side elevation, which as a result of the large side garden to the property will be fairly visible from Tormarton Road. A blank side elevation of this size would cause concern due to a potentially oppressive nature. However, the proposal combats this through having an appropriate fenestration arrangement.
- 5.10 The proposal matches all materials appropriately with both the existing and adjacent dwelling. This aids in the proposal in-keeping with the character of the site and its wider context.
- 5.11 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.
- 5.12 Landscape  
This application also includes a proposed new access in order to achieve an appropriate level of parking for the property. This proposed new access will disturb the rather quaint old stone hedge which demarcates the front boundary of the site.
- 5.13 Although the demolition of a small section of this stone hedge is unwelcome in terms of visual amenity and landscape quality, the proposed new gates are appropriate for this hedge and wider area. In addition to this, it will be conditioned that any new stone hedge which needs to be constructed is done so in a matching style and material to that of the existing stone hedgerow.
- 5.14 In addition to this, from a site visit it is clear that the applicant has already demolished part of this hedge to provide access to the site. Such a demolition does not require planning permission.
- 5.15 The proposed works will not detrimentally impact on the landscape of the area, as the proposal involves an appropriate design approach. In addition to this, it must be considered that the host dwelling is located within a designated settlement boundary, and proposals of this kind are expected.
- 5.16 Accordingly, in terms of landscape the proposal has an acceptable impact on the landscape character of the area and therefore the proposed two-storey side and rear extension accords with saved policy L1 and L2 of the adopted Local Plan.
- 5.17 Residential Amenity  
Saved policy H4 of the adopted Local Plan requires development within residential curtilages to not prejudice the residential amenity of the nearby occupiers.

- 5.18 The proposal initially had a number of rooflights on the western roof elevation of the proposed two-storey rear extension, an objection was received regarding these rooflights, and consequently a number of these rooflights have been moved to the eastern roof elevation.
- 5.19 Accordingly, the proposal still involves a rear first floor rooflight on the southern roof elevation to the east of a chimney (away from the adjacent dwelling), and also a rooflight on the eastern roof elevation of the proposed extension, also behind the chimney. These rooflights will not result in a loss of privacy to any neighbouring occupier. This is due to the angle of the pitch of the roof and also the height of the rooflights in the respective rooms.
- 5.20 The side elevation of the proposal involves a number of windows, these windows will not cause a loss of privacy as they are over 25 metres from the nearest affected dwelling.
- 5.21 The proposed Juliet balcony on the rear elevation of the proposed two-storey extension is unlikely to result in any indirect views into the neighbouring garden to the south as a result of the large trees which mark the rear boundary.
- 5.22 Due to the positioning, scale and proportionate design of the proposal, the proposed two-storey side and two-storey rear extension will not result in a materially overbearing impact on any of the neighbouring occupiers. In addition to this, the proposal will also not result in a material loss of light to any nearby properties.
- 5.23 Overall the proposal will not result in a materially detrimental impact to the residential amenity of the nearby occupiers, and accordingly, saved policy H4 of the adopted Local Plan is satisfied.
- 5.24 Highways  
To meet the Council's adopted residential parking guidance, the property would need to provide at least two parking spaces. To afford these parking spaces a new access is needed from Tormarton Road. Accordingly, the agent has submitted revised plans which demonstrate two parking spaces within the residential curtilage of the host dwelling, and also an access which meets the requirements of the Council's Sustainable Transport Officer. In order to ensure this access and parking spaces are implemented, a condition will be imposed on any permission granted.

## **6. CONCLUSION**

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

January 2006 and the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 set out above, and to all the relevant material considerations set out in the report.

## **7. RECOMMENDATION**

7.1 That the application is **APPROVED** 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. Any damage or demolition to the front boundary old stone hedge or newly built hedge in connection with the proposed access will be repaired/built using matching materials utilising the same method of hedge laying as the existing hedge.

Reason

In the interests of visual and landscape amenity, and to accord with Policy CS1 of the Core Strategy (adopted) December 2013; and saved Policies L1 and L2 of the South Gloucestershire Local Plan (Adopted) January 2006.

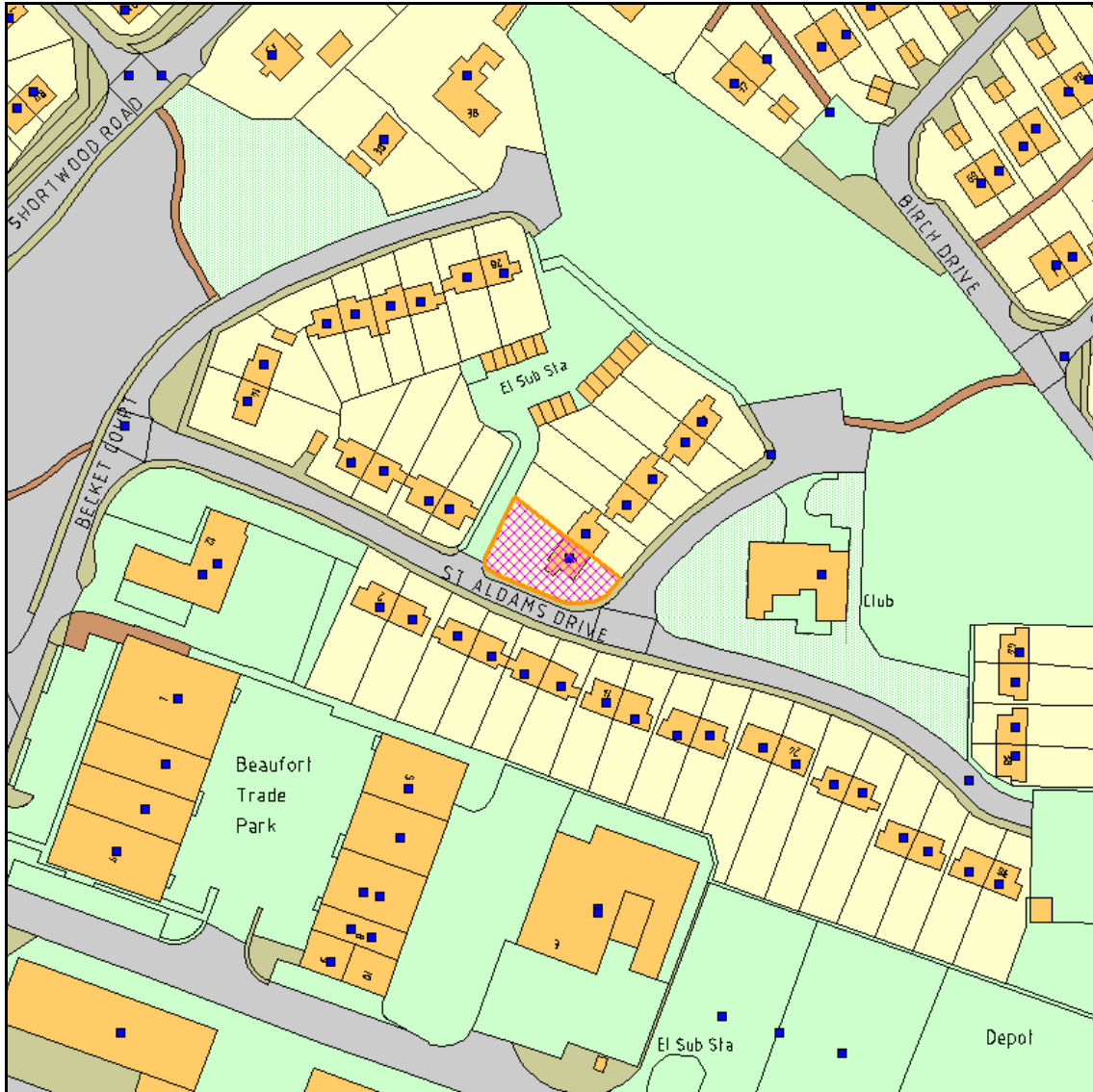
3. Prior to the occupation of the hereby permitted extensions, the parking area located to the east of the host dwelling and the associated access from Tormarton Road, shall be constructed and thereafter retained, in accordance with the 'Street Scene, Parking, Site and Location Plans (dwg no. 1410/TP03 R4). In addition to this any hard surfacing used for such parking spaces or access shall be composed of a surface formed of a permeable bound surface material.

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.

## CIRCULATED SCHEDULE NO. 17/15 – 24 APRIL 2015

<b>App No.:</b>	PK15/0752/F	<b>Applicant:</b>	Mr M Budd
<b>Site:</b>	9 St Aldams Drive Pucklechurch Bristol South Gloucestershire BS16 9QQ	<b>Date Reg:</b>	24th February 2015
<b>Proposal:</b>	Demolition of existing garage and erection of 1no. attached dwelling with access and associated works.	<b>Parish:</b>	Pucklechurch Parish Council
<b>Map Ref:</b>	369848 176124	<b>Ward:</b>	Boyd Valley
<b>Application Category:</b>	Minor	<b>Target Date:</b>	16th April 2015



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

The below report appears on the Circulated Schedule following objections received from local residents.

### **1. THE PROPOSAL**

- 1.1 The applicant seeks full planning permission for the demolition of an existing garage and the erection of 1no. attached dwelling with access and associated works.
- 1.2 The application site relates to the garden of a two-storey semi-detached property situated within a small cul-de-sac in the established settlement of Pucklechurch.
- 1.3 During the course of the application revised plans were requested to alter the design of the proposed house. These changes have included the continuation of the roof line, the continuation of both the front and rear building lines, the alteration of the fenestration pattern and the relocation of the front door to the side elevation. In addition the orientation of the proposed parking provision was also altered following a suggestion from the Highway Engineer.

### **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	Environmental Resources and Built Heritage
CS15	Distribution of Housing
CS16	Housing Density
CS17	Housing Diversity
CS18	Affordable Housing
CS23	Community Infrastructure and Cultural Activity
CS24	Open Space Standards

##### 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)

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

3.1	P84/2316	Erection of single detached garage and construction of vehicular access.
	Approved	24.10.84

### 4. **CONSULTATION RESPONSES**

#### 4.1 Pucklechurch Parish Council

##### Objection:

The PPC believes the application does not comply with SGC's requirements for residential parking standards. PPC acknowledges that 4 spaces are being provided on site for the two properties however these must be balanced against the fact that the development:

1. will cause or add to the existing parking problems in the area - (these are well-attested to by our Community Plan survey results) since the two driveways that are proposed will lead to the loss of unallocated on-street parking spaces where such roadside parking spaces provide the primary means of parking in the locality - ie along virtually the whole of the road adjacent to the development site.
2. will only provide 2 spaces on site for Number 9 when the size of the house should require at least 2.2 accounting for visitors and it is not acceptable to assume this additional requirement can be catered for in nearby existing streets especially when on street parking has been reduced

*Following revised plans the Parish Council **removed their objection***

#### 4.2 Other Consultees

##### Transportation

No objection subject to a condition attached to the decision notice

##### Highway Drainage

No objection subject to a SUDS condition and an informative regarding the position of a public sewer.

##### Trading Standards

No objection subject to an informative attached to the decision notice

### **Other Representations**

#### 4.3 Local Residents

Three letters of objection has been received from local residents. The main points raised are as follows:

- Parking and visibility difficulties
- Overbearing and out of character
- Loss of garden space and open-aspect character of neighbourhood
- Devaluation of existing properties
- Dangerous driving



## 5. ANALYSIS OF PROPOSAL

### 5.1 Principle of Development

The proposal stands to be considered against the policies listed above and all material considerations. The policies of main relevance would be 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 including new dwellings. It is considered that the proposal accords with the principle of design and this is discussed in more detail below.

### 5.2 Design and Visual Amenity

The application site relates to the side garden of a semi-detached two-storey dwellinghouse situated within the settlement boundary of Pucklechurch. The house is of simple design and modest proportions and located within an estate of similar styled properties. St Aldams Drive comprises a main thoroughfare and a number of smaller cul-de-sacs off to one side. The application site is positioned at the beginning of one of these small cul-de-sacs and holds a corner position with its side garden adjacent to the main part of St Aldams Drive. It is noted that the proposed dwelling would be very slightly forward of the building line created by neighbours to the north at No. 7 and as such a balanced approach to the assessment is therefore required which would take into account, among other things, policy aims, the distance of the site from its neighbours, the use of part of the large garden associated with No. 9 and its orientation and how well the proposal would appear in its surroundings.

5.3 Originally the proposed dwelling was stepped down from the main ridge line and its front elevation stepped back from the main front building line. The design had sought to mimic the front elevation of the existing house and it is recognised that other properties within this cul-de-sac have a strong uniform appearance to their front elevations. However, in this instance it was considered that the attempt to imitate the pattern of openings was not successful given the width constraints of the plot size. Comments from Officers have therefore resulted in a change in the overall design whereby the proportions of the windows to the front elevation match those of the existing dwelling. In addition revised plans received show that the property would follow on from the host property in terms of its ridge height and its front and rear building lines. The width of the proposed new dwelling would be narrower than the existing dwelling at 4.6 metres and windows would be located in the front, rear and side elevations. Its main entrance would be to the side rather than the front.

5.4 Comments have been received expressing concern over the general design of the new dwelling, the fact that it would be a 2no. bed property rather than having 3no. bedrooms and also criticising the internal configuration, especially the position of the bathroom window. Other objectors have commented on the proposed design being out of character in terms of its appearance with existing dwellings in the vicinity as there are no terrace blocks on St Aldams Drive. It is

acknowledged that the proposed dwelling would be of a smaller scale than those existing in the cul-de-sac, however, it is considered that the proposed design would be sympathetic to rather than a pastiche of the existing dwellings. Furthermore, it must also be recognised that its location would be within the confines of the village where sustainable development is promoted.

- 5.5 Regarding design, there are no hard and fast rules, each proposal is assessed on its own merits whereby on many, but not all, occasions subservient additions are encouraged. In this case the changes in design are considered to accord with the principles set out in Policy CS1 which states that, among other things, design should respect the character and distinctiveness of the site and area in its siting, form, scale, height and massing. In addition the overall layout should be well integrated with the existing adjacent development. It is considered that the proposed structure would accord with these overarching principles. Internal changes to properties can be made without the need for full planning permission and this would include the re-positioning of bathrooms and associated obscure glazed windows. Furthermore, it could be that internal alterations or extensions have already taken place within other properties along this road so as to change the number of bedrooms, but these alterations may not always be obvious to the casual observer. It is acknowledged that the proposed house would be a 2no. bed property but it is considered the dwelling's design would allow a successful integration with the existing street scene and it would not appear glaringly at odds with the other properties here.
- 5.6 Materials used in the construction would be of red brick and roof tiles of a colour again to match the host property. Overall the design, scale and massing along with the proposed exterior finishes are considered appropriate to the host property and to the character of the area in general and the proposal can therefore be supported.
- 5.7 Residential Amenity  
The existing property benefits from its corner position by having a front garden, a rear garden and side garden giving it a larger than average residential curtilage. To facilitate the proposed development the existing rear garden would be subdivided by fencing of approximately 1.8 metres in height and the existing garage would be demolished. The fence would follow the end of the existing house and extend to the north west. Two parking spaces would be located in the rear garden of the existing house and the front garden would remain as is. Although smaller than originally, sufficient amenity space would remain to serve this property.
- 5.8 In a similar fashion the rear amenity space allocated to the new dwelling would be enclosed by 1.8 metre high fencing. This too would follow on from the rear corner of the new house and extend northwest towards the access drive serving neighbouring properties. As such the car parking for the proposed new dwelling would be located outside this boundary fence in the remaining area between the new house and the main St Aldams Drive road. The proposed residential amenity space to the front would be open plan thereby retaining this feature of the estate.

- 5.9 The main proposed openings would be located in the northwest and southeast elevations. To the south would be located the main front door and a first floor window serving the bathroom. This elevation would be opposite the row of houses on the main part of St Aldams Drive. These properties would be approximately 16 metres away and for the sake of preserving the existing amenity, a condition would be attached to ensure this window would be non-opening below a certain height and of obscure glazing. To the southeast the property would face an area of shrubs and trees and to the northwest is the side elevation of No. 7 St Aldams Drive. This property has a landing window in this opposing elevation which is approximately 21 metres away from the rear elevation of the application site. It is therefore considered that there would be no issues of inter-visibility or overlooking resulting from the proposed development.
- 5.10 It is considered that the proposed new dwelling would not impact negatively on the residential amenity of the host property, with the assistance of a condition regarding the bathroom window would not result in adverse residential amenity issues of neighbouring dwellings and would provide sufficient outside space to serve future occupiers.
- 5.11 Comments received have stated the application would be over development of this small site and the loss of garden land would change the nature of the open aspect appearance of the neighbourhood. Policy dictates that applications for new dwellings within existing residential curtilages are acceptable providing they meet certain criteria. It must be noted that the application site is to the side of an existing dwellinghouse which benefits from a larger than average size plot. The above residential amenity assessment has concluded that given its distance from other dwellings, the proposal would not be over-bearing to its neighbours and as only part of the garden would be enclosed by fencing and built form, the open feel of the estate would not be entirely lost.
- 5.12 Given the above the proposal is considered acceptable in these terms and can be recommended for approval.
- 5.13 Transportation  
The proposed application includes the demolition of an existing garage to facilitate the erection of an attached 2 bed dwellinghouse. The main issue to consider is therefore the provision of off-street parking for the development. Parking requirement for the proposed development is assessed against the South Gloucestershire SPD: Residential Parking Standards (Adopted) 2013. This document states that two parking spaces are required for a 3-bed and 1.5 spaces are required for a 2-bed property.
- 5.14 It is noted that the applicant has proposed a total of 4no. parking spaces on site – two parking for the existing and two for the new house. This level of parking for the development meets the Council Parking standards and as such it is acceptable.
- 5.15 It is noted that some local residents have objected to this application on the basis of the proposed parking arrangement and its impact on the existing on-street parking. It must be stated that St Aldams Drive is a class iv residential

road and as such the formation of a new vehicular access onto such roads falls under the Permitted Development Rights legislation and can be done by simply obtaining a licence from the Council Street-Care department and without the need for planning permission.

- 5.16 Other comments from local residents were taken into consideration and the applicant was requested to re-orientate the proposed parking for the new plot by 90 degrees to make use of the existing access, off a small access road, rather than creating a new one onto St Adlams Drive. Plans showing these revisions are considered acceptable and as such there are no highway objections to the scheme.
- 5.17 Concern has been expressed regarding the impact the proposed new dwelling would have on the visibility for vehicles leaving the side road from the Sports and Social Club. It is acknowledged that currently the area to the side of No. 9 is open plan. However, it must also be recognised that a similar situation regarding changes to the visibility could occur should the occupier of No. 9 chose to grow/plant a very high hedge around their front/side boundary. On the basis that this is a residential area it is considered that road users would respect the location and drive appropriately. Given the above it would be unreasonable to object to the proposal.
- 5.18 Comment has been passed that the application form has not been correctly completed with regard to waste storage and collection arrangements. Plans indicate that the storage of waste will be to the front of the property and working on the assumption that the proposal would be part of an existing collection round, this is considered an acceptable situation.
- 5.19 Other Matters  
One objector has stated that the proposal would turn his current semi-detached property into a terrace with a subsequent decline in value. Property prices are not issues that can be included under the remit of a planning application and so cannot be discussed within this report.
- 5.20 An objection has been received regarding the potential for the development to exacerbate an existing situation of dangerous parking. Inconsiderate parking is not something that can be considered under a planning application. If such a situation occurs then it is suggested that the matter be reported to the proper authorities i.e. the Police Authority.

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

Reason

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

3. Prior to the use or occupation of the dwelling hereby permitted, and at all times thereafter, the proposed first floor window on the south 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.

4. SUDS: No development shall commence until surface water drainage details including SUDS (Sustainable Drainage Systems e.g. soakaways if ground conditions are satisfactory), for flood prevention; pollution control and environmental protection have been submitted and approved by the Local Planning Authority.  
Full planning application - A detailed development layout showing surface water and SUDS proposals is required as part of this submission.  
No public surface water sewer is available.

Reason:

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

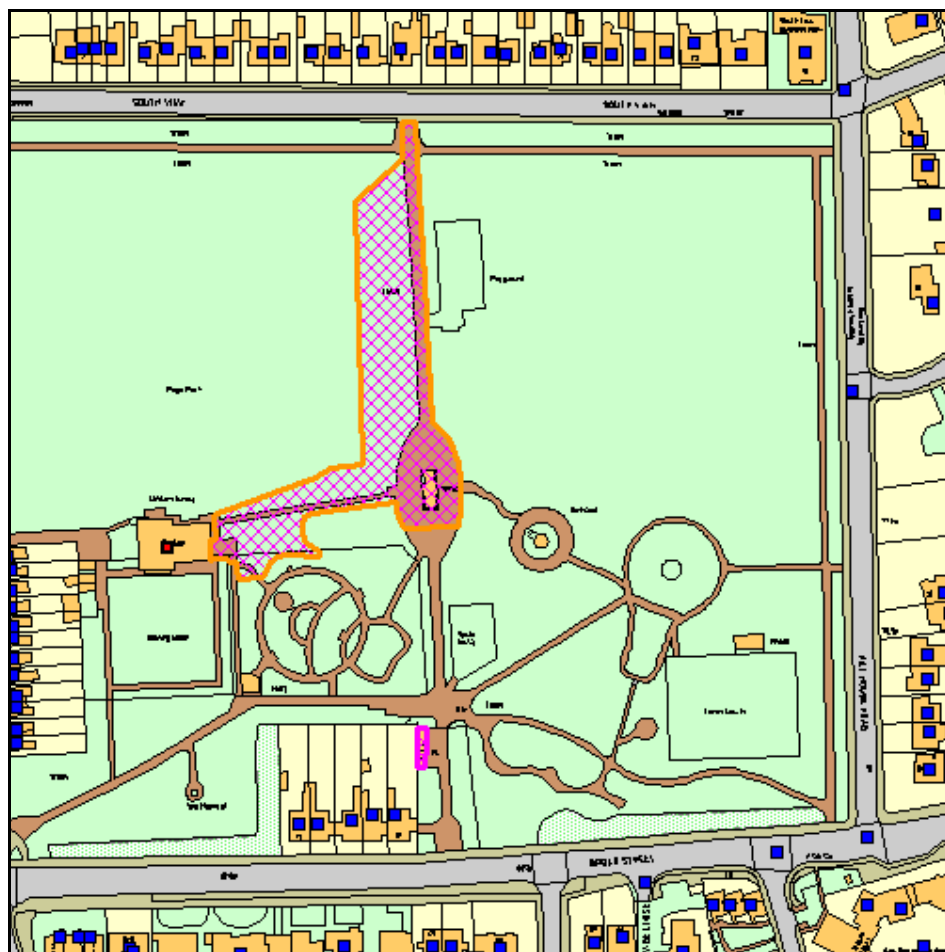
5. The off-street parking facilities (for all vehicles, including cycles) shown on the plan Proposed site plan 2692/2 received 8.4.15 hereby approved shall be provided before the building is first occupied, and thereafter retained for that purpose.

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, the NPPF (2012) and the South Gloucestershire SPD: Residential Parking Standards (Adopted) 2013.

## CIRCULATED SCHEDULE NO. 17/15 – 24 APRIL 2015

<b>App No.:</b>	PK15/1044/R3F	<b>Applicant:</b>	South Gloucestershire Council
<b>Site:</b>	Page Park Pavillion Park Road Staple Hill South Gloucestershire BS16 5LB	<b>Date Reg:</b>	16th March 2015
<b>Proposal:</b>	Erection of cafe and community room with associated works. Demolition of existing toilet block.	<b>Parish:</b>	None
<b>Map Ref:</b>	365413 176007	<b>Ward:</b>	Staple Hill
<b>Application Category:</b>	Minor	<b>Target Date:</b>	8th May 2015



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

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

### **1. THE PROPOSAL**

- 1.1 The proposal seeks to erect a café and community room with associated works as well as the demolition of an existing toilet block.
- 1.2 The application site is Page Park which is positioned in the residential area of Staple Hill, and located within the designated larger urban area of the Bristol East Fringe. Page Park is the oldest municipal park in South Gloucestershire and is accordingly designated as an Historic Park within the adopted South Gloucestershire Local Plan.
- 1.3 South Gloucestershire Council and the Friends of Page Park group have successfully bid to the Big Lottery and Heritage Lottery Fund for their 'Parks for People' programme for a development grant. Accordingly, a key part of this programme will be securing planning consent for a new building to house a café, community room and toilets.
- 1.4 The park is enclosed through iron railing fencing and gates, with a North-to-South Avenue dissecting the park through its centre. This Avenue, as well as the wider park, is characterised through a clock tower at the heart of the park.
- 1.5 The park is essentially sectioned off into four sections, with the cricket pitch within the north western quadrant; a playing area and wider football pitches in the north eastern quadrant; a sensory garden in the south western section; and tennis courts in the south eastern quadrant along with a Band Stand. The proposed café/community room is sectioned to the south of the cricket pitch and to the north west of the sensory garden. Adjacent to this proposed building is an existing two-storey community building which has a rather dated and tired appearance, the rear of this building looks onto the bowling green and the front elevations faces the cricket pitch. The toilet block to be demolished is to the south of the sensory garden and to the west of the North/South Avenue.
- 1.6 The main component of this planning application is the café and multifunction room, the proposed building also includes a small kitchen to serve both the café and community room; a number of toilets and small storage areas necessary for the general running of the proposed building.
- 1.7 This planning application also includes the demolition of an existing toilet block, this requires prior approval from the Local Planning Authority, in this case through a planning application, as the toilet block is over 50 cubic metres.
- 1.8 A number of submitted documents and plans make reference to other development within the park, only the development listed within the description of this application namely: the community building and demolition of the toilet block will be assessed, especially as the majority of the additional works listed



such as the relocation of the existing playground is considered to be permitted development under Schedule 2, Part 12 of the GPDO.

- 1.9 The applicant and agent have engaged in pre-application advice with the Local Planning Authority (LPA) and also a number of consultations with local stakeholders, including the Friends of Page Park; Page Park Bowls Club; Martial arts group; Cricket clubs; Page Park Pre-school; Football clubs and the relevant Tennis clubs.
- 1.10 Over the course of the application the applicant has made a number of amendments at the request of both the Case Officer and the Conservation Officer – such amendments were relatively minor such as the type of rooflights utilised.

## **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)

- L1 Landscape Protection and Enhancement
- L5 Open Areas within the Existing Urban Areas and Defined Settlements
- L10 Historic Parks
- L11 Archaeology
- L13 Listed Buildings
- L15 Buildings and Structures which make a Significant Contribution to the Character and Distinctiveness of the Locality
- T7 Cycle Parking
- T8 Parking Standards
- T9 Car Parking Standards for People with Disabilities
- T12 Transportation Development control Policy for New Development
- LC3 Proposals for Sports and Leisure Facilities within the Existing Urban Area and Defined Settlement Boundaries

South Gloucestershire Local Plan Core Strategy Adopted December 2013

- CS1 High Quality Design
- CS8 Improving Accessibility
- CS9 Managing the Environment and Heritage
- CS23 Community Infrastructure and Cultural Activity

- 2.3 Supplementary Planning Guidance  
South Gloucestershire Design Checklist SPD (Adopted) August 2007  
Local List SPD (Adopted) Feb 2008

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

- 3.1 PK03/3825/R3F Deemed Consent 02/02/2004  
Installation of external roller shutters and 2.1m high security fencing.
- 3.2 P99/4678 Approval 13/10/1999  
Installation of security roller shutters to 3 No. patio doors.
- 3.3 K2517 Approval 14/12/1978  
SPORTS PAVILION WITH CHANGING ACCOMMODATION, SOCIAL FACILITIES AND WARDEN'S FLAT OVER (Previous ID: K2517)

### 4. **CONSULTATION RESPONSES**

- 4.1 Downend and Bromley Heath Parish Council  
None received.

4.2 Other Consultees

Highway Drainage

No objection subject to a surface water drainage details being submitted and approved by the Local Planning Authority.

Sustainable Transport

No objection: the proposed buildings will serve the local community and existing visitors to the site.

Conservation Officer

No objection, although a number of issues need to be address through condition such as materials.

Archaeology Officer

No objection subject to a condition ensuring an archaeological watching brief is submitted to the Local Planning Authority and thereafter

Arboricultural Officer

No objection, subject to an Arboricultural Impact Assessment (AIA) and an Arboricultural Method Statement (AMS) being submitted to the LPA regarding the trees to be retained surrounding the proposed café/community room, and also that details of the replacement planting scheme are submitted to the LPA to mitigate the loss of trees to the new building.

### **Other Representations**

4.3 Local Residents

21 of letters of support have been received from members of the public regarding this application, their comments are summarised below:

- The proposed café, community room and toilets will be an asset to the area and local community;
- Small functions could be held at the proposal which could generate funds;

- The proposal represents an attractive design;
- The removed trees are not significant in context;
- The toilet block to be removed is old and ugly;
- The proposal will enhance an ugly pavilion;
- The café would provide a great place for quiet social interaction;
- The proposal would help reduce the suffering of loneliness and social isolation that elderly people face;
- The proposal would aid the reduction of stress;
- The proposal will encourage more families to use the park;
- The proposal would represent a good use of space;
- Concerns regarding potential parking from extra vehicle traffic and parking at the park were expressed from one member of the public;
- One resident, although stating full support for this proposal, was concerned regarding the loss of trees as a result of the proposed café.

## 5. ANALYSIS OF PROPOSAL

- 5.1 The proposal is to erect a café and community room at the central/eastern side of the locally registered historic Page Park. Page Park is situated within the urban area of the Bristol East Fringe.
- 5.2 Principle of Development  
Policy CS23 of the adopted Core Strategy encourages community infrastructure to enhance the quality, role and viability of existing facilities that are within easy walking distance to the new development and also for community infrastructure to provide adaptable multi-use building(s) on site in easily accessible location(s) for pedestrians and cyclists. The proposal does involve a multi-use building in a sustainable location of the residential area of Staple Hill. In addition to this, the proposal does not involve the loss of any existing community infrastructure.
- 5.3 Saved policy L10 of the adopted Local Plan only permits development which will likely effect historic parks or their setting where the proposed development would not unacceptably harm the historical character or appearance of the site; and where the development conserves features, landscaping or planting schemes of historic interest. In addition to saved policy L10, within defined urban areas saved policy L5 seeks to protect and safeguard the contribution that open areas, such as Page Park, make to the quality, character, amenity and distinctiveness of the locality. Accordingly, the proposal is acceptable in principle subject to a number of factors briefly introduced above.
- 5.4 Also pursuant to this application are a number of policies which attempt to ensure high quality design and the conservation of heritage assets. Policy CS1 of the adopted Core Strategy only permits development where the highest possible standards of design and site planning is achieved. Policy CS9 of the Core Strategy states development should conserve, respect and enhance heritage assets as well as landscape. Saved policy L15 of the adopted Local Plan requires development proposal to retain buildings and structures which make a significant contribution to the character and distinctiveness of the locality.

- 5.5 Historical Features and Visual Amenity  
Saved policy L10 requires this proposal to respect the historical character and appearance of Page Park through having an appropriate level of architectural veneration to the historical assets of the park.
- 5.6 The proposed building has been positioned and designed having regards to protecting the setting and significance of the clock tower at the heart of Page Park. The scale, form, height and massing of the building has been carefully considered and planned to ensure that the building does not compete visually with the clock tower or detract from its prominence within the site. The building has been positioned and designed to relate to both the sensory garden, the clock tower and cricket pitch and it will complement these uses of this part of the park rather than dominate them.
- 5.7 The design of the building, with the full height glazed bow window and inverted roof form gives the building a feeling of openness and lightness which is contrasted with the solidity of the stone walls and projecting wings; a form that echoes the clock tower. Both the Case Officer and the Council's Conservation Officer agree that the proposal is a fitting addition to the park and one which respects the setting of the non-designated heritage assets.
- 5.8 As stated within the description of development, this application also includes the demolition of an existing toilet block. This toilet block is located toward the central southern entrance to the park, the block is in a dilapidated state and detracts from the wider character of the park. Accordingly, the demolition of this block of toilets is seen as a positive project in terms of the visual amenity and character of the park.
- 5.9 Design and Detailing  
Although the Conservation Officer is largely positive regarding the proposal, the officer has raised a number of concerns with regard to the detailing of the proposal. The majority of these concerns have been addressed by the agent through amended plans, but there are a number of outstanding concerns which still need to be addressed.
- 5.10 The proposed café/community room will be positioned to the north west of the sensory garden, abutting the boundary of this garden which is currently demarcated through railings. Unfortunately, these railings are proposed to be realigned and included within this proposal. Although the railings and gates will detract from the setting of the proposed building, the proposed gates and railings are necessary to ensure onsite security. The Conservation Officer has suggested the two sets of proposed gates are arranged so they fold back, away from the proposed building to ensure an open setting to this proposed building. The agent has agreed to the premise of this design, but has been unable to provide revised details for these gates and railing. Accordingly, a condition will be imposed on any decision granted in order for these detail to be agreed with the LPA.
- 5.11 In order to ensure an appropriate level of security, shutters are required on the external windows and doors on the northern elevation. The agent has assured

the Case Officer that these shutters will be built-in and set back within the respective windows and doors meaning the external roller will actually be hidden within the roof void. Such detailing is demonstrated within the proposed plans, as the boxes above the fenestration do not protrude past the surrounding elevation. Although this is an acceptable arrangement, larger details of the shutters are required by the LPA. Specifically, the detailing of how these shutters will work and by nature appear is required. In addition to this, the external appearance of a closed shutter is needed, in order to avoid a shutter which will detrimentally impact upon the visual amenity of the proposal and wider park. Accordingly, a condition will be imposed to require more in-depth details should planning permission be granted.

- 5.12 The proposed elevations utilise a number of materials involving Accoya cladding, render and dressed stone/ashlar walling, which on the surface appear to work well together. However, detailing of the exact finishes has not been provided within the submitted information for this proposal, and also details of how the different materials will interact where they meet, such as at the junction between walled sections and render/cladding. Accordingly, in order to ensure such detailing is appropriate, large scale details of these materials, finishes and junctions will be conditioned for further assessment prior to the commencement of development.
- 5.13 The Design and Access Statement briefly identifies the external lighting arrangement of the proposal. The building perimeter and pedestrian walkways will be illuminated to provide a safe environment, as well as this, the public WC on the northern elevation of the proposed building will be lit from above. No details of this lighting method have been submitted, garish and clumsy overhead lighting methods which protrude from the northern elevation need to be avoided in order to retain the clean northern elevation. Therefore, a condition will be imposed to ensure an appropriate lighting method is achieved.
- 5.14 Overall the design and detailing is largely acceptable subject to a number of conditions which are explained throughout this section.
- 5.15 Community Facilities and Residential Amenity  
The proposal is considered to be in keeping with policy CS23 of the adopted Core Strategy, the proposal is a sustainable location and the proposed café/community building does not affect the retention of the existing community infrastructure on site. This application does involve the demolition of a toilet block which is not in keeping with policy CS23, however, this loss of toilet facilities is mitigated through the provision of toilets within the proposed café/community building.
- 5.16 Saved Policy L5 of the adopted Local Plan will not permit development where it would adversely affect the contribution that an open area makes to the quality of the character, amenity and distinctiveness of the locality.
- 5.17 As expressed in the previous two sections, it is considered that the proposal will make a positive contribution to the character and distinctiveness of the locality.

- 5.18 The proposed development will result in a minor loss of open space within the park. Such a minor loss is considered to be acceptable when compared to the positive benefit which the proposed cafe/community room would result in, especially when considering that the space will still be largely open to the public.
- 5.19 Page Park is located within a largely residential area, with a large number of residential properties fronting onto the boundaries of the park, and in some cases forming the park boundary. Saved policy L5 of the adopted Local Plan calls for the amenity of the locality to not be adversely affected as a result of the any proposal. In terms of residential amenity the proposal is respectful through being appropriately sited and by having a use which will be beneficial to the local residents and users of Page Park.
- 5.20 Within the submitted information there are no details regarding the opening hours of the proposed café. The proposal is within the centre of the park, over 50 metres from the closest residential property. Although 50 metres is a considerable distance, the officer finds it necessary to condition the opening hours of the proposed café as the associated activity to the café is not restricted to just the proposed building.
- 5.21 In addition to this, a working hours condition will be imposed on any permission granted to limit any potential disruption to nearby residents and users of the wider park during the construction phase.
- 5.22 Within the submitted Design and Access Statement, the 'Constraints and Opportunities Plan' demarcates the contractor's compound to be located in close proximity to the Clock Tower on the Cricket pitch. This is considered to be an appropriate location for this plant as it is located away from any residential dwellings and away from the existing community building. It is unfortunate that the contractor's compound will disturb the cricket pitch, but it appears this is inevitable, it is also noted that the compound would only be temporary situation and that the compound is only partially, if at all, located within the cricket boundary. To limit disruption from the construction phase of this proposal, should it be approved, a condition will be applied to require details of the construction compound to be submitted and approved by the LPA.
- 5.23 Arboriculture  
There are a large number of trees at the site, all of which have been surveyed on behalf of the applicant. The majority of trees on the site are mature specimens which mark the boundaries of the site, and also the north-south central avenue which dissects the park.
- 5.24 The proposed café/community room will only affect a small amount of trees on the site. Specifically, five trees will be removed as a result of this proposed building, with a further two trees in close proximity to the proposal, but will be retained.

- 5.25 According to the submitted 'Tree Protection Drawing' (dwg no. 2-020-P-01), the majority of the trees to be removed are Category C trees pertaining to trees of low quality which have no material conservation or cultural value. Only one of the trees to be removed has a category rating higher than C, this is tree 457 (as labelled on the Tree Protection Drawing), which has a Category B rating meaning it has moderate quality, these trees are not Category A due to impaired condition and are unlikely to be suitable for retention beyond 40 years.
- 5.26 Although the LPA aims to retain trees, in the context of the wider park, these trees do not make an overly significant contribution to the landscape and character of the park. Accordingly, on balance, the loss of these trees is acceptable when considering the positive impact of the proposal, in addition to this, the Case Officer is also mindful that the Council's Arboricultural Officer has no objection to the removal of these trees. However, the officer does request that details of replacement planting to mitigate this loss of trees is submitted to the LPA and implemented as part of a wider landscaping scheme. With this in mind, a landscaping scheme and consequential maintenance programme will be conditioned with any planning permission granted.
- 5.27 There are little details submitted regarding the protection of the surrounding trees which are indicated to be retained, more than a protective fencing arrangement. Accordingly, the Council's Arboricultural Officer has requested that further details regarding these trees and their consequential protection are submitted and approved by the LPA prior to the commencement of development. These tree protection requirements will be included within a landscaping condition.
- 5.28 No trees will be affected by the demolition of the toilet block.
- 5.29 Landscaping  
Although details of the landscaping of the wider park are included within the Design and Access Statement, little details of the landscaping related to the proposed building are included within the submitted details. The associated landscaping of the proposed building is integral to the setting of the proposed building and the wider historical character of the park. Accordingly, such details will be conditioned with any permission that is granted.
- 5.30 Archaeology  
The application site is within an area of historical/archaeological significance, the land was formerly part of the Hill House Estate and accordingly there is a remote chance that some of these estate features may once have been present. In addition to this, there is also evidence for historic mining within Page Park and the immediate surrounding area. The Council's Archaeology Officer has stated that it is likely that the initial making of Page Park would have truncated any archaeology, however, the officer has suggested a condition for an archaeological watching brief be applied due to the potential for archaeology to be present. The officer went onto suggest that this condition only apply to the erection of the café/community room, rather than the demolition of the toilet the block. Accordingly, a condition will be imposed on

any permission granted to ensure an archaeological watching brief is implemented and then adhered to prior to the commencement of development.

5.31 Drainage

The Council's Drainage Officer had no objection to this proposal, subject to a detailed development layout showing surface water and sustainable water drainage details being submitted. The applicant/agent has failed to do this and therefore a condition will be imposed on any permission granted to ensure that adequate surface drainage is afforded to this proposal.

5.32 Sustainable Transport

Page Park is situated in a defined urban area with a number of bus stops in close proximity. The Council's sustainable transport officer therefore has no objections to this proposal, stating the proposed building will serve the local community and existing visitors to the site.

**6. CONCLUSION**

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

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

**7. RECOMMENDATION**

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

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

**CONDITIONS**

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

Reason

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

2. Prior to the commencement of development a programme of archaeological investigation and recording for the site shall be submitted to and approved by the



Local Planning Authority. Thereafter, the approved programme shall be implemented in all respects, unless the Local Planning Authority agrees in writing to any variation.

Reason

In the interest of archaeological investigation or recording, and to accord with Policy L11 of the South Gloucestershire Local Plan (Adopted) January 2006. It is necessary for this to be a pre-commencement condition because an approved archaeological investigation programme must be in place prior to the commencement of development in order to prevent any potential archaeology from being disturbed by the construction of the hereby approved development.

3. The use hereby permitted shall not be open to customers inside the following times: 10.00pm to 06.00am Mondays to Sundays.

Reason

To protect the residential amenity of the neighbouring occupiers and to accord with Policy LC5 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013).

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

Reason

To minimise disturbance to neighbouring occupiers and to accord with Policy L5 of the South Gloucestershire Local Plan (Adopted) January 2006, and Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013).

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

Reason

To minimise disturbance to neighbouring occupiers and users of the park and to accord with Policy L5 of the South Gloucestershire Local Plan (Adopted) January 2006. It is necessary for this to be a pre-commencement condition because a construction compound is necessary for this development to begin.

6. Prior to the commencement of development large scale details of the gates and railings proposed 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

In the interests of visual amenity and the historic character of the park and to accord with Policy CS1 and CS9 of the Core Strategy (adopted) December 2013; and saved Policies L1, L5 and L10 of the South Gloucestershire Local Plan (Adopted) January 2006. It is necessary for this to be a pre-commencement condition as the details of the proposed fencing and gate arrangement is integral to the design and character of the proposed building.

7. Prior to the commencement of development drainage detail proposals incorporating surface water and Sustainable Drainage Systems SUDS shall be submitted for approval in writing to the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason

To ensure that a satisfactory means of drainage is provided, and to accord with policies CS1 and CS9 of the Core Strategy (adopted) December 2013. It is necessary for this to be a pre-commencement condition as the details of the proposed surface water drainage need to be agreed before development begins due to the physical nature of SUDS.

8. Prior to the commencement of development large scale details of the proposed shutters 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

In the interests of visual amenity and the historic character of the park and to accord with Policy CS1 of the Core Strategy (adopted) December 2013; and saved Policies L1, L5 and L10 of the South Gloucestershire Local Plan (Adopted) January 2006. It is necessary for this to be a pre-commencement condition as the details of the proposed shutter arrangement is integral to the construction of the hereby approved building.

9. Prior to the commencement of development large scale 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

In the interests of visual amenity and the historic character of the park and to accord with Policy CS1 of the Core Strategy (adopted) December 2013; and saved Policies L1, L5 and L10 of the South Gloucestershire Local Plan (Adopted) January 2006. It is necessary for this to be a pre-commencement condition as the details of the proposed external materials and finishes are integral to the construction of the hereby approved building.

10. Prior to the commencement of development details of the lighting arrangement for the WC on the northern elevation 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

In the interests of visual amenity and the historic character of the park and to accord with Policy CS1 of the Core Strategy (adopted) December 2013; and saved Policies

L1, L5 and L10 of the South Gloucestershire Local Plan (Adopted) January 2006. It is necessary for this to be a pre-commencement condition as the details of the proposed lighting arrangement will be integral to the construction of the northern elevation.

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

Reason

In the interests of visual amenity, historic character and tree protection and to accord with Policy CS1 and CS9 of the Core Strategy (adopted) December 2013; and saved Policies L1, L5 and L10 of the South Gloucestershire Local Plan (Adopted) January 2006. It is necessary for this to be a pre-commencement condition as the details of the tree protection plan is needed prior to the development which the tree protection plan aims to protect the retained trees from.

12. Prior to the commencement of development a schedule of landscape maintenance, in connection with the submitted landscape scheme, for a minimum period of 5 years shall be submitted to and approved in writing by the Local Planning Authority. The schedule shall include details of the arrangements for its implementation. Development shall be carried out in accordance with the approved schedule.

Reason

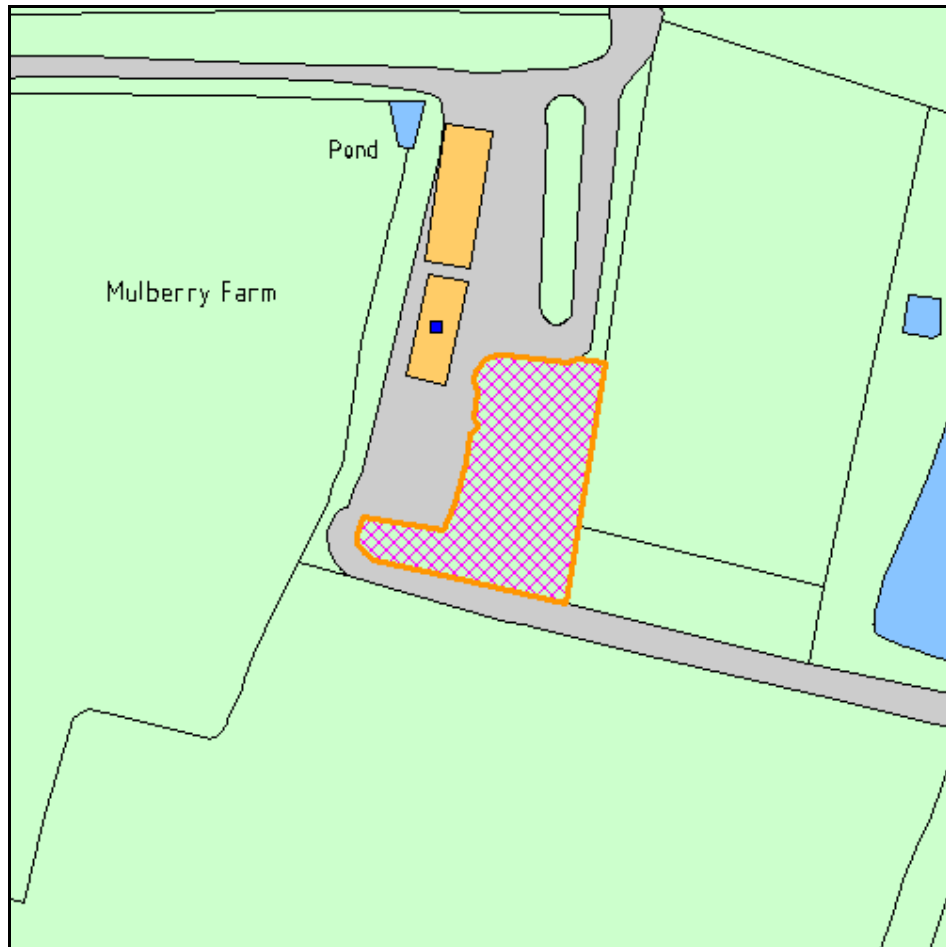
In the interests of visual amenity, historic character and tree protection and to accord with Policy CS1 and CS9 of the Core Strategy (adopted) December 2013; and saved Policies L1, L5 and L10 of the South Gloucestershire Local Plan (Adopted) January 2006. It is necessary for this to be a pre-commencement condition as the details of the tree protection plan is needed prior to the development which the tree protection plan aims to protect the retained trees from.

# ITEM 8

## CIRCULATED SCHEDULE NO. 17/15 – 24 APRIL 2015

<b>App No.:</b>	PK15/1052/F	<b>Applicant:</b>	Mr And Mrs Fred Ellis
<b>Site:</b>	Mulberry Farm Rookery Lane Doynton Bristol South Gloucestershire BS30 5TH	<b>Date Reg:</b>	16th March 2015
<b>Proposal:</b>	Erection of rural workers dwelling to replace existing mobile home	<b>Parish:</b>	Doynton Parish Council
<b>Map Ref:</b>	371889 175087	<b>Ward:</b>	Boyd Valley
<b>Application Category:</b>	Minor	<b>Target Date:</b>	4th May 2015

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100023410, 2008. **N.T.S.** **PK15/1052/F**

## **REASON FOR CIRCULATION**

The application appears on the circulated schedule as a result of an objection received from the Parish Council which is contrary to the officer's recommendation.

### **1. THE PROPOSAL**

- 1.1 This application seeks full planning permission for the erection of an agricultural workers dwelling. Permission has already been granted for a permanent agricultural workers dwelling on the site under application PK12/4187/F. The previous approval for a permanent dwelling was in the form of a mobile home and in a slightly different location to the proposed house. The proposed new dwelling is a more traditional dwelling constructed of stone and tiles.
- 1.2 The site consists of a 12.10 hectare area of open fields known as Mulberry Farm. The farmstead lies to the east of Rookery Lane, Doynton and is accessed from Rookery Lane via a long agricultural track and existing access. A public Footpath LDN/21 runs parallel to the access track, deviating at the end to cross the open fields. The site lies within the Green Belt near to the western edge of the Cotswolds AONB (490m to the east).
- 1.3 At present, the site comprises a mobile home with terrace used as a single agricultural workers dwellinghouse. A large five-bay, steel-framed, mono-pitched barn is located in a yard area at the end of the access track (PK06/2614/PNA). In addition there are temporary field shelters out in the paddocks for the Alpacas.

### **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)

- L1 Landscape Protection and Enhancement
- L2 AONB
- H3 Residential Development in the Countryside
- T12 Transportation for New Development

South Gloucestershire Local Plan Core Strategy (Adopted) December 2013

- CS1 High Quality Design
- CS5 Location of Development
- CS8 Improving Accessibility
- CS9 Environmental Resources and Built Heritage
- CS24 Rural Areas

- 2.3 Supplementary Planning Guidance  
South Gloucestershire Design Checklist – August 2007  
Development in the Green Belt – June 2007  
Residential Parking Standards SPD

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

- 3.1 PK12/4187/F Change of use of land for the stationing of 1 no. mobile home for use as an agricultural workers dwelling.  
Approved June 2013
- 3.2 PK10/3073/F Change of use of land for the stationing of 1no. mobile home for use as an agricultural workers dwelling (for a temporary 2 year period).  
Approved April 2011
- 3.3 PK07/2526/TMP Temporary consent for the stationing of a mobile home.  
Approved November 2007
- 3.4 PK06/2614/PNA Prior notification of the intention to erect an agricultural building for fodder and machinery storage.  
No objection October 2006

### **4. CONSULTATION RESPONSES**

#### **4.1 Doynton Parish Council**

Object to the application for the following reasons:

- The proposal will have a significant impact on the landscape as it will be visible from Dyrham Lane, Toghill and the Cotswold Escarpment
- The building should be positioned further to the west and south of the current site so it occupies the corner of the field
- If the development goes ahead both the barn and the new building must be effectively screened by mature trees which are planted before construction begins.
- Approval should include a condition requiring the use of white lias
- The size of the building is not commensurate with the size of the established functional requirement.
- The size of the building should be dictated by the requirements of the enterprise rather than those of the owner/occupier.

#### **4.2 Other Consultees**

Highway Officer

No Objection

Highway Structures

No Objection

Highway Drainage

No Objection

#### **Other Representations**

- 4.3 Local Residents  
None received

## 5. ANALYSIS OF PROPOSAL

### 5.1 Principle of Development

The National Planning Policy Framework (NPPF) states that Local Planning Authorities should avoid new isolated homes in the countryside unless there are special circumstances such as the essential need for a rural worker to live permanently at or near their place of work in the countryside – ref. paragraph 55. This advice is broadly reflected by planning policy H3 of the South Gloucestershire Local Plan (adopted) January 2006, which states that proposals for new residential development will not be permitted outside of the boundaries of settlements subject to three exceptions. Furthermore, the application site lies in the Green Belt where only limited categories of development are acceptable in principle. Housing for agricultural or forestry workers is one of the exceptions

- 5.2 When considering the application, given the location of the proposal in the open countryside, it is essential to carefully consider whether there is a functional agricultural need for an agricultural worker to live on the site. The NPPF does not include any more specific guidance on assessing need; however, weight is given to Annexe A (Agricultural, Forestry and Other Occupation Dwellings) of PPS7. The guidance contained within Annexe A states that dwellings need to be justified on grounds of functional need and the financial test and this is still considered relevant and in accordance with the provisions of NPPF. It is considered that the ‘essential’ need referred to in paragraph 55 of the NPPF broadly relates to the functional test previously contained in Annex A of PPS7; whereas the need to establish a ‘permanent’ need also mentioned in the NPPF broadly equates to the need to establish a long term financial basis for the enterprise.

- 5.3 Notwithstanding the above, the essential need for the applicants to live at the site has already been established through the granting of application PK12/4187/F. Irrespective of the outcome of this specific application, the applicants can, and will, continue to live and work at the site. Therefore, this report will not focus primarily on the essential need but instead will focus on the design issues.

### 5.4 Essential Need

Having established that a permanent dwelling was acceptable in June 2013, your officer will not re-evaluate the business case prior to this date. However, information has been submitted stating that from June 2013 to present date there have been increased sales of £30,000. The on-going female herd size is maintained at approximately 20 head, therefore providing 20 cria for sale and breeding replacements each year. It has also been confirmed that the business case and information submitted, and deemed to be acceptable, in support of PK12/4187/F is still valid. In light of the above, and as was the case in June 2103, your officer is sill satisfied that the essential test is passed.

### 5.5 Green Belt

Given that this application seeks consent for an agricultural workers dwelling, the proposal represents a building required for agricultural purposes and as such the development falls within the limited categories of what is considered to be appropriate development within the Green Belt as defined in the NPPF. The proposal is considered to be well integrated into the landscape, which softens the impact of the scheme from public views. The proposal would clearly result in an impact on the openness of the Green Belt given that it would result in a dwelling sited on a currently undeveloped piece of land. That said, it would also necessitate the removal of the existing mobile home (this would be secured via condition) which would have a positive impact on the openness of the Green Belt. The proposed development would not contradict with the purposes of including land within the Green Belt and is entirely acceptable in Green Belt terms.

### 5.6 Landscape Impact

Whilst the site does not sit within the Cotswold Area of Outstanding Natural Beauty, it is located on a prominent ridgeline that makes it visible from the AONB to the east. Furthermore, the site is sufficiently close to the boundary to be considered within the setting of the AONB. Although it is not disputed that the site will be visible from Dyrham Lane and the AONB, subject to a condition to ensure the submission and implementation of a native landscaping scheme, the impacts will be mitigated to an acceptable level. In order to ensure that the visual impact remains acceptable, permitted development rights for the property will be removed. Although the Parish Council have requested the planting of mature species, this approach is not supported. Mature Trees are notoriously difficult to plant and have a higher failure rate than younger plants. Furthermore, younger plants actually grow at a faster rate than larger trees once planted with the effect that within five years, the younger plants will have grown more than the larger plants. The landscaping scheme conditioned will not therefore require the planting of mature species.

### 5.7 Design

The proposed dwelling will have an 'L' shaped footprint and include three bedrooms. It will have an eaves height of 3 metres and a height to the ridge of 6.5 metres. The walls of the dwelling will be faced in natural stone, with a clay tiled roof and timber windows and doors. It will have a brick chimney stack. All proposed materials have been carefully considered to match those of the nearest neighbouring dwelling Rookery Farm. It is noted that the Parish Council have requested the use of white lias stone and this is supported. A condition requiring the submission of material samples will be attached to ensure successful visual integration. It is not possible to agree materials post construction so this condition will be pre-commencement.

### 5.8 Size of Dwelling

As commented by the Parish Council, in considering this application attention has been given to the size of the dwelling to ensure it is commensurate with the scale of the business. The proposed dwelling will contain three bedrooms, a lounge, a kitchen/diner, bathrooms and an office – this is the same number of



rooms in the existing mobile home. The proposed dwelling is not considered to be unusually large in relation to the scale of the unit or unusually expensive to construct. The footprint of the proposed new dwelling is 148 square metres which is not considerably larger than the footprint of the existing mobile home which is 126 square metres. The scale of the dwelling is therefore deemed to be entirely acceptable.

#### 5.9 Other Issues

Access and drainage would be as per the existing mobile home. Therefore, there are no objections to the proposal on either of these grounds.

### 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: Marie Bath**  
**Tel. No. 01454 864769**

### CONDITIONS

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

Reason

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

2. 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, B, D, and E) 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 order to protect the visual amenity of the landscape and the Cotswold Area of Outstanding Natural Beauty and to ensure the dwelling remains commensurate with the size of the agricultural unit in accordance with the requirements of Policies L1 and L2 of the South Gloucestershire Local Plan (Adopted) January 2006, Policies CS1 and CS24 of the South Gloucestershire Local Plan (core Strategy) Adopted December 2014 and the NPPF.

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

Reason

In order to protect the visual amenity of the landscape and the Cotswold Area of Outstanding Natural Beauty in accordance with the requirements of Policies L1 and L2 of the South Gloucestershire Local Plan (Adopted) January 2006, Policies CS1 and CS24 of the South Gloucestershire Local Plan (core Strategy) Adopted December 2014 and the NPPF. This condition must be a pre-commencement condition as it seeks to protect existing vegetation on site and it is not possible to retrospectively agree what vegetation must be protected.

4. Prior to the commencement of development 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

In order to protect the visual amenity of the landscape and the Cotswold Area of Outstanding Natural Beauty in accordance with the requirements of Policies L1 and L2 of the South Gloucestershire Local Plan (Adopted) January 2006, Policies CS1 and CS24 of the South Gloucestershire Local Plan (core Strategy) Adopted December 2014 and the NPPF. This condition must be a pre-commencement condition as it is not possible to agree materials post construction.

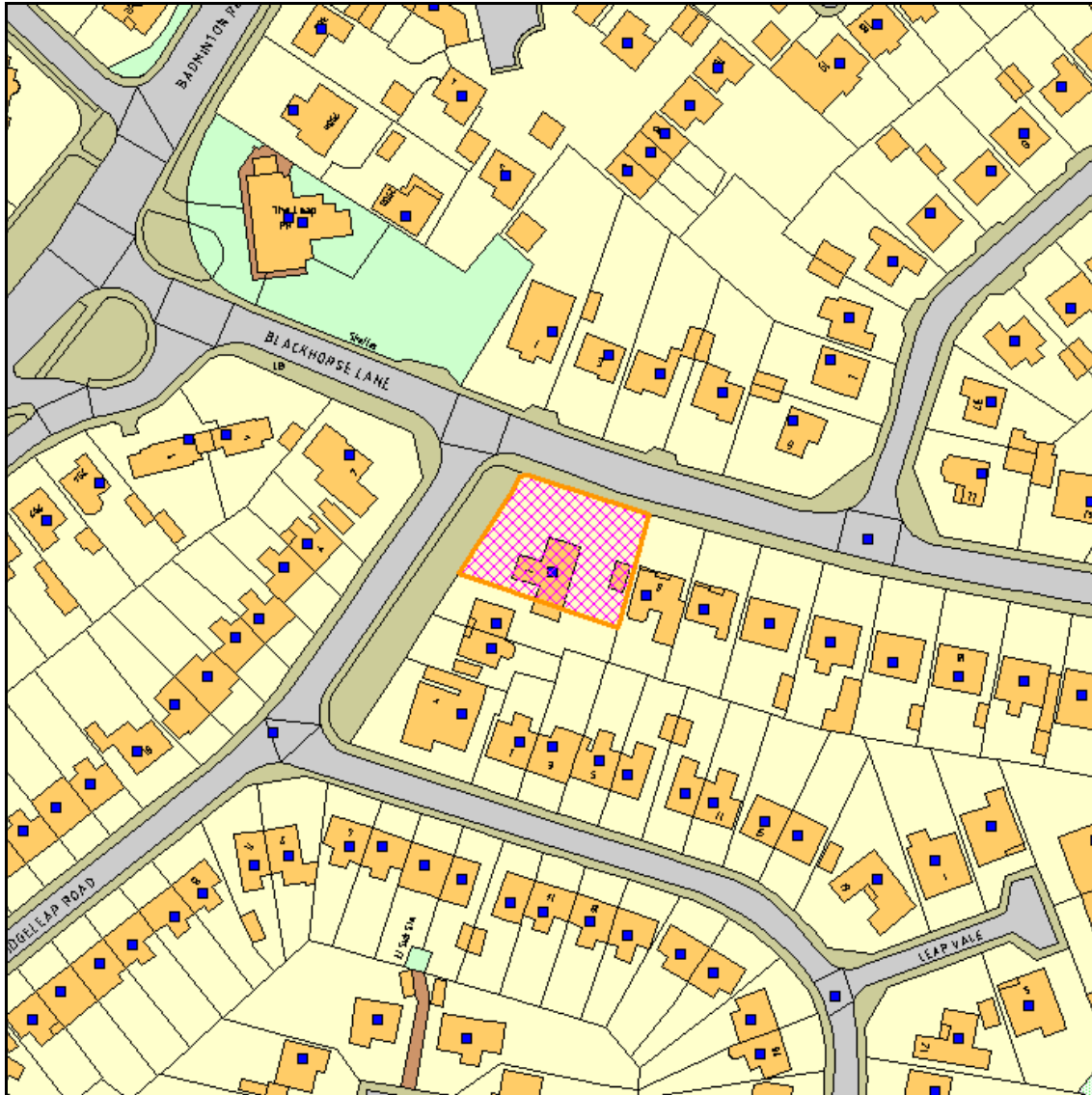
5. The occupation of the dwelling shall be limited to a person solely or mainly working, or last working, in the locality in agriculture or in forestry, or a widow or widower of such a person, and to any resident dependants.

Reason:

The site is not in an area intended for development and the development has been permitted solely because it is required to accommodate a person working in a viable agriculture or forestry business, to accord with the NPPF.

**CIRCULATED SCHEDULE NO. 17/15 – 24 APRIL 2015**

<b>App No.:</b>	PK15/1065/CLP	<b>Applicant:</b>	Mr Jason Kirby
<b>Site:</b>	1 Bridgeleap Road Downend Bristol South Gloucestershire BS16 6TE	<b>Date Reg:</b>	13th March 2015
<b>Proposal:</b>	Application for a certificate of lawfulness for the proposed erection of detached double garage/ workshop..	<b>Parish:</b>	Mangotsfield Rural Parish Council
<b>Map Ref:</b>	365997 177983	<b>Ward:</b>	Emersons Green
<b>Application Category:</b>	Certificate of Lawfulness	<b>Target Date:</b>	5th May 2015



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

This 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 erection of a detached outbuilding containing a garage would be 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) Order 1995 (As Amended).

### **2. POLICY CONTEXT**

#### **2.1 National Guidance**

The application was submitted prior to the Town and Country Planning (General Permitted Development) Order 2015 coming into force and as such the application stands to be assessed against the following legislation:

Town and Country Planning (General Permitted Development) Order 1995 (As Amended), Schedule 2, Part 1, Class E.

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

3.1 PK14/3818/F - Erection of detached double garage/ workshop. Refused 26<sup>th</sup> November 2014

### **4. CONSULTATION RESPONSES**

#### **4.1 Mangotsfield Rural Parish Council**

Objection, due to the points mentioned in the Refusal Notice dated 26 November 2014 (Planning Ref :PK14/3818/F).

#### **4.2 Councillors**

Support the officers original report which refused planning permission.

#### **Other Representations**

#### **4.3 Local Residents**

No comments received

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

5.1 Received 10<sup>th</sup> March 2015:  
Site Location Plan (1 Bridgeleap Road);  
Drawing no. PBPDS/PP098/2

## 6. EVALUATION

6.1 The application is for a Certificate of Lawfulness for a proposed building and as such is purely an evidential test and 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 decision is based on the facts presented. The submission is not a planning application and as such the Development Plan is not of relevance to the determination of this application. If the evidence submitted demonstrates that the proposed development is lawful, on the balance of probabilities, the Local Planning Authority must grant a certificate confirming this.

6.2 Although objection comments have been received, given the type of application, only objections regarding the validity of the application in relation to the legislation (Town and Country Planning (General Permitted Development) Order 1995 (As Amended)) can be taken into account. There is no consideration of planning merit.

6.3 The key issue is to determine whether the proposal falls within the permitted development rights afforded to householders under Schedule 2, Part 1, Class E of the GPDO 1995 (As Amended). The site consists of a dwellinghouse and its curtilage, and there is no evidence to indicate that the permitted development rights have been removed. Schedule 2, Part 1, Class E of Town and Country Planning (General Permitted Development) Order 1995 (As Amended) allows for the following:

### 6.4 Permitted Development:

#### **E. The provision within the curtilage of the dwellinghouse of –**

**(a) Any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouse as such, or the maintenance, improvement or other alteration of such a building or enclosure; or**

The use of the outbuilding consists of a garage to be used in connection with the dwellinghouse. It is considered that the proposed use and scale of the outbuilding can reasonably be defined as falling within the definition of ‘a purpose incidental to the enjoyment of the dwellinghouse’.

**(b) A container used for domestic heating purposes for the storage of oil or liquid petroleum gas.**

Not applicable.

**E.1 Development is not permitted by Class E if -**

**(za) Permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class IA or MB of Part 3 of this Schedule (changes of use)**

The dwellinghouse was not permitted by Class IA or MB of Part 3.

**(a) The total area of ground covered by buildings, enclosures and containers within the curtilage (other than the original dwelling house) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwelling house);**

The proposed outbuilding would not exceed 50% of the total area of the curtilage.

**(b) Any part of the building, enclosure, pool or container would be situated on land forward of a wall forming the principal elevation of the original dwelling house;**

In establishing the 'principal elevation' the Government's Permitted Development for Householders Technical Guidance (2014) states the following:

*In most cases, the principal elevation will be that part of the house which fronts the main highway serving the house (the main highway will be the one that sets the postcode for the house concerned). It will usually contain the main architectural features such as main bay windows or a porch serving the main entrance to the house. Usually but not exclusively the principal elevation will be what is understood to be the front of the house.*

The site is a corner plot bordered to the north and east by two highways. The principal elevation of the dwellinghouse is identified within the submission as the elevation that faces Bridgeleap Road, which is also the road which sets the address of the dwelling. There is a vehicular access to the site from Blackhorse which is used to access the hardstanding parking area and existing smaller outbuilding.

The elevation facing Bridgeleap Road is the elevation that contains the front door and the projecting gable feature.

It is considered that the elevation facing Bridgeleap Road can, for the purpose of this assessment, be defined as the 'principal elevation'. The proposed outbuilding would not be on land forward of this elevation and as such the development would meet this criterion.

**(c) The building would have more than one storey;**

The proposed building would be single storey.

**(d) The height of the building, enclosure or container would exceed-**

**(i) 4 Metres in the case of a building with a dual-pitched roof,**

**(ii) 2.5 metres in the case of a building or enclosure or container within 2 metres of the boundary of the curtilage of the dwelling house, or**

**(iii) 3 metres in any other case;**

The proposed building would be situated two metres from the boundary of the curtilage and would have a dual pitched roof measuring four metres to the maximum ridge height. The development therefore meets these criteria

**(e) The height to eaves of the building would exceed 2.5 metres;**

The eaves height of the proposed building would be 2.4 metres.

**(f) The building, enclosure, pool or container would be situated within the curtilage of a listed building;**

The dwelling is not a listed building.

**(g) It would include the construction or provision of a veranda, balcony or raised platform;**

The proposal would not include any of the above.

**(h) It relates to a dwelling or microwave antenna; or**

The proposal is for a new detached building, not an existing dwelling, and does not contain a microwave antenna.

**(i) The capacity of the container would exceed 3,500 litres.**

Not applicable.

**E.2 In the case of any land within the curtilage of the dwelling house which is within-**

- (a) A World Heritage Site,**
- (b) A National Park,**
- (c) An Area of Outstanding Natural Beauty, or**
- (d) The Broads,**

**Development is not permitted by Class E if the total area of ground covered by buildings, enclosures, pools and containers situated more than 20 metres from any wall of the dwelling house would exceed 10 square metres.**

The application site is not located within any of the above.

**E.3 In the case of any land within the curtilage of the dwelling house which is article 1(5) land, development is not permitted by Class E if any part of the building, enclosure, pool or container would be situated on land between a wall forming a side elevation of the dwelling house and the boundary of the curtilage of the dwelling house.**

The application site is not located on article 1(5) land.

## **7. RECOMMENDATION**

**7.1 That a Certificate of Lawfulness for Proposed Development is APPROVED for the following reason:**

Evidence has been provided to demonstrate that the development falls within the criteria of Part 1 Class E of the Town and Country Planning (General Permitted Development) Order (As Amended) 1995.

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

**APPROVAL REASON**

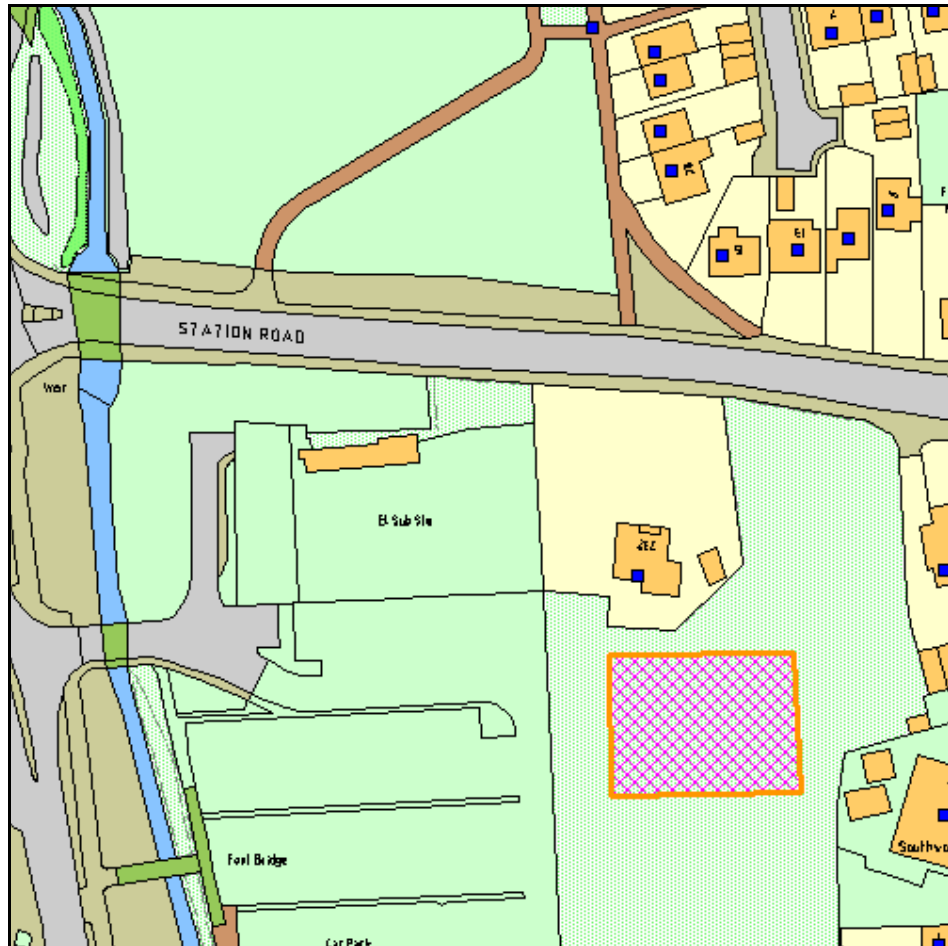
1. Evidence has been provided to demonstrate that the development falls within the criteria of Part 1 Class E of the Town and Country Planning (General Permitted Development) Order (As Amended) 1995 as shown on the following plans received by the Council on 10th March 2015:

Site Location Plan (1 Bridgeleap Road);  
Drawing no. PBPDS/PP098/2



**CIRCULATED SCHEDULE NO. 17/15 – 24 APRIL 2015**

<b>App No.:</b>	PK15/1129/CLP	<b>Applicant:</b>	Companion Care Services
<b>Site:</b>	Unit SU1 Yate Riverside Land Adjacent To Link Road Yate South Gloucestershire BS37 4AP	<b>Date Reg:</b>	25th March 2015
<b>Proposal:</b>	Application for a certificate of lawfulness for the proposed use of 24% of the internal floor area of the retail unit as an ancillary Pet Care, Treatment and Grooming facility.	<b>Parish:</b>	Yate Town Council
<b>Map Ref:</b>	371408 182458	<b>Ward:</b>	Yate Central
<b>Application Category:</b>		<b>Target Date:</b>	11th May 2015



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

This application appears on the Circulated Schedule in accordance with the Councils Scheme of Delegation because it is for a Certificate of Lawful Proposed Development.

### **1. THE PROPOSAL**

- 1.1 The applicant is seeking a formal decision as to whether a proposed pet care, treatment and grooming facility is ancillary to the authorised A1 (retail) use of Unit SU1 Yate Riverside. The unit is not yet erected but development has commenced on site. The application is submitted on the assertion that pet care facility is ancillary to the primary retail use of the unit.
- 1.2 Planning permission PK13/4116/F was granted for a comprehensive development known as 'Yate Riverside' which is a new development for large format retailing and leisure, including a 6-screen cinema. It is located next to the existing Yate Shopping Centre This application relates to one of the approved retail units.

### **2. POLICY CONTEXT**

Rather than being assessed against policy, the issue for consideration here is whether the proposed use would be ancillary to the extant authorised use.

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

- 3.1 PK13/4116/F Demolition of existing buildings and erection of building for Retail (Class A1), Restaurant/Café (Class A3) and Cinema (class D2) uses with car parking area, access, landscaping and associated works.  
Approved July 2014
- 3.2 PK13/040/SCR Associated EIA screening opinion.  
EIA not required November 2013

### **4. CONSULTATION RESPONSES**

4.1 Yate Town Council  
No objection

4.2 Other Consultees

Highway Drainage  
No objection

Highway Officer  
No Objection

#### **Other Representations**

4.3 Local Residents/ Businesses  
None received

## 5. ANALYSIS OF PROPOSAL

### 6.1 Principle Of Development

The application for a Certificate of Lawfulness is purely an evidential test. The test of evidence to be applied is whether the case has been shown on the balance of probability. As such the applicant needs to provide precise and unambiguous evidence.

- 6.2 The application site is Unit SU1 of Yate Riverside in Yate. The Unit is proposed to be occupied by Pets at Home. The proposed Unit SU1 will measure approximately 465 sq.m at ground floor and has provision for a 465 sq. m mezzanine. Pets at Home do not wish to build out the full quantum of approved mezzanine floorspace as they only require just over half of the approved quantum (circa 255 sq. m.).
- 6.3 As set out in the introduction, this application seeks confirmation that the proposed Companion Care facility (which is part of the overall service on offer at a Pets at Home Store) can operate from the unit. Companion Care is part of the Pets at Home Group. It is a service industry, offering pet care, treatment and grooming facilities for pets, and forms an integral part of the overall product range and services offered by Pets at Home in its larger format stores.
- 6.4 The facility will comprise three consulting rooms where general pet care advice is given, animals receive basic preventative medicine and treatments (such as worming or flea treatments), and small scale procedures such as spaying and X-raying are carried out. The facilities also provide for dog and cat grooming.
- 6.5 All the physical works involved in creating the Companion Care facility in the proposed store are internal and therefore do not constitute development as defined by Section 55 of the Town and Country Planning Act 1990 (as amended). It follows that none of the physical works related to the installation of the facility require planning permission.
- 6.6 The proposed facility will occupy approximately 24% of the Unit's floor area (this percentage would be less if the entire mezzanine as consented was built out). In physical terms alone therefore, the veterinary use is considered ancillary to the primary retail use of the unit.
- 6.7 A further indicator of the ancillary nature of the proposed use is that the Companion Care facility will only be accessible via the main Pets at Home store, there are no separate access or egress points for customers. It follows that the operating hours of the Companion Care facility are controlled by that of the retail use, thus ensuring that the veterinary use cannot operate independently of the primary retail use of the building. In light of the above, the pet care use is both physically and functionally subordinate to the retail use, and as such, is considered to be ancillary.
- 6.8 No other conditions under PK13/4116/F prevent a part of the retail unit in question being used as ancillary pet care/treatment and grooming facilities.

## **7. RECOMMENDATION**

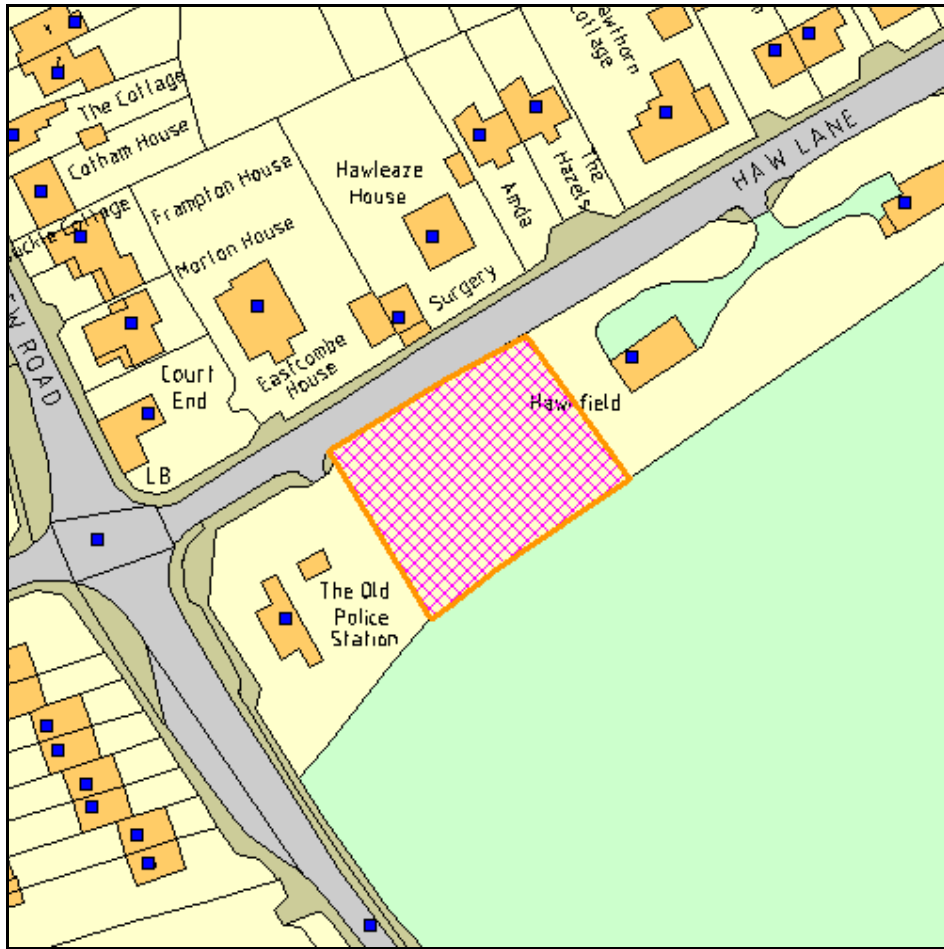
- 7.1 That a Certificate of Lawfulness of Proposed Development is granted as the proposal would not constitute development for the following reason:

The proposed ancillary pet care, treatment and grooming facilities are considered to be limited to general animal healthcare and would not occupy more than 24% of the gross floor space of SU1 Yate Riverside. The facilities would only be internally accessed with no separate external access or egress. The services / operating hours of the facilities would be within those of the primary use of the unit. It is therefore considered that the proposed ancillary facilities would be ordinarily incidental to the primary use of the planning unit and does not constitute a change of use and thus would not have required planning permission.

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

**CIRCULATED SCHEDULE NO. 17/15 – 24 APRIL 2015**

<b>App No.:</b>	PT14/4525/F	<b>Applicant:</b>	Ms Zuzana Valekova
<b>Site:</b>	Land West Of Hawkfield Haw Lane Olveston Bristol South Gloucestershire BS35 4EQ	<b>Date Reg:</b>	21st November 2014
<b>Proposal:</b>	Erection of 2no. detached dwellings and associated works.	<b>Parish:</b>	Olveston Parish Council
<b>Map Ref:</b>	360256 186893	<b>Ward:</b>	Severn
<b>Application Category:</b>	Minor	<b>Target Date:</b>	14th January 2015



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 100023410, 2008. **N.T.S.** **PT14/4525/F**

## **REASON FOR CIRCULATION**

The application is circulated as a result of one consultation reply which supports of the application.

### **1. THE PROPOSAL**

- 1.1 The application seeks consent for the erection of two detached four bedroom houses with attached garages.
- 1.2 The application site comprises a domestic garden on the south-eastern side of Haw Lane. The site is located just within the defined Olveston settlement boundary, which is washed over by the Bristol/Bath Green Belt and is located within the Olveston Conservation Area and is opposite a listed building (Hawleaze House).

### **2. POLICY CONTEXT**

#### 2.1 National Guidance

Planning (Listed Buildings and Conservation Areas) Act 1990

National Planning Policy Framework March 2012

Section 6 Delivering a wide choice of high Quality homes

Section 7 Requiring good design

Chapter 9 Protecting Green Belt Land

Section 12 Conserving and Enhancing the Historic Environment- together with its accompanying Historic Environment Planning Practice Guide.

#### 2.2 Development Plans

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

L1	Landscape Protection and Enhancement
L5	Open areas within the existing urban areas and defined settlements
L9	Species Protection
L12	Conservation Areas
L13	Listed Buildings
T7	Cycle parking
T12	Transportation Development Control Policy for New Development
H4	Residential Development within Existing Residential Curtilages
LC2	Education Provision

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

CS1	High Quality Design
CS4A	Presumption favour of Sustainable Development
CS5	Location of Development
CS8	Improving accessibility
CS9	Managing the Environment and Heritage
CS16	Housing Density
CS 17	Housing Diversity
CS34	Rural Areas

- 2.3 Supplementary Planning Guidance  
The South Gloucestershire Design Checklist (adopted) January 2006  
The South Gloucestershire Development in the Green Belt SPD (adopted) 2007  
The Olveston Conservation Area SPD (adopted)2013  
South Gloucestershire Landscape Character Assessment as revised and adopted November 2015:- LCA18 - Severn Ridges.  
South Gloucestershire Residential Parking Standards adopted December 2013.  
South Gloucestershire Council adopted planning guidelines- Trees on Development Sites

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

- 3.1 PT14/1185/F Construction of widened vehicular access from Haw Lane. Erection of 1.2m maximum high timber gates. Approval 19.05.2014
- 3.2 PT13/4703/F Removal of 4m length of hedgerow, creation of new vehicular access from Haw Lane and erection of 1.22m maximum high fence and gates. (Retrospective). 27.02.2014

### **4. CONSULTATION RESPONSES**

- 4.1 Olveston Parish/Town Council  
No objection. Providing the stone detailing is of natural stone, and in character with surrounding properties.

4.2 Other Consultees

Conservation Officer

Objection - The erosion of the open, rural character and the design of the new dwellings would harm the character and appearance of the conservation area and the setting of the listed building opposite (Hawleaze House).

Drainage Officer

No objection subject to Sustainable Urban Drainage being required by condition.

Highways Officer

Normally an access onto a highway would require visibility splays of 2.4 x 43m within a 30mph speed limit. The current proposal advocates visibility splays of 2.0 x 43m. This reduction is permitted in exceptional circumstances, in this instance the number of residential units is only two, and to achieve 2.4 x 43m visibility splays would have a significant impact upon the established hedge and the trees within it in the conservation area.

Tree Officer

No objection in principle to this development but would like to see a landscape plan showing proposed tree planting including the species and tree size.

Vegetation clearance has already taken place at this site leaving cypress trees of low quality.

These trees should not be regarded as a constraint to the development but given the trees that have been removed, and in line with Policy CS2 of South Gloucestershire Council's Core Strategy as well as s.4.2 of the submitted Landscape Statement, I would like to see a landscape plan showing proposed tree planting.

Landscape officer  
Objection

### **Other Representations**

#### 4.3 Local Residents

One letter of support received in respect of the following points:

- Design of the properties is sympathetic to the surrounding houses,
- Support the addition of two more families in this fabulous village.

## **5. ANALYSIS OF PROPOSAL**

### 5.1 Principle of Development

This application is for the erection of two dwellings just within the settlement boundary of Olveston, a village washed over by the Green Belt and also within the Olveston Conservation Area. The NPPF sets a presumption in favour of sustainable development. This means that development proposals that accord with the development plan should be approved without delay and where relevant policies are absent, silent or out-of-date, permission should be granted unless – any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies within the NPPF taken as a whole. Clearly the impact on the Green Belt and Conservation Area need to be established. Paragraph 9 of the NPPF states that 'Pursuing sustainable development involves seeking positive improvement in the quality of the built, natural and historic environment, as well as in people's quality of life'. Policy CS16 states that development should make efficient use of land, to conserve resources and maximise the amount of housing supplied, particularly in and around town centres and other locations where there is good pedestrian access to frequent public transport. In addition the density of new development should be informed by the character of the local area and contribute to:

- The high quality design objectives set out in Policy CS1
- Improving the mix of housing types in the locality and
- Providing adequate levels of Public open space, semi private space and communal open space.

5.2 As such the proposal stands to be considered in relation to the Councils development plan policies CS1, CS5, CS8, CS9, CS16, L1, L5, L12 and L13 before also considering residential amenity and transportation.



### 5.3 Green Belt

Green Belt policy is located in the NPPF section 9 and referred to again in policy CS5 of the core strategy. The erection of new dwellings in the green belt are not one of the forms of development considered to be appropriate development unless they fall into one of the categories identified in paragraph 89 of the NPPF. When considering any planning application, local authorities should ensure that substantial weight is given to any harm to the green belt. Very special circumstances will not exist unless the potential harm to the green belt is clearly outweighed by other considerations. Olveston Village is washed over with Green belt and paragraph 86 of the NPPF states that 'if it is necessary to prevent development in a village primarily because of the important contribution which the open character of the village makes to the open character of the Green Belt, the village should be included in the Green Belt'.

### 5.4 Paragraph 89 identifies exceptions to this and states that

- 'limited infilling in villages, and limited affordable housing for local community needs under policies set out in the Local Plan; or
- limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.'

### 5.5 So is the proposal 'limited infilling'? The SPD describes infill development as follows:

*"Infill development is development that is small in scale and which fits into an existing built up area in a defined settlement boundary, normally in-between existing buildings, in a linear formation"*

The site is approximately half of a large domestic garden which runs approximately 87m of the length of Haw Lane. The five dwellings along this lane are very well spaced and offer a soft edge to the village. The 70m between the house (Hawkfield) and the Old Police Station (now a house) which faces New Road rather than Haw Lane can be considered 'infilling' as it is a gap between two houses and would be linear in form.

However, paragraph 88 of the NPPF advises *'When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.'*

The site is not a natural gap in a row of houses tucked within the core of the settlement but a distinct open area within and on the edge of the village boundary which adds to the openness of the Green Belt within the village envelope. Policy L5 of the Local Plan also recognises and seeks protection for such areas and states that 'development will not be permitted where it would adversely affect the contribution that an open area makes to the quality,

character amenity and distinctiveness of the locality.’ In this case the garden is the open edge of the village and links to the open farmland and hill behind. Erection of built form here would reduce the openness of the Green Belt, reducing views out of the village to the countryside beyond the well spaced houses on the southern side of Haw Lane.

- 5.6 As such whilst the proposal is considered to be infill development which is not inappropriate development, therefore not harmful by definition, paragraph 88 instructs that substantial weight needs to be given to any other harm which in this case is the harm to the openness of the Green Belt. This harm to the openness (and potential other harm found below) would need to be clearly outweighed by other considerations.

5.7 Impact on the character of the conservation area and listed building.

The site is a large garden to the south west of Hawkfield, located on the very edge of the village, with open countryside beyond. Directly opposite the site is Hawleaze House, a grade II listed house dating from the early nineteenth century. Haw Lane was recently introduced in to the Olveston Conservation Area boundary, predominantly for its distinctive linear form and its ‘green’ and rural character, with eighteenth and nineteenth century ‘polite’ housing built in spacious garden plots to the north side overlooking the Eastcombe Hill. The south side of the lane has a marked difference in character as it is far less developed, and has a strong framework of vegetation provided by the substantial hedging. Eastcombe Hill provides both an attractive setting and a sense of shelter and containment to the conservation area, and views to the open fields are gained from many various points along Haw Lane. Where there is more development at the western end of the lane, the impact is reduced by the substantial hedging.

- 5.8 The application proposes the erection of two new detached dwellings. These would be served by the existing access which has recently been created but not finished in accordance with the decision notice. The current proposal is to keep the existing hedge and in doing so a two metre deep visibility splay is maintained. The open garden currently allows clear views from Haw Lane to Eastcombe Hill. The conservation area SPD advises:

*It is important that the rural setting and tranquil character of Haw Lane is protected and views to Eastcombe Hill are maintained and therefore proposals for further development on the south side of the lane will be resisted where this would not achieve this aim. The regular development ‘grain’ and building line, and the spacious and green garden plots to the northern side should also be maintained.*

- 5.9 The preservation and enhancement strategies within the SPD that are relevant to this proposal include:

- *Maintain and enhance sense of enclosure to the road by maintaining stone walls and appropriate hedge planting, including native hedges.*
- *Resist new development to the south of Haw Lane or infilling to the north where this would be contrary to the traditional development pattern or grain.*

- *Maintain the green character of the lane.*
- *Maintain views to the open countryside, and rural setting of the conservation area.*
- *Maintain building lines.*
- *Maintain rural informality of lane and traditional features such as gates.*
- *Resist creation of parking and access to front gardens where this would have a harmful impact.*

5.10 The open garden, lack of footpath and its boundary hedgerow are considered to contribute to the green and rural character of the site. The views to Eastcombe Hill are recognised as an important element of the setting of Hawleaze House (grade II) and other buildings on the lane of this period, which were no doubt built with the deliberate intention of enjoying this rural outlook. The construction of two new houses would substantially block these views and therefore be considered contrary to the preservation and enhancement strategies set out above, and therefore harm the character and appearance of the conservation area. The setting of Hawleaze would also be harmed. The two new buildings and Hawkfield would be located close together, resulting in an urban grain which is out of character of the south side of the lane.

5.11 In addition to concerns about the location of the new housing, the design of the houses proposed are not considered appropriate to the conservation area. The designs do not reflect the architectural qualities and distinctiveness of the many traditional buildings in the area (both polite and vernacular). The use of elements such as concrete roofing tiles, flat garage roofs and external chimney stacks are not appropriate. However, amending the design would not overcome the fundamental concern about the loss of open space and views.

5.12 The erosion of the open, rural character and the design of the new dwellings would harm the character and appearance of the conservation area and the setting of the listed building opposite (Hawleaze House). The application is therefore contrary national guidance, to saved policies L12 and L13 of the Adopted Local Plan, policies CS1 and CS9 of the Adopted Core Strategy, and guidance within the Adopted Olveston Conservation Area SPD of 2013.

5.13 Design

Policy CS1 is a general design policy which states that proposals will demonstrate that certain criteria are met. It states that 'the siting, form scale height, massing, detailing, colour and materials, are informed by and enhance the character, distinctiveness and amenity of both the site and its context'. The policy also seeks that 'existing features of landscape, nature conservation, heritage or amenity value and public rights of way, are safeguarded and enhanced through incorporation into development'. These matters are addressed in the section above and there are no public rights of way on the site.

5.14 Policy CS1 states that 'density and overall layout is well integrated with existing adjacent development and connected to the wider network of foot, cycle and public transport links'. The proposal is not so remote from the rest of the village that the houses would contravene this part of the policy although it is noted that

there is no public footway on this side of the road to serve the dwellings and to create one would further erode the character of the lane.

- 5.15 The Conservation paragraphs above already identify the development of the site as having an adverse impact on the open character of the area and policy L5 of the Local Plan supports this more generally in areas outside of Conservation areas too.
- 5.16 In terms of energy efficiency no particular measures are proposed within the scheme but it is noted that large windows will generally facilitate reasonable solar gain and being only two houses the policy does not require specific evidence to demonstrate energy efficiency.
- 5.17 With regard to policy CS16 the mix of housing in the locality is not materially affected by the proposal as the application is only for two houses, there are other large houses nearby and they are for private sale. Each house would have sufficient amenity space for its reasonable needs. Design considerations taking on board policy CS1 are considered to fail taking into account the findings above in terms of materials and impact on the conservation area which are not found to be favourable.
- 5.18 Overall, the proposal is not considered to make a positive contribution to the local character of distinctiveness of the site and detracts from the Conservation Area and openness of the Green Belt. The application fails policy CS1.
- 5.19 Landscape  
It is noted that the hedge at the front of the site is to be maintained by the proposal is a more limited 2m deep visibility splay. The removal of the hedge to provide the visibility splay would have been detrimental to the leafy and semi-rural character of Haw Lane which will inevitably be affected by the maintenance of the hedge. The removal of the hedge will result in the proposed dwellings being open to views from Haw Lane. It will be five to ten years before any garden trees will effectively screen and soften the proposed development.

With regards to any impacts on the wider landscape the South Gloucestershire County Councils Landscape Character Assessment notes that; *'Olveston has a significant area of recent housing to the south and south east of the village. However, with the exception of visibility from along local lanes, this development is largely screened from the wider landscape, by rising landform and the bowl setting within which the village nestles.'* The rising landform to the south of Olveston, including Eastcombe Hill, will reduce the extent of the visual impact of the development. The southern edge of Olveston is currently well integrated into the surrounding countryside due to the mature garden vegetation. The proposed development will be visible above the hedge, and through the hedge during the winter months, when approaching the village along the Tockington Road. The development would have the effect of giving the village a more prominent edge due to the limited vegetation structure. This is detrimental to the character of the immediate area and adversely affects the character and appearance of the conservation area and setting of the listed building. This is not able to be fully mitigated by a landscaping scheme.

#### 5.20 Residential amenity

The proposals are not likely to affect the residential amenity of the neighbouring houses by reason of overlooking or overbearing nature given the distances between properties and the orientation of windows.

#### 5.21 Transportation

The proposal seeks to use an access already granted permission under planning application PT14/1185/F. Normally an access onto a highway would require visibility splays of 2.4 x 43m within a 30mph speed limit. The current proposal advocates visibility splays of 2.0 x 43m. This reduction is permitted in exceptional circumstances, in this instance the number of residential units is only two, and to achieve 2.4 x 43m visibility splays would have a significant impact upon the established hedge. As such the access is considered acceptable and does not rely of neighbouring land to complete the splays. A condition could be added to require a post and rail fence along the visibility splay in front of the hedge so that the visibility splay can be easily identified in the future when the hedge grows and trimmed back to this point particularly given the reduction in visibility if approved.

### 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 In this case the harm found by reason of impact on the openness of the Green Belt, harm to the character and appearance of the Olveston Conservation Area and loss of an open area within the village settlement boundary all individually lead to the proposed refusal of the application. Further when considered cumulatively they offer other harms to the Green Belt which need to be given substantial weight as directly by paragraph 88 of the NPPF and no very special circumstances are put forward in support of the application. As such no very special circumstances clearly outweigh the harm to the Green Belt.

6.3 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

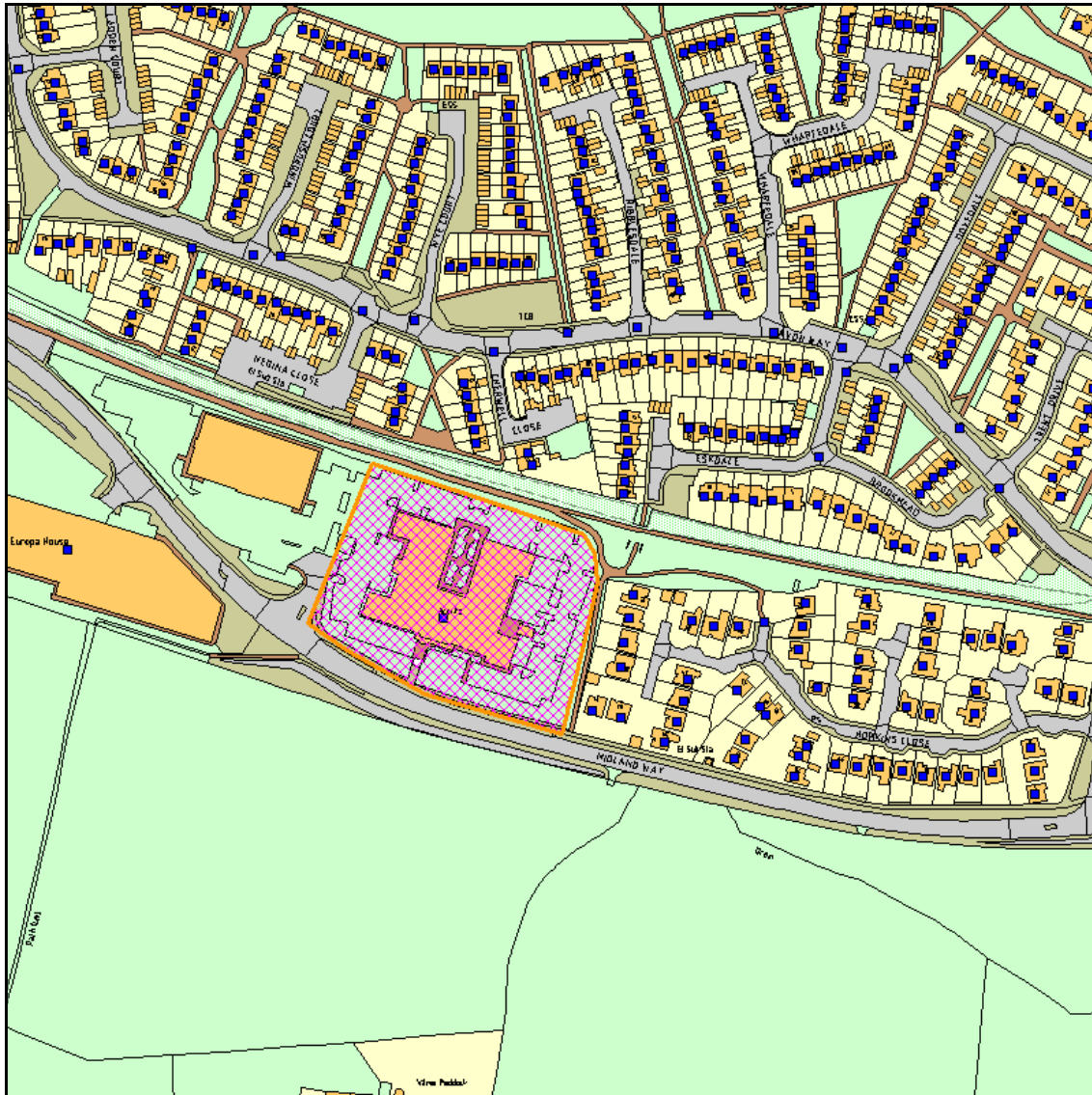
7.1 That planning permission is refused for the following reasons:

**Contact Officer: Karen Hayes**  
**Tel. No. 01454 863472**

1. The site is located within the Bristol/Bath Green Belt and the proposal, although considered to be infilling, would by reason of the harm caused by the loss of openness of the greenbelt, the harm to the character and appearance of the Olveston Conservation Area and the loss of an open area within the village settlement boundary which contributes to local character and distinctiveness, which should be given substantial weight, be contrary to the Green Belt Policy set out in the NPPF. The applicant has not demonstrated that very special circumstances apply such that the normal presumption against development within the Green Belt should be overridden. The proposal is therefore contrary to the provisions of the NPPF, policy CS5 and CS34 of the South Gloucestershire Local Plan Core Strategy Adopted December 2013 and saved policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006.
2. The proposed development is located within Olveston conservation area, the character and appearance of which it is desirable to preserve or enhance. The site is also located opposite to Hawleaze House, a grade II listed building, the architectural and historic interest and setting of which it is important to preserve. The proposed development, by virtue of the loss of open, green space at the rural conservation fringe, and restriction of views to Eastcombe Hill, would harm the character and appearance of the conservation area and the setting of Hawleaze House, contrary to sections 66(2) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, national guidance set out at the NPPF and Historic Environment Planning Practice Guide and policies L12 and L13 of the Adopted Local Plan, policy CS9 of the Core Strategy, and guidance within the Adopted Olveston Conservation Area SPD (adopted)2013.
3. The proposal adversely affects the contribution that the open area of garden makes to the quality, character, amenity and distinctiveness of the locality and as such is contrary to saved policy L1 and L5 of the South Gloucestershire Local Plan (Adopted) January 2006 and policy CS1 and CS9 of the South Gloucestershire Local Plan Core Strategy Adopted December 2013.

## CIRCULATED SCHEDULE NO. 17/15 – 24 APRIL 2015

<b>App No.:</b>	PT14/4961/F	<b>Applicant:</b>	Newland Homes And Castleoak Care
<b>Site:</b>	Alexandra Midland Way Thornbury Bristol South Gloucestershire BS35 2NT	<b>Date Reg:</b>	26th January 2015
<b>Proposal:</b>	Demolition of existing building to facilitate erection of 23no. dwellings and a care home with associated works	<b>Parish:</b>	Thornbury Town Council
<b>Map Ref:</b>	364415 189342	<b>Ward:</b>	Thornbury South And Alveston
<b>Application Category:</b>	Major	<b>Target Date:</b>	24th April 2015



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 100023410, 2008. N.T.S. PT14/4961/F

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

This application appears on the circulated schedule as the proposal is subject to a S106 legal agreement and due to the receipt of 3 letters of objection from local residents and the comments of Thornbury Town Council.

### **1. THE PROPOSAL**

- 1.1 This application seeks consent for the demolition of the existing building to facilitate the erection of 23 dwellings and 70 bed care home (C2). The application site relates to a large vacant office building known as Alexandra Workwear. The site is accessed from Midland Way sharing an access with the retained Alexandra Workwear building. The current proposal is for 2 x one bed flats, 4 x two bed flats, 5 x three bed houses and 8 x four bed houses and 4 x five bed houses
- 1.2 The application site lies in a safeguarded area for Economic Development. The site is bound on two sides by residential development, commercial development to the west and open fields on the opposite side of Midland Way to the south.
- 1.3 Prior to the submission of the application a screening opinion was submitted to identify the need for an Environmental Impact Assessment. The outcome of the screening opinion is that an EIA was not required.

### **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

- L1 Landscape Protection and Enhancement
- L9 Species Protection
- T7 Cycle Parking
- T12 Transportation Development Control
- LC1 Provision for community facilities
- LC2 Provision for education facilities

#### South Gloucestershire Core Strategy (Adopted) December 2013

- CS1 High Quality Design
- CS4A Presumption in favour of sustainable development
- CS5 Location of Development
- CS6 Infrastructure and Developer Contributions
- CS8 Improving Accessibility
- CS9 Managing the Environment and Heritage
- CS12 Safeguarded Areas for Economic Development
- CS15 Distribution of Housing
- CS16 Housing Density



CS17 Housing Diversity  
CS18 Affordable Housing  
CS24 Green Infrastructure, Sports and Recreation Standards  
CS32 Thornbury

- 2.3 Supplementary Planning Guidance  
Affordable Housing SPD (Adopted)  
Residential Parking Standards SPD

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

- 3.1 PT14/049/SCR Associated Screening Opinion.  
EIA not required
- 3.2 PT13/3990/PNC Prior Notification of change of use from offices (Class B1a) to residential flats (Class C3).  
No Objection December 2013

### **4. CONSULTATION RESPONSES**

4.1 Thornbury Town Council

No objection, subject to:-

(i) Permitted Development rights being removed, particularly in respect of the height of the buildings.

(ii) The additional planting that the developer has agreed to provide as part of the landscaping on the perimeter of the site should be formally approved before permission is granted.

(iii) The lack of a designated bus route along Midland Way could exacerbate the existing parking problems. Consideration should be given to asking the developers to contribute to a new public transport link with a bus stop adjacent to the new development.

(iv) The contractors working hours should be defined as part of the planning approval and strictly adhered to

4.2 Education comment

No objection subject to a S106 legal agreement to secure £52,170 towards secondary education.

4.3 New Communities Team

No contribution requested

4.4 Housing Enabling

The site currently has a combined floor space of 2856.59 m<sup>2</sup> with a proposed floor space of 2180.52 m<sup>2</sup> (C3 residential units). This provides a calculable net loss of 676.07 m<sup>2</sup>. With regards to Core Strategy Policy CS18 and in light of new government policy (NPPG - Nov 2014) there is not a requirement for affordable housing.

- 4.5 Environmental Protection  
No Objection.
- 4.6 Highway Officer  
No Objection subject to conditions
- 4.7 Avon Fire and Rescue  
No additional hydrant requirements associated with this application.
- 4.8 Environment Agency  
No objection subject to conditions
- 4.9 Avon and Somerset Constabulary  
Having viewed the information as submitted we find the design to be in order and complies appropriately with the crime prevention through environmental design principles.
- 4.10 Wessex Water  
Surface water strategy will need agreement between the applicant and South Glos. There is current available capacity within the current public foul water sewer to accommodate proposals.
- 4.11 Highway Structures  
No Objection
- 4.12 Public Rights of Way  
No Objection
- 4.13 Highway drainage  
No objection subject to the attachment of conditions
- 4.14 Property Services  
The property is adjacent to land classed as public open space. Permission, in the form of a licence, should be sought from our Property Services section if the developer wishes to use this open space to erect scaffolding or gain access to the development site across this land. It is noted that footpath links will be formalised from the NE corner of the site onto the footpath network, to provide convenient and safe access to this facility and into town. A formal agreement, in the form of a licence, will be required from the SGC Property Services to enable a new access points to be created.

#### **Other Representations**

4.15 Local Residents

Three letters of concern have been received from neighbouring dwellings raising the following points:

- The three storey element of the care home is too high
- Concerns about what may be applied for in the future increasing heights further

- The distance between the existing houses on Hopkins Close and the new homes is approx. 28 metres – would prefer this to be 40 metres
- Concerns that new residents may remove existing trees
- Concerns about impacting the value of neighbouring dwellings
- The density of the development is too high
- Possible overshadowing
- Request conditions restricting loft conversions
- Request conditions restricting construction hours and hours of demolition
- The care home is out of keeping as it is too large and not sympathetic
- Insufficient parking for the care home
- The nearest bus stop is some distance away
- The development takes industrial usage out of circulation

## 5. ANALYSIS OF PROPOSAL

### 5.1 Principle of Development

The site is situated off of Midland Way within the defined settlement boundary of Thornbury. The proposal is to demolish the existing building and completely re-develop the site with residential accommodation both in the form of dwellings and a care home. The proposal is to locate the care home along the site frontage facing Midland Way with the market dwellings filling the rest of the site. The site is not covered by any statutory designations.

5.2 The NPPF states that there is a strong presumption in favour of sustainable development and also of relevance as set out in para. 17 (Core Principles) is that the reuse of land that has been previously developed (brownfield land) should be a priority. Elsewhere (para 58) states that developments should maximise the potential of sites to accommodate development.

5.3 Policy CS5 of the South Gloucestershire Core Strategy (Adopted) allows for development of a scale appropriate to revitalise the town centre and strengthen community services and facilities. The development of 23 units of family housing will help to support the town centre and existing facilities and the principle of development is therefore broadly consistent with the requirements of Policy CS5.

5.4 The site does also lie within a Safeguarded Area for Economic Development. In accordance with Policy CS12 of the South Gloucestershire Core Strategy (Adopted), proposals for changes of use to non-employment uses will be permitted where the proposal can demonstrate a number of criteria are satisfied.

5.5 Subject to Policy CS12 being satisfied, there is no objection to the principle of the proposed residential development subject to consideration of the design, environmental and transportation effects and impact upon residential amenity. Furthermore provision for education, leisure, recreation and community facilities should be adequate to meet the needs arising from the proposals.

These issues are considered in detail below. The principles of good site planning are also set out in Policy CS1 of the adopted Core Strategy

5.7 Safeguarded Area for Economic Development

The site is identified as land that should be retained and protected for employment purposes. This is to ensure that a supply of employment land is maintained to meet the identified needs of businesses. Proposals for the change of use of this site to a non-employment use must satisfy that:

- a) The proposal would not prejudice the regeneration and retention of B Use Classes elsewhere within the defined employment area; and
- b) It can be clearly demonstrated that it would contribute to a more sustainable pattern of development in the local area as a consequence of the appropriateness of the proposed use to the location; and
- c) The proposal would improve the number or range of jobs available in the local area; and
- d) No suitable alternative provision for the proposal has been made elsewhere in the Local Development Framework.

5.8 Turning to each of these criteria in turn, it is considered that the proposal does satisfy criteria a) as the change of use of this area of site would not prejudice the retention of B uses elsewhere in the employment area. The site is tucked up towards the edge of the safeguarded area and is already bound on two sides by other residential development. The site is not, for example, in the centre of an employment area where a change of use may impact on the ability of other commercial premises to conduct their activities.

5.9 Regarding criteria b), although residential development on this site is considered to be sustainable as it is within walking distance of Thornbury Town Centre, the application does not demonstrate that it would clearly lead to a more sustainable pattern of development.

5.10 Criteria c) requires development to improve the number or range of local jobs. It is not known how many employees previously worked in the unit under its B1a use but the unit is currently vacant and therefore generating no employment. The residential element will generate employment during the construction phase but it is accepted that this will be short term only. The care home however will generate an expected 75 full time equivalent jobs. It is also be reasonable to expect that these jobs will cover a range of activities from office work, to care work to landscaping and grounds maintenance. Although the primary purpose of the C2 care home is clearly not for employment purposes, the use will still contribute towards a notable number of local jobs. The proposed development does go some way therefore towards satisfying criteria c).

5.11 The proposal does not however satisfy the requirements of the final criteria. It is not possible to demonstrate that no suitable alternative provision for the proposal has been made elsewhere in the plan as the Council is able to demonstrate its five years supply of deliverable sites. The proposal is therefore contrary to the requirements of criteria d).

5.12 Following on from the above, it is then necessary to consider the 'national picture' particularly in light of the Town and Country Planning (General Permitted Development) (England) Order 2015. Under Class O of Part 3, the existing building can be converted to dwellinghouses without the need for full planning permission (only Prior Approval is required). Indeed, under application PT13/3990/PNC prior approval has already been granted for the change of use of the existing building to form 37 flats. This permission is extant and could be implemented at any stage providing the C3 use of the site is completed before 30<sup>th</sup> May 2016 – which is a reasonable prospect.

5.13 Given this extant consent, and the fact that there is still sufficient time for the extant consent to be implemented, your officer is giving significant weight to this fall back position in the determination of this application. Even should the application subject of this report be refused, is it realistic and probable to assume that the B1 use of the site would be lost to residential anyway.

5.14 Taking the above into consideration, it is then necessary to consider what is in the best interests of Thornbury as a whole and also for the site. Should the extant prior approval be implemented, the site would generate no employment and would provide 7 x one bed flats, 28 x two bed flats, 1 x three bed flats and 1 x four bed. By means of comparison, the scheme as proposed will provide 75 jobs (full time equivalent) in a 70 bed care home, 2 x one bed flat, 4 x two bed flats, 5 x three bed houses and 8 x four bed houses and 4 x five bed houses. It is the opinion of your officer that the scheme as proposed will be of more benefit to Thornbury as a whole in offering a more diverse range of housing and maintaining a level of employment. In light of the above, no objection is raised to the principle of allowing the proposed development on the site.

5.15 Design and Visual Amenity

The application is for the demolition of the existing property. The existing building takes the form of one large block made up of two storey and single storey elements. The existing building is constructed of red brick and has a run-down appearance. The building sits centrally in the plot and is surrounded by car parking with a little landscaping. The existing building offers no significant contribution to the character of the area and therefore there is no objection to the loss of the existing building.

5.16 Care Home

The care home has a linear footprint that will run along the front of the site facing Midland Road. The building is mostly three storeys in height but contains two storey elements to try to break up the massing. The building has been designed to incorporate a small range of design features including gables, dormers and varying window sizes to help add visual interest to what is, a large building. The plans show a range of materials to be used on the building but it is not clarified exactly what each of the materials are. Therefore, given the prominence and size of the building and its potential visual impact, a condition will be attached requiring samples of the materials prior to the commencement of development.

- 5.17 The care home has been designed in such a way that it actually presents its rear to Midland Way. Although sounding like a peculiar design approach, this means that the parking area is within the site and the garden area will face towards Midland Way. This approach is supported and will actually result in a visual improvement over and above the existing situation. The design and visual impact of the care home is therefore deemed to be acceptable.
- 5.18 Residential Units  
The proposed residential units will all be accessed from a cul-de-sac accessed from Midland Road. The dwellings will all be two or two and a half storeys with accommodation in the roof space. The dwellings are not specifically designed for the site but instead are typical of modern dwellings found across many housing developments. That said, the dwellings do vary in scale and design to ensure a degree of visual interest. Given the design of the existing modern housing development to the north and east, the design approach taken is considered to be acceptable.
- 5.19 As is usually preferable, the layout proposed encourages most parking to be within the curtilage of each specific dwelling and proposes only two parking courtyards. The layout also allows for notable planting through the centre of site which is supported. At this stage, no detailed landscaping plan has been provided and given the size of the site and visual prominence, good landscaping is important. In order to address this, a landscaping scheme will be conditioned along with a scheme of maintenance.
- 5.20 Again, as is the case with the care home, no details of materials have been submitted although the plans do show a range of materials to be used across the residential units. Therefore, given the number of units proposed and the potential visual impact a condition will be attached requiring samples of the materials prior to the commencement of development. Subject to the attachment of a condition, the design of the dwellings is deemed to be acceptable.
- 5.21 Residential Amenity  
There are two strands to be considered when assessing residential amenity – that is the impact on neighbouring dwellings and also the level of amenity afforded to potential future residents.
- 5.22 When considering the impact on the neighbouring properties to the east and north, there is ample distance (minimum 28 metres) and landscaping between the existing and proposed dwellings to ensure that existing levels of residential amenity are retained. Although it is noted that the neighbours to the east would prefer the separation distance to be increased, this is not considered necessary to make the scheme acceptable. Due to the scale of the proposed dwellings, it is not considered that any of the existing surrounding properties will suffer as a result of overbearing or overshadowing.
- 5.23 In order to ensure that neighbouring residents are not unacceptably affected during the construction phase, a condition will be attached limiting the hours of construction.

- 5.24 In considering this application, your officer has given consideration to the need to remove permitted development rights in the interests of residential amenity. Permitted development rights should only be removed in exceptional circumstances and for a very specific reason. In this instance, all dwellings have the benefit of generous plots with good spacing between them. There is no reason to remove the permitted development rights. Notwithstanding the above, it is not possible to change a two storey property to a three storey property under permitted development rights and full planning permission would always be required for this change.
- 5.25 Looking at the level of amenity afforded to future new residents, each of the proposed new dwellings will be provided with a large private and useable garden space. The flat block also has a large area of communal outdoor space. The scheme has been design so as to avoid any issues of overlooking or intervisibility. As a result, future residents of the scheme will be afforded a suitable high level of amenity.
- 5.26 Ecology  
There are no known ecological barriers to the development and little potential for significant ecology to exist on site. As such there is no objection to the scheme from an ecological perspective.
- 5.27 Highways  
On site car parking is provided in accordance with the residential parking standards SPD for the residential element and Policy T8 of the South Gloucestershire Local Plan for the Care Home. Similarly, adequate cycle parking is provided for the care home and all dwellings have direct access to their rear gardens to facilitate ample cycle parking at the residential units. The Councils highway officer raises no objection to the application in terms of parking provision.
- 5.28 Access to the site is considered to be safe. As initially submitted the highway officer did raise a number of concerns about the Transport Statement submitted to support the application in that some of the data used was out of date and also that the auto tracking for the main spinal road was not appropriate. However, through the course of the application negotiations have been undertaken and the road design altered very slightly to ensure that all vehicles are able to manoeuvre the road safely and easily. Especially when compared to the extant B1 use, the impact on highway safety is deemed to be entirely appropriate.
- 5.29 Your officer has expressly given consideration to the need for a new public transport link and bus stop as has been requested by the Town Council. Such a request is not necessary to make the scheme acceptable and is not reasonably related to the scale of the proposed development. Your officer is unable therefore to request such a contribution from the developer.

### 5.30 Affordable Housing

National policy provides an incentive for brownfield development on sites containing vacant buildings – known as the vacant building credit. Where a vacant building is brought back into any lawful use, or is demolished to be replaced by a new building, the developer should be offered a financial credit equivalent to the existing gross floorspace of relevant vacant buildings when the local planning authority calculates any affordable housing contribution which will be sought. Affordable housing contributions may be required for any increase in floorspace.

5.31 The site currently has a combined floor space of 2856.59 m<sup>2</sup> with a proposed floor space of 2180.52 m<sup>2</sup> (C3 residential units). This provides a calculable net loss of 676.07 m<sup>2</sup>. Therefore, in line with Core Strategy Policy CS18 and the NPPG there is not a requirement for affordable housing.

### 5.32 Community Serviced Requirements

The Community services team have made no request for a contribution towards public open space or the library.

### 5.33 Education

There is a projected surplus of places at primary schools in the local area. No contribution is required for additional primary provision. At secondary level there is a projected deficit of places in the local area. The proposed development of 23 dwellings will generate 4 additional secondary pupils according to the pupil number calculator. A contribution of £52,170 is required for additional secondary provision. The applicants are agreeable to pay this contribution which will be in the form of a unilateral undertaking.

## 6. CONCLUSION

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

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

## 7. RECOMMENDATION

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

- (i) A contribution of £52,170 for additional secondary provision.



The reasons for this Agreement are:

- (i) To mitigate against the impact of the proposed development on the education system and to satisfy the requirements of Policy LC2 of the South Gloucestershire Local Plan (Adopted) January 2006
- (2) That the Head of Legal & Democratic Services be authorised to prepare and seal the agreement.
- (3) If the S106 Agreement is not signed and sealed before the implementation of CIL, the application should be returned to the Circulated Schedule for reconsideration;

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

### **CONDITIONS**

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

Reason

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

2. Prior to the commencement of development details/samples of the roofing and external facing materials proposed to be used in both the dwellings and the care home 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

The plans show a range of materials to be used across the site but it is not clarified exactly what each of the materials are. Therefore, given the prominence and size of the site and its potential visual impact, it is necessary to discuss and agree suitable materials before development commences on site. To comply with the requirements of Policy CS1 of the South Gloucestershire Local Plan core Strategy (Adopted) December 2013

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

Reason

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

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

Reason

The plans show an indicative planning and landscaping layout which includes the retention of some of the existing boundary trees and hedges. It is necessary for this to be a pre-commencement condition as it is necessary to establish exactly which plants are to be retained prior to the commencement of development so appropriate safeguards can be put in place at an early stage. Also to comply with the requirements of Policy CS1 of the South Gloucestershire Local Plan core Strategy (Adopted) December 2013 and L1 of the South Gloucestershire Local Plan (Adopted) January 2013.

5. Prior to the commencement of development (including demolition of the existing building) a Construction Traffic Management Plan shall be submitted to the Council for written agreement. For the avoidance of doubt, the plan shall include (but is not restricted to) details of site compounds, wheel washing, delivery vehicle management (to avoid peak hour movements), and working hours. Development shall be carried out exactly in accordance with the plan agreed.

Reason

Given the amount of demolition included as part of the re-development, it is necessary to agree these details at pre-application stage to ensure that all works are carried out in a satisfactory manner that does not adversely impact on highway safety. Also to comply with the requirements of Policy T12 of the South Gloucestershire Local Plan (Adopted).

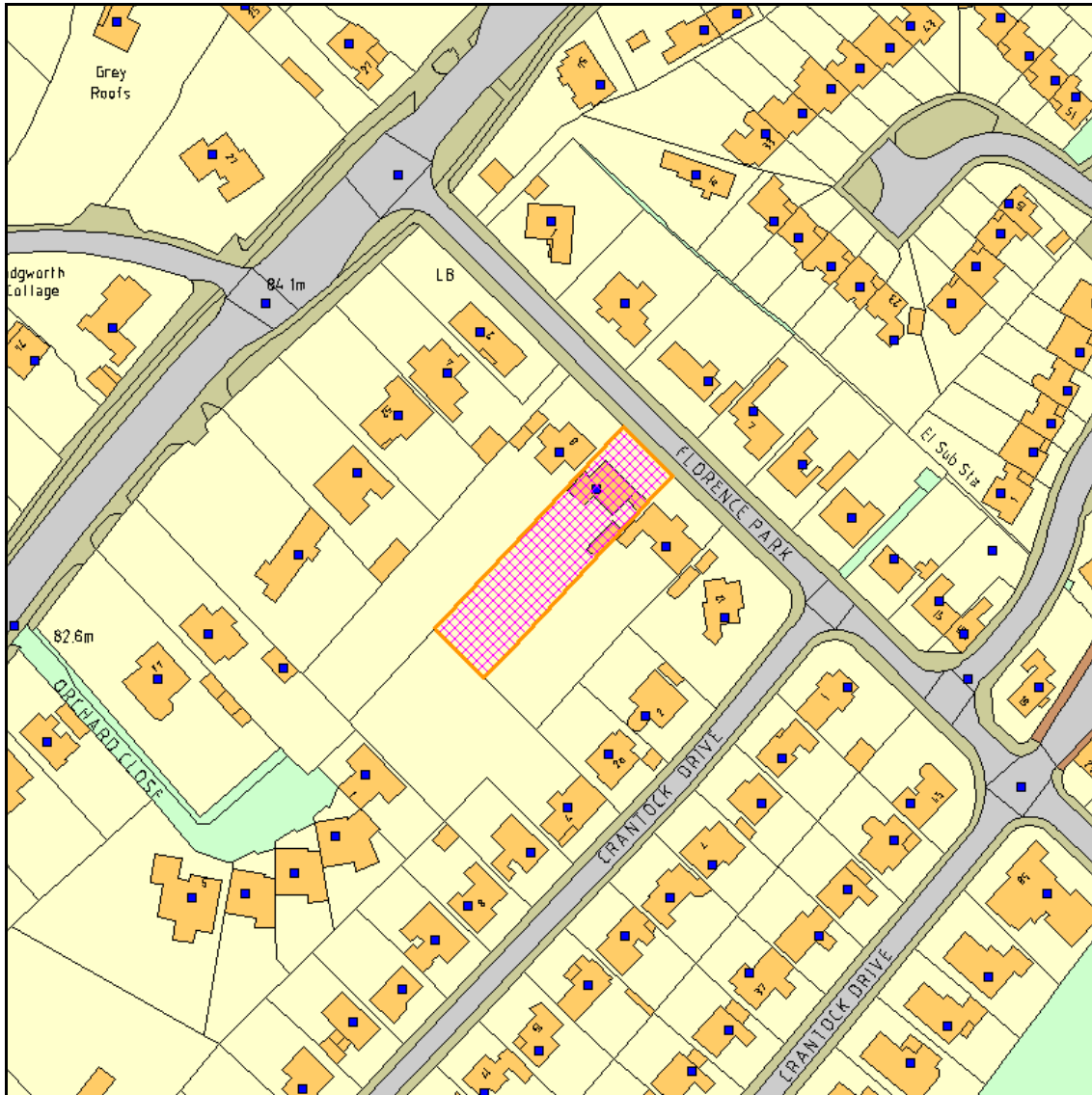
6. No development shall commence until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority (LPA). The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include details of how the scheme shall be maintained and managed after completion.

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. It is necessary for this to be a pre-commencement condition as drainage needs to be agreed and installed as part of the ground for the scheme and cannot easily be retrofitted.

**CIRCULATED SCHEDULE NO. 17/15 – 24 APRIL 2015**

<b>App No.:</b>	PT15/0654/F	<b>Applicant:</b>	Mr And Mrs Turner
<b>Site:</b>	8 Florence Park Almondsbury South Gloucestershire BS32 4HE	<b>Date Reg:</b>	19th February 2015
<b>Proposal:</b>	Erection of single storey side extension to form additional living accommodation.	<b>Parish:</b>	Almondsbury Parish Council
<b>Map Ref:</b>	361019 184272	<b>Ward:</b>	Almondsbury
<b>Application Category:</b>	Householder	<b>Target Date:</b>	9th April 2015



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

This application appears on the Circulated Schedule due to a consultation response received raising concerns regarding boundary/ownership issues.

### **1. THE PROPOSAL**

- 1.1 The application is for the erection of a single storey side extension to form additional living accommodation. The proposals would represent a relatively small flat roof addition near to the front door of the dwelling. A chimney would also be added to the side of the property.
- 1.2 The property is a detached dwelling with a mix of rendered, tile and brick finishes, located within the residential area of Almondsbury, which is washed over by the Green Belt.

### **2. POLICY CONTEXT**

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

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

- 3.1 N3596 – Erection of single storey extension at side and rear to form lounge; provision of canopy and patio; erection of domestic garage. Approved 16<sup>th</sup> June 1977.

### **4. CONSULTATION RESPONSES**

- 4.1 Almondsbury Parish Council  
No objection  
  
Highways Drainage  
No comments

## **Other Representations**

### 4.2 Local Residents

On letter has been received raising concerns of the following grounds:

The chimney and line of the drainage appears to be encroaching onto 6 Florence Park.

## **5. ANALYSIS OF PROPOSAL**

### 5.1 Principle of Development

Policy H4 of the South Gloucestershire Local Plan (Adopted) 2006 advises that proposals should respect the massing, scale, proportions, materials and overall design of the existing property and the character of the street scene and surrounding area, they shall not prejudice the amenities of nearby occupiers, and shall not prejudice highway safety nor the retention of an acceptable level of parking provision or prejudice the retention of adequate amenity space. The site is also located within the Green Belt, so assessment will also need to be made in this respect.

### 5.2 Design / Visual Amenity

The proposed extension is of an appropriate standard in design and is not out of keeping with the character of the main dwelling house and surrounding properties. The extension is of an acceptable size in comparison to the existing dwelling and the site and surroundings. Materials used will match those of the existing dwelling.

### 5.3 Residential Amenity

Given the overall scale of the extension and its relationship with the existing dwelling and surrounding properties it is not considered that it would give rise to a significant or material overbearing impact upon neighbouring properties. It is considered therefore that the proposal would be acceptable in terms of residential amenity.

### 5.4 Ownership/Boundary Issues

Whilst the concerns referred to above relating to potential encroachment are noted, the applicants were notified of the points raised upon receipt of them. It remains their consideration that the application details remain solely on land within their ownership and this accords with the red line boundary of the planning unit provided. Whilst part of the side wall appears as the extent of the applicant's boundary, this is not considered to represent the full extent of the actual ownership area. Notwithstanding this it should also be noted that any planning permission granted does not grant rights to access or build upon any land not within the applicants control. This will be notified on any planning permission. If a boundary dispute remains, this will be a civil matter to resolve.

### 5.5 Green Belt

Development within residential curtilages is appropriate development within the Green Belt provided it is not disproportionate and does not impact upon the

openness of the Green Belt. The planning history of the site does show previous development at the site. The proposals the subject of this application would involve modest single storey, flat roof extension to a small corner of the existing dwelling 4.5 metres long and 2.8 metres wide. It is not considered that this extension could in its own right be considered significant such as to be considered disproportionate development to the remainder of the existing dwelling house and curtilage. It is also not considered that any combined consideration with previous development at the site would give rise to any issues of disproportionality. The level of extension is modest and would not therefore be considered disproportionate and as such would be an acceptable addition in the Green Belt.

## **6. CONCLUSION**

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 The proposed extension is of an appropriate standard in design and is not out of keeping with the main dwelling house and surrounding properties. Furthermore the proposal would not materially harm the amenities of the neighbouring properties by reason of loss of privacy or overbearing impact. Sufficient off-street parking exists. As such the proposals accord with Policy H4 of the South Gloucestershire Local Plan (Adopted) 2006 and Policy CS1 of the South Gloucestershire Local Plan Core Strategy December 2013..
- 6.3 The recommendation to grant permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 set out above, and to all the relevant material considerations set out in the report.

## **7. RECOMMENDATION**

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

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

## **CONDITIONS**

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

Reason

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

2. The render and brickwork to be used externally in the development hereby permitted shall match that of the existing building in colour and texture.

Reason

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

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

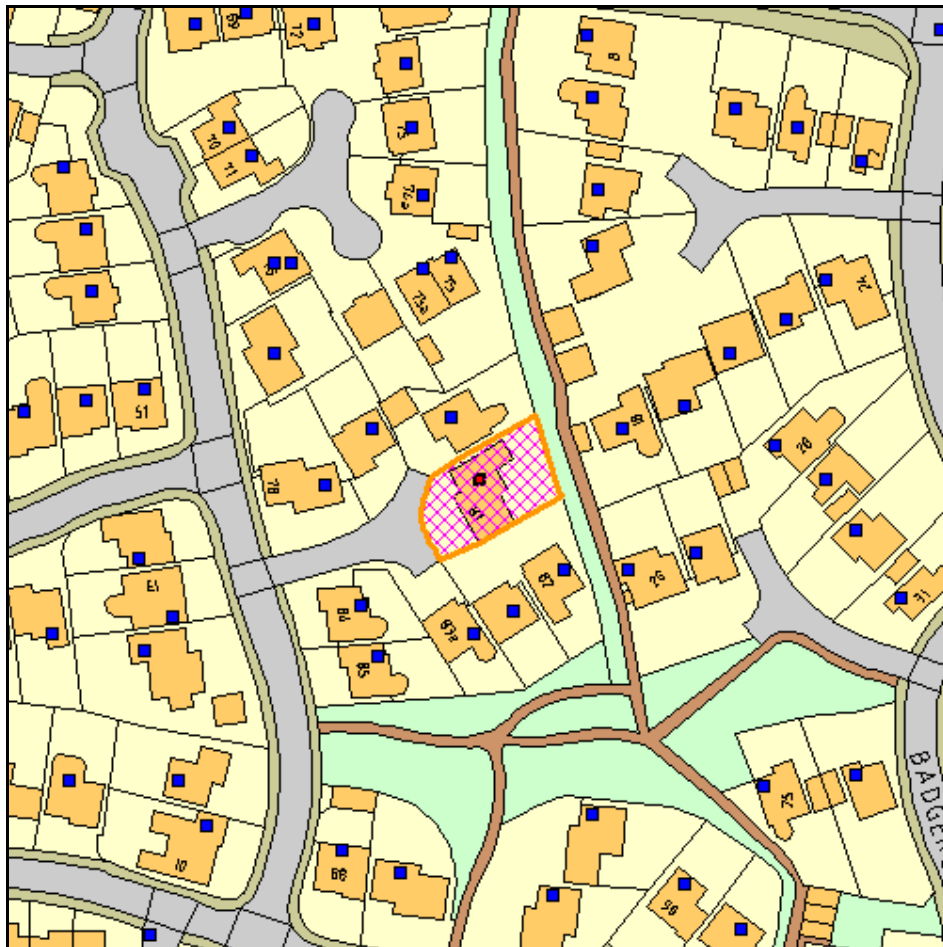
Reason

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

## CIRCULATED SCHEDULE NO. 17/15 – 24 APRIL 2015

<b>App No.:</b>	PT15/0668/F	<b>Applicant:</b>	Mr A Oliveira
<b>Site:</b>	81 Cooks Close Bradley Stoke Bristol South Gloucestershire BS32 0BB	<b>Date Reg:</b>	26th February 2015
<b>Proposal:</b>	Alterations to raise the roofline to provide additional head height to loft.	<b>Parish:</b>	Bradley Stoke Town Council
<b>Map Ref:</b>	361608 183111	<b>Ward:</b>	Bradley Stoke North
<b>Application Category:</b>	Householder	<b>Target Date:</b>	20th April 2015

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

The application appears on Circulated Schedule as a result of correspondence received from a neighbour.

### **1. THE PROPOSAL**

1.1 The application seeks planning permission to raise the ridge of the roof over the house by 0.4m. Eaves level remains the same and as such the pitch of the roof will become steeper. The materials proposed are matching render to the gable walls and re-use of the existing roof tiles. It is advised that there would be no change to parking.

1.2 The site is located in the urban area of Bradley Stoke.

### **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 Extensions

T12 Transportation Development Control Policy for New development

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design

CS8 Improving accessibility

CS9 Protecting resources

2.3 Supplementary Planning Guidance  
Residential parking Standards SPD Adopted Dec 2013

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

3.1 PT03/3495/F Erection of rear conservatory. 04.12.2003

### **4. CONSULTATION RESPONSES**

4.1 Bradley Stoke Town Council  
No objection

4.2 Other Consultees  
Highways Officer  
No comment

Highway Drainage  
No comment

## Public Rights of way

No comment

## **Other Representations**

### 4.3 Local Residents

One letter of objection in relation to the following matters:

- The plans are insufficient to tell what the end objective is. If the applicant only wants a 400mm higher loft whilst leaving the space obstructed by pent trusses I have no objection but I suspect that the objective is to create habitable space for a loft conversion. If so the space will inevitably be used to increase the home to five or six bedrooms and the absence of additional off street parking will exacerbate an already poor access to my property.
- As the garages are not used for parking the property only has two off street spaces and visitors regularly park in the centre of the hammerhead.

## **5. ANALYSIS OF PROPOSAL**

### 5.1 Principle of Development

The NPPF sets a presumption in favour of sustainable development. This means that development proposals that accord with the development plan should be approved and where relevant policies are absent, silent or out-of-date, permission should be granted unless – any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies within the NPPF taken as a whole. There is therefore a presumption in favour of development subject to further consideration in relation to the policies of the development plan.

In assessing applications for residential extensions, planning policy H4 of the adopted Local Plan and CS1 of the Core Strategy are particularly relevant. Policy H4 specifically relates to residential development, including extensions, and considers issues such as design, residential amenity and highway safety. CS1 seeks that the siting, form, scale, height, massing, detailing, colour and materials are informed by, respect and enhance the character, distinctiveness and amenity of both the site and its context. In addition policy CS8 allows for consideration of the parking needs of the property and this is set out in the Residential Standards SPD.

### 5.2 Design

This site is located at the head of a small cul-de-sac of seven houses. There is no rhythm to the houses in the cul-de-sac but there is a certain amount of similarity, particularly noted is that there are no dormer windows to the cul-de-sac and none noted in the immediate vicinity. There is a slight variation of house levels. Whilst no dormer window is proposed it is noted that the raising of the roof would facilitate use of the loft space and this could facilitate the installation of a roof extension/dormer window and may give rise to additional parking requirements under the Residential Parking SPD.

The raising of the roof by the 40cm proposed would in itself have no material impact on the street scene. However if it were to be used as habitable accommodation roof lights, side escape windows and dormer windows may be desired by the owner. These would be visible from public places, could impact on neighbours detrimentally and warrant consideration here as it may be necessary to remove permitted development rights. The wording of Class B of the GPDO 2015 facilitates enlargement or additions to the roof of a dwelling house (dormer windows and new windows in the side walls would be included in this, subject to the conditions set out within the Class). The wording of Class C facilitates roof lights and given the central, prominent location of the house within the street, these could have a prominent appearance, particularly if installed in a great number and in uninformed fashion. As such in the interests of the visual amenity of the area permitted rights under class B and Class C of the GPDO 2015 would need to be withdrawn by condition.

Notwithstanding the above requirement for removal of permitted development rights the proposal is appropriately scaled and the use of the existing tiles is acceptable. It is however noted that more tiles would be required to finish the roof as shown and as such a matching materials condition is necessary. There is sufficient residential amenity space retained for the resulting house as the footprint of the house is not affected.

#### 5.3 Residential amenity

The proposed roof raising extension by only 40cm is not considered to materially affect the residential amenity of the neighbours and provided that Class B and Class C permitted development rights are removed there would be no overlooking or overwhelming dormer roof extension under permitted development rights. Subject to removal of this permitted development therefore the proposal is not considered to materially harm the residential amenity of the neighbouring occupiers.

Given the close proximity of the neighbours a working hours condition is necessary.

#### 5.4 Public Footpath

A public foot path runs along the rear of the site but this is not anticipated to be affected by the proposal.

#### 5.4 Transportation

The house is a four bedroom property with two parking spaces on the frontage and a double garage. It is not clear from the application whether the garage spaces exist behind the garage doors as no ground floor plan was submitted. One of these garage spaces would be necessary for the creation of a fifth bedroom in the loft, according to the Councils Residential Parking Standards SPD. However given that permitted development rights to add windows to the loft, which would be required to satisfy Building Regulations, are withdrawn, the additional loft space can not be used as a bedroom without a further planning application.

## **6. CONCLUSION**

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

## **7. RECOMMENDATION**

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

**Contact Officer:** Karen Hayes  
**Tel. No.** 01454 863472

### **CONDITIONS**

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

Reason

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

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

Reason

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

3. Notwithstanding the provisions of Schedule 2 of the Town & Country Planning (General Permitted Development) Order 2015 (as amended) (or any Order revoking and re-enacting that Order with or without modification) no development as specified in Part 1, Classes B and C (including dormer windows, windows and rooflights) , shall be carried out without the prior written consent of the Local Planning Authority.

Reason 1

To ensure a satisfactory standard of external appearance at this prominent house in the streetscene and to accord with Policy CS1 of the South Gloucestershire Local Plan Core Strategy Adopted December 2013.

Reason 2

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

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

Reason

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