



**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. 09/15

Date to Members: 27/02/15

Member's Deadline: 05/03/15 (5pm)

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

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

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

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

NOTES FOR COUNCILLORS - FORMAL ARRANGEMENTS

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

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

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

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

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

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

GUIDANCE FOR 'REFERRING' APPLICATIONS

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

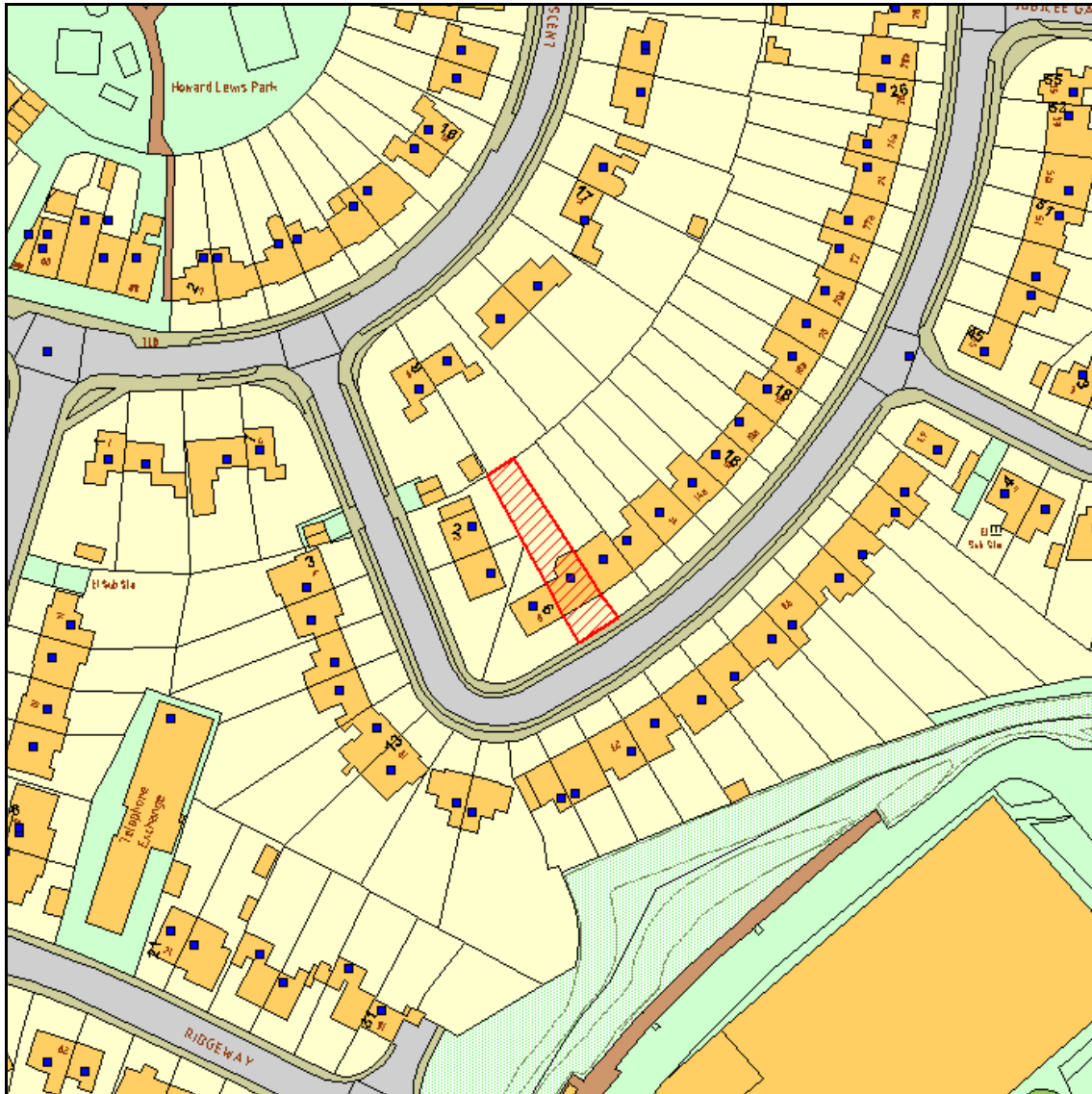
- Before referring an application always speak to the case officer or Area Planning Manager first to see if your concerns can be addressed without the application being referred.
- If you are considering referring in an application outside the ward you represent, as a courtesy, speak to the ward member(s)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

CIRCULATED SCHEDULE 09/15 - 27 FEBRUARY 2015

ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
1	PK15/0066/F	Approve with Conditions	8 Melrose Avenue Yate South Gloucestershire BS37 7AL	Yate Central	Yate Town
2	PK15/0158/F	Approve with Conditions	Stanshawes Court Day Nursery 4 Stanshawes Court Drive Yate South Gloucestershire BS37 4EA	Yate Central	Yate Town
3	PK15/0177/F	Approve with Conditions	40 Cherry Garden Lane Bitton South Gloucestershire BS30 6JJ	Bitton	Bitton Parish Council
4	PK15/0354/CLP	Approve	29 Courtney Road Kingswood South Gloucestershire BS15 9RQ	Woodstock	None
5	PT14/3061/F	Approve with Conditions	The Grange Duck Street Tytherington Wotton Under Edge South Gloucestershire GL12 8QB	Ladden Brook	Tytherington Parish Council
6	PT14/3062/LB	Approve with Conditions	The Grange Duck Street Tytherington Wotton Under Edge South Gloucestershire GL12 8QB	Ladden Brook	Tytherington Parish Council
7	PT14/4703/F	Refusal	The Dutch Barn Redhill Valley Farm Redhill Lane Olveston South Gloucestershire	Severn	Aust Parish Council
8	PT14/5035/CLE	Approve with Conditions	Pleasure Gardens 37 Station Road Severn Beach South Gloucestershire BS35 4PL	Pilning And Severn Beach	Pilning And Severn Beach Parish Council
9	PT15/0097/F	Approve with Conditions	Unit 4 Baileys Court Webbs Wood Road Bradley Stoke South Gloucestershire BS32 8EJ	Bradley Stoke South	Bradley Stoke Town Council
10	PT15/0111/PDR	Approve with Conditions	89 Pursey Drive Bradley Stoke South Gloucestershire BS32 8DN	Stoke Gifford	Bradley Stoke Town Council

CIRCULATED SCHEDULE NO. 09/15 – 27 FEBRUARY 2015

App No.:	PK15/0066/F	Applicant:	Ms De Smit
Site:	8 Melrose Avenue Yate Bristol South Gloucestershire BS37 7AL	Date Reg:	12th January 2015
Proposal:	Erection of two storey rear extension to provide additional living accommodation	Parish:	Yate Town Council
Map Ref:	372119 182634	Ward:	Yate Central
Application Category:	Householder	Target Date:	4th March 2015



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 100023410, 2014. N.T.S. PK15/0066/F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application is to appear on circulated schedule due to the receipt of two objections from local residents, contrary to the Officer's recommendation.

1. THE PROPOSAL

- 1.1 This application seeks planning permission for the erection of a two storey rear extension to provide additional living accommodation.
- 1.2 The site is situated within an established residential area of Yate. The site is not covered by any statutory or non statutory designations.
- 1.3 Due to concerns about the depth of the extension, the Officer advised the agent to reduce the depth and include a hipped roof. The applicants did not wish to reduce the depth as they would not be able to include the ensuite bathroom, therefore only the roof shape has been amended. Revised plans were received on 20th February 2015.

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
CS4A Presumption in Favour of Sustainable Development

South Gloucestershire Local Plan (Adopted) January 2006 (saved policies)
H4 Development within Existing Residential Curtilages
T12 Transportation Development Control
- 2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist SPD (Adopted) 2007
South Gloucestershire Council Residential Parking Standards SPD (Adopted) 2013

3. RELEVANT PLANNING HISTORY

- 3.1 None.

4. CONSULTATION RESPONSES

- 4.1 Yate Town Council
No objection.
- 4.2 Highway Drainage
No objection.

4.3 Sustainable Transport
No comment received.

4.4 Trading Standards & Licensing
No objection.

Other Representations

4.5 Local Residents

Two objections have been received from local residents:

- Privacy;
- Extension will take away light into the back of house and garden;
- De-value house;
- Would prefer a single storey rear extension;
- Overbearing;
- Remove view of Ridge Woods;
- Rainwater provision;
- Impact of proposed ground works on foundation.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The design principles contained within policy CS1 of the Core Strategy (Adopted) 2013 states that development proposals will be required to demonstrate that siting, form, height, massing, detailing, colour and materials are informed by, respect and enhance the character, distinctiveness and amenity of the both the site and its context. Any extension should appear subservient to the main dwellinghouse.

5.2 Saved policy H4 of the adopted Local Plan (2006) is supportive in principle of proposals for alterations and extensions to existing dwellings within their curtilage, providing that the design is acceptable and that there is no unacceptable impact on residential and visual amenity, and also that there is safe and adequate parking provision and no negative effects on transportation.

5.3 Design

The proposal involves the erection of a two storey an infill rear extension on the north-west side of the property. There is an existing single storey rear extension. The two storey extension would measure 2.8m wide, 2.9m deep with a maximum ridge height of 6.6m. The proposal would be slightly away from the neighbouring boundary of No. 6. The Officer advised the agent that the depth of the extension could be reduced to lessen the impact on the immediate neighbours to the south-west and the roof design changed to a hipped roof. The agent has submitted revised proposed plans showing a hipped roof (dated 20th February 2015), which is considered to be a design improvement to the proposal. There are examples of similar developments in the area along Melrose Avenue. Therefore, it is not considered that the proposal is out of keeping with the character of the host dwelling.

5.4 Residential Amenity

The proposal includes one side window on the north-east side elevation, which will be obscure glazed. There is one larger window proposed on the rear elevation. There are no windows facing directly into the neighbouring gardens. The window in the rear elevation is replacing an existing window, but will project 2.9 metres further to the north. The proposed windows are not considered to negatively impact on the existing levels of residential amenity or privacy.

5.5 Concerns have been raised by neighbouring residents that the proposal will appear overbearing and taking light away from their house and rear garden. Neighbouring properties No's 4 and 6 have small, triangular rear gardens, benefitting from larger front and side gardens. The proposal is located on the north (rear) elevation; therefore it is unlikely to impact on the existing levels of sunlight on either neighbouring property. The proposal is set away from the boundary and although the proposal is two storey, it is not considered to have a significantly overbearing impact on the nearest neighbouring occupiers.

5.6 Whilst in planning terms, there is no right to a view the loss of a view can have an impact on residential amenity. It is considered that the proposed scale and size of the two storey extension (2.9m deep) is reasonable and not overly large. The neighbouring occupier is concerned that the extension would remove their views of Ridge Woods which is located to the east of the application site approximately 200 metres away. Whilst the proposal may impinge on views of the woods in the distance, this is not considered to have a significantly negative impact on the residential amenity of neighbouring occupiers.

5.7 Highway Safety

The proposal would not result in the loss of parking spaces or the increase in the number of bedrooms. There are no transportation objections.

5.8 Other Matters

The neighbouring local residents have raised a number of matters which are not planning considerations as such. The value of the neighbouring property as a result of the proposed development is not a planning consideration. The inclusion of rainwater provision has not been included on the proposed plans; however the agent has confirmed that the rainwater will be to soakaway. Householders have the right to develop their property and the proposed construction works would be covered by the Party Wall Act as they extension would be within 6 metres of the boundary.

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 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**.

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.

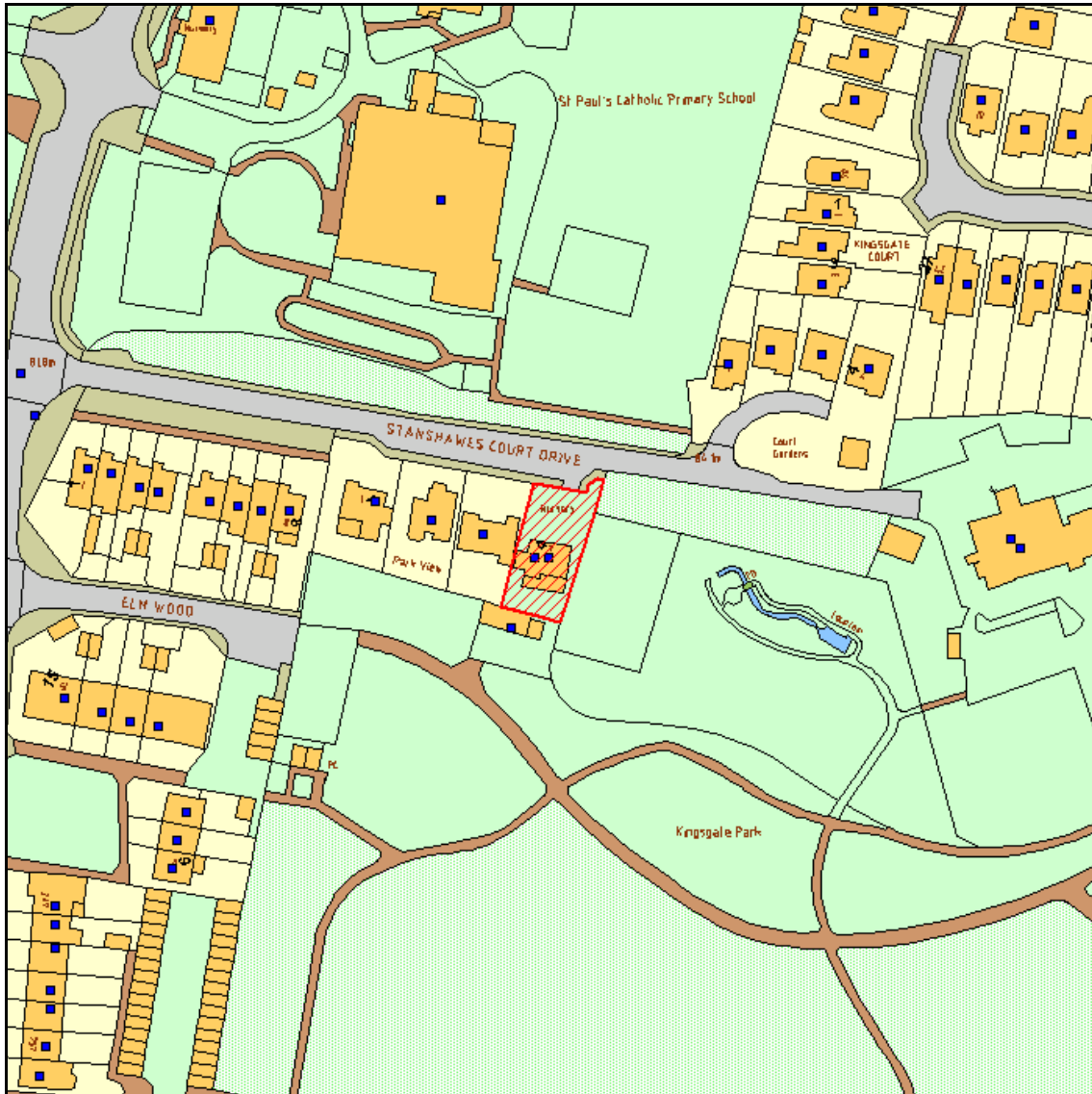
Reason

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

ITEM 2

CIRCULATED SCHEDULE NO. 09/15 – 27 FEBRUARY 2015

App No.:	PK15/0158/F	Applicant:	Miss Elaine Bond
Site:	Stanshawes Court Day Nursery 4 Stanshawes Court Drive Yate South Gloucestershire BS37 4EA	Date Reg:	16th January 2015
Proposal:	Erection of two storey side extension.	Parish:	Yate Town Council
Map Ref:	371325 181869	Ward:	Yate Central
Application Category:	Minor	Target Date:	12th March 2015



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application has been referred to the Circulated Schedule due to the receipt of a letter of objection from a local resident.

1. THE PROPOSAL

- 1.1 The application site is situated within a residential suburb of Yate south of the commercial centre. The site is situated off the main access to the locally listed Stanshawes Court Hotel. The site lies to the south of the cul de sac Stanshawes Court Drive and is situated within the settlement boundary of Yate and Chipping Sodbury as defined in the adopted Local Plan and the adopted Core Strategy.
- 1.2 The proposal is to erect a two-storey extension to the side of Stanshawes Court Day Nursery. The proposed extension would provide extended playrooms and toilets.

2. POLICY CONTEXT

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

South Gloucestershire Local Plan: Core Strategy (Adopted December 2013)
CS1 High Quality Design
CS4A Presumption in favour of sustainable development
CS9 Managing the environment and heritage
CS23 Community infrastructure and cultural activity
CS30 Yate and Chipping Sodbury

South Gloucestershire Local Plan (Adopted) January 2006 Saved policies
LC4 Proposals for Educational and Community Facilities within the Existing Urban Area and Defined Settlement Boundaries
T12 Transportation for New Development
- 2.3 Supplementary Planning Guidance/Documents
South Gloucestershire Design Checklist adopted August 2007
Residential Parking Standards Adopted December 2013

3. RELEVANT PLANNING HISTORY

The site has been subject to a number of planning applications in the past:

- 3.1 PK04/3174/F Erection of 2 no. rear conservatories. Approved 20.10.04
- 3.2 P93/1114 Change of use of premises from dwellinghouse to day nursery for 20 children. Approved 10.03.93

- 3.3 P89/2049 Change of use of premises from residential to day nursery .
Approved 29.08.89

4. CONSULTATION RESPONSES

- 4.1 Yate Town Council
No objection

- 4.2 Other Consultees

Highway Structures: No comment.
Drainage Engineer: No comment.
Highway Officer: No objection.
Archaeology Officer: No comment.
Trading Standards & Licensing Service:

Advised that Stanshawes Court Day Nursery is located outside of any vehicle weight restricted area, however, it is in very close proximity to a number of vehicle weight restrictions.

Other Representations

- 4.3 Local Residents

One letter of objection has been received and the local residents raise the following concerns:

There are currently severe problems regarding parking. The existing parking arrangements are inadequate for existing customers, especially when it is used by the staffs that work at the nursery as well. This often causes problems for the other close residents as clients and staff park in the turning bay and layby (which is privately owned by the residents) and sometimes over their driveways. Residents are concerned that the proposed development will mean that the extra accommodation will bring with it an increase in clients and staff causing even more problems with parking.

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development

Policy CS23 of the adopted Core Strategy seeks to retain existing community infrastructure including childcare facilities, and Policy CS1 of the adopted Core Strategy requires all new development to be well designed. Therefore there is no principle objection to the proposed extension subject to the following assessment.

- 5.2 Design

The building is situated within a suburban residential context. The proposed extension is slightly lower than the ridge of the host building. It is considered that the design and materials of the proposed extension would be of good quality in keeping with the character of the existing building and would respect the character distinctiveness and amenity of the surrounding area. As such it is

considered that the design of the proposal accords with the criteria of Policy CS1 of the adopted Core Strategy.

5.3 Residential Amenity

Adequate rear amenity space would be retained following the erection of the proposed extension. The nearest neighbouring properties would be No. 3 and the proposed extension would be adjacent to the neighbour's single storey side extension and garage. Although the proposed extension would project beyond the main rear elevation of the neighbouring property by approximately 3 metres, given that the siting of the properties and the existing extension, it is considered that the proposed extension would not cause significant overbearing impact upon the neighbouring residents.

There would be no windows on the side west elevation, therefore the proposed extension would not cause unreasonable overlooking impact upon the neighbouring residents. However, officers consider that it would be necessary to impose a planning condition to ensure that no window to be installed at the first floor side elevation in order to protect the neighbours' privacy. Other new windows would be overlooking the public highway and the applicant's rear garden, as such the proposed extension not prejudice to the amenity of neighbouring occupiers.

5.4 Transportation

Officers acknowledge that the residents' concerns relating to the parking issues. The applicant has indicated that the number of staff would not increase, also officers note that there is a condition attached to the planning permission P93/1114 to restrict that there are no more than 20 children. In this instance, officers consider that the proposed extension would not cause material adverse impact upon the public highway safety and parking issues, therefore there is no highway objection to the proposal.

6. CONCLUSION

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

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

7. RECOMMENDATION

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

Contact Officer: Olivia Tresise
Tel. No. 01454 863761

CONDITIONS

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

Reason

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

2. 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. No windows shall be inserted at any time in the first floor west side elevation of the property.

Reason

To protect the privacy and amenity of neighbouring occupiers, and to accord with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013).

4. Not more than 20 children shall at any time be present at the Day Nursery.

Reason:

To accord with the terms of the planning permission P93/1114, in the interests of the amenities of the local residents, and to accord with Policy LC4 and T12 of the South Gloucestershire Local Plan: Adopted January 2006.

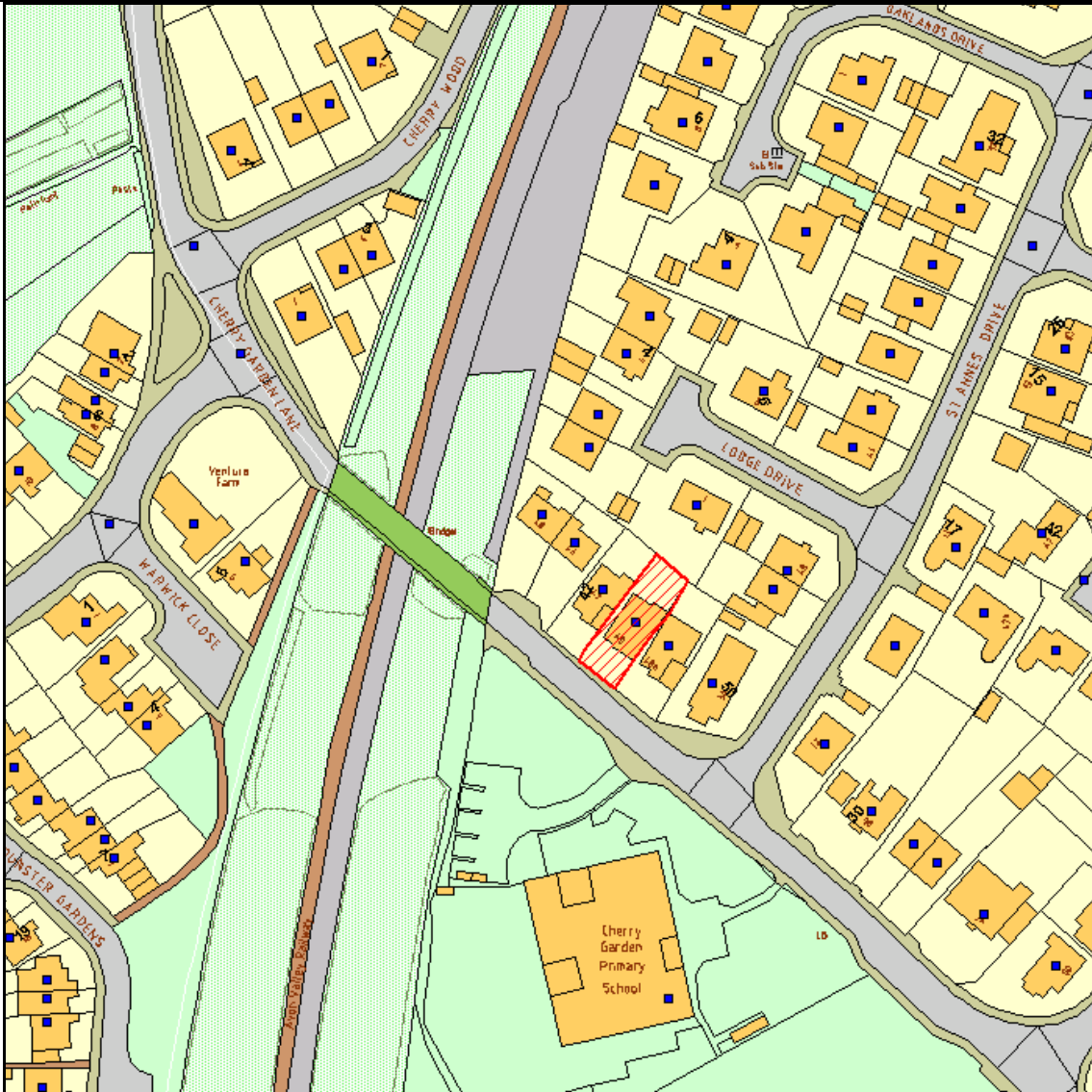
5. The day nursery hereby permitted shall open for business between the hours of 08.00 to 18.00 Mondays to Fridays only and shall not be open at any time outside these hours or on Saturdays or Sundays, and Bank Holidays without the prior written consent of the Council.

Reason: To minimise disturbance to the occupiers of nearby buildings and to accord with Policies LC4 and T12 of the South Gloucestershire Local Plan Adopted January 2006.

ITEM 3

CIRCULATED SCHEDULE NO. 9/15 – 27 FEBRUARY 2015

App No.: PK15/0177/F	Applicant: Mr David Kearns
Site: 40 Cherry Garden Lane Bitton Bristol South Gloucestershire BS30 6JJ	Date Reg: 19th January 2015
Proposal: Demolition of rear outhouse to facilitate the erection of first floor side extension to provide additional living accommodation.	Parish: Bitton Parish Council
Map Ref: 367011 170841	Ward: Bitton
Application Category: Householder	Target Date: 11th March 2015



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N.T.S. PK15/0177/F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application has been submitted the Council's Circulated Schedule procedure, following two letters from local residents and an objection from the Parish Council which is contrary to the recommendation detailed in this report.

1. THE PROPOSAL

- 1.1 This application seeks planning permission for the demolition of a rear outhouse and the erection of a first floor side extension at a property in Bitton.
- 1.2 Permission is sought for the first floor side extension to create a new bedroom with an en-suite, and to enlarge an existing bedroom.
- 1.3 A parking plan was requested from the agent, but it was not received.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework March 2012
National Planning Policy Guidance 2014
- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013
CS1 High Quality Design
CS8 Improving Accessibility

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

3. RELEVANT PLANNING HISTORY

- 3.1 There is no recent planning history at the site.

4. CONSULTATION RESPONSES

- 4.1 Bitton Parish Council
Objection, it is out of character with adjacent houses and the general street scene, as well as overbearing on the neighbouring property. Councillors are concerned if sufficient parking provision existed for a 5 bedroom house, preferring that vehicles should enter and leave the site in forward gear, bearing in mind the proximity of the access to the narrow road over the cycle/walkway and traffic around the primary school.
- 4.2 Oldland Parish Council
No comment received.

4.3 Other Consultees

Sustainable Transport

Parking plan requested to show three parking spaces within the site boundary.

Highway Drainage

No comment.

Other Representations

4.4 Local Residents

Two letters have been received, stating the following:

- Immediate vicinity consists of bungalows and 3 & 4 bedroom houses, a house of such proportions within its footprint would be uncharacteristic in such a neighbourhood
- The proposed extension would result in a vast loss of daylight through our side dining room, kitchen and bathroom windows, and would be 1.25 metres from the edge of our home and would be domineering
- There would be loss of light from the garden of the adjacent house, and the bungalow to the rear as sunlight which passes between the detached houses would be blocked
- The proposed rear window would overlook the next door garden and the living room of the rear property
- The height of the extension is a massive and imposing structure in a moderate and enclosed area, completely swamping us
- Property value will be lowered

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

Saved Policy H4 of the South Gloucestershire Local Plan is supportive in principle of proposals for alterations and extensions to existing dwellings within their curtilage, providing that the design is acceptable and in accordance with policy CS1 of the Core Strategy, and that there is no unacceptable impact on residential and visual amenity, and also that there is safe and adequate parking provision and no negative effects on transportation. Therefore, the proposal is acceptable in principle but should be determined against the analysis set out below.

5.2 Design

Bitton Parish Council have raised concerns that the extension is out of character with the existing street scene. Cherry Garden Lane exhibits a variety of housing stock, including many two storey properties. Whilst no. 40 is situated with two almost identical properties on either side, it is considered that the character of these properties stems from the prominent forward facing gable with the crooked feature chimney. This gable is unaffected by the proposal to extend the property 2.8 metres to the side at first floor level, atop a previous extension built under permitted development. The materials have been chosen to match the existing property, and the proposal is considered to be acceptable in terms of policy CS1 of the Core Strategy (Adopted) December 2013.

5.3 Residential Amenity

Residential amenity should not be harmed as a result of development. Amenity should be considered in terms of the application site and all nearby occupiers. The proposed development will have little impact on the amenity of the application site, due to its position at first floor level. It is thought that there will be a slight reduction in sunlight in the rear garden, but the level of garden space available will increase slightly due to the removal of the outhouse.

5.4 The bungalow to the rear has raised concerns that sunlight from their garden which usually passes between the detached properties will be blocked. Due to the bungalows position due north of three two storey properties, the sunlight received will already be reduced at certain times of day, and whilst this will increase slightly it is considered that the harm caused is not significant enough to warrant a reason for refusal.

5.5 The impact on no. 40A has been carefully considered as part of this application. The existing side extension built under permitted development is approximately 1.25 metres from the facing windows, which include principle rooms such as the dining room, and this proposal will bring the first floor level out to the same distance. Due to the orientation of the existing properties, the facing windows at no. 40A do not benefit from direct sunlight for the majority of the day, so the proposal will not change the extant situation significantly. Similarly, day light to the rear garden of no. 40A will be slightly reduced, but will not be drastically different from the current light levels.

5.6 Both objections received mentioned that the proposed rear bedroom window on the rear elevation will overlook their properties. This new window has the same outlook as the existing upper level rear windows, and indirect views into neighbouring gardens are common in high density residential areas. Therefore, it is considered that the overlooking cause is not detrimental to the residential amenity of the neighbours.

5.7 In summary, it is acknowledged that the extension will cause a reduction in sunlight to the rear bungalow and daylight to the facing windows of no. 40A, but the change is not significant enough to be considered detrimental to their residential amenity. The proposal is therefore considered acceptable in terms of policy H4 of the Local Plan (Adopted) January 2006.

5.8 Transport

The Council's Residential Parking Standards indicate that the proposed five-bedroom property must have three off-street parking spaces. A parking plan has not been submitted to support the application, and was requested on 11th February 2015 but it has not been forthcoming. Therefore, it is necessary to attach a pre-commencement condition to the decision notice to ensure that a parking plan is submitted. Bitton Parish Council has concerns that a turning space is not available for vehicles to enter and egress the site in a forward gear, but Cherry Garden Lane is not a classified road and so a turning head is not required for parking at this location. Subject to the parking plan being submitted, there is no transportation objection to the proposal.

6. **CONCLUSION**

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

7. **RECOMMENDATION**

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

Contact Officer: Trudy Gallagher
Tel. No. 01454 862217

CONDITIONS

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

Reason

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

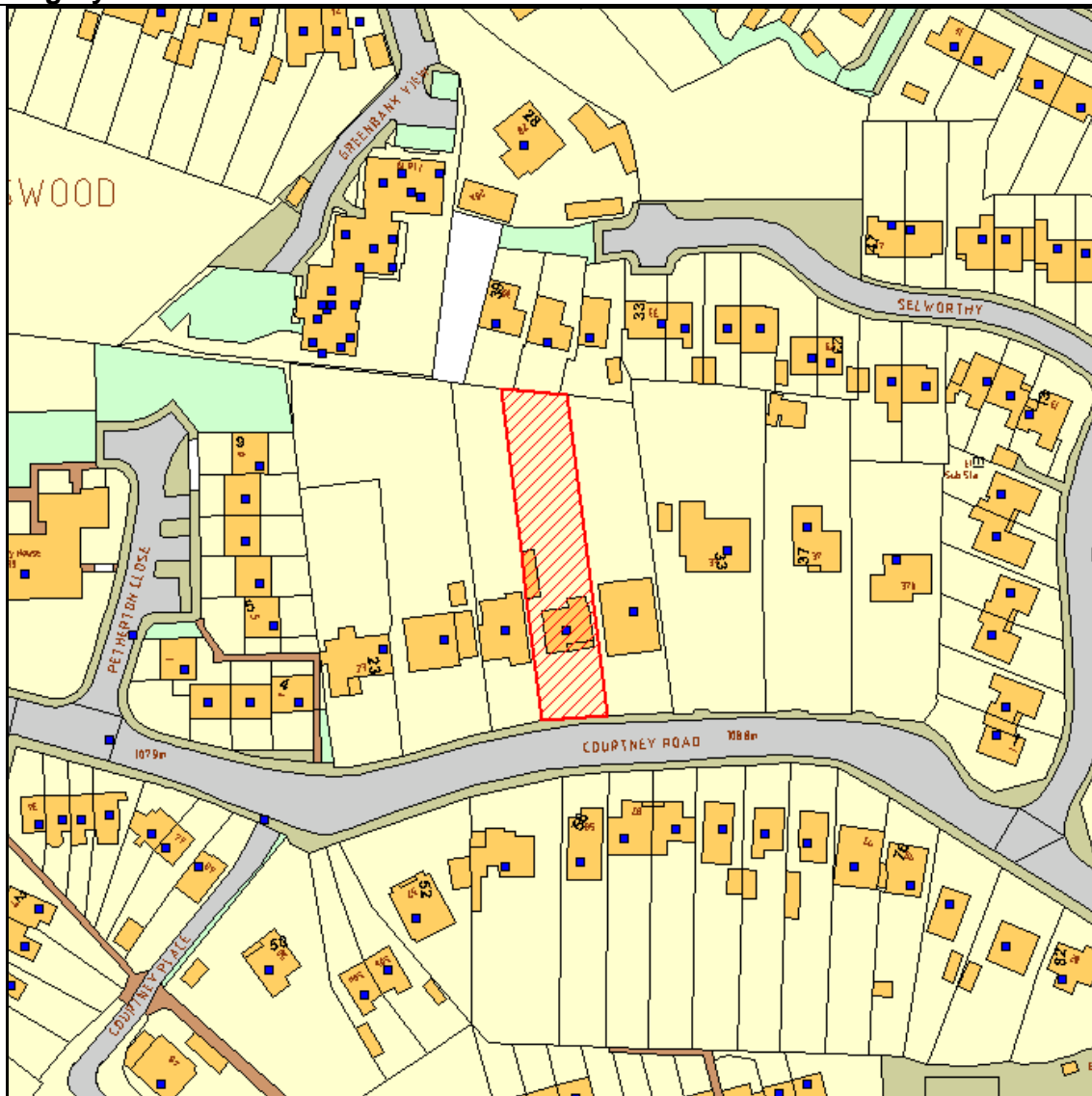
2. Prior to the commencement of development detailed plans showing the provision of three parking spaces in accordance with the standards set out in the Residential Parking Standards SPD (Adopted) December 2013 shall be submitted to the Local Planning Authority for approval. Thereafter, the development shall proceed in accordance with the agreed scheme, with the parking facilities provided prior to the first occupation of the building; and thereafter retained for that purpose.

Reason

To ensure adequate parking and to accord with policy CS8 of the Core Strategy (Adopted) December 2013, policy T12 of the Local Plan (Adopted) January 2006 and the Residential Parking Standards (Adopted) December 2013.

CIRCULATED SCHEDULE NO. 9/15 – 27 FEBRUARY 2015

App No.:	PK15/0354/CLP	Applicant:	Mr Anthony Lewis 3rd Storey
Site:	29 Courtney Road Kingswood South Gloucestershire BS15 9RQ	Date Reg:	3rd February 2015
Proposal:	Certificate of lawfulness for the proposed installation of rear dormer to first floor to form loft conversion	Parish:	None
Map Ref:	365231 173312	Ward:	Woodstock
Application Category:		Target Date:	25th March 2015



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 100023410, 2014. N.T.S. PK15/0354/CLP

REASON FOR REPORTING TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 The applicant is seeking a formal decision as to whether the proposed installation of a rear dormer extension at 29 Courtney Road, Kingswood would be lawful.
- 1.2 The application is a formal way of establishing whether the proposal requires planning permission or not. Accordingly there is no consideration of planning merit, the decision is based solely on the facts presented.

2. POLICY CONTEXT

- 2.1 National Guidance
Town and Country Planning Act 1990 (As Amended) 1990 section 192
Country Planning (General Permitted Development) Order (GPDO) (As Amended) 1995

3. RELEVANT PLANNING HISTORY

- 3.1 No planning history on the site.

4. CONSULTATION RESPONSES

- 4.1 Town/Parish Council
The area is unparished.

- 4.2 Other Consultees

Highway Drainage
No comment

Other Representations

- 4.3 Local Residents
None received

5. SUMMARY OF EVIDENCE IN SUPPORT OF APPLICATION

- 5.1 Site location plan and 4016.Ap.Ab Existing and Proposed plans both received on 28 January 2015.

6. ANALYSIS OF PROPOSAL

- 6.1 Principle of Development

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

- 6.2 The key issue is to determine whether the proposal falls within the permitted development rights afforded to householders under Schedule 2, of the GPDO (As Amended) 1995.
- 6.3 The proposed development consists of a loft conversion facilitated by a dormer extension in the rear roof slope of the property. This development would fall under the criteria of *Schedule 2, Part 1, Class B* of the Town and Country Planning (General Permitted Development) Order (as amended) 1995, which permits the enlargement of a dwellinghouse consisting of an addition or alteration to its roof. This allows for dormer additions subject to the following:

B.1 Development is not permitted by Class B if –

(a) Any part of the dwellinghouse would, as a result of the works, exceed the height of the highest part of the existing roof;

The proposed dormer would meet the ridge of the existing roofline, and therefore does not exceed the height of the highest part of the roof.

(b) Any part of the dwellinghouse would, as a result of the works, extend beyond the plane of any existing roof slope which forms the principal elevation of the dwellinghouse and fronts a highway;

The alterations to the roofline would be to the rear elevation.

(c) The cubic content of the resulting roof space would exceed the cubic content of the original roof space by more than-

(i) 40 cubic metres in the case of a terrace house, or

(ii) 50 cubic metres in any other case;

The dormer extension would have a volume of approximately 21.5 cubic metres, and is therefore below the maximum resulting roof space for a detached dwelling.

(d) It would consist of or include-

(i) The construction or provision of a veranda, balcony or raised platform, or

The proposal does not include the construction of any of the above.

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

The proposal does not include any alterations to the chimney, or the installation of a flue or soil and vent pipe.

(e) The dwellinghouse is on article 1 (5) land.

The dwellinghouse is not on article 1 (5) land.

Conditions

B.2 Development is permitted by Class B subject to the following conditions

(a) The materials used in any exterior work shall be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse.

The dormer extension would be constructed from roof tiles and UPVC windows to match the existing those on the existing dwelling. As such the proposal therefore complies with this condition.

(b) Other than in the case of a hip to gable enlargement, the edge of the enlargement closest to the eaves of the original roof shall, so far as practicable, be not less than 20cm from the eaves of the original roof; and

The proposed dormer would be set back 200mm away from the existing eaves. The proposal therefore meets this condition.

(c) Any window inserted on a wall or roof slope forming the side elevation of a dwellinghouse shall be-

(i) Obscure glazed; and

(ii) Non-opening, unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed.

No side facing windows are proposed.

7. RECOMMENDATION

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

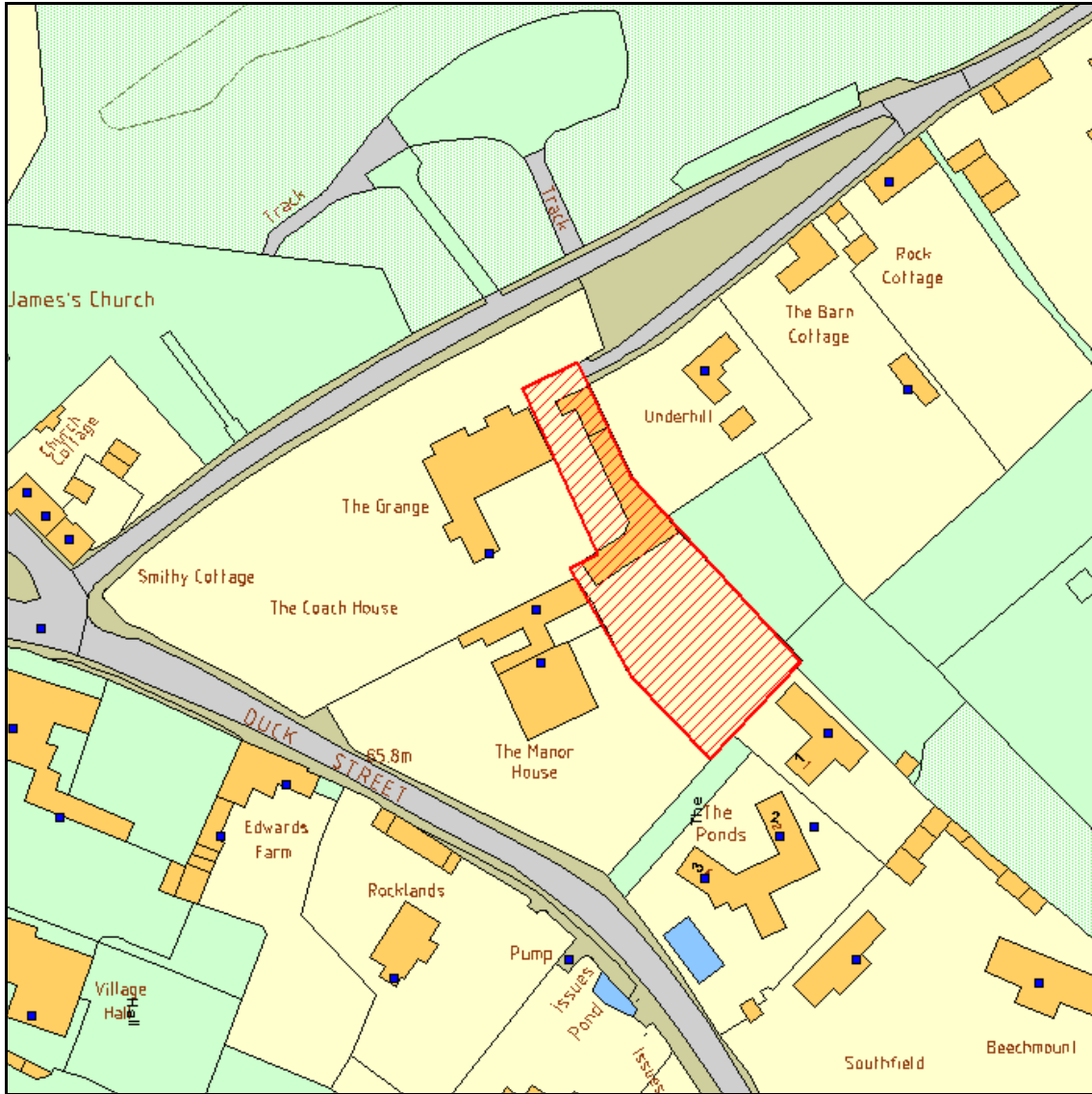
Evidence has been provided to demonstrate that the development falls within permitted development within the curtilage of the dwellinghouse under Part 1 of The Town and Country Planning (General Permitted Development) Order 1995 (as amended).

Contact Officer: Hannah Minett
Tel. No. 01454 862495

ITEM 6

CIRCULATED SCHEDULE NO. 09/15 – 27 FEBRUARY 2015

App No.:	PT14/3062/LB	Applicant:	BBH Properties Ltd
Site:	The Grange Duck Street Tytherington Wotton Under Edge South Gloucestershire GL12 8QB	Date Reg:	27th August 2014
Proposal:	Internal and external alterations to facilitate conversion of existing outbuildings to 2no dwellings (Resubmission of PT14/0355/LB)	Parish:	Tytherington Parish Council
Map Ref:	366972 188333	Ward:	Ladden Brook
Application Category:	Minor	Target Date:	1st October 2014



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N.T.S.

PT14/3062/LB

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application is referred to the circulated schedule in accordance with the Councils' scheme of delegation comments of objection have been received.

1. THE PROPOSAL

- 1.1 This application seeks listed building consent for works to convert the existing outbuildings into two dwellings at The Grange in Tytherington.
- 1.2 The Grange is a grade II listed building and this application is accompanied by an application for planning permission, PT14/3061/F.
- 1.3 A number of changes are proposed to the outbuildings to enable the conversion including changes to the fenestration, insertion of rooflights, and the construction of mezzanine floor areas.

2. POLICY CONTEXT

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

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013
CS1 High Quality Design
CS9 Managing the Environment and Heritage

South Gloucestershire Local Plan Adopted January 2006 (Saved Policies)
L13 Listed Buildings

3. RELEVANT PLANNING HISTORY

- 3.1 PT14/0354/F Refused 31/03/2014
Conversion of existing outbuildings to form 2no. dwellings with associated works.
- 3.2 PT14/0355/LB Refused 31/03/2014
Internal and external alterations to facilitate conversion of existing outbuildings to 2no. dwellings.
- 3.3 PT13/1522/LB Approve with Conditions 09/07/2013
Internal and external work to include restoration of roof, doors and stairs
- 3.4 P91/1275/L Listed Building Consent 02/04/1991
Renewal of windows

4. CONSULTATION RESPONSES

- 4.1 Tytherinton Parish Council

None received

4.2 Archaeology Officer

No objection

4.3 Conservation Officer

Further details needed. Details received; no objection subject to condition

4.4 Ecology Officer

No objection subject to condition

4.5 Landscape Officer

No objection

Other Representations

4.6 Local Residents

One letter of objection has been received which raises the following points –

- lack of detailed design
- no SAP calculations
- no services shown
- no structural calculations or details of insulation
- no clarity over access

5. ANALYSIS OF PROPOSAL

5.1 This application seeks listed building consent for works to outbuildings of The Grange in Tytherington as part of the conversion of these buildings into two dwellings.

5.2 Principle of Development

This is an application for listed building consent. As such, the only consideration is what impact the proposed development would have on the special historic or architectural features of the property.

5.3 Assessment of Impact on Heritage Asset

The buildings are in an advanced state of disrepair. An application to carry out essential repair works to the building has been approved recently under PT13/1522/LB. These works have not been implemented and the building continues to deteriorate. The roofs are partially collapsed and water ingress is therefore causing damage to the wall structures and internal fabric.

5.4 The application proposes the conversion of the barns to two dwellings. Subject to detailed design the principle of the conversion of these buildings is considered acceptable as this will provide the buildings with a use and facilitate their repair and upkeep.

5.5 The application has been re-submitted following an earlier refusal. The proposal is essentially the same in that it proposes conversion to 2 dwellings. Additional and revised information has been submitted. Further information has been

sought throughout the application process; this has been submitted and has overcome many of the Conservation Officer's concerns.

- 5.6 Where there are still matters of concern, it is considered that these can be reasonably addressed by condition. With regard to conditions, a previous listed building consent (PT13/1522/LB) was granted to allow works to make urgent repairs to the building. This consent has not been implemented and therefore it is reasonable for the conditions on this application (which would supersede the need for PT13/1522/LB) be attached to any consent given.
- 5.7 It is considered that the proposed works would enable the repair and retention of this listed building and find a viable re-use for the building that secures its future. It is not considered that the proposal would have an adverse impact on the fabric of the listed building when read in conjunction with the details to be agreed by condition. Therefore, in terms of the listed building, the proposed development is acceptable.

6. RECOMMENDATION

- 6.1 It is recommended that Listed Building Consent is GRANTED subject to the conditions listed below.

Contact Officer: Griff Bunce
Tel. No. 01454 863438

CONDITIONS

1. The works hereby permitted shall be begun before the expiration of three years from the date of the consent.

Reason

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

2. Notwithstanding previously submitted details and prior to the commencement of works a detailed schedule and specification of repair/restoration works to the buildings (including the walled garden) shall be submitted and approved in writing by the local planning authority. The schedule of condition and works shall detail all retained historic fabric as well as details of all new structural and repair works, alterations or rebuilding, consent for which is expressly reserved. For the avoidance of doubt all historic fabric shall be retained wherever possible and reused or reproduced. The works shall be completed strictly in accordance with the agreed details.

Reason

In order that the works serve to preserve the architectural and historic interest of the listed building and its setting, in accordance with section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990, the National Planning Policy Framework, the Historic Environment Planning Practice Guide and policy L13 of the South Gloucestershire Local Plan (Adopted) January 2006 (Saved Policies).

3. Notwithstanding previously submitted details, and prior to the commencement of any re-pointing works a sample panel of approximately one metre square of lime mortar re-pointing shall be carried out on the building and approved in writing by the Local Planning Authority. The works shall be carried out strictly in accordance with the agreed details.

Reason

In order that the works serve to preserve the architectural and historic interest of the listed building and its setting, in accordance with section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990, the National Planning Policy Framework, the Historic Environment Planning Practice Guide and policy L13 of the South Gloucestershire Local Plan (Adopted) January 2006 (Saved Polices).

4. Prior to the commencement of works the extent of replacement tiles and a representative sample of all new or replacement clay tiles required shall be submitted and approved in writing by the Local Planning Authority. Development shall accord with these approved details.

Reason

In order that the works serve to preserve the architectural and historic interest of the listed building and its setting, in accordance with section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990, the National Planning Policy Framework, the Historic Environment Planning Practice Guide and policy L13 of the South Gloucestershire Local Plan (Adopted) January 2006 (Saved Polices).

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

Reason

In order that the works serve to preserve the architectural and historic interest of the listed building and its setting, in accordance with section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990, the National Planning Policy Framework, the Historic Environment Planning Practice Guide and policy L13 of the South Gloucestershire Local Plan (Adopted) January 2006 (Saved Polices).

6. Notwithstanding previously submitted details and prior to the commencement of works details of the following items, including materials and finishes, shall be submitted and approved in writing by the local planning authority. The details shall be at a scale of 1:5 including sections. The works shall be completed strictly in accordance with the agreed details,
 - a. all new internal and external doors (including fixed glazing)
 - b. new windows (including cill and head details)
 - c. new chimneypieces
 - d. All new internal joinery
 - e. Eaves, verges and ridges
 - f. All new vents and flues
 - g. rooflights

Reason

In order that the works serve to preserve the architectural and historic interest of the listed building and its setting, in accordance with section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990, the National Planning Policy Framework, the Historic Environment Planning Practice Guide and policy L13 of the South Gloucestershire Local Plan (Adopted) January 2006 (Saved Polices).

7. Prior to the commencement of works details of all internal wall, floor and ceilings finishes shall be submitted and approved in writing by the local planning authority. The works shall be completed strictly in accordance with the agreed details.

Reason

In order that the works serve to preserve the architectural and historic interest of the listed building and its setting, in accordance with section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990, the National Planning Policy Framework, the Historic Environment Planning Practice Guide and policy L13 of the South Gloucestershire Local Plan (Adopted) January 2006 (Saved Polices).

8. Prior to the commencement of development a landscaping plan, including all hard and soft landscaping and all new boundary treatments shall be submitted and approved in writing by the local planning authority. The works shall be completed strictly in accordance with the agreed details.

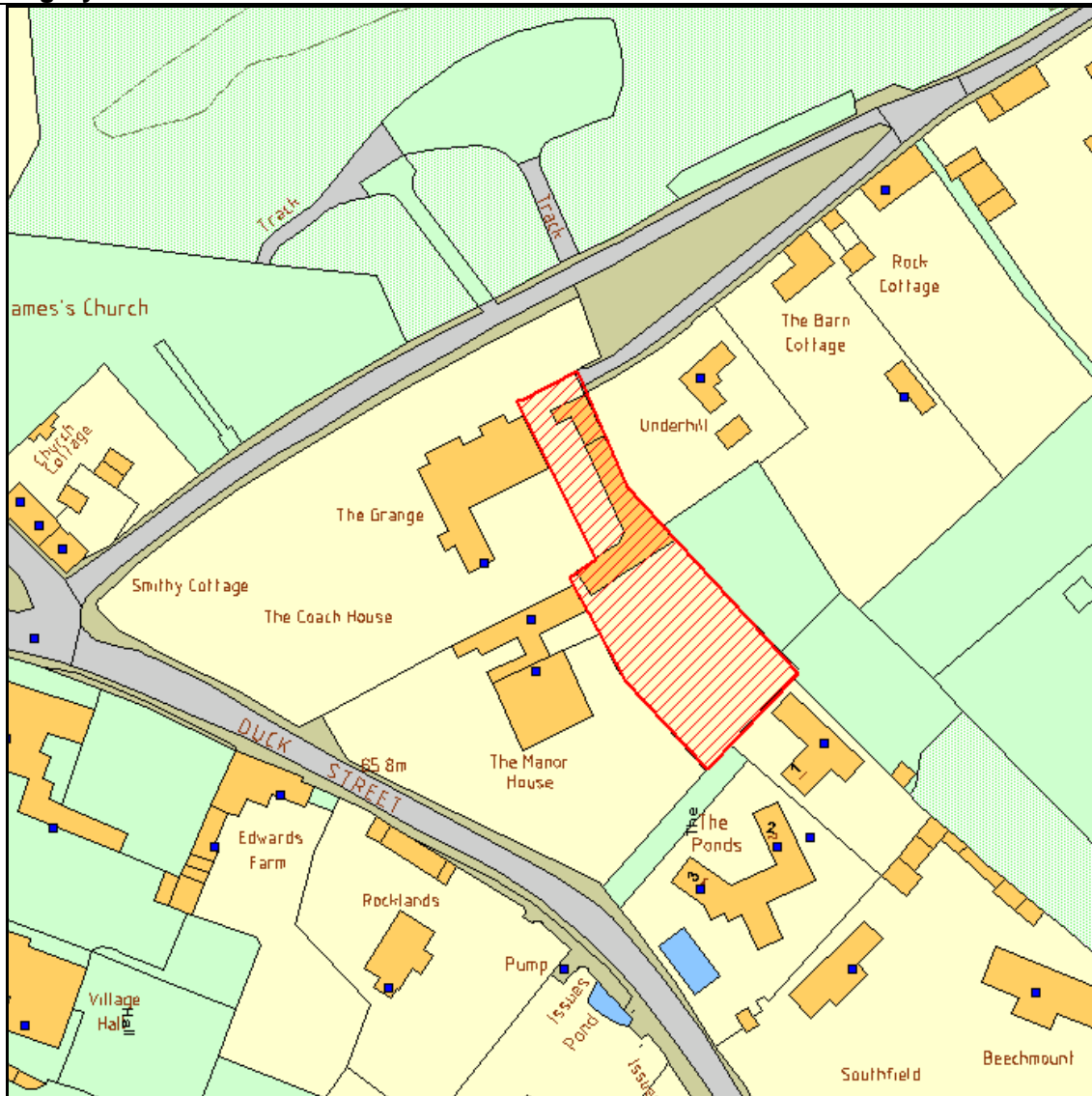
Reason

In order that the works serve to preserve the architectural and historic interest of the listed building and its setting, in accordance with section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990, the National Planning Policy Framework, the Historic Environment Planning Practice Guide and policy L13 of the South Gloucestershire Local Plan (Adopted) January 2006 (Saved Polices).

ITEM 5

CIRCULATED SCHEDULE NO. 09/15 – 27 FEBRUARY 2015

App No.:	PT14/3061/F	Applicant:	BBH Properties Ltd
Site:	The Grange Duck Street Tytherington Wotton Under Edge South Gloucestershire GL12 8QB	Date Reg:	27th August 2014
Proposal:	Conversion of existing outbuilding to form 2no. dwellings with associated works (Resubmission of application PT14/0354/F)	Parish:	Tytherington Parish Council
Map Ref:	366972 188333	Ward:	Ladden Brook
Application Category:	Minor	Target Date:	1st October 2014



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application is referred to the Circulated Schedule in accordance with the scheme of delegation to take into account comments received during the public consultation period.

1. THE PROPOSAL

- 1.1 This application seeks planning permission for the conversion of the outbuildings associated with The Grange in Tytherington into two dwellings.
- 1.2 The Grange is a grade II listed building. An associated listed building consent application, PT14/3062/LB has been submitted to the Local Planning Authority for consideration.
- 1.3 The application site is located within the defined settlement boundary of Tytherington and therefore, in principle, a sustainable location for new development. Further to this, the site is also located within the Tytherington Conservation Area.
- 1.4 This application is the resubmission of a previously refused scheme, as listed in the planning history below.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework March 2012

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

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

South Gloucestershire Local Plan Adopted January 2006 Saved Policies

- L1 Landscape
- L5 Open Areas with Defined Settlements
- L9 Species Protection
- L12 Conservation Areas
- L13 Listed Buildings
- T7 Cycle Parking
- T12 Transportation
- H4 Development within Existing Residential Curtilages
- H5 Residential Conversions

2.3 Supplementary Planning Guidance

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

3. **RELEVANT PLANNING HISTORY**

- 3.1 PT14/0354/F Refused 31/03/2014
Conversion of existing outbuildings to form 2no. dwellings with associated works.

Refusal Reasons –

- (1) The application relates to a grade II listed building, the architectural and historic interest of which it is desirable to preserve. In the absence of a sufficient level of detail relating to the impact of the conversion on the significance of the building with regards to new window details, the location of windows and rooflights and changes to the fenestration, and accurate drawings of the building and fenestration, the Local Planning Authority cannot be confident that the proposal would not affect the setting, character, integrity, or features of architectural and historical interest of the listed building and therefore the application fails to accord with section 66(2) of the Planning (Listed Buildings and Conservation Areas Act 1990), national guidance set out in the National Planning Policy Framework and accompanying Planning Practice Guide and Policy L13 of the South Gloucestershire Local Plan (Adopted) January 2006 (Saved Policies).
- (2) The proposed amenity space for 'Unit 2' is not considered to have a relationship with the existing building or to take into account the character and layout of site and its context and does not provide adequate amenity space for the proposed dwelling. The proposal is therefore contrary to section 66(2) of the Planning (Listed Buildings and Conservation Areas Act 1990), Policy CS1 and CS9 of the South Gloucestershire Local Plan Core Strategy, Policy L13 and H5 of the South Gloucestershire Local Plan (Adopted) January 2016 (Saved Policies), the National Planning Policy Framework, and the South Gloucestershire Design Checklist Supplementary Planning Document (Adopted) August 2007.
- (3) The proposed development provides insufficient off-street parking to accord with the Residential Parking Standard Supplementary Planning Document (Adopted) December 2013, and is therefore contrary to Policy CS8 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013.

- 3.2 PT14/0355/LB Refused 31/03/2014
Internal and external alterations to facilitate conversion of existing outbuildings to 2no. dwellings

Refusal Reason –

- (1) The application relates to a grade II listed building, the architectural and historic interest of which it is desirable to preserve. In the absence of sufficient details with regards to new window details, the location of windows and rooflights and changes to the fenestration, accurate drawings of the building and fenestration, sectional drawings, details of roof insulation, and the retention or replacement of existing fabric, to comprise a full schedule of works, the Local Planning Authority cannot be confident that the proposal would not affect the character, integrity, or features of architectural and historical interest of the listed building and therefore the application fails to accord with section 16(2) of the Planning (Listed Buildings and

Conservation Areas Act 1990), and national guidance set out in the National Planning Policy Framework and accompanying Planning Practice Guide.

- | | | | |
|-----|---|-------------------------|------------|
| 3.3 | PT13/1522/LB | Approve with Conditions | 09/07/2013 |
| | Internal and external work to include restoration of roof, doors and stairs | | |
| 3.4 | P91/1275/L | Listed Building Consent | 02/04/19 |
| | Renewal of windows | | |

4. CONSULTATION RESPONSES

- 4.1 Tytherington Parish Council
None received
- 4.2 Archaeology Officer
No objection
- 4.3 Conservation Officer
Request further details. Further details provided; no objection subject to condition.
- 4.4 Drainage
No comment
- 4.5 Ecology Officer
No objection subject to condition
- 4.6 Highway Structures
No comment
- 4.7 Transportation
No objection subject to conditions

Other Representations

- 4.8 Local Residents
Three letters of objection have been received which raise the following points –
- access for cars is difficult
 - access is not suitable for construction traffic
 - authority of land owners required to use track
 - curtilage for each property not shown
 - fenestration does not respect historic character
 - issues over garden positions/sizes
 - issues with listed building conversion
 - mains water supply is shallowly buried and could be damaged
 - no access rights permitted along the track
 - no SAP calculations
 - no turning area
 - query over ownership of access track
 - survey required of the load bearing capabilities of the access track

- vehicle trips would double
- wrought iron gate would be more suitable to infill rather than stone

5. **ANALYSIS OF PROPOSAL**

- 5.1 This application seeks planning permission for the conversion of an existing listed outbuilding into two dwellings.
- 5.2 **Principle of Development**
The conversion of existing buildings within the existing urban area and defined settlement boundaries is supported in principle by policy H5 of the Local Plan and policy CS17 of the Core Strategy. The former policy permits the conversion of buildings to residential use subject to an assessment of character, amenity, and transport. In addition to this, all development must reach the design standards set by policy CS1. The site is subject to a number of designations that also are relevant. The building to be converted is a grade II listed building and located within the Tytherington Conservation Area.
- 5.3 Amendments to the proposal have been negotiated in order to overcome the previous refusals.
- 5.4 **Character, Conservation and Heritage**
The assessment of character, conservation and heritage relates to the impact of the proposed conversion on the appearance and layout of the site as well as the impact upon the special features of the listed building. Detailed design considerations are set out in the section on design.
- 5.5 The building to be converted is a range of buildings situated to the south east of The Grange. The Grange itself dates from the seventeenth century, with nineteenth century alterations, and it has the distinctive gabled form of a seventeenth century vernacular house. The outbuildings date from the mid-nineteenth century and the early years of the twentieth century. The range running north to south along the boundary is the earlier part of the building, whilst the building construction and historic maps show that the return wing at the northern side of the walled garden is likely to have been added between 1890 and 1901. These buildings would have served as stabling, a coach house and general outbuildings. The presence of a small fireplace in 'barn 3' indicates this would have had a domestic purpose, probably a groom's accommodation.
- 5.6 The entire range of buildings is associated with, and face towards, The Grange and have an ancillary function to the main house. Even where the building faces towards the walled garden, the relationship is very much one of servicing the needs of the house. As the building faces The Grange, there is very little interaction between the building and the walled garden to the south and 'Underhill' to the east. This area therefore remains largely open in terms of the built form but subject to well defined areas in terms of character. The walled garden has a character of its own and the land between the outbuildings and Underhill, although overgrown, has a separate, open and un-domestic, character to the rest of the village.

5.7 *Listed Building*

Development that affects a listed building must accord with the provisions of policy L13. This policy requires development to preserve the building and its setting, retain features of historic or architectural interest, and protect the character, form and integrity of the building.

5.8 It was previously considered that the development had an adverse impact on the architectural and historical interest of the listed building. Revisions have been sought throughout the application cycle to reduce the impact of the development on the listed building.

5.9 Sufficient information has been submitted to satisfy the local planning authority that the proposed development would not adversely affect the listed building. Some further details are required, these will be secured by condition on the listed building consent application.

5.10 *Conservation Area*

Located within the Tytherington Conservation Area, development will only be permitted where it would preserve or enhance the character or appearance of the conservation area. This includes the layout of the development with reference to historic plots, open spaces, building lines, boundaries and landscaping.

5.11 The development stays within the existing curtilage of the property and therefore there is little change to the wider character of the conservation area. It is not considered that the conversion would have an adverse impact on the setting of the conservation or the contribution that the building makes to the character of the area.

5.12 Design

Development will only be permitted where the highest possible standard of design and site planning are achieved. Design considerations are to include any operational development necessary for the conversion of the building as well as the overall layout of the proposed development. On this site, the design should also take into account the heritage asset on the site and respect the impact this may have on development.

5.13 The conversion will result in a number of changes to the visual appearance of the building. These are to be assessed against policy L13 and have been discussed above.

5.14 The proposal would result in the provision of garden space for plot three in the former walled garden whereas plot two would benefit from the courtyard to the front. The layout of the proposal is considered to meet an acceptable standard of design and respect the heritage setting of the site.

5.15 Amenity

Ensuring development provides a good standard of amenity is one of the core planning principles of the NPPF. It is also a requirement of policy H5 with regard to the amenity offered to the application site and the amenities of any nearby occupier.

- 5.16 Being located to the rear The Grange, the development will have little impact on the wider amenity of the locality. However, the impact on The Grange and Underhill should be considered. An assessment of the amenity space offered to the proposed dwellings should also be made.
- 5.17 It is not considered that the development will affect the amenities of The Grange. The historical layout of the site means that the development is well screened from any principal rooms within the house. Access to the site would be by a shared driveway, however, the outbuildings are accessed first and therefore there would be little impact on the amenity of the occupiers of The Grange through increased vehicular movements.
- 5.18 Amenity space is provided for both dwellings; for plot three this is the walled garden. Amenity space for plot two behind the property had previously been refused. It is now proposed that this unit would solely have access to the front courtyard. Whilst this is not ideal, the development would see the re-use of a heritage asset and this is given significant weight which in the balance outweighs the limited amenity space offered. It is therefore considered that a good standard of amenity would be provided to both of the proposed dwellings.
- 5.19 Transport and Parking
Adequate parking and access is required to meet the needs arising from the development. Access to the site would be along the private access track to the rear of the site, which adjoins Bayden Hill Road.
- 5.20 Bayden Hill Road is a lightly trafficked highway with a walkable grass verge and can accommodate additional vehicular movements resulting from the proposed development; the junction between Bayden Hill Road and the private drive has an acceptable level of visibility. Therefore, the application would not adversely affect highway safety.
- 5.21 The provision of parking spaces is required to accord with the Residential Parking Standard SPD. For three- and four-bedroom dwellings, two parking spaces are required. Under this standard, parking spaces must measure 2.4 metres by 4.8 metres, single garages must have an internal size standard of 3 metres by 6 metres, and garages are not permitted as the sole provision of parking. The level of parking identified does not meet the SPD as the proposed garage is undersized; however, the level of parking has been increased over the previous application with the addition of one further space within the courtyard. Notwithstanding the above, there is sufficient space within the courtyard to facilitate additional parking.
- 5.22 The requirement for parking must also be assessed against the re-use of the listed building. It is considered a minor point that the parking provision is slightly under standard and therefore, when balanced against the re-use of the building, the level of parking is considered acceptable, particularly as the parking provision has been increase since the refusal of PT14/0354/F.
- 5.23 A condition regarding the provision of cycle and vehicular parking will be attached to any consent given.

- 5.24 Comments have been received regarding the suitability of the access track and its ownership. It has also been raised that the track is unlikely to be able to provide access for construction traffic.
- 5.25 Ownership and access rights are a civil matter and therefore need not be considered by the planning process. The access has been assessed and is considered suitable for further residential development. Construction traffic may need to off-load in a suitable location off-site and goods be transferred to the site in smaller vehicles.
- 5.26 Environment and Ecology
As an outbuilding the structure has the potential to support protected species. An ecological report has been submitted. It has been found that there is some limited ecological value to the site but the loss of habitat could be overcome by the use of appropriate planning conditions.

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

Contact Officer: Griff Bunce
Tel. No. 01454 863438

CONDITIONS

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

Reason
To comply with the requirements of Section 91 of the Town & Country Planning Act 1990 (as amended).
2. The development hereby permitted shall be undertaken in accordance with the recommendations within the ecological report dated March 2014 prepared by Wessex Ecological Consultancy in relation to ecological supervision of the removal of fascias and inspection of crevices in stonework immediately prior to re-pointing.

Reason

In the interest of protected species and to accord with policy CS9 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 and policy L9 of the South Gloucestershire Local Plan (Adopted) January 2006 (Saved Policies).

3. Prior to the first occupation of the development hereby permitted, the access and parking arrangements as shown on drawing 2441/121 shall be implemented in full and thereafter retained.

Reason

In the interests of highway safety and the adequate provision of off-street parking and to accord with policy CS8 of the South Gloucestershire Local Plan Core Strategy (Adopted) December, policy T7 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006 (Saved Policies) and the Residential Parking Standard SPD (Adopted) December 2013.

4. Prior to the commencement of development, a plan showing the provision of four secure undercover bicycle parking spaces shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason

In the interest of promoting sustainable travel options and to accord with policy T7 of the South Gloucestershire Local Plan (Adopted) January 2006 (Saved Policies).

5. Notwithstanding the submitted plans, no permission is granted for the dwelling shown as Garden Plot 1 on the accompanying block plan.

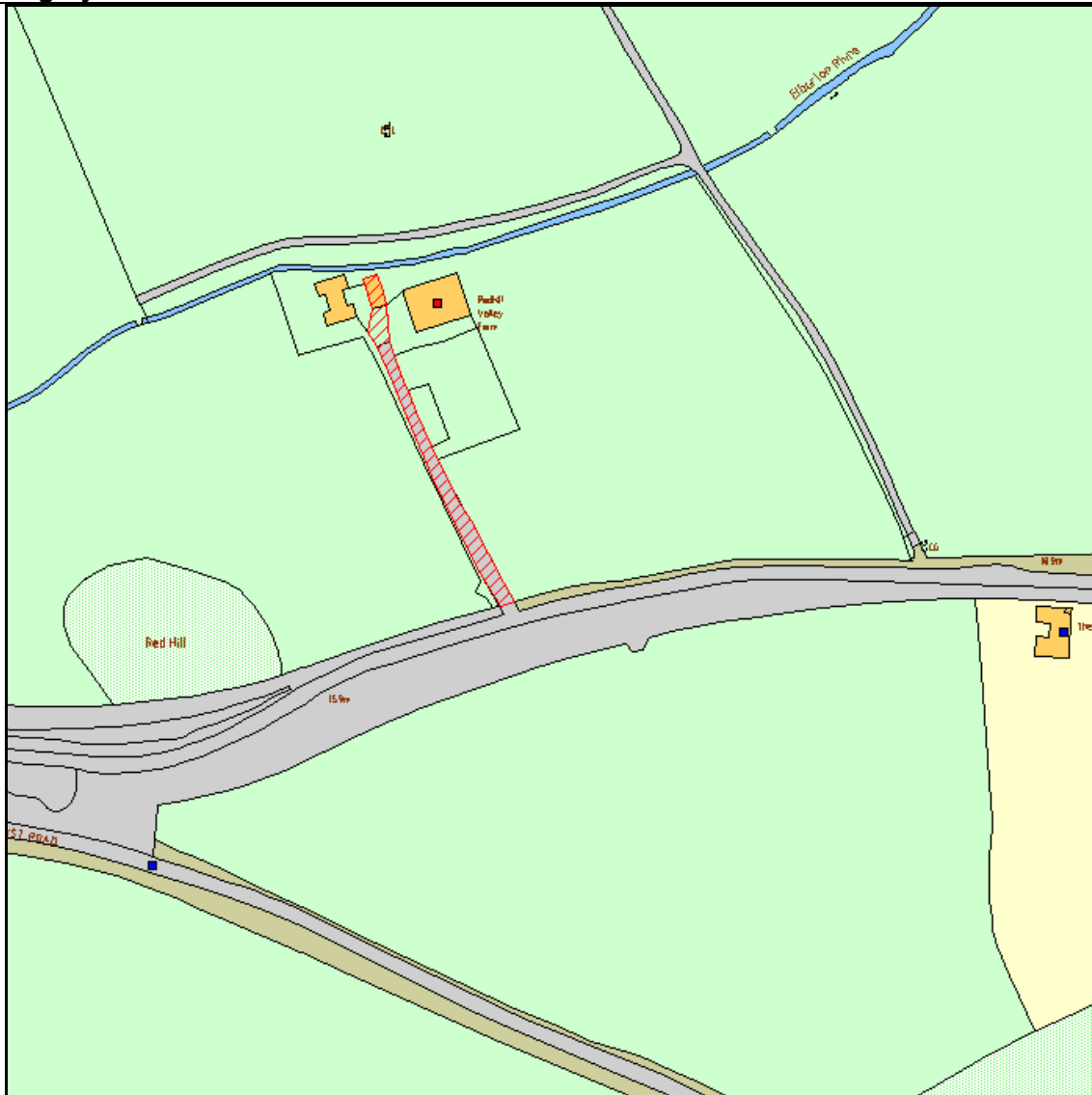
Reason

In the interests of clarity and proper planning.

ITEM 7

CIRCULATED SCHEDULE NO. 09/15 – 27 FEBRUARY 2015

App No.:	PT14/4703/F	Applicant:	Mr And Mrs S Meachin
Site:	The Dutch Barn Redhill Valley Farm Redhill Lane Olveston Bristol South Gloucestershire	Date Reg:	11th December 2014
Proposal:	Conversion of agricultural building to 3no. holiday lets (Class C3) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended).	Parish:	Aust Parish Council
Map Ref:	359058 188675	Ward:	Severn
Application Category:	Minor	Target Date:	4th February 2015



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100023410, 2014. **N.T.S.** **PT14/4703/F**

REASON FOR REPORTING TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 The application seeks permission for the conversion of a metal and breeze block Dutch barn style agricultural building in order to provide 3no. holiday lets (Class C3).
- 1.2 The application building is situated to the east of the Redhill Valley Farmhouse between the house and an existing larger agricultural building. It falls within flood zone 3 and the adopted Bath/ Bristol Green Belt in the open countryside.
- 1.3 During the course of the application additional information has been submitted including a revised flood risk assessment, a structural survey, and revised plans with amendments to the design of the fenestration.

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
CS34 Rural Areas

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

L1 Landscape Protection and Enhancement
EP2 Flood Risk and Development
T12 Transportation Development Control Policy
E7 Conversion and Re-Use of Rural Buildings
E11 Tourism
H10 Conversion and Re-Use of Rural Buildings for Residential Purposes

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

3. RELEVANT PLANNING HISTORY

- 3.1 PT14/2657/PNGR - Prior notification of a change of use from Agricultural Building to single residential dwelling (Class C3) as defined in the Town and

Country Planning (Use Classes) Order 1987 (as amended). Withdrawn 12th August 2014

- *The development is not permitted development for the following reason:
MB.1. Development is not permitted by Class MB where—
(f) development under Class A(a) or Class B(a) of Part 6 of this Schedule (agricultural buildings and operations) has been carried out on the established agricultural unit since 20th March 2013, or within 10 years before the date development under Class MB begins, whichever is the lesser.*

3.2 PT13/2986/PNA - Prior notification of the intention to erect an agricultural building for the storage of hay and machinery. No objection 4th September 2013

3.3 PT06/0114/F - Demolition of existing barn to facilitate Agricultural Worker's Dwellinghouse. Approved 13th February 2006

4. CONSULTATION RESPONSES

4.1 Aust Parish Council

No objection in principle but concerns requested to be dealt with by condition. These include removing permitted development rights (householder and agricultural), not permitting short term lettings to construction workers, securing holiday occupation only, prohibiting use by family members etc.

Doubts also raised on commercial viability of holiday lets in this location.

4.2 Transport Officer

No objection subject to parking condition.

4.3 Landscape Officer

Due to the limited views of the building there is no landscape objection with regards to Policy L1 but the proposals are considered to be contrary to Policy CS1 with regards to High Quality Design.

4.4 Drainage Officer

No objection in principle but following required:

- Septic tank information.
- Floor levels
- Flood emergency plan
- Flood proofing/ resilience

4.5 Environment Agency

Refer to standing advice.

Other Representations

4.6 Local Residents

One letter of support has been received from a local resident. The comments are summarised as follows:

- Farming neighbour who has also diversified to remain viable.

- Operated a B&B since 1989 and experienced considerable demand over this time.
- Have had to turn people away which is a great shame for local businesses.
- Development would help the economy by supporting local businesses such as the local pub and village shop.
- Diversification would help keep the family farm viable for the next generation.

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

The application seeks to convert an existing agricultural building in order to form 3no. holiday lets. The building is situated in the open countryside and falls within the adopted Bath/ Bristol Green Belt and flood zone 3. The principle of the development therefore stands to be assessed against sections 9 (Green Belt) and 10 (Flood Risk) of the NPPF 2012.

5.2 Green Belt

The application seeks to convert an existing building which the supporting Structural Survey confirms is of permanent and substantial construction. The development therefore falls under the fourth bullet point identified in paragraph 90 of the NPPF which states that the re-use of buildings (of permanent and substantial construction) is not inappropriate development provided it preserves the openness of the Green Belt and does not conflict with purposes of including land within the Green Belt.

5.3 The development includes some operational development consisting of the installation of windows and doors but would not exceed the existing floor print or limitations of the building. The building is surrounded by hardstanding with an agricultural workers dwelling to the west and a larger agricultural building to the west. As the development would be contained within the existing building with no additional areas of hardstanding over the existing it is considered that the development would have no material impact on the openness of the Green Belt. It is therefore considered that the principle of the development in the Green Belt is acceptable.

5.4 Flood Risk

The application relates to a building that falls within flood zone 3b and the development proposal would fall under the category of 'more vulnerable' within the Flood Risk Vulnerability Classification. Had the application proposed a new building the NPPF would require the LPA to apply the sequential test and if necessary the exception test: the aims of which are to steer new development towards areas with the lowest risk of flooding. The NPPF states however that the sequential test should not be applied to minor development or changes of use but these development will still be required to meet the requirements for site specific flood risk assessments.

5.5 The above is re-iterated within the NPPG (2014) which replaces the previous technical guidance to the NPPF and PPS25. The NPPG states that when a change of use increases the flood risk vulnerability (as it does in this instance) the applicant will need to show in their flood risk assessment that future users

of the development will not be placed in danger from flood hazards throughout its lifetime. Depending on the risk, mitigation measures may be needed. It is for the applicant to show that the change of use meets the objectives of the Framework's policy on flood risk. For example, how the operation of any mitigation measures can be safeguarded and maintained effectively through the lifetime of the development.

- 5.6 The development consists of a conversion which, whilst including some 'alterations' to the building, in accordance with the NPPF and NPPG would not require the sequential test to be applied. The principle of the development in flood zone 3 therefore rests on the detail contained within the supporting site specific flood risk assessment. A revised version has been received from the applicant following comment from the Officer that the originally submitted flood risk assessment did not adequately address the flood risk and provided no management or mitigation.
- 5.7 The standing advice provided by the Environment Agency outlines matters to be addressed within the Flood Risk Assessment (FRA) including floor levels above ordnance datum, flood emergency plans, safe access and egress routes, actions for occupiers in the event of a flood, and details of flood proofing/ resilience.
- 5.8 The revised FRA received in support of the application does not include details on the height of the existing floor levels above ordnance datum and does not provide any specific details of proposed floor levels. The assessment does state that the existing floor is already one foot higher than the surrounding car park and the floor levels would 'no doubt be raised further for insulation purposes'. The development therefore would at least be at the existing floor levels which is required as a minimum in accordance with the standing advice. This would however also require a flood emergency plan to be agreed, which it has not.
- 5.9 The FRA states that in the event of a flood occupiers would retreat to the first floor level but would otherwise be recommended to not stay within the property but seek higher ground to the east. It states that tractors are general in close proximity and can be used in case of an emergency but does not go into any detail on safe access/ egress routes, does not include any warning procedures and does not identify any other actions for occupiers to take in the event of a flood. It is considered that whilst the retreat to first floor level would be acceptable in the short term this does not adequately address how occupiers would safely egress from the building and, as it does not include any warning procedures, would not accord with the requirements of the FRA as identified by the Environment Agency Standing Advice. It also does not demonstrate how flood risk will be managed over the lifetime of the development and as such does not meet the requirements of a site specific FRA as outlined within the NPPG.
- 5.10 The FRA does provide detail on how the building would be flood proofed using techniques such as positioning wiring at ceiling height, keeping electrical fittings as high as practicably possible, using non-porous materials in flooring to prevent absorption, and using building materials that are resilient to flood. It

also comments that the development would not have an adverse impact on flood risk given that there is a well established network of drainage.

5.11 It is considered that whilst the FRA has addressed the risk of the development on flooding in the locality, and has identified appropriate resilience methods, it has not adequately addressed how flood risk will be managed over its lifetime, has not identified an emergency evacuation plan, has not included any warning procedures, and has not satisfactorily addressed how occupiers will safely access and egress from the building in the event of a flood. It is therefore considered that the application does not meet the requirements for a site specific flood risk assessment and would therefore be contrary to the provisions of the NPPF. Taking account of all of the above the application is recommended for refusal for these reasons.

5.12 Business Use

Whilst the proposed development consists of holiday lets, given the close similarity of the use and due to it falling within use class C3, saved policy H10 of the SGLP holds material weight in the determination of the application. It is noted however that this is a saved policy and as such weight is only afforded to the policy tests that are not consistent with the provisions of the NPPF. Saved policy H10 requires applications to demonstrate that all reasonable attempts have been made to secure a suitable business re-use or that the conversion is part of a business re-use. Policy E11 states that in the case of proposals for the conversion of rural buildings to holiday accommodation applications will be required to demonstrate that alternative business re-uses cannot be achieved, including other tourist related development.

5.13 The application has not made any attempt to explore alternative business uses, nor does it include any specific research into the need for holiday accommodation in this location. A local resident does however state that they have had to turn people away from their own holiday accommodation nearby. The absence of this information would run contrary to policies H10 and E11. It is noted however that the NPPF does support the growth of all types of rural business including farm diversification and rural tourism. It is therefore considered that the proposed use would not run contrary to the NPPF in this respect and as such a refusal on these grounds could not be sustained. It is considered that had the application been recommended for approval suitably worded conditions would secure the holiday let nature of the development proposal in order that the development would serve the rural economy.

5.14 Structural Integrity

The application relates to a steel framed building with block walls half way up and the rest covered in corrugated metal sheeting. The building has an existing lean-to structure to the east elevation which is not proposed to be part of the conversion.

5.15 The structural survey does not go into any detail on the works that will be required to make the building suitable for the use proposed however it would not doubt require additional block works inside of the sheeting, a second skin, insulation, potentially a new roof and a whole new level in order to accommodate the second floor. The building therefore does require a large

amount of work in order to make it habitable. The alterations to the external appearance however would be limited to the installation of windows and the structural survey confirms that the steel frame for the building is in good condition. It is considered that whilst the building does require a large amount of work it would not require substantial re-construction and it is currently permanent and structurally sound. In light of this there would be no sustainable objection principle of the conversion in terms of structural integrity.

5.16 Design

The application relates to a double storey height 'Dutch Barn' style agricultural building which is constructed in half breeze block and half corrugated metal cladding with corrugated sheeting to the curved roof. It has a large opening to the south elevation. It is an unremarkable building but is distinctly functional and agricultural in its appearance. It sits to the east of the agricultural workers dwelling, which is a relatively modern detached bungalow, and to the west of a large metal agricultural building which has recently been extended with a timber clad extension (PT13/2986/PNA). As existing the building's appearance sits comfortably within its context retaining its agricultural and rural appearance.

5.17 The proposal would include the infilling of the large opening to the south and the installation of windows and doors to the east and west elevations. The revised proposed designs do not include any details of materials to be used although the colour of the plans indicate that there would appear be some change in the external cladding. This is not however clear. The revised plans include long rectangular windows at first floor level and square windows at ground floor level. The revisions have been made following Officer comments that the proposed conversion appeared overly domestic, and was not informed by and did not respect the character or appearance of the agricultural building.

5.18 In terms of the revised design it is considered that although the rectangular windows at first floor level are an improvement it is still considered that the design of the conversion would appear adversely domestic with very regular window fenestration, domestic detailing to the windows and doors, and a large number of additional openings. It is considered that the design detailing and appearance would appear very incongruous in the context of the building and location and would not respect the very functional and agricultural appearance of the building. It is considered that a more innovative approach to subdividing the building is required if the proposed development is to be successful in design terms. Policy H10 of the SGLP recognises that the conversion of rural buildings can have an adverse impact on the character and appearance of that building. New openings should therefore be limited with care taken to ensure that detailing is sympathetic to the character of the original building.

5.19 In this case it is considered that the proposed fenestration and detailing, and the contrived subdivision of the building, would fail to respect the rural character and appearance of the site, and would introduce numerous unsympathetic openings that do not respect the functional appearance of the building. Whilst it is acknowledged that views of the east and west elevations of the building are limited this does not warrant a poor standard of design. It is considered that the development has failed to achieve the highest possible

standard of design and would therefore fail to meet the aims of policy CS1 of the Core Strategy and the NPPF core planning principles.

5.20 The application does not propose to include any curtilages/ garden areas with the building for the proposed holiday lets and the development would not be highly visible in the greater landscape. There are therefore no issues in relation to landscape impact. This does not however change the assessment above relating to design detailing.

5.21 Residential Amenity

The application proposes 3no. holiday lets in the building to the side of the agricultural workers dwelling. It is considered that the development would not raise any issues in terms of loss of privacy and, given that the development is contained within an existing building, the building itself would not materially alter the existing amenity afforded to the occupiers of the farmhouse. The development does not include any outdoor amenity space for the holiday lets which, provided they remain as holiday accommodation and are not subsequently sold as dwellinghouses, would not warrant an objection. The nearby agricultural building to the east would create some disturbance from noise given its use for cattle but again, given the nature of the development, it is not considered that this would warrant a refusal. There are therefore no residential amenity issues to raise.

5.22 Parking/ Highway Safety

The site has as existing two accesses from Redhill Lane which the Transport Officer confirms is adequate to serve the development proposal. The plans submitted to not clearly identify the intended parking area but it is noted that there would be adequate space within the farmyard to provide at least six parking spaces for the holiday lets whilst allowing sufficient parking and turning areas for the farm and existing dwelling. A suitably worded condition would have secured this and as such therefore are no concerns in terms of highway safety.

5.23 Foul Sewage

The Application Form states foul sewage disposal to Septic Tank. It is assumed that this is a new Septic Tank. The preferred method for foul sewage disposal is to connect to a public foul sewer however if this is not economically viable by gravity or pumping, a Package Sewage Treatment Plant would be required. No details have been submitted however, had the application been recommended for approval, a suitable worded condition could secure these details.

5.24 Class MB

It should be noted that the building would not benefit from permitted development under Part 3, Class MB (conversion of agricultural buildings to residential) at this time as development under Part 6 (agricultural development) has been carried out on the agricultural unit since 20th March 2013 (criterion MB.1(f)). These rights are therefore afforded very little weight given that this is not a fall back position for 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 **refuse** permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 set out above, and to all the relevant material considerations set out in the report.

7. **RECOMMENDATION**

- 7.1 That the application is REFUSED for the following reasons:

Contact Officer: Sarah Fordham

Tel. No. 01454 865207

REFUSAL REASONS

1. The proposal would introduce a 'More Vulnerable' form of development into an area that falls within flood zone 3b. The Flood Risk Assessment submitted in support of the application does not adequately demonstrate that flood risk would be satisfactorily managed and that the development could be made safe over its lifetime. As such the development is contrary to the provisions of the National Planning Policy Framework 2012, the National Planning Practice Guidance 2014, policies CS1, CS5, CS9 and CS34 of the South Gloucestershire Local Plan Core Strategy (Adopted) 2013, and saved policy EP2 of the South Gloucestershire Local Plan (Adopted) 2006.
2. It is considered that the proposed conversion, by virtue of the domestic fenestration and detailing, has not been informed by, does not respect and would not enhance the rural and agricultural character of the building in its context. The development therefore fails to achieve the highest possible standard of design contrary to policy CS1 of the South Gloucestershire Local Plan Core Strategy (Adopted) 2013, saved policy H10 of the South Gloucestershire Local Plan (Adopted) 2006, and the provisions of the National Planning Policy Framework.

ITEM 8

CIRCULATED SCHEDULE NO. 9/15 – 27 FEBRUARY 2015

App No.: PT14/5035/CLE
Site: Pleasure Gardens 37 Station Road Severn Beach Bristol South Gloucestershire, BS35 4PL

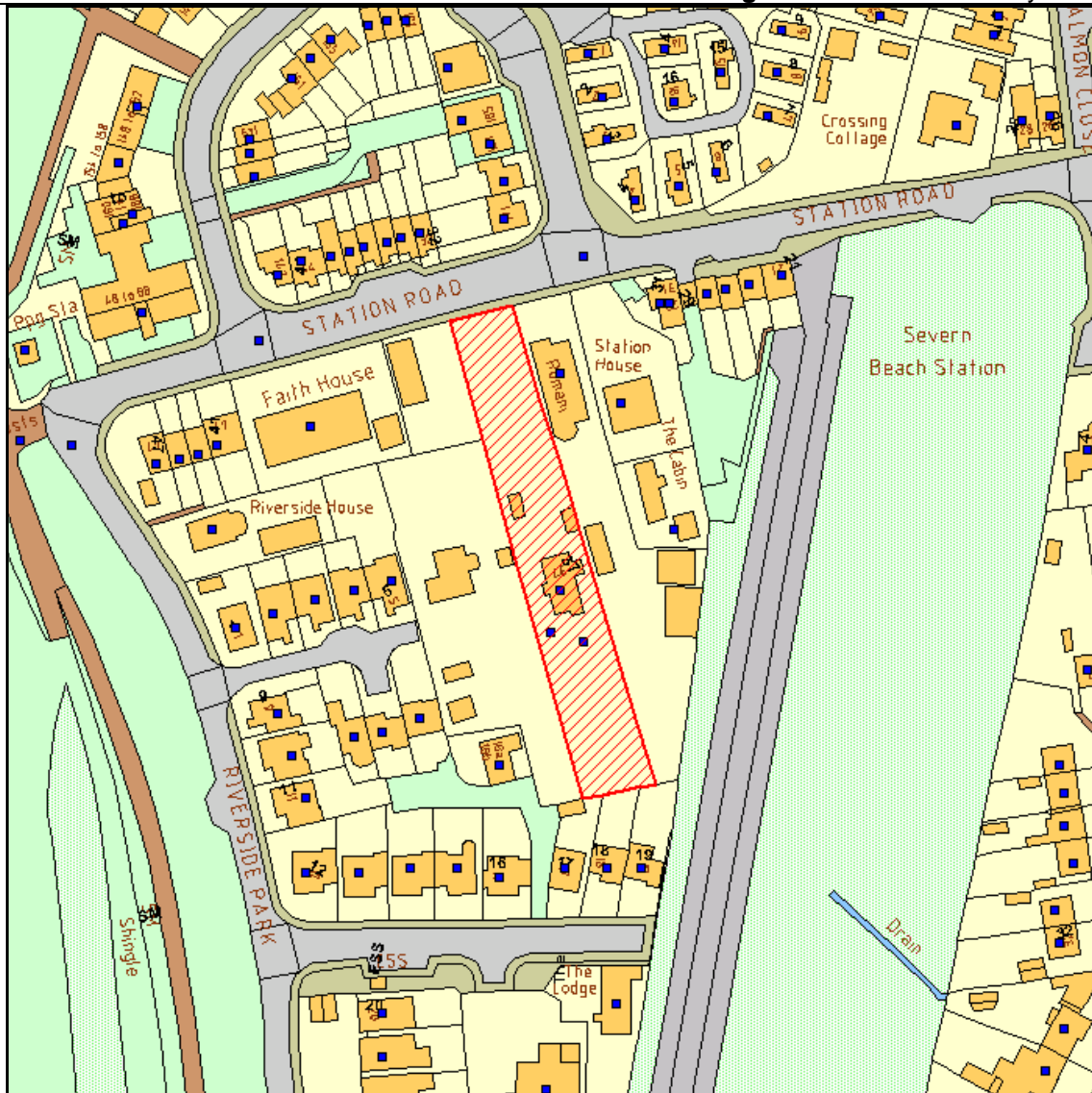
Applicant: Mrs Reidun Calvert
Date Reg: 5th January 2015

Proposal: Application for a certificate of lawfulness for the existing use of single static mobile home as a permanent single residential dwelling.

Parish: Pilning And Severn Beach Parish Council

Map Ref: 353984 184719

Ward: Pilning And Severn Beach
Target: 23rd February 2015



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100023410, 2014. N.T.S. PT14/5035/CLE

REASON FOR REPORTING TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 The application is for a certificate of lawfulness for the existing use of a single static mobile home as a permanent single residential dwelling, to ascertain whether the caravan known as 'Pleasure Gardens' has been occupied without compliance with condition 1 attached to temporary planning consent PT00/0568/RTC for more than 10 years prior to the date of this application. Condition 1 of the decision notice reads:

'The use hereby authorised shall cease and the caravan shall be permanently removed from the site no later than January 31st 2006.'

- 1.2 The application site consists of a strip of land on Station Road in Severn Beach, which has had many temporary consents for the same caravan approved. The most recent temporary consent lapsed on January 31st 2006.
- 1.3 During the course of the application, additional evidence has been received from the applicant as summarised in section 4 of this report.

2. POLICY CONTEXT

2.1 National Guidance

- I. Town and Country Planning Act 1990
- II. Town and Country Planning (Development Management Procedure) Order 2010
- III. Town and Country Planning (General Procedures) Order 1995
- IV. National Planning Practice Guidance 2014

3. RELEVANT PLANNING HISTORY

- 3.1 PT00/0568/RTC Approve with conditions 25/01/2001
Use of land for the stationing of one residential caravan – renewal of temporary consent

Conditions:

1 – The use hereby authorised shall cease and the caravan shall be permanently removed from the site no later than January 31st 2006.

2 – This permission shall enure solely for the benefit of the applicant, Mr W E Liddle and his immediate dependants and not for the land.

- 3.2 P95/1468 Approve with conditions 12/06/1995
Use of land for the stationing of one residential caravan – renewal of temporary consent
- 3.3 P90/1465 Approve with conditions 25/04/1990

- Use of land for the stationing of one residential caravan – renewal of temporary consent
- 3.4 P84/2391 Approve with conditions 24/10/1984
Use of land for the stationing of one residential caravan – renewal of temporary consent
- 3.5 N4521/3 Approve with conditions 30/09/1982
Use of land for the stationing of one residential caravan – renewal of temporary consent
- 3.6 N4521/2 Approve with conditions 23/10/1980
Use of land for the stationing of one residential caravan – renewal of temporary consent
- 3.7 N4521/1 Approve with conditions 14/09/1978
Use of land for the stationing of one residential caravan – renewal of temporary consent
- 3.8 N4521 Refusal 06/07/1978
Erection of detached bungalow and garage

4. SUMMARY OF EVIDENCE SUBMITTED IN SUPPORT OF APPLICATION

- 4.1 Site Location Plan – received 29th December 2014
- 4.2 Application form – received 29th December 2014. This makes the following statements:
- Static mobile home has been the permanent residence for once family since 1978, and can be evidenced through family photographs attached to this application
 - No other dwellings are on site.
 - The use as a single dwellinghouse began more than four years before the date of this application
 - The property is owned by the applicant's mother, Valerie Liddle, who has been the sole occupier and owner since Mr Liddle's (the applicant's father) death on 16th July 2014
 - Mr and Mrs Liddle built the caravan following consent given under reference N4521/1 approved September 1978
 - It has full access to mains sewerage, gas, electricity and has appropriate kitchen and washing facilities
 - The license for the retention of the caravan was renewed regularly without issue in 1980, 1982, 1984, 1987, 1990, 1995 and 2001.
 - The site was visited by South Gloucestershire planning officials in the licence application of January 2001, it was stated that no further licence renewal would be required, hence no further applications for continuation were sought after this date. The property has been continuously occupies since its erection and has been subject to Council Tax (band A) since the introduction of the tax
- 4.3 Document named 'Photographical Evidence', reference no. PP-03824866 received on 29th December 2014. The document contains photographs taken

from 1981 to 2010, and are date validated by the ages of the family members in the photographs.

- 4.4 A Google Map aerial photograph from 2010 showing the caravan in situ. Received on 29th December 2014.
- 4.5 A second document named 'Photographical Evidence' with photographs of the caravan taken on 1st December 2014. Received on 29th December 2014.
- 4.6 Copies of utility bills, bank and building society correspondence, post office correspondence, television installation receipt, council tax bills, correspondence from the Pension Service, correspondence from HM Revenue and Customs, dating from 5th April 2002 until 12th August 2014. All are address to Mr or Mrs Liddle at Pleasure Gardens, 37 Station Road, Severn Beach. Received on 29th January 2015.

5. SUMMARY OF CONTRARY EVIDENCE RECEIVED

- 5.1 None received.

6. CONSULTATION RESPONSES

- 6.1 Pilning and Severn Beach Parish Council
No comment.

- 6.2 Other Consultees

Transport

No comment.

Environment Agency

The EA cannot comment on the validity of the application for a CLE, however we must advise that the site is located within Flood Zone 3. If we were consulted on a new application we would formally object. Photographic evidence is available of the immediate vicinity under water.

Lower Severn Drainage Board

None received.

Other Representations

- 6.3 Local Residents

One comment supporting the application has been received stating:

- I became a Pilning and Severn Beach Parish Councillor in 1987, and then a Northavon District Councillor in 1994, continuing as a SG Councillor until 2011, so I know the Station Road location well.
- I have not been approached by the applicants to write this, but I can confirm that the use of the site is, and has been, as described in the application, and I would fully endorse the issue of a CLE.

7. EVALUATION

7.1 This application for a certificate of lawfulness is purely an evidential test irrespective of planning merit. The only issues which are relevant to the determination of an application for a Certificate of Lawfulness are whether, in this case, the use of a single static mobile home as a permanent residential dwelling has been in residential use for a consistent period of not less than four years.

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

‘the applicant is responsible for providing sufficient information to support an application...’

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

7.3 Assessment of Evidence

The applicant seeks to prove that the land outlined in red has been used to site a single static mobile home as a permanent residential dwelling for a continuous period of not less than four years. The application form states that the use began in 1978 as a temporary consent which was renewed on multiple occasions until 2001 whereby consent was granted until January 2006 and the applicant states that they were advised that no further consent needed to be sought when the temporary consent expired.

7.4 The applicant originally submitted only photographic evidence of the static caravan in residential use from 1981-2010, with the dates of the photographs verified by the age of the various family members in the photographs. The applicant was advised by the Local Planning Authority that this evidence carried only very limited weight, as the photographs could have been taken in a different location or at any time, as the subjects are not known personally to the officer and therefore their apparent age within the photographs cannot be validated. Following this, the applicant submitted 31 utility bills and copies of correspondence from government bodies which date from 2002 until August 2014 and are addressed to either Mr Liddle or Mrs Valerie Liddle at Pleasure Gardens, 37 Station Road. Photographs from 1st December 2014 were submitted which were backed up by a site visit to show the caravan in situ as of 30th December 2014, and in residential use currently. The aerial photographs held by the Council in the years 1991, 1999, 2005, 2006 and 2008-2009 indicate that the caravan has remained in place consistently for 24 years and the utility bills and other correspondence received show that the same residents have occupied the caravan for the last 13 years. As no contrary evidence has been found or received from others, it is considered that on the balance of probability, the static mobile home has been occupied continuously for four years.

- 7.5 The development was previously lawfully as part of a temporary consent for the siting of a residential mobile home, the most recent of which was PT00/0568/RTC. Condition 1 of the decision notice reads:

'The use hereby authorised shall cease and the caravan shall be permanently removed from the site no later than January 31st 2006.'

The application has been in breach of this condition for 9 years, 11 months and 1 week. A period of 10 years is normally required to pass before a breach of a condition becomes lawful. However, in the case of the use as a single dwellinghouse, Section 171B of the Town and Country Planning Act 1990 makes an exception, stating that:

'Where there has been a breach of planning control consisting of any building to use as a single dwellinghouse, no enforcement action may be taken after the end of the period of four years beginning with the date of the breach.'

So the requirement reverts back to the '4 year rule' which, as previously discussed, it appears that the caravan has been in use as a single dwellinghouse for more than 4 years.

8. **CONCLUSION**

- 8.1 On the balance of probability, the use of the single static mobile home as a permanent residential dwelling has been established for over four years and so the use is considered to be lawful.

9. **RECOMMENDATION**

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

Contact Officer: Trudy Gallagher
Tel. No. 01454 862217

CONDITIONS

1. The evidence submitted with this application does show that, on the balance of probability, the single static mobile home known as Pleasure Gardens situated within the red line has been occupied as a permanent residential dwelling for a period of not less than four years.

ITEM 9

CIRCULATED SCHEDULE NO. 9/15 – 27 FEBRUARY 2015

App No.: PT15/0097/F
Site: Unit 4 Baileys Court
Webbs Wood Road
Bradley Stoke Bristol South
Gloucestershire BS32 8EJ

Applicant: Covey Childcare
Date Reg: 13th January 2015

Proposal: Change of use of land and creation of a secure external play area for existing Day Nursery with associated works.

Parish: Bradley Stoke Town Council

Map Ref: 362659 180869
Application Category: Minor

Ward: Bradley Stoke South
Target Date: 6th March 2015



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100023410, 2014. N.T.S. PT15/0097/F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

The proposal is circulated as the officer recommendation is contrary to the concerns raised in one letter received as a result of consultation.

1. THE PROPOSAL

- 1.1 The application is for the erection of a wall and the change of use of the enclosed area (16.5m by 4m) for use by the associated day care centre.
- 1.2 The site is within the local shopping area of Baileys Court within 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)

T12 Transportation for Development Control

LC4 Proposal as for educational and community facilities within existing Urban areas and settlement boundaries.

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design

CS23 Community infrastructure and cultural activity

CS25 Communities of the north Fringe of Bristol Urban Area

- 2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist

3. RELEVANT PLANNING HISTORY

- 3.1 P95/2600 Change of use to pre-school establishment Approved 08/12/1995

4. CONSULTATION RESPONSES

- 4.1 Bradley Stoke Town Council
No objection

- 4.2 Other Consultees

- 4.3 Highway Structures
No comment

- 4.4 Drainage
No comment

- 4.5 Archaeology
No objection.

- 4.6 Sustainable transport
No comment received

Other Representations

- 4.3 Local Residents
One letter of objection with regard to the following matters.
- Concern that the noise of children playing outdoors will have a detrimental effect on the level of disturbance already witnessed from children playing outside of the nursery, both within and outside the writers house.

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 local plan.

- 5.2 In assessing applications for educational buildings planning policy CS23 and CS1 of the Core strategy are particularly relevant. Policy CS23 specifically relates to supporting the provision or improvement of community infrastructure such as childcare facilities. CS1 is an overarching design policy which 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. Policy LC4 is positive about the provision of such a building provided, like policy CS23, it is sustainably located for accessibility by cycle and walking. It should also not prejudice residential amenities or have adverse environmental or transportation effects.

5.3 Design of the work

The wall would match that of the adjoining old walls which appear to have been part of an old farm yard – the buildings now converted into the local shopping centre. Within the wall would be a wrought iron pedestrian gate leading to the current child care facility and an area of soft rubber paving designed for interest to the children. The surface finish has no impact on the character of the area and a tree proposed in the corner of the site will add interest to the site and add to the existing planting outside of the site area.

The application states that the stone wall will match the existing wall which is acceptable and a condition can ensure that this is detailed appropriately. Sufficient detail of the tree is given and as such a simple landscape condition can ensure its installation without submission of additional details.

5.4 Impact on neighbours

The wall itself will have no impact on neighbours. One household has raised concern about the noise already made by children playing outside the unit in a

communal area of the shopping centre as the noise travels to the rear of their house and garden. The site is part of the local centre on Webbs Wood Road where there will be a certain amount of noise associated with the comings and going to the local facilities, this is not likely to increase by the introduction of dedicated outdoor space. Given the nature of the use this noise would be limited in times and it unlikely to increase as a result of the dedicated enclosed space as the building itself is not being enlarged. Further the walls, soft ground within the wall and introduction of a tree to some extent may reduce the noise travel. The agent advised that the outdoor play will be able to be done in a more secure and controlled manner such that if anything, the new play area should reduce the noise generated by the children since they are in a confined area and have less need to shout across the large open area which exists at the moment.

Closer to the site that the residential houses is a restaurant on the other side of the courtyard from the site. This is less likely to be affected by the playing of children in the proposed enclosed area than when they play on the open communal area.

As such it is not considered that the proposal would harm the amenities of neighbours.

5.6 Transportation

The application seeks no alterations to the car parking or access. There is no increase in floor area of the building which would dictate the capacity of pupil numbers to education authorities and as such there is no change to the transportation requirements or implications of the site. As such there is no transportation objection to this proposal.

5.9 Landscaping

The proposal is within a hardsurfaced area with existing established planting. The applicant was asked to provide a tree as part of the scheme and this has resulted in a proposal to add a tree within the walled area. Details of planting have been provided on plan 635_COV_PL_1114_002 and are considered suitable for the tree. This is welcomed and can be adequately secured by a condition.

5.10 Drainage

There is no objection to this modest application on drainage grounds.

5.11 Archaeology

Although the site is adjacent to two potentially very significant heritage assets, the proposal is contained and part of formerly developed land. As such there is no objection to eth proposal and no need for a watching condition.

6. CONCLUSION

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

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

7. RECOMMENDATION

7.1 That planning permission is granted subject to the conditions set out 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 stone work to be used externally in the development hereby permitted shall match that of the existing, adjoining walling in type, colour, texture, size, coursing and jointing.

Reason

To ensure the satisfactory external appearance of the development in the interests of visual amenity and to accord with Policy CS1 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013.

3. The tree shall be installed in accordance with the approved details on plan 635_COV_PL_1114_002. The tree shall be planted before or during the first planting season following the erection of the wall and shall be replaced if it dies within five years of the works.

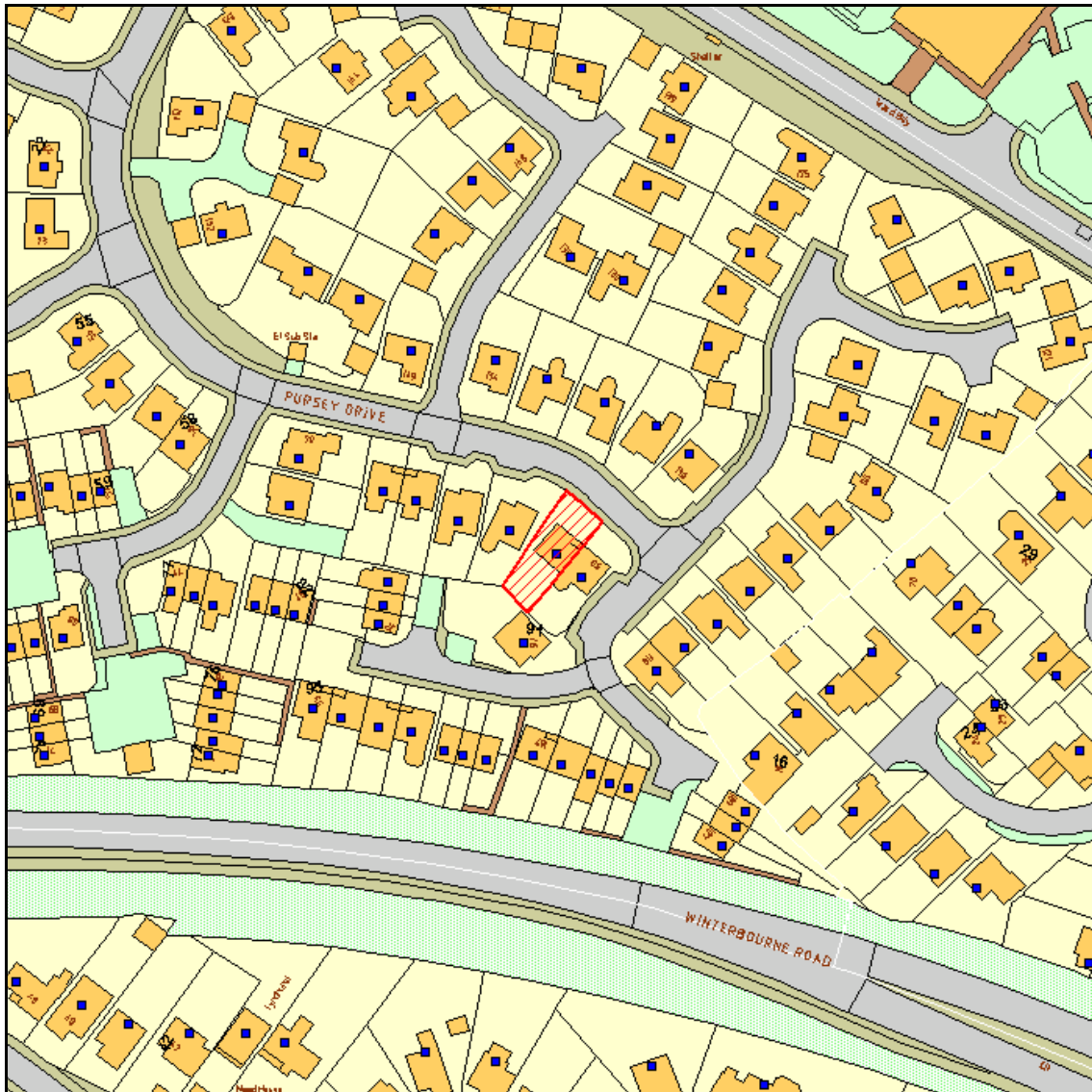
Reason

To protect the character and appearance of the area to accord with Policies CS1 of the South Gloucestershire Local Plan Core Strategy Adopted December 2013.

ITEM 10

CIRCULATED SCHEDULE NO. 9/15 – 27 FEBRUARY 2015

App No.:	PT15/0111/PDR	Applicant:	Mr Mike Wilson
Site:	89 Pursey Drive Bradley Stoke South Gloucestershire BS32 8DN	Date Reg:	15th January 2015
Proposal:	Erection of single storey rear extension and conversion of integral garage to form additional living accommodation.	Parish:	Bradley Stoke Town Council
Map Ref:	362606 180665	Ward:	Stoke Gifford
Application Category:		Target Date:	9th March 2015



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N.T.S. PT15/0111/PDR

REASONS FOR REPORTING TO CIRCULATED SCHEDULE

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

THE PROPOSAL

- 1.1 The application is for the erection of a single storey rear extension to the existing dwelling and the conversion of the attached garage to form additional living accommodation. The extension would be approximately 4 metres long to virtually the width of the house, with a flat roof to the back wall of the existing house and rooflights
- 1.2 The property is a modern semi-detached dwelling and is located within the residential area of Bradley Stoke.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework
Planning Policy Guidance
- 2.2 Development Plans
South Gloucestershire Local Plan (Adopted) January 2006
H4 Development within Existing Residential Curtilages, Including Extensions and New Dwellings
T12 Transportation

South Gloucestershire Local Plan Core Strategy (Adopted) December 2013
CS1 High Quality Design
- 2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist
South Gloucestershire Resident Parking Standards SPD

3. RELEVANT PLANNING HISTORY

- 3.1 None relevant

4. CONSULTATION RESPONSES

- 4.1 Bradley Stoke Town Council
Bradley Stoke Town Council objects to this planning application on grounds that the proposals are out of keeping with the surrounding area.

Highways Drainage
No comments

Archaeology
No comment

Sustainable Transportation

Whilst there is no objection in principle to this proposal, the removal of the garage parking space would mean that the applicant would need to replace this space at the front of the property in order to comply with the SPD on residential car parking. Therefore prior to the conversion of the existing garage the applicant would need to provide a minimum of two off street car parking spaces, this would need to be conditioned. With details to be submitted for approval subsequent permanent implementation.

Other Representations

4.2 Local Residents

No comments received

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

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

5.2 Design / Visual Amenity

The comments of the Parish Council regarding design are noted. The proposal incorporates a flat roof design, and whilst no evidence of similar was observed in the immediate vicinity, this is not an automatic reason for refusal, and every application should be judged upon its individual merits. Brickwork shall match that of the existing dwelling. It is not considered in this instance that the flat roof design, at single storey level and to the rear of the property gives rise to a significant or unacceptable visual amenity impact sufficient to warrant and sustain a refusal of the planning application

5.3 The proposed extension is therefore considered to be of an acceptable standard in design in context with the nature and scale of the extension and the site and surroundings.

5.4 Residential Amenity

Given the length, size and location of the extension and its relationship in context with the neighbouring property, it is not considered that it would give rise to any significant or material overbearing impact. Further to this sufficient garden space remains to serve the property.

5.5 Transportation

In accordance with the Councils current residential parking standards, the dwelling would require to demonstrate two spaces. Whilst there are no transportation objections in principle, a second space would be required upon the loss of the conversion of the garage. It is considered that this is achievable and a condition is therefore recommended to secure parking provision.

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 Given the size and location of the proposals, the proposed extension is of an acceptable standard in design and is not of significant or material detriment to the main dwelling house or surrounding properties. Furthermore the proposal would not harm the amenities of the neighbouring properties by reason of loss of privacy or overbearing impact. Subject to conditions, the proposals are acceptable on highways terms. As such the proposal accords with Policies H4 and T12 of the South Gloucestershire Local Plan (Adopted) 2006 and CS1 of South Gloucestershire Local Plan (Adopted) December 2013.
- 6.3 The recommendation to grant permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

- 7.1 That planning permission is granted 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 bricks to be used externally in the development hereby permitted shall match those 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 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.

4. Prior to the conversion of the existing garage a plan illustrating the provision of a minimum of two off-street parking spaces for the dwelling shall be submitted to the Council for written approval. The parking provision shall thereafter be implemented and retained in accordance with the details prior to the conversion of the garage.

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 and the provisions of the South Gloucestershire Residential Parking Standards SPD, Adopted December 2013.