



**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. 35/15

Date to Members: 28/08/15

Member's Deadline: 04/09/15 (4.30pm)

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

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

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

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

NOTES FOR COUNCILLORS - FORMAL ARRANGEMENTS

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

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

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

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

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

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

GUIDANCE FOR 'REFERRING' APPLICATIONS

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

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

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

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

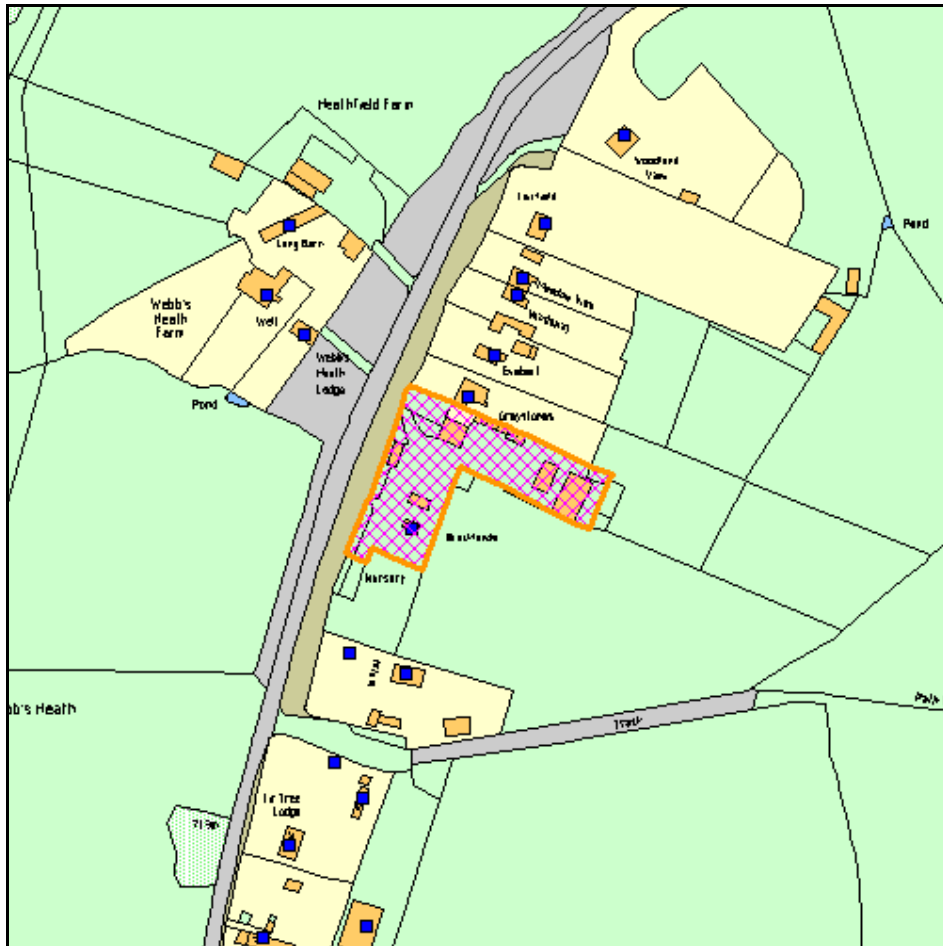
Above are details of the schedules that will be affected by date changes due to August Bank Holiday.

CIRCULATED SCHEDULE - 28 August 2015

ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
1	PK15/1646/CLE	Approve	Greystones Siston Lane Siston Bristol South Gloucestershire BS30 5LX	Siston	Siston Parish Council
2	PK15/2077/F	Approve with Conditions	Trubodys Yard 121 London Road Warmley South Gloucestershire BS30 5NA	Siston	Siston Parish Council
3	PK15/2297/F	Approve with Conditions	2 Cleeves Court Court Farm Road Longwell Green Bristol South Gloucestershire BS30 9AW	Longwell Green	Hanham Abbots Parish Council
4	PK15/2520/F	Approve with Conditions	2A Station Road Kingswood Bristol South Gloucestershire	Rodway	None
5	PK15/2573/CLP	Refusal	Kingsway Park Tower Lane Warmley Bristol South Gloucestershire BS30 8XW	Siston	Siston Parish Council
6	PK15/2764/F	Approve with Conditions	1 Cleeves Court Court Farm Road Longwell Green Bristol South Gloucestershire BS30 9AW	Longwell Green	Hanham Abbots Parish Council
7	PK15/2831/F	Approve with Conditions	11 Woodhall Close Downend Bristol South Gloucestershire	Rodway	None
8	PK15/2855/TRE	Approve with Conditions	The Poplars 20 Shortwood Road Pucklechurch Bristol South Gloucestershire BS16 9PL	Boyd Valley	Pucklechurch Parish Council
9	PT15/0649/LB	Approve with Conditions	The Little House Beckspool Road Frenchay Bristol South Gloucestershire BS16 1ND	Frenchay And Stoke Park	Winterbourne Parish Council
10	PT15/2691/F	Approve with Conditions	Seven Oaks Sweetwater Lane Alveston South Gloucestershire	Severn	Aust Parish Council
11	PT15/3343/F	Approve with Conditions	109 Durban Road Patchway Bristol South Gloucestershire	Patchway	Patchway Town Council

CIRCULATED SCHEDULE NO. 35/15 – 28 AUGUST 2015

App No.:	PK15/1646/CLE	Applicant:	Cumberland Developments
Site:	Greystones Siston Lane Siston Bristol South Gloucestershire BS30 5LX	Date Reg:	21st April 2015
Proposal:	Application for a certificate of lawfulness for the existing use of land in part for the sale of sheds and associated products and in part the sale of garden plants and associated products Class Use sui generis.	Parish:	Siston Parish Council
Map Ref:	368252 174119	Ward:	Siston
Application Category:		Target Date:	11th June 2015



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 100023410, 2008. N.T.S. PK15/1646/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 through the Circulated Schedule procedure.

1. THE PROPOSAL

- 1.1 This application is for a Certificate of Lawfulness for the existing use of land in part for the sale of sheds and associated products and in part the sale of garden plants and associated products at Greystones, Siston Lane, Siston. The use is collectively considered to be sui generis.
- 1.2 The application site relates to an 'L' shaped plot of land situated in between residential properties fronting Siston Lane and extending to the rear. The application site is situated within the Green Belt. At the time of the site visit the site comprised a large agricultural building, a number of smaller brick buildings serving as outbuildings and stables, a mobile home serving as an office for the plant sales, a polytunnel, and an area for the sale of sheds.

2. POLICY CONTEXT

- 2.1 National Guidance
 - I. Town and Country Planning Act 1990
 - II. Town and Country Planning (Development Management Procedure) (England) Order 2015
 - III. National Planning Practice Guidance 2014

3. RELEVANT PLANNING HISTORY

- | | | |
|-----|-------------------------|---|
| 3.1 | PK11/1551/F
Approved | Erection of agricultural building.
27.7.11 |
| 3.2 | PK08/1047/F
Approved | Erection of replacement agricultural building for the purpose of storage.
16.5.08 |
| 3.3 | PK05/0176/F
Approved | Change of use of redundant pig barns to storage (Class B8) as defined in the Town and Country Planning (Use Classes) Order 1995.
11.3.05 |
| 3.4 | K6363/2
Refused | Stationing of mobile home on nursery/smallholding
8.7.91 |
| 3.5 | K6363
Refused | Stationing of mobile home on nursery/smallholding
2.10.89 |

4. CONSULTATION RESPONSES

4.1 Siston Parish Council
No comment

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

Landscape Officer
No objection

Other Representations

4.3 Local Residents
No comments received.

5. SUMMARY OF EVIDENCE IN SUPPORT OF THE APPLICATION

5.1 In support of the application, the following information has been submitted:

- A statutory declaration by Mrs PM Baber
- A statutory declaration by Mr N T M Statton
- Aerial photography dated 2011 and identifying each of the buildings on site
- Aerial photographs dated 1999

6. SUMMARY OF CONTRARY EVIDENCE

6.1 None

7. ANALYSIS OF PROPOSAL

7.1 The proposal
The applicant seeks to prove that the land edged in red in drawing number 00771 has been used continuously for the sale of sheds and related products and as a nursery for the sale of plants and associated products (sui generis) for a period of more than 10 years.

7.2 The application for a Certificate of Lawfulness is not a planning application and is purely an evidential test. The test of evidence to be applied is whether or not the case has been shown on the balance of probability. As such, the applicant needs to provide precise and unambiguous evidence. For a certificate to be issued, the land as labelled within the red edged application site-plan, must have been continuously used for the sale of sheds and for a nursery for 10 years consecutively, prior to the receipt of the application on the 16th April 2015. The relevant period for consideration is therefore between 16th April 2005 and 16th April 2015.

7.3 The guidance contained within the National Planning Practice Guidance 2014 states that if a local planning authority has no evidence itself, nor any from

others, to contradict or otherwise make the applicant's version of events less than probable, there is no good reason to refuse the application. This is however with the provision that the applicant's evidence alone is sufficiently precise and unambiguous to justify the grant of a certificate on the balance of probability. The planning merits of the use are not relevant to the consideration of the purely legal issues, which are involved in determining an application. Any contradictory evidence, which makes the applicant's version of events less than probable, should be taken into account.

7.4 Hierarchy of Evidence

The evidence submitted comprises two statutory declarations. Inspectors and the Secretary of State usually value and give weight to evidence in the following order of worth:-

1. Personal appearance, under oath or affirmation, by an independent witness whose evidence can be tested in cross-examination and re-examination, especially if able to link historic events to some personal event that he/she would be likely to recall.
2. Other personal appearance under oath or affirmation.
3. Verifiable photographic evidence.
4. Contemporary documentary evidence, especially if prepared for some other purpose.
5. Sworn written statements (witness statements or affidavits), which are clear as to the precise nature and extent of the use or activity at a particular time.
6. Unsworn letters as 5 above.
7. Written statements, whether sworn or not, which are not clear as to the precise nature, extent and timing of the use/activity in question.

7.5 Examination of Evidence

Supportive evidence

The evidence provided is accepted as true unless contradictory evidence indicates otherwise.

1. Photographic evidence

Clearly this application for a certificate of lawfulness must show a history of the use of the site for a period of 10 years and photographs submitted show a sequence of its use from 1999, 2005, 2007 through to 2013. These have been corroborated by photographs from the Council's archive system taken in 1999 and 2005. Officers therefore agree that the submitted photographs demonstrate evidence of the two uses. They clearly show the position of the display sheds and the polytunnels and raised beds for the sale of plants/flowers and associated products. The large shed where the flat packed sheds were stored is also visible as is the general parking area for customers. The mobile caravan is also evident in one corner. It is acknowledged that the businesses were complementary and in some parts there is no clear distinction between the plant sale area and the shed display/sales area. The applicant has

provided photographic evidence showing the site as it was in 2011 with labels identifying the individual buildings and areas.

The submitted revised plan Topographic Survey (with labels) 00771/003c has been received with the application to identify the individual components of the site and the areas coloured pink to identify those areas associated with the sale of sheds and coloured green to identify those areas associated with the nursery/sale of plants. It is therefore useful for the sake of clarity to consider each labelled area in turn. Area (1) – derelict buildings are outside the application site and not for consideration; area (2) is the large building used for the storage of and assembly of sheds; the outbuildings (3) were also associated with the sale of the sheds; areas (4 and 5) are the house, Greystones, and its garage which again not part of this application; area (7) is the mobile home/caravan which was the office associated with the plant sales; area (8) was a shed which was used as an office for the sale of sheds and this shed has now been removed; area (9) was used for the display of sheds along this boundary and area (10) is the location of raised flower beds. The polytunnel which is on site close to the raised flower beds has not been identified on the plan but its presence serves to confirm the sue of the site as a nursery. The parking area for the shared site has also been identified.

2. Statutory declaration of Mrs P M Baber dated 13th February 2015 states that she jointly owns two pieces of land known as Greystones (Property A land title ref GR223811) and Brecklands (Property B land title ref GR 223836). Property A and Property B were purchased by her late husband and his brother jointly in 1955. They resided at the properties and used them as a small agricultural holding.

The property is divided into two parcels of land, one contains the house and commercial buildings (Property A) and the other the acre of garden centre (Property B). In 1961 Mr Robert Baber, passed his share in the properties to his brother Victor. In 1989 Victor gifted approximately an acre reference Property B to Mr and Mrs R Baber to set up a small retail business selling plants. It was called Brecklands Nursery to distinguish it from the house, Greystones. Trading commenced on 13th April 1990. Two policy tunnels and a 20' by 10' shed were erected. Some plants were grown on site but the majority of what was sold was purchased from local nurseries and growers and as demand grew everything was bought in from suppliers. In addition the business made up hanging baskets, filled pots and containers, plants, wreaths and fruit and vegetables. Mrs Baber confirms that since 1990 the site has continuously been used for the growing on and selling of plant stock.

In November 1992 they erected a mobile home on the garden centre land where it was used as a rest area for Mr Baber who sometimes stayed there overnight. Since 1999 when Mr Baber died it has been used as an office and store. The business kept going with the help of other family members and in March 2002 they agreed to rent out some space to Mr Mark Statton of ShedsScene to display his log cabins, garden sheds, green houses, poultry houses, kennels, summerhouses and cold frames. This arrangement began on 15th March 2002 and has continued to date.

3. Statutory declaration of Mr M Statton dated 20th March 2015 states that he is a director of First 4 All Ltd which trades as Shed Scene from Brecklands Nursery and that he first commenced business at the site in March 2002 and has remained there since that time. The company manufactures and sells to the public a range full range of timber products for the garden and home. At Brecklands the buildings are rented from Mrs M and Mrs A Baber. Brochures showing the range of products dated 2005 and one dated 2014 have been submitted as evidence which clearly display the site address on the literature. The products are stored and distributed from the site and the commercial vehicles associated with the business are also parked on site. The company also takes deliveries of raw timber and the bases of every shed are manufactured on site along with any requested customer modifications. Five staff are employed on the premises and the buildings on site are used to store materials.

Contrary Evidence

There is no written contrary evidence.

8. CONCLUSION

8.1 It is considered that on the balance of probability the applicant has provided sufficient clear and unambiguous evidence to demonstrate that the land has been use in part for the sale of sheds and associated products and in part the sale of garden plants and associated products (Class use sui generis) for a consistent period of at least ten years immediately prior to the submission of the application. The use of the land is therefore considered to be lawful.

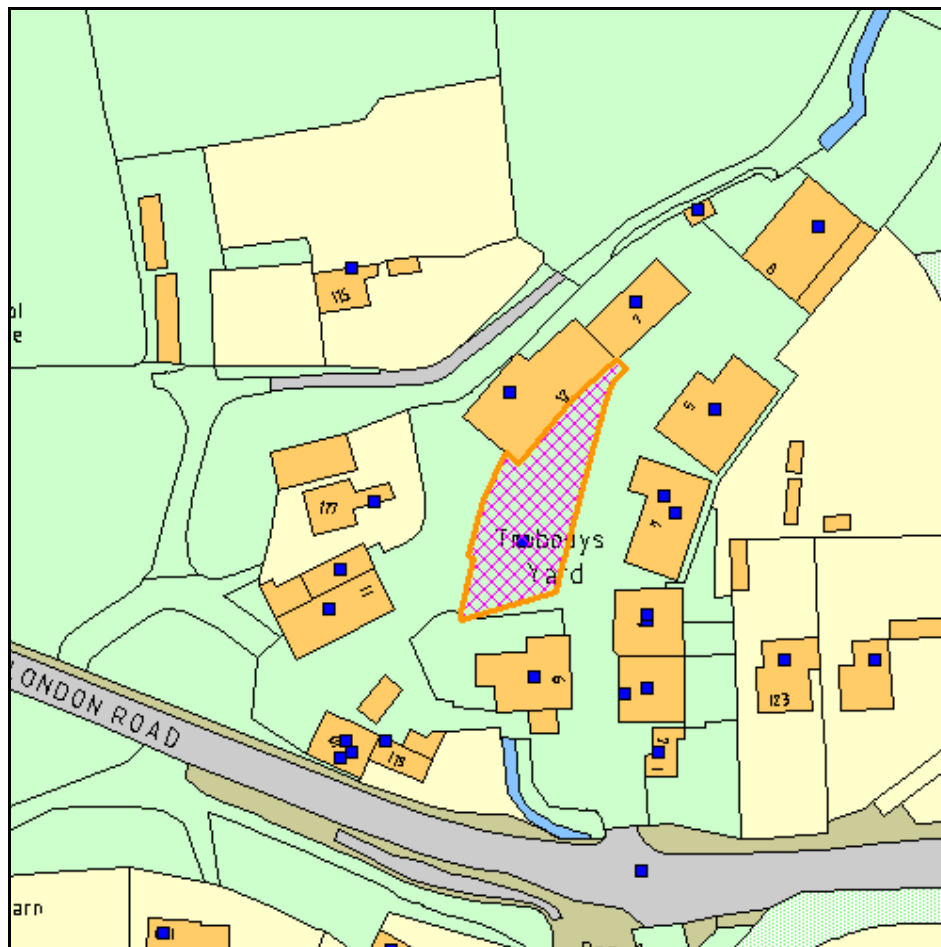
9. RECOMMENDATION

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

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

CIRCULATED SCHEDULE NO. 35/15 – 28 AUGUST 2015

App No.:	PK15/2077/F	Applicant:	Mr Brian Paull Lionel Saunders & Co (Bristol) Ltd
Site:	Trubodys Yard 121 London Road Warmley South Gloucestershire BS30 5NA	Date Reg:	19th May 2015
Proposal:	Erection of building to form 2no. workshop units (Class B1c) with associated works. (Resubmission of PK14/4862/F)	Parish:	Siston Parish Council
Map Ref:	368291 173222	Ward:	Siston
Application Category:	Minor	Target Date:	8th July 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 objections from a neighbouring occupier.

1. THE PROPOSAL

- 1.1 This application seeks full planning permission for the erection of a building to form 2 no. workshop units (Class B1c) at Trubodys Yard, London Road, Warmley, which is an existing industrial park.
- 1.2 The site is currently fenced off and used as an outdoor storage. The proposed building would be 12.4 metres in length and 11.5 metres in width with a height of 7.5 metres to ridge. The walls would be finished in powder-coated metal sheets with brickwork with a metal cladded roof. No change is proposed to the existing vehicular access. The applicant withdrew the previous application in order to address objections raised by the Environment Agency. There is no difference between the previous and the current proposal in terms of the site layout, size and height of the proposed new building.
- 1.3 The site is located outside the settlement boundaries and is located within the Bristol/Bath Green Belt. The site is also situated within Flood Zone 3, and a site specific flood risk assessment has also been submitted with the application. During the course of the application, a map showing a revised route of the culverted North Common watercourse to address the previous concerns raised by the Environment Agency.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework March 2012 'NPPF'
National Planning Practice Guidance
Technical Guidance to 'NPPF'

2.2 Development Plans

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

L1 Landscape Protection and Environment
T7 Parking Standards
T12 Transportation Policy for New Development
E6 Employment Development in the Countryside

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design
CS4A Presumption in favour of Sustainable Development
CS5 Location of Development (incl Green Belt)
CS8 Improving Accessibility
CS9 Managing the environment and heritage
CS13 Non-safeguarded economic development area
CS34 Rural Areas

2.3 Supplementary Planning Guidance

South Gloucestershire Landscape Character Assessment (adopted Nov 2014)
Area 12 Westerleigh Vale and Oldland Ridge
Development in Green Belt

3. RELEVANT PLANNING HISTORY

- 3.1 PK14/4862/F Erection of building to form 2 no. workshop units with associated works. Withdrawn 23.03.15
- 3.2 PK02/3772/REP Erection of B1 workshop unit (Renewal of planning permission P97/4123) Approved 23.01.2003
- 3.3 P97/4123 Erection of B1 workshop unit, retention of alterations to existing Unit 5, retention of covered parking structure, retention of revised parking, revised landscaping layout adjacent to Unit 1. (Renewal of planning permission K6138/1 dated 1/4/92)
- 3.4 K6138/1 Erection of B1 workshop unit, retention of alterations to existing Unit 5, retention of covered parking structure, retention of revised parking, revised landscaping layout adjacent to Unit 1. Refused 29.04.91
- 3.5 K6138 Change of use from builders merchant & cement mortar works to light industrial use & general ind. Use (revised plans) (Previous ID: K6138) Approved 03.08.89

4. CONSULTATION RESPONSES

4.1 Siston Parish Council
No adverse comment.

4.2 Other Consultees

Environment Agency: No objection subject to conditions

Highway Structures: No comments

Ecologist: No objection

Landscape Officer: No objection, suggested to consider tree planting on the frontage to mitigate the development and enhance its setting in the public realm

Drainage: The applicant confirmed the surface water drainage method, therefore there is no drainage objection as there is no significant change to the existing surface water drainage.

Other Representations

4.3 Local Residents

A letter of objection was received and the neighbouring occupier of Unit 6 raise the following highway concerns:

- No objection to the building of one unit including parking for all vehicles within the fenced area as this would greatly enhance the appearance of the Trubodys Yard.
- Object to building of 2 units due to the over populated estate and the additional vehicles
- There are existing major disruptions to vehicle movements, causing a bottle neck effect
- Refuse cannot be collected due to the restricted access, potentially could be an environmental health / fire risk if left.
- Health and safety issues if fork trucks travelling through a populated estate
- Potential traffic accident - large delivery vehicles off loading at the entrance can be dangerous to other road users that want to turn into the estate due to waiting vehicles on the road to enter Turbody's Yard
- There should be a lorry turning area in the proposal; This lorry turning area has numerous vehicles parked in it and three large storage containers, where would all these vehicles park if the proposal was allowed.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The site is located within an established employment area, therefore there is no in-principle objection to the proposed light industrial units (Class B1c). Therefore the proposal is considered acceptable subject to the following assessment.

The National Planning Policy Framework was published in March 2012. The document replaces most PPG/PPS guidance providing a more simplified and up to date advice in determination of planning applications. The NPPF indicates that where the development plan is absent, silent or relevant policies are out of date, granting permission unless:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
- specific policies in this Framework indicate development should be restricted.

It is considered that the relevant policies of the adopted Development Plan and Core Strategy do not materially depart from the NPPF. As such significant weight can be afforded to the Development Plan policies in this case.

The saved Policy E6 of the adopted Local Plan states proposals for new employment outside the existing urban areas and the boundaries of settlement will not be permitted with the exception of the extension or intensification of existing employment generating uses. Given that the principle of erection of an industrial workshop has been established by the previous planning approvals and the site is situated within an established site, and the proposal would make a positive economic contribution in the existing employment site, in this stance, it is considered that the proposal would comply with the employment Policy E6 provided that it would not have unacceptable impact on the environment, residential amenity or in terms of traffic generation.

Policy CS8 of the adopted Core Strategy and the saved Policy T12 of the South Gloucestershire Local Plan seek to control development, which may affect highway safety.

In addition, the site including the majority of the industrial park is within Flood Zone 3, therefore paragraph 99 to 104 of the National Planning Policy Framework and Technical Guidance to NPPF would be particularly relevant to the determination of this application.

5.2 Impact upon Bristol / Bath Green Belt

Paragraph 89 of the National Planning Policy Framework states certain forms of development 'the Exceptions' would not be inappropriate development within the Green Belt. One of these exceptions include the limited infilling or the partial or complete redevelopment of previously developed sites (brownfield sites), which would not have a greater impact on the openness of the Green Belt and the purposes of including land within it than the existing development. Given that the proposed building would be situated within an existing industrial / commercial park, the principle of erection of a workshop has been established by the previous planning permission (although the permission has been lapsed, the green belt policy was part of the material consideration of the previous applications), as such, it is considered that the proposal would not be inappropriate development within the Green Belt.

In order to assess the impact on the openness of the Green Belt, officers take into consideration the scale of the proposed building.

The floor area of the previous approved scheme is approximately 71.8 square metres, and the floor area of the proposed building is approximately 113 square metres, as such the proposal would result in increased floor area by approximately 56% while the height of the both scheme are similar. Although the proposed schemes would be larger than the approved scheme in scale, it is considered that the proposal would not cause significant material harm to the openness of the Green Belt given that the new building would be situated within an existing employment site, and the surrounding buildings are similar or larger than the proposed building.

Given that the siting and the scale of the proposed new building and the scale of the surrounding properties, it is considered that the proposal would not have any significant impact on the visual amenity or openness of the Green Belt.

As such, it is considered that the proposal would accord with National Planning Policy Framework March 2012.

5.3 Water Environment

The site is located in Flood Zone 3 which is an area with a high probability of flooding. In order to address the Environment Agency's concerns, the applicant submitted a site specific flood risk assessment and additional information regarding the revised route of the culverted North Common watercourses to support the proposal.

Paragraph 100 of National Planning Policy Framework states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere. Technical Guidance to the National Planning Policy Framework provides additional guidance to local planning authorities to ensure the effective implementation of the planning policy set out in the NPPF on development in areas at risk of flooding.

Paragraph 103 of NPPF states that when determining planning applications, local planning authorities should ensure flood risk is not increase elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment following the Sequential Test. The aim of the Sequential Test is to steer new development to areas with the lowest probability of flooding. The Flood Zones Table 1 of the Technical Guidance is the starting point for this sequential approach.

The nearly entire industrial complex is located within Flood Zone 3, it would be impossible to steer the development from the Flood Zone. Nevertheless, Paragraph 104 of National Planning Policy Framework states that applications for minor development would not be subject to the Sequential or Exception Test but should still meet the requirements for site-specific flood risk assessments. Therefore the proposal would not need to pass the Sequential Test as it is a minor built development.

According to Table 1 of the Technical Guidance of the Technical Guidance, a number of uses, including more vulnerable uses, as set out in Table 2 of the Technical Guidance are appropriate in this zone. As the proposal is to erect an industrial building, the development would fall within the category as 'Less vulnerable' as such the proposal would be considered to be an appropriate development in accordance with Table 3 - Flood Risk vulnerability and flood zone 'compatibility' and therefore Exception Test' would not be required for the proposal.

Furthermore, it should be noted that planning permission K6138/1 was granted for the erection of a workshop on this particular location. Given that the nature of the proposed development and the existing industrial use of the site, it is considered that the proposal would not result in a higher level risk of flooding to people and property.

To address the flooding issues, the applicant also submitted a site-specific

flood risk assessment with the application. The Environment Agency have considered the submitted assessment and raised no objection, in principle, to the proposed development subject to planning conditions seeking a submission of a CCTV survey and an implementation of mitigation measures indicated by the submitted Flood Risk Assessment.

In this instance, it is considered that the proposal does meet the guidance of National Planning Policy Framework and the Technical Guidance to the National Planning Policy Framework.

5.4 Residential Amenity

The proposed building would be located within an existing industrial park and there is an existing retaining wall approximately 3 metres in height running along the western boundary of the site. There is no residential property sharing the boundary of the application site. The nearest residential property, which is situated on a higher ground level, is approximately 11 metres away to the proposed building. Given there would be a reasonable distance between the new building and the nearby residential properties, it is not considered that residential amenity would be significantly affected by this proposal.

5.5 Transportation

A neighbouring occupier has raised concerns regarding the highway issues of the proposal. The Council Highway Officer acknowledges that the visibility at the site entrance with the main road outside (the A420 London Road) is restricted due to the location of the access on a bend and the land ownership issue. It is also noted that the proposal will not make any changes to the existing access. In order to determine whether the constrained visibility represents a material safety issue, the officers refer to the accident records of the area. According to the last five years accident records, there has been no injury accidents occurred at the site entrance.

Whilst the proposal would generate some additional traffic, it is considered that the resulting development traffic would be relatively small given that the proposed building is modest small in scale. It is also noted that the estate has a well establish business use with a number commercial units /operators sharing the same access. Additionally, the existing access is sufficiently wide enough to accommodate two-way traffic movement.

On the issue of parking, it is noted that the proposal provides a total of 5 no. car parking spaces within the site as such it would meet the Council's Parking Standards. Furthermore, there is sufficient turning space within the site to ensure that vehicle can enter and leave the site access in forward gear. Concern is raised regarding the parking in the turning space thereby causing obstruction. It is considered that it would be reasonable to impose a condition to mark out the turning area on site.

Officers also noted that permission for a similar size building was granted by the Council in 1997 and then repeated in 2002 but these were not implemented and now the permission has now lapsed.

In this instance, it is considered that there are no substantiate reasons to refuse this application on highway's ground. Officers consider that there are no highway objections to the proposal subject to condition seeking a provision and maintenance of parking and manoeuvring space as shown on the submitted plan.

5.6 Ecology

The application site comprises part of a small industrial estate off London Road in the village of Warmley. The site is not covered by any statutory or non-statutory nature conservation designations, therefore there are no ecological constraints to granting planning permission. The applicant is however advised of the precautionary measures if breeding birds are present.

5.7 Landscaping

This is a small business park just off the A420 and the proposed workshop units are set back within the estate, as such they would not be significantly visible from the wider public realm. The whole site is set close to a common land with a semi-rural setting. There is a scope for landscape enhancement of the frontage on the main road. It is suggested that the applicant consider tree planting to mitigate for the development and enhance its setting in the public realm. Given the use of the building and the restricted site boundary, it would be unreasonable to impose a condition seeking a landscaping scheme.

6. CONCLUSION

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

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

7. RECOMMENDATION

7.1 That planning permission be granted with the following conditions:

Contact Officer: Olivia Tresise
Tel. No. 01454 863761

CONDITIONS

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

Reason

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

2. Notwithstanding the submitted details, prior to the commencement of development, details and samples of the roofing and external facing materials proposed to be used shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reasons

- a. This is a pre-commencement condition in order to avoid any unnecessary remedial works in the future.
 - b. 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. The development hereby permitted shall not be commenced until such time as a scheme for:
 1. A pre-development and post-development CCTV survey of the culvert to demonstrate there is no adverse impact on the integrity of the structure. (Any defects identified must be made good at the developer's expense);, and the survey report shall be submitted to and approved in writing by the Local Planning Authority.
 2. Full details of the proposed foundations, excavation works and supporting structural calculations for the development shall be submitted and approved in writing by the Local Planning Authority. These details must demonstrate that there will be no load transfer from the proposed development to the culvert.

The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reasons:

- a. This is a pre-commencement condition in order to avoid any unnecessary remedial works in the future.
 - b. To ensure the structural integrity of the existing culvert in the interests of flood prevention and to accord with the National Planning Policy Framework March 2012 'NPPF', Technical Guidance to NPPF, and Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013).
4. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) and the following mitigation measures detailed within the FRA:
 1. Demonstration within that the protection and maintenance of existing flood defences will be provided.
 2. Finished floor levels are set no lower than 150mm above the existing ground level.

Reasons:

1. To ensure the structural integrity of existing and proposed flood defences thereby reducing the risk of flooding, and to reduce the risk of flooding to the proposed development and future occupants, and to accord with the National Planning Policy

Framework 2012 'NPPF', Technical Guidance to NPPF, and Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013).

5. The off-street parking facilities for all vehicles and the turning area shown on the plan hereby approved shall be provided before the building is first occupied, and thereafter retained for that purpose. The approved turning area on site shall also be clearly marked out 'Keep Clear'.

Reason

To ensure the satisfactory provision of parking facilities and in the interest of highway safety and the amenity of the area, and to accord with Policy CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013) and the saved Policy T8 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

CIRCULATED SCHEDULE NO. 35/15 – 28 AUGUST 2015

App No.:	PK15/2297/F	Applicant:	Mr Rob Jukes
Site:	2 Cleeves Court Court Farm Road Longwell Green Bristol South Gloucestershire BS30 9AW	Date Reg:	10th June 2015
Proposal:	Erection of 1 no detached dwelling and associated works	Parish:	Hanham Abbots Parish Council
Map Ref:	365628 170516	Ward:	Longwell Green
Application Category:	Minor	Target Date:	31st July 2015



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 100023410, 2008. N.T.S. PK15/2297/F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application has been submitted to the Council's Circulated Schedule procedure following objections from the Parish Council and local residents which are contrary to the officer recommendation within this report.

1. THE PROPOSAL

- 1.1 This application seeks planning permission for 1 no. detached dwelling and associated works on land forming the access track to no. 1 and no. 2 Cleeves Court, Court Farm Road, Longwell Green, which are located between no. 47 and no. 51 Court Farm Road.
- 1.2 The application site is situated within an established residential area within the defined urban area and settlement boundary in the East Bristol Fringe. The far southern boundary of no. 1 and 2 Cleeve Court demarcates the settlement boundary with green belt land beyond.
- 1.3 The site contains two trees which are covered by a tree preservation order. One of the trees, the sycamore tree, is close to the proposed dwelling. The site is not covered by any statutory designations.
- 1.4 During the course of the application, revised plans have been submitted showing alterations to the parking arrangements, the removal of the garage and the addition of auto-track vehicle information. Two windows have also been removed from the eastern elevation of the proposed dwelling. A period of re-consultation was undertaken for 10 days.

2. POLICY CONTEXT

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

- 2.2 Development Plans

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

- H4 Development within Existing Residential Curtilages
- T7 Cycle Parking
- T12 Transportation
- EP2 Flood Risk

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 Environment and Heritage
- CS15 Distribution of Housing
- CS16 Housing Density
- CS17 Housing Diversity

CS29 Communities of the East Fringe of Bristol Urban Area

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 PK15/2764/F Pending Consideration
Erection of two storey rear and single storey side and rear extension to form additional living accommodation (Re submission of PK14/4693/F)
This application relates to 1 Cleeves Court
- 3.2 PK14/4693/F Withdrawn 21/01/2015
Erection of two storey and single storey rear extension to provide additional living accommodation
- 3.3 PK14/0718/F Approve with conditions 10/10/2014
Erection of attached garage
- 3.4 PK14/0427/F Approve with conditions 07/05/2014
Alterations to access road
- 3.5 PK08/2155/RVC Approve with conditions 12/09/2008
Variation of Condition 14 attached to planning permission PK05/0010/F to allow the temporary surfacing of the southern 40 metres of the access drive in loose material rather than tarmac.
- 3.6 PK07/3528/O Refusal 09/01/2009
Erection of 5 no. detached dwellings (Outline). All matters to be reserved. (Resubmission of PK07/2857/O).

Refusal reasons:
 - 1- *The absence of a Section 106 Agreement or Unilateral Undertaking and resultant failure to secure contributions towards Education Requirements resulting from the development is contrary to Policy LC2 of the South Gloucestershire Local Plan (adopted).*
 - 2- *The absence of a Section 106 Agreement or Unilateral Undertaking and resultant failure to secure contributions towards Public Transport Infrastructure Improvements made necessary by the development is contrary to Policy T12 of the South Gloucestershire Local Plan (adopted).*
- 3.7 PK07/2857/O Withdrawn 18/10/2007
Erection of 6no. detached dwellings (Outline). All matters to be reserved.
- 3.8 PK06/2838/F Refusal – Appeal Dismissed 22/01/2007
Erection of detached bungalow. (Resubmission of PK06/0575/F).

Refusal reasons:

- 1- *The siting of the proposed dwelling within a narrow strip of land to the side of a driveway is neither informed by, respects or enhances the character, distinctiveness or amenity of the site or locality, which is contrary to Policy D1 (A) of the South Gloucestershire Local Plan (Adopted) Jan 6th 2006.*
- 2- *Having regard to the increased disturbance levels to be associated with the proposed dwelling sited close to the neighbouring boundary, together with the proximity of the re-aligned driveway to the existing and proposed dwellings, the proposal would have an adverse impact on the residential amenities for neighbouring and future occupiers alike, which would be contrary to Policies H2 (A) and (C) and H4 (B) of the South Gloucestershire Local Plan (Adopted) Jan 6th 2006.*

Refusal reason 1 was not upheld at appeal, and refusal reason 2 only partially upheld. .

3.9 PK06/0575/F Refusal 23/05/2006
Erection of detached bungalow.

Refusal reasons:

- 1- *The siting of the proposed dwelling within a narrow strip of land to the side of a driveway is neither informed by, respects or enhances the character, distinctiveness or amenity of the site or locality, which is contrary to Policy D1 (A) of the South Gloucestershire Local Plan (Adopted) Jan 6th 2006.*
- 2- *Having regard to the increased disturbance levels to be associated with the proposed dwelling sited close to the neighbouring boundary, together with the proximity of the re-aligned driveway to the existing and proposed dwellings, the proposal would have an adverse impact on the residential amenities for neighbouring and future occupiers alike, which would be contrary to Policies H2 (A) and (C) and H4 (B) of the South Gloucestershire Local Plan (Adopted) Jan 6th 2006.*

3.10 PK05/2453/F Refusal 22/09/2005
Erection of 1 no. detached garage

Refusal reason:

- 1- *The proposed development would be detrimental to the long term health of an adjacent Ash Tree which would have a detrimental impact on the future visual amenity of the locality contrary to Policy KLP67 of the adopted Kingswood Local Plan and Policy D1 (B) and L1 of the South Gloucestershire Local Plan Revised Deposit Draft (incorporating proposed modifications) March 2005.*

3.11 PK05/0010/F Approve with conditions 21/02/2005
Erection of 2no. detached dwellings and 1no. detached garage with associated access and works. Resubmission of PK04/2762/F.

4. CONSULTATION RESPONSES

- 4.1 Hanham Abbots Parish Council
Objection due to concerns over
 - Flooding

- Highway safety on narrow access road
- Concerns about damage to TPO trees
- Original planning permission for 1 and 2 Cleeves Court contained a landscaping condition for the area to be built on. This planning condition should be adhered to
- Height of proposed dwelling is unclear
- Site Inspection recommended

4.2 Other Consultees

Lead Local Flood Authority

No objection.

Highway Structures

No comment.

Wessex Water

Ground conditions must be suitable for soakaway systems, otherwise a positive outfall will be required.

Sustainable Transport

No objection to revisions subject to conditions.

Tree Officer

No objection subject to conditions.

Other Representations

4.3 Local Residents

Eleven letters of objection have been received from six local residents stating the following:

Design

- Shoehorned into a narrow strip of land and is totally out of character with size of plots in area
- House is larger than previously refused bungalow
- Hip roof would be less obtrusive
- House too large for size of plot

Residential Amenity

- Upper windows on principal elevation would look directly into bedroom windows of 45, 47, and 51
- Large east facing ground floor windows will look over fence (due to topography of land) into garden of 47 and 45
- Will cause noise disturbance, especially from turning point adjacent to no. 51
- Impact upon outlook from 1 Cleeves Court
- Proximity of living and dining room to access way will be detrimental to living conditions

- The applicant has pointed out the inter visibility between roof space rooms/balconies and neighbouring gardens on properties on Court Farm Road, however this proposal will cause room to room inter visibility

Transport and Highway Safety

- Four parking spaces shown for new dwelling adds a considerable increase in traffic to the lane
- Parking for no. 2 is not understood as they already have parking
- Delivery vehicles cannot turn, nor can cars for no. 2 and the proposed dwelling
- People park on Court Farm Road blocking visibility
- The proposed 1.8 metre fence and the house will block visibility, which was supposed to be kept open under condition 4 of PK14/0427/F which prevented walls fences gates etc
- Road surface not suitable for more vehicles
- Agricultural vehicles have access along here
- Turning space will become visitors parking
- Parking space for no. 2 will fit two cars in, meaning there is no turning head
- Photographs submitted show lorries turning successfully, however these turning heads crossed onto neighbouring land

Drainage

- Applicant states area is not at risk of flooding. In fact there is a history of flooding with the fire brigade having to pump away flood water from the site
- Existing sewerage system is blocked up
- An illegal connection has been made by the applicant to a land drain because soakaways do not work
- Soakaways may overflow into no. 47 as access road is 0.5 metres higher than 47
- Soakaways will not work on clay land

Trees

- Application form says there are no trees on site – there are three. Also just outside the proposed plot is a large sycamore tree with a TPO and the roots must run under the footprint of the proposed dwelling
- Not all trees are shown on plan
- Proposed trees for screening will be young and won't provide privacy for many years
- This area is proposed as landscaping under Pk14/.0427/f

Other issues

- Previous planning application for a single storey house on same plot was refused in 2007 and the appeal upheld (PK06/2838/F)
- Boundary to no 1 Cleeves Court and no. 51 Court Farm Road under dispute
- There are inaccuracies on the plan including parking provision for no. 1 and the access to no. 2. The entrance to no. 2 is shown incorrectly on Section A-A.
- Previous conditions have not been adhered to in the application

Four letters of support have been received stating the following:

- Objections are inconsistent with each other even when written by the same author
- Plot has always been intended for building and is not a garden
- Distance to windows are sufficient
- Flooding was an isolated incident during a freak weather condition
- House is no taller than previously approved dwellings behind 35-47
- Dwelling is on a much larger plot than the previous refused bungalow
- The design, plot size, house positioning and window distances and access way proximity to existing gardens are on par with similar approved developments at 3 Stratton Place (15 Court Farm Rd), 35, 37, 39, 55A, 77 81 Court Farm Rd, 54, 56, 60, 184 Bath Rd and 149 Whittucks Rd. There was also five 8m high two storey houses recommended for approval at 39 47 Court Farm
- Will make a good family home and there is a lack of new housing in the area

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

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

5.2 Design

The dwellings of Court Farm Road and Cleeves Court exhibit a wide variety of style, type and design. Comments regarding the size of the plot in relation to the surrounding plots with large gardens have been received, however it is considered that there is also a mix of plot size in the area. The previously refused application for a bungalow on the same site (PK06/2838/F), but situated 9 metres closer to no. 2 Cleeves Court, was dismissed at appeal however the Inspectors report did make the following observation:

‘Although the large plots on which many of the dwellings are siting give the area a specious and open character, a recent development at nearby Stratton Place has been constructed with a far higher density...’

5.3 Furthermore, whilst back land development is not usually supported by the Local Planning Authority for design and residential amenity reasons, it appears that the principle of back land development at this location has been deemed acceptable. Not only is there Stratton Place and 1 and 2 Cleeves Court, but development to the west shows large back land dwellings with smaller gardens and a planning application for dwellings to the east has recently been approved. This principle of back land development is further supported by the fact that the Inspector for the PK06/2838/F appeal did not agree with refusal reason no. 1 applied by the council, which was:

1. The siting of the proposed dwelling within a narrow strip of land to the side of a driveway is neither informed by, respects or enhances the character, distinctiveness or amenity of the site or locality, which is contrary to Policy D1 (A) of the South Gloucestershire Local Plan (Adopted) Jan 6th 2006.

5.4 The Inspector's report stated that:

'Moreover, the principle of backland development on the southern side of Court Farm Road appears to have been accepted... the proposed development would not have a significant impact on the character of the area'

Whilst this quote relates only to a bungalow, it was situated on a much smaller plot than the two storey dwellinghouse proposed here, and was not deemed to harm the pattern of development. So in terms of relative plot size and the principle of development at this location it is considered to be a highly relevant point, especially as more backland development with smaller plot sizes have been approved in the vicinity since this appeal decision.

5.5 With the principle of a residential dwelling at this location considered acceptable, it is necessary to look at the proposed design in more detail. The design is very different to the surrounding properties, however Cleeves Court and Court Farm Road do not have a uniform character or type of housing. Hipped rooflines appear to be more common, however gable rooflines can be seen in the vicinity too. The gable runs along the access track, and a high quality principal elevation is proposed on the gable end visible from Court Farm Road. This includes a hipped bay window, a brick dwarf wall, render finish and timber cladding above the eaves, which is reminiscent of the use of cladding on some of the plots in nearby Stratton Place.

5.6 Whilst the principal elevation is deemed to be facing north, the elevation facing the access to no 1 and 2 Cleeves Court cannot be left completely blank. A pitched roof canopy is to be installed above the main entrance to the property, which successfully breaks up this elevation. Overall, the design and layout is considered acceptable and a condition on the decision notice will ensure that samples of high quality materials are submitted for approval prior to commencement of development. The development is therefore considered acceptable in terms of policy CS1 of the South Gloucestershire Local Plan (Adopted) January 2006.

5.7 Residential Amenity

Many objections relating to residential amenity have been received as part of this application. Firstly, the amenities of the properties along Court Farm Road will be considered, particularly no. 45, no. 47 and no. 51. It is claimed that the upper windows on the northern elevation of the proposed dwelling will look directly into upper floor windows of no. 45, 47 and 51, with some of these windows serving bedrooms. The nearest upper floor window on no. 47, which is installed on what appears to be a two storey extension close to the boundary of the application site, is 24 metres away from the closest upper floor principal

window on the proposed dwelling. Officers consider that inter visibility between these windows is very unlikely at this distance, and certainly not to a degree that would harm the residential amenity of the occupants. Similarly, the closest window on no. 51, a small balcony installed within a loft conversion, is approximately 30 metres away. No. 45, whilst being a similar distance away, also benefits from being at an angle from the proposed windows so the outlook will not impact upon their privacy. Views into the gardens of no. 47 and 51 will be possible, however these will be indirect views which are common in medium and high density residential areas. Views into no. 53 and 45 will be even more indirect and are not a cause for concern.

- 5.8 Two ground floor windows serving principal rooms were previously proposed on the east elevation facing towards no. 47, which due to the topography of the site may have overlooked the fence directly into their garden. These have since been removed, and the only windows facing east and west serve bathrooms and will be conditioned to be obscure glazed. The proposed dwelling is close to the boundary of no. 51, with the eaves standing at 5 metres in height and then sloping away to a total ridge height of 8.3 metres. Whilst it is acknowledged that this is a significant built form to be close to a boundary fence, the garden to no. 51 is extensive and the proposed development would only have an impact on a small area of the garden, and sun light would only be obstructed in the early mornings. This is not considered to be detrimental to their residential amenity.
- 5.9 The amenities of 1 and 2 Cleeves Court must also be considered. Only indirect views to no. 2 Cleeves Court would be possible from the rear windows of the new dwelling, although they are screened by existing planting at the bottom of the garden to no. 51. The most immediate neighbour would be no. 1 Cleve Court, at a distance of 25 metres window to window. As the rear windows of the proposed dwelling directly look towards the front of no. 1, there is no direct overlooking into private amenity space, and the window to window distance will provide minimal inter visibility, and a fence proposed will reduce views from no. 1 into the proposed garden, which is over 15 metres away. Therefore, the residential amenities of no. 1 and no. 2 Cleeves Court are considered to be protected. It is worth noting that the right to a view is not a material planning consideration, so a new dwelling being visible in the outlook from the front windows of no. 1 Cleeves Court is not a cause for concern.
- 5.10 Local residents have raised concerns with regards to disturbance from the noise created by the new dwelling. In the dismissed appeal from 2006 (PK06/2838/F), the Inspector noted that:

'Bearing in mind that the proposed bungalow would be more than 30 metres from the rear elevation of any dwelling fronting onto Court Farm Road, and not directly behind any such dwelling, I considered that there would be little impact on the living conditions of these dwelling in terms of loss of privacy or increased noise and disturbance as a result of activities taking place at the proposed bungalow. Similarly, because only the front elevations of the two houses to the south would face the proposed bungalow, I consider that the new bungalow would have little impact on the living conditions of the occupiers of the two houses.'

- 5.11 Whilst the development has been scaled up from a two bedroom bungalow to a four bedroom dwelling, it is considered that the distance from the surrounding dwellings is adequate enough that the level of noise created from the new dwelling will have a minimal impact. Noise from construction is, of course, unavoidable, but this is a temporary inconvenience. The position of the access track adjacent to the boundary of no. 47 has already been approved in 2014, and it is considered that the traffic associated with one new residential unit will not cause a significant increase in noise.
- 5.12 The only refusal reason remaining for the previously dismissed appeal in 2006 for a new bungalow at the site (PK06/2838/F) related to the residential amenities of the occupants of the bungalow. These were deemed to be harmed by several factors; a principal window facing towards the directly adjacent fence, two windows facing the access track and the position of the rear windows of the bungalow, only 15 metres from the front windows of no. 1 Cleeves Court. The Inspector stated that this would cause a lack of privacy, a poor outlook and excessive noise and disturbance to the future occupants of the proposed bungalow. Officers consider that all of these issues have been addressed in this submission. This has been achieved by moving the dwelling north in the plot, and by siting all of the principal windows on the north and south elevations with an open outlook. The provision of first floor accommodation is considered to further reduce the disturbance experienced from traffic on the lane, as does principal windows not facing directly onto the lane.
- 5.13 Comments have been received stating that the proposed dwelling is too large for the plot and has been 'shoehorned' in. Whilst this has previously been discussed in section 5.2 discussing design, it is also relevant to residential amenity, as adequate private amenity space must be available for the size of the dwelling. Although the Council currently does not have any minimum amenity space stands, guidance is taken from the not yet adopted Policies, Sites and Places Development Plan Document, which does have space standards under policy PSP39. Houses with four bedrooms or more should have useable private amenity space of at least 70 square metres. The garden proposed for this dwelling is approximately 81 square metres. Permitted development rights can be removed preventing extensions which would reduce the size of the garden. Therefore, it is considered that the residential amenities of future occupants are preserved, as well as the residential amenities of neighbouring occupiers. The proposal is therefore considered to be in accordance with policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006.
- 5.14 Highway Safety and Parking
Firstly, despite objection comments claiming the contrary, there was no highway safety refusal reason for the bungalow refused under application reference PK06/2838/F.
- 5.15 The application site is served off of a private lane which accesses 2 no. dwellings and a field beyond which has an approved use for keeping of horses. The access lane proposed has no footway, and was previously approved in 2014 but is yet to be implemented. During the course of the application,

amendments have been received at the request of officers showing the removal of the detached double garage to increase visibility, an amended parking and turning area for the new house, the provision of visitors parking, and a communal turning facility that can be used by a reasonable sized service vehicle. A condition will ensure that the parking and turning areas are retained as such, and that the turning areas are not used as additional visitors parking. Cobbled verges have been added to aid in manoeuvring and allow two vehicles to pass each other. Two spaces have been proposed for the new dwelling, which meets the standards detailed in the Residential Parking Standards SPD, and one extra space for no. 2 Cleeves Court, and auto-track evidence has been provided to show that the parking spaces can be accessed with ease.

- 5.16 The access onto Court Farm Road has good visibility. The 1.8 metre proposed garden wall will reduce visibility when egressing from 1 and 2 Cleeves Court, however it is not deemed to be severe enough to justify a refusal reason, especially as this part of the access track only serves 2 dwellings. The Transport officer has withdrawn his objection to the development following the receipt of the amended plans.
- 5.17 Concerns regarding the condition of the access track have been raised. A condition will ensure that the previous approved access Pk14/0427/F is implemented prior to the occupation of the new dwelling.
- 5.18 Drainage
The site is situated within Flood Zone 1, which is at very low risk of flooding and suitable for development. Objection letters raised concerns with regards to some localised flooding, and the fact that soakaways do not work on the clay soil. Following these comments, an amended Block Plan was proposed showing soakaways for the new access and the new dwelling. A condition will ensure that the applicant submits percolation test results to indicate that the site is suitable for soakaways, and if it is not an alternative sustainable urban drainage system will need to be agreed with the Lead Local Flood Authority (LLFA). The LLFA have been consulted as part of this application and have no objection to this.
- 5.19 Objections regarding an illegal connection to a land drain have been noted, however this is not situated within the site boundary being considered here and so is not relevant to the determination of this application.
- 5.20 Vegetation
The proposed site plan shows a Sycamore tree to the east of the proposed dwelling, which is subject to a Tree Protection Order (TPO). Regarding the tree, the site plan states that following advice from the tree officer, the existing tree crown is to be reduced. The tree officer has been consulted as part of this application who confirms that no such agreement has been reached. Some minor crown lifting works and specific branch shortening may be acceptable, and notwithstanding the statement on the site plan, a condition will secure these details prior to commencement.

5.21 Many comments have been received stating that as the area has been shown as designated for 'landscaping' under several previous planning approvals, the principle of this application is unacceptable. This is not correct, as one planning permission can be used to alter the details of a previous one in some circumstances. Whilst a landscaping condition was attached to application PK14/0427/F for a new access, as the planning permission has not yet been implemented there is no reason to take enforcement action, as there has been no breach of this planning permission because the access is not in situ. In the event that this application is approved, an alternative landscaping scheme will be conditioned on the decision notice.

5.22 Other Matters

The owners of the no. 1 Cleeves Court and 51 Court Farm Road have objected due to boundary disputes, claiming that this approval and the approval of the previous access (Pk14/0427/F) is unlawful as it encroaches onto land not under the ownership of no. 2. The previous planning application for the access is considered lawful in planning terms as matters relating to land ownership are a civil matter and as such do not hold any weight in the determination of the previous application or this application. The decision notice will have two informatives stating that the applicant needs the consent of the owner before building on land which is not under their ownership.

5.23 Furthermore, approved access PK14/0427/F has already been approved and this access is not to be altered as part of this application, and one of the boundaries under dispute (no. 1 Cleeves Court) does not even fall within the site boundary indicated by the red line. So it does not form part of my assessment.

5.24 Condition 6 as attached to the application PK14/0427/F states that " no walls, fences, gates or other means of enclosure shall be erected, positioned or placed on the open land to the west of the access road thereby approved."- with reason given so as to preserve the open views, in the interests of highway safety, and to accord with the saved policy T12 of the South Gloucestershire Local Plan (adopted January 2006.) Several objection letters have mentioned that the approval of this planning application would be in breach of this condition. This is not the case; the condition restricts the permitted development rights of the owner of the land, and does not prevent a future planning application for walls, fences, gates or other means of enclosure being submitted. It simply means that further assessment is required on the grounds of openness and highway safety through the planning application process.

6. CONCLUSION

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

6.2 The recommendation to **grant** permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Local Plan Core Strategy

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

7. RECOMMENDATION

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

Contact Officer: 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, drainage proposals incorporating Sustainable Drainage Systems (SUDS) and confirmation of hydrological conditions e.g. percolation test results within the development site shall be submitted for approval in writing to the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason

To ensure that a satisfactory means of drainage is provided, and to accord with policies EP2 of the South Gloucestershire Local Plan (Adopted) January 2006 and policy CS9 of the Core Strategy (Adopted) December 2013. This is required prior to commencement due to the physical nature of flood water.

3. Notwithstanding the submitted Proposed Site Plan and prior to the commencement of development, proposed works to reduce the western laterals of the Sycamore tree to the east of the proposed dwelling by approximately 2-3 metres shall be agreed with the Council's Tree Officer. The works shall then be carried out in accordance with the agreed details.

Reason

To protect the health of the tree and the visual amenity of the area, in accordance with policies CS1 and CS9 of the South Gloucestershire Core Strategy (Adopted) December 2013. This is required prior to commencement to prevent irreversible damage to the tree.

4. Prior to the commencement of development a scheme of landscaping, which shall include details of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection during the course of the development; proposed planting (and times of planting); boundary treatments and

areas of hardsurfacing shall be submitted to the Local Planning Authority for approval. Development shall be carried out in accordance with the agreed details.

Reason

In order to protect the visual amenity of the area and to accord with policy CS1 and CS9 of the Core Strategy (Adopted) December 2013. This is required prior to commencement to prevent important trees and hedgerows being removed from the site.

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

Reason

To ensure that high quality materials are used to ensure good design, and to accord with policy CS1 of the Core Strategy (Adopted) December 2013. This is required prior to commencement as the materials are fundamental to the construction process.

6. Prior to the first occupation of the dwelling hereby approved, two off-street parking spaces and one visitors space for the new dwelling must be implemented in accordance with the approved plan (15.010-002B) and subsequently maintained for this purpose thereafter.

Reason

To ensure adequate parking is provided to accord with policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006 and the Residential parking Standards SPD (Adopted) December 2013.

7. Prior to the first occupation of the dwelling hereby approved, the facilities for turning and manoeuvring must be implemented in accordance with the approved plan (15.010-002B). Thereafter, this area shall be kept free of any obstruction and available for these uses.

Reason

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

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

Reason

In order to protect the residential amenities of the application site and the surrounding neighbouring occupiers, in accordance with policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

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

Reason

To prevent overlooking into neighbouring properties and in accordance with policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

10. No windows other than those shown on the plans hereby approved shall be inserted at any time in the east or west elevations of the property.

Reason

To prevent overlooking into neighbouring properties and in accordance with policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

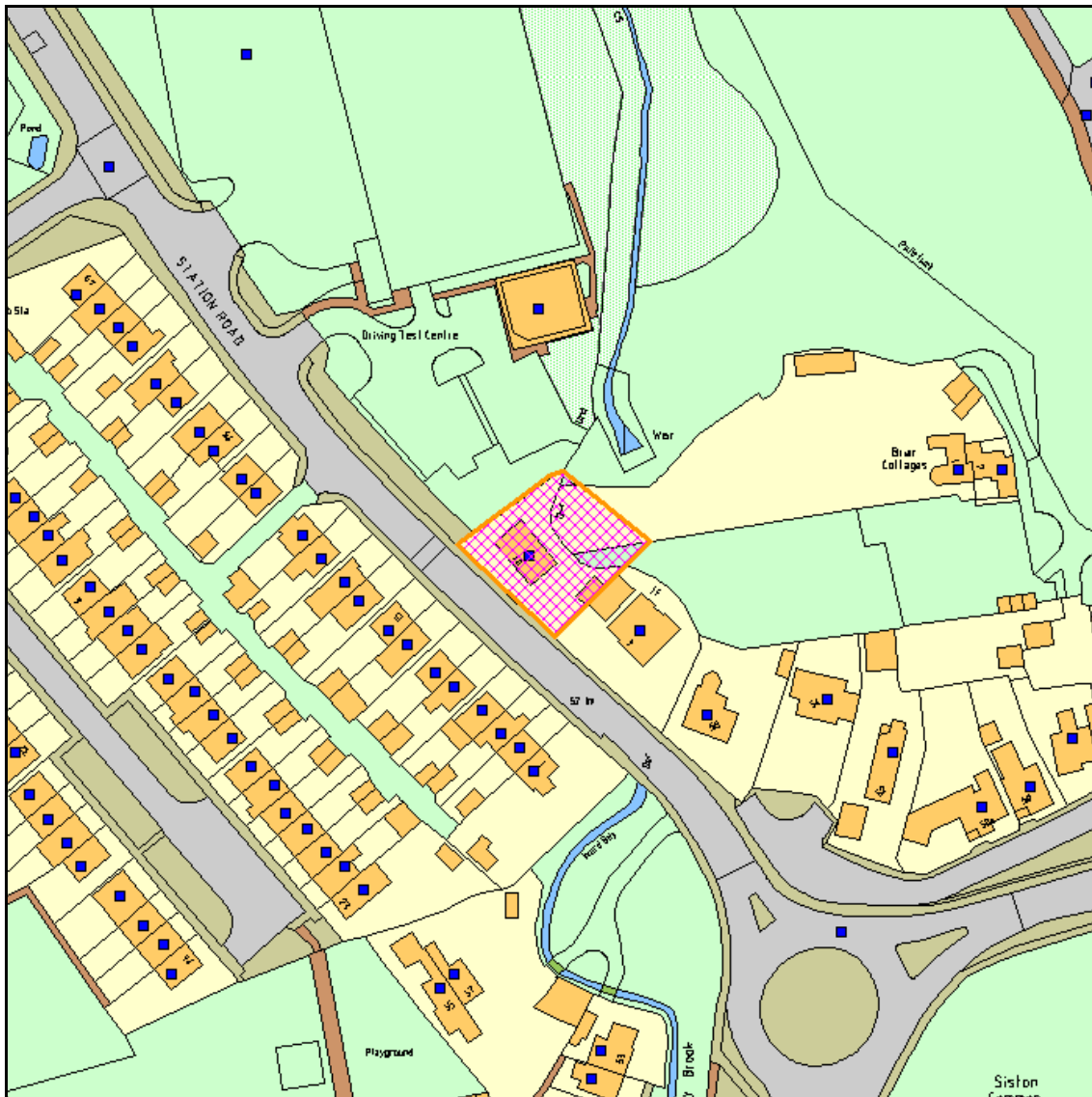
11. The hours of working on site during the period of construction shall be restricted to 07.30am to 18.00pm Monday to Friday; 08.00am to 13.00pm on Saturday and no working shall take place on Sundays or Public Holidays. The term `working' shall, for the purpose of clarification of this condition include: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

Reason

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

CIRCULATED SCHEDULE NO. 35/15 – 28 AUGUST 2015

App No.:	PK15/2520/F	Applicant:	Mr Zahoor Mir
Site:	2A Station Road Kingswood Bristol South Gloucestershire BS15 4PG	Date Reg:	12th June 2015
Proposal:	Alterations to raise the roofline and installation of front and rear dormers to facilitate loft conversion.	Parish:	None
Map Ref:	366178 174812	Ward:	Rodway
Application Category:	Householder	Target Date:	5th August 2015



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

This report appears on the Circulated Schedule following a comment from a local resident.

1. THE PROPOSAL

- 1.1 The applicant seeks full planning permission for alterations to raise the roofline and the installation of front and rear dormers to facilitate a loft conversion. The application site relates to a single storey dwellinghouse situated within the established residential area of Kingswood.
- 1.2 During the course of the application amended plans were requested to include the garage to the side of the dwelling within the red edge. These revised plans failed to correctly show the curved nature of the rear boundary and thereby erroneously included part of the neighbouring garden within the red edge. A comment from the neighbour pointed out this mistake. Revised plans have corrected this error but the application must still be submitted to the Circulated Schedule process for due consideration following this neighbour's comment.

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	Sustainable Development
CS5	Location of Development
CS8	Improving Accessibility
CS9	Environmental Resources and Built Heritage
CS15	Distribution of Housing
CS16	Housing Density
CS17	Housing Diversity

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

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

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted 2007)

South Gloucestershire SPD: Residential Parking Standards (adopted) 2013

3. RELEVANT PLANNING HISTORY

- 3.1 No planning history

4. **CONSULTATION RESPONSES**

4.1 Parish/Town Council
The area is unparished

4.2 Other Consultees

Sustainable Transport

Planning permission is sought to alter the roofline to facilitate a loft conversion. After development the bedrooms within the dwelling will increase to three. Residential parking is assessed on the number of bedrooms. A three-bed dwelling would require a minimum of two spaces. There is some discrepancy with the information submitted regarding the existing and proposed vehicular access and parking. The SGC site plan shows a garage and access to the right and the block plan submitted by the applicant shows it on the opposite side of the site. Clarification on the proposed vehicular access and parking needs to be submitted. Subject to the above, there is no transportation objection to the proposed development.

Following these comments a revised plan was submitted to show that the garage and access to the right hand side is within the ownership of the site.

Other Representations

4.3 Local Residents
One neighbour has pointed out that the revised red edge has mistakenly included within it part of his garden.

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

The application stands to be assessed against the above listed policies and all other material considerations. Of particular importance is the overall design of the proposal and its impact on the host property and the area in general; the impact the proposal would have on the amenity of the existing dwelling and that of its neighbours and the impact on parking and highway safety.

The proposal is considered to accord with the principle of development and this is discussed in more detail below.

Design and Visual Amenity

5.2 The application site is a modest single storey dwellinghouse situated adjacent to the busy Station Road in Kingswood. It is slightly set back from the highway separated from it by a low stone wall. However, given the property is set down from the level of the highway this wall appears a little higher when viewed from within the site.

5.3 The proposal entails raising the roofline to facilitate the conversion of the loft into habitable accommodation and the introduction of a dormer window to the front and to the rear elevations. The property's closest neighbour to the south

east is also a single storey dwelling but directly opposite is a row of semi-detached two-storey dwellings and these dwellings extend a considerable way up Station Road. The increase in height of the modest bungalow would therefore not result in any adverse impact on the character of the area. The proposal would use good quality materials and would therefore not be out-of-keeping with the host property.

- 5.4 Dormer windows to the rear elevation are not unusual in the area, and several examples can be seen in close proximity to the application site. The proposed rear dormer is considered to be of an acceptable size measuring approximately 2.7 metres deep, 5.7 metres wide and 2.4 metres high. Dormers to the front elevation are more rare with Velux roof lights tending to be used in the two-storey dwellings. In this instance, the proposed front dormer is relatively small in scale measuring 3 metres deep, 2 metres wide and 5.7 metres in length and would not be an unacceptable addition sufficient to warrant a refusal of the scheme. Good quality materials would be used and the proposal is therefore appropriate in its design, scale and massing. It can therefore be recommended for approval.

Residential Amenity

- 5.5 The application site sits adjacent to a busy road with two storey properties directly opposite. It is considered that the raising of the roof and the front dormer window would not impact negatively on these neighbours and given the distance between them there would be no unacceptable issues of inter-visibility. Similarly to the rear the property backs onto a large area of private garden with the house some distance away. The application site itself has only a small residential amenity area, most of which is paved. However, it is considered there would be sufficient space to serve the property following the raising of the roof and the installation of the dormer windows.

Sustainable Transport

- 5.6 During the course of the application it was confirmed to Officers that the application site included a garage and area of off-street parking to the south east of the property as well as the area of off street parking to the side/front. A revised plan was requested and received to show these details. Given the above it is considered that the required amount of off-street parking in the form of 2no. spaces measuring 2.4 by 4.8 are available to serve the dwelling. As such there are no transportation objections to the scheme.

5.7 Other matters

As mentioned above, further received amended plans have corrected the error which now shows the true extent of the application site.

6. CONCLUSION

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

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

7. RECOMMENDATION

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

Contact Officer: Anne Joseph
Tel. No. 01454 863788

CONDITIONS

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

Reason

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

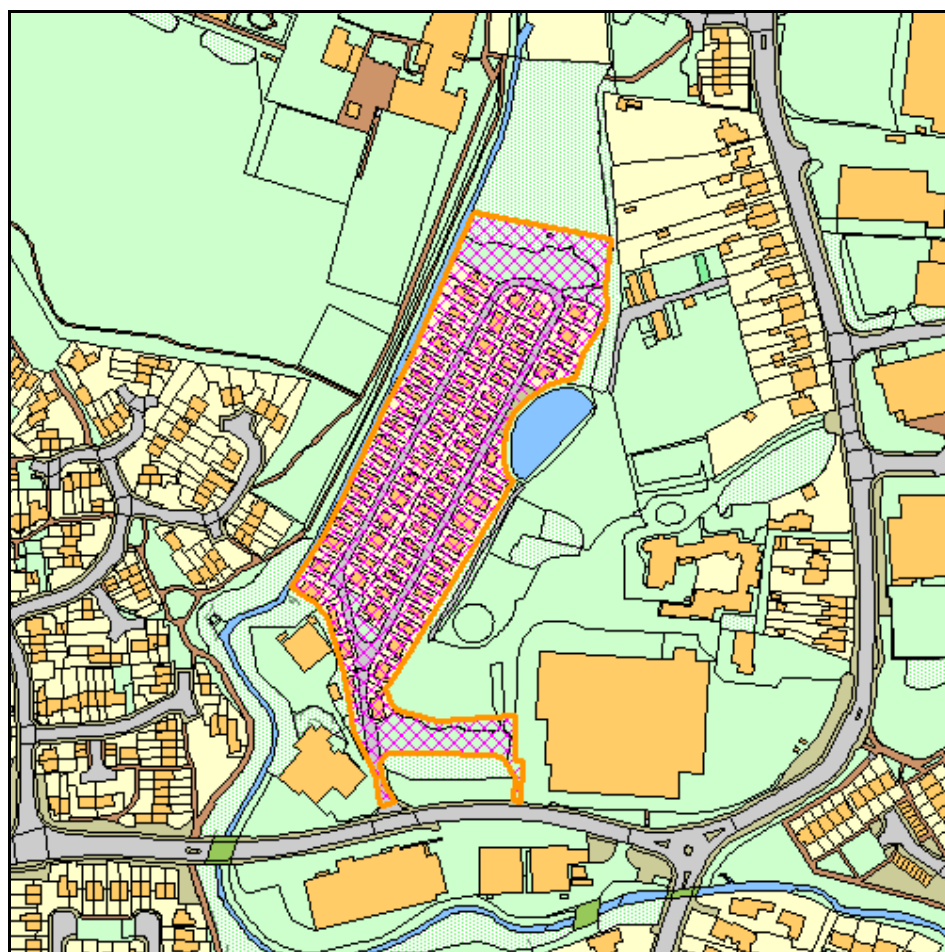
2. The hours of working on site during the period of construction shall be restricted to 7:30 to 18:00 Monday to Friday and 8:00 to 13:00 on Saturdays; and no working shall take place on Sundays or Public Holidays. The term `working' shall, for the purpose of clarification of this condition include: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

Reason

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

CIRCULATED SCHEDULE NO. 35/15 – 28 AUGUST 2015

App No.:	PK15/2573/CLP	Applicant:	Sovereign Park Home Developments Ltd
Site:	Kingsway Park Tower Lane Warmley Bristol South Gloucestershire BS30 8XW	Date Reg:	17th June 2015
Proposal:	Application for certificate of lawfulness for the proposed siting of additional mobile homes.	Parish:	Siston Parish Council
Map Ref:	366803 172841	Ward:	Siston
Application Category:		Target Date:	7th August 2015



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 The applicant is seeking a formal decision as to whether additional mobile homes can be located on land at Kingsway Park, Tower Lane, Warmley. Despite requests for clarification, the applicant has been unwilling to disclose how many additional caravans are proposed or precisely where they will be located. The certificate is therefore being determined on the basis that an unknown number of additional mobile homes could be located anywhere within the red line of the application site.
- 1.2 During the course of the application contact was made with the applicant to advise of the existence of an Article 4 direction and invite the submission of clarifying information. The application is to be determined as submitted.

2. POLICY CONTEXT

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

In accordance with para 192 (2), Section 10 of the Planning and Compensation Act 1991 If, on an application under this section, the local planning authority are provided with information satisfying them that the use or operations described in the application would be lawful if instituted or begun at the time of the application, they shall issue a certificate to that effect, and in any other case they shall refuse the application.'

In assessing the application, is important to keep in mind the purpose of the provisions. They enable owners and others to ascertain whether specific uses, operations or other activities are or would be lawful. For this reason, the applicant must precisely describe what is being applied for - as required by section 191(1) or 192(1) of the 1990 Act.

3. RELEVANT PLANNING HISTORY

- 3.1 South Gloucestershire Council Warmely Conservation Area Article 4(1) Direction - Direction made under Article 4(1) of the Town and Country Planning (General Permitted Development) Order 1995 dated 27th October 2006

4. CONSULTATION RESPONSES

- 4.1 Siston Parish Council
Members have already expressed concern at the lack of information received in support of the application and as no further update has been received, members feel compelled to register an objection. Members await sight of documentation to justify the claim for a Certificate of Lawfulness.

4.2 Other Consultees

Historic England

Raise concerns

Lead Local Flood Authority

No comment

Other Representations

4.3 Local Residents/ Businesses

None received

5. **ANALYSIS OF PROPOSAL**

5.1 Principle Of Development

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

5.2 For the avoidance of doubt, as the 'Letter to Chief Planning Officers' dated 19th April 2004 confirms, Article 4 directions can be made to prevent the stationing of caravans

5.3 Assessment

It is not disputed that all of the land within the red line submitted with the certificate of lawfulness application is a caravan site and that this has been the case since the 1960s. The site benefits from a Site License dated 2nd February 2006 and part of the site is covered by the Article 4 direction dated 27th October 2006. As explained previously, despite requests for clarification, the applicant has been unwilling to disclose how many additional caravans are proposed or precisely where they will be located. There is a large amount of ambiguity therefore over what is actually being applied for. The certificate is therefore being determined on the basis that the proposal is for an unknown number of additional mobile homes that could be located anywhere within the red line of the application site.

5.4 The applicant argues that there is no condition restricting the number of caravans that can be held on the site and your officer agrees with this. The applicant also argues that the number of units permitted by the site license is not a starting point for assessing materiality in a planning context. However, because of the existence of the Article 4 direction, your officer does not agree that this is the case.

5.5 The extant Article 4 direction states that development of the description set out in the Schedule shall not be carried out in the land indicated on the plan attached unless permission is granted on an application made under Part III of the Town and Country Planning Act 1990. The relevant part of the schedule reads as follows:

'Development required by the conditions of a site licence for the time being in force under the 1960 Act being development comprised within Class B of Part 5 of Schedule 2 of the said order and not being development comprised within any other class.'

- 5.6 The site licence in force (dated February 2006) is subject to a number of conditions. The first of those conditions is that *'The number of caravans on the site shall not exceed 72'*. Any proposal to increase the number of caravans on the site above 72 therefore requires the benefit of planning permission.
- 5.7 Furthermore, condition six of the site licence states that *'Every caravan shall stand on a hardstanding of concrete or other suitable material which shall extend over the whole area occupied by the caravan placed upon it, and shall project not less than 1m outwards from the entrances of the caravan'*. The caravan and the hardstanding cannot therefore be viewed as separate items as it is against the requirements of the site licence to place a caravan on the site without then necessary hardstanding.

7. RECOMMENDATION

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

The application fails to demonstrate that the siting of additional mobile homes on the land edged red on the submitted plan would not be contrary to the requirements of the South Gloucestershire Council Warmely Conservation Area Article 4(1) Direction - dated 27th October 2006. In accordance with the Schedule of the Article 4 direction the proposal is development for which Planning Permission is required.

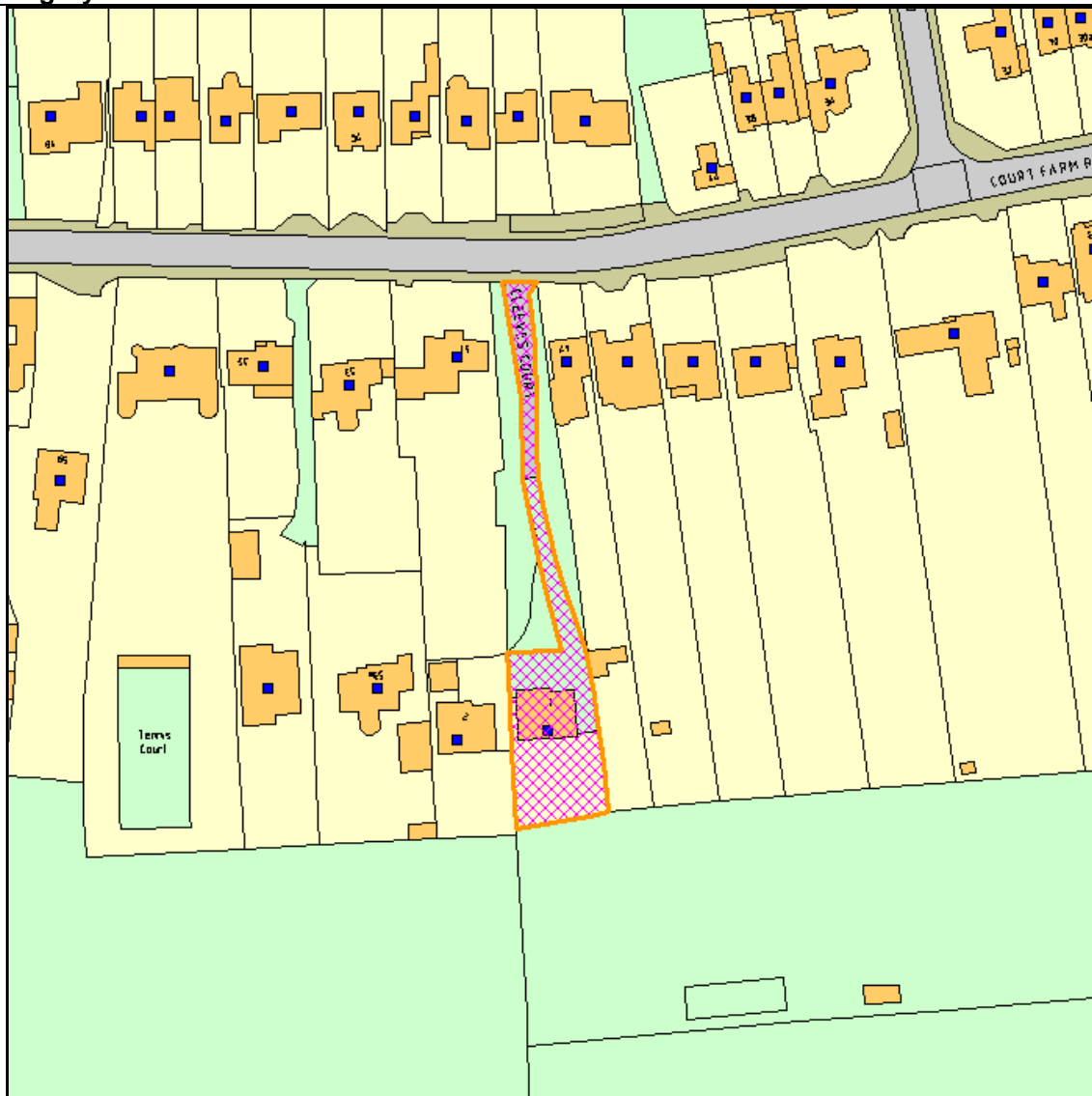
Contact Officer: Marie Bath
Tel. No. 01454 864769

REASONS FOR REFUSAL

1. The application fails to demonstrate that the siting of additional mobile homes on the land edged red on the submitted plan would not be contrary to the requirements of the South Gloucestershire Council Warmely Conservation Area Article 4(1) Direction - dated 27th October 2006. In accordance with the Schedule of the Article 4 direction the proposal is development for which Planning Permission is required.

CIRCULATED SCHEDULE NO. 35/15 – 28 AUGUST 2015

App No.: PK15/2764/F	Applicant: Miss Jane Church
Site: 1 Cleeves Court Court Farm Road Longwell Green Bristol South Gloucestershire BS30 9AW	Date Reg: 1st July 2015
Proposal: Erection of two storey rear and single storey side and rear extension to form additional living accommodation (Re submission of PK14/4693/F)	Parish: Hanham Abbots Parish Council
Map Ref: 365647 170518	Ward: Longwell Green
Application Category: Householder	Target Date: 25th August 2015



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application appears on the Circulated Schedule following an objection from the Parish Council.

1. THE PROPOSAL

- 1.1 The applicant seeks full planning permission for the erection of a two storey rear and a single storey side extension to form additional living accommodation. This application is a re-submission of PK14/4693/F which was withdrawn following concerns regarding its overall size. This application has reduced the length of the proposed two-storey rear extension by 1 metre to 6 metres from the rear building line. It would be 5.2 metres wide and its height would follow on from the existing rear gable. The single storey side extension would follow on from an existing covered area for an approximately length of 4 metres with a height of 2.5 metres.
- 1.2 The application site relates to a two-storey detached dwelling situated to the rear of houses along Court Farm Road in Longwell Green. The site backs onto land within the Green Belt.

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	Sustainable Development
CS5	Location of Development
CS8	Improving Accessibility
CS9	Environmental Resources and Built Heritage
CS29	Communities of the East Fringe

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

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

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted 2007)
South Gloucestershire SPD: Residential Parking Standards (adopted) 2013
South Gloucestershire SPD: Green Belt (Adopted 2007)

3. RELEVANT PLANNING HISTORY

- 3.1 PK14/4693/F Erection of two storey and single storey rear extension to provide additional living accommodation

	Withdrawn	21.1.15
3.2	PK14/0718/F Approved	(1 Cleeves Court) - Erection of attached garage. 10.10.14
3.3	PK14/0427/F Approved	Alterations to access road 7.5.14
3.4	PK08/2155/RVC Approved	Variation of Condition 14 attached to planning permission PK05/0010/F to allow the temporary surfacing of the southern 40 metres of the access drive in loose material rather than tarmac 12.9.08
3.5	PK07/3528/O Refused	Erection of 5 no. detached dwellings (Outline). All matters to be reserved. (Resubmission of PK07/2857/O) 9.1.09
3.6	PK06/2838/F Refused Appeal Dismissed	Erection of detached bungalow. (Resubmission of PK06/0575/F) 22.1.07 3.7.07
3.7	PK06/0575/F Refused	Erection of detached bungalow 23.5.06
3.8	PK06/3610/F Approved	Change of use of land from agricultural to the keeping of horses. Erection of temporary field shelter for 2 no. horses for a temporary period of 12 months. (Retrospective) 23.2.07
3.9	PK05/2453/F Refused	Erection of 1 no. detached garage 22.9.05
3.10	PK05/0010/F Approved	Erection of 2no. detached dwellings and 1no. detached garage with associated access and works. Resubmission of PK04/2762/F 21.2.05

4. CONSULTATION RESPONSES

- 4.1 Hanham Abbots Parish Council
Objection. We have concerns over access and parking, should the existing dwelling and land at the rear of the property fall into different ownership in the future.
- 4.2 Other Consultees

Highway Engineer

Planning permission is sought to extend the existing dwelling to provide additional living accommodation. After development the dwelling will have four bedrooms. No transportation objection was raised to the previously submitted planning application (PK14/4693/F) which was withdrawn prior to its determination. The same level of parking is proposed as part of this current submission. Subject to a condition that a minimum of two parking spaces are permanently maintained within the site boundary, there is no transportation objection to this proposed development.

Other Representations

- 4.3 Local Residents
None received

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The application stands to be assessed against the above listed policies and all material considerations. Of particular importance is the appearance of the proposal and the impact the design would have on the host property and the area in general. Any impact on the residential amenity of the application site for existing or future occupiers and that of closest neighbours must be assessed. In addition, any adverse impact on highway safety or off-street parking would not be supported.

The proposal is considered to accord with the principle of development and this is discussed in more detail below.

5.2 Design and Visual Amenity

The application site relates to a modern detached dwelling. The property is accessed via an un-made up track serving the application site and a two-storey detached property situated alongside. The proposal would be for a two-storey rear extension and single storey side extension. The depth of both the two-storey rear extension and single storey extension has been reduced in scale slightly from a submission in 2014, and would now extend out to the rear by 6 metres instead of 7metres.

- 5.3 Currently, the property benefits from a covered area running along the west side in-between the house and the boundary fence which separates it from its neighbour. The proposed single storey side extension would continue on from this covered area and would run along part of the side of the proposed two-storey extension for about 4 metres with its flat roof achieving a height of 2.5 metres. It would serve as a WC and separate store.

- 5.4 The two-storey element would be attached to this, positioned further to the east to facilitate a larger master bedroom on the first floor and a games room on the ground floor. Openings would be to the south and east only, including a new dormer window to serve the bedroom. Those positioned in the east elevation would all be full height with a Juliet type balcony at first floor level. As mentioned above, this two-storey element would reach a depth of 7 metres with a height to match that of the host property and would be approximately 5.5

metres wide. It is acknowledged that the structure would be a very large addition to an already substantial property, but within this area and along the main road in particular, a large number of dwellings have benefitted from sizable extensions. As such the proposal would not be out of keeping or at odds with the character of the area to such an extension as to warrant a refusal of the application. The existing dwellinghouse is of a modern design with a variety of roof treatments and eaves heights. It is considered that design of the proposed two-storey rear extension complements the host property and good quality materials to match those of the existing dwelling would be used in the construction. The proposed single storey and two-storey additions are therefore considered appropriate and acceptable in policy terms and can be recommended for approval.

5.5 Residential Amenity

Closest neighbours to the west are approximately 5 metres away from the main part of the application site, but an existing single storey covered area of an approximate 1.5 metres in width brings them this much closer. This structure runs almost the full length of the property separated from neighbours by the existing 1.8 metre boundary fence. The proposed single storey side extension would continue on from this covered area for a further 4 metres into the garden but would retain the approximate same height at 2.5 metres. It is therefore considered that the single storey side extension would not impact adversely on the residential amenity of these neighbours.

- 5.6 In terms of the two-storey element, the reduction in its length has helped alleviate concerns regarding impact on neighbours to the west side. As stated above this would be a large addition but given the orientation of the properties with their rear elevations due south it is considered that there would be no unacceptable adverse impact on amenity for these closest neighbours. Other neighbours to the east are part of the row of houses along the main road and therefore set back some considerable distance from the proposed development. They would therefore be unaffected by the proposal.

5.7 Highway

Objections have been received from the Parish Council whereby concerns have been expressed regarding access and parking. The property and its immediate neighbour to the west have been built in the gardens of properties along Court Farm Road. Access to these properties is therefore along a private and as yet un-made up access lane. Both properties have adequate parking and on-site turning/manoeuvring space and the application site itself benefits from recent permission for a garage. The off-street parking arrangements would be sufficient to meet the needs of the property following this proposal. A condition will be attached to the decision notice to secure this level of parking for the future.

5.8 Other matters

It is noted that the application site backs onto Green Belt land, and currently there is no physical distinction/barrier between the garden of the application site and the start of open fields to the rear which are within the Green Belt. National and local planning policy aims to protect the Green Belt from inappropriate development. One of the particular aims is to prevent urban

sprawl. It was noted during the Officer's site visit that a domestic vehicle was parked on this Green Belt land. Encroachment into Green Belt land and/or its change of use by, for example, domestic paraphernalia, is strongly resisted. To this end the vehicle must be removed and the residential use of the garden must be kept separate from the use of the fields beyond. This has been referred to the Enforcement Team. The Parish Council have expressed concerns regarding the use of the current access leading onto the Green Belt land and possible development here in the future. As mentioned above the protection of Green Belt from inappropriate development is a fundamental aim of planning policy and the registering of this inappropriate use with the Enforcement Team will assist in its future protection.

6. **CONCLUSION**

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

7. **RECOMMENDATION**

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

Contact Officer: Anne Joseph
Tel. No. 01454 863788

CONDITIONS

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

Reason
To comply with the requirements of Section 91 of the Town & Country Planning Act 1990 (as amended).
2. The hours of working on site during the period of construction shall be restricted to 7:30 to 18:00 Monday to Friday and 8:00 to 13:00 on Saturdays and no working shall take place on Sundays or Public Holidays. The term 'working' shall, for the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the curtilage of site.

Reason

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

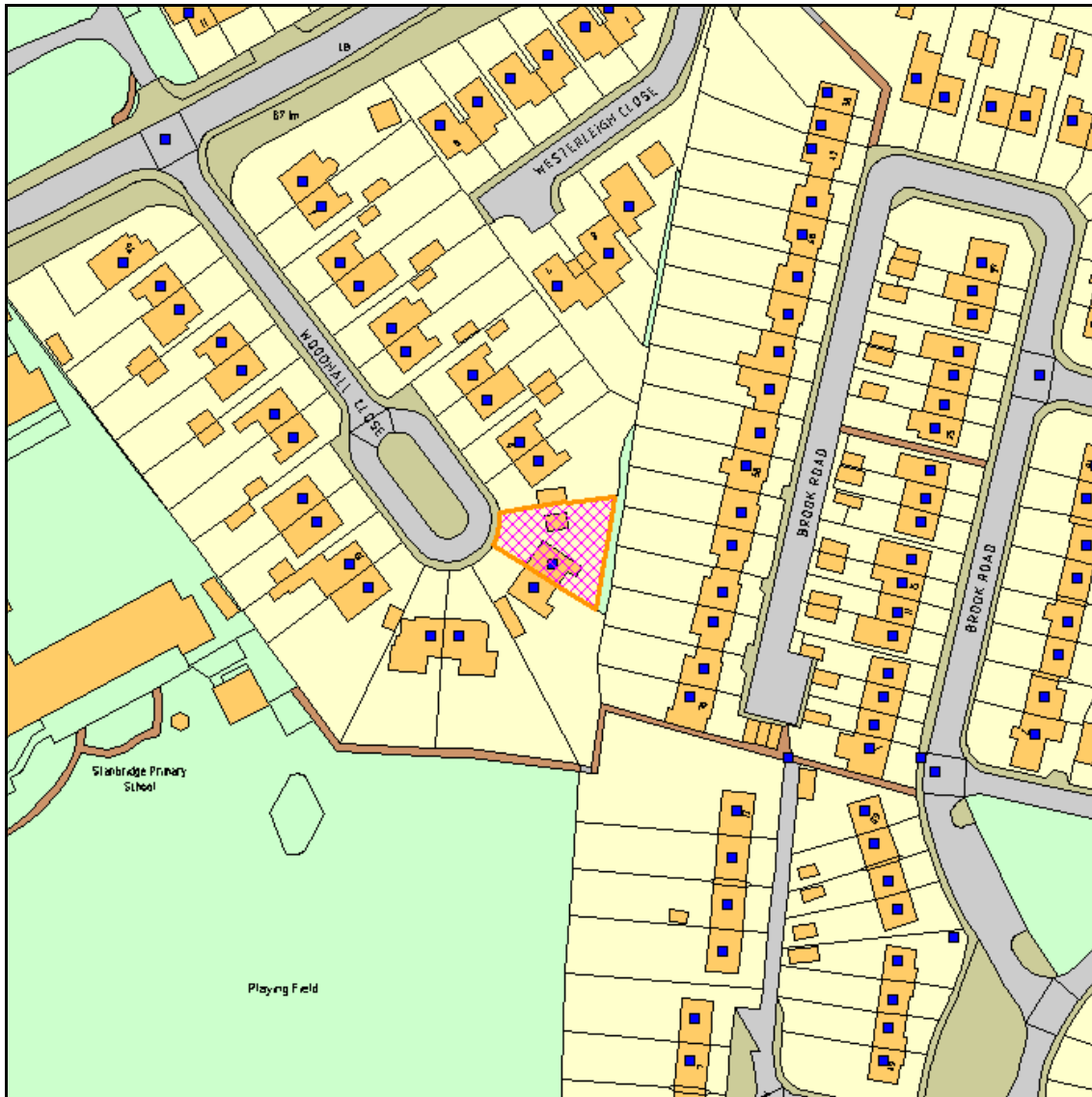
3. Two off-street parking facilities (for all vehicles, including cycles) shall be provided before the extension is first occupied, and thereafter retained for that purpose.

Reason

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

CIRCULATED SCHEDULE NO. 35/15 – 28 AUGUST 2015

App No.:	PK15/2831/F	Applicant:	Mr B Coomes
Site:	11 Woodhall Close, Downend Bristol South Gloucestershire BS16 6AJ	Date Reg:	1st July 2015
Proposal:	Erection of two storey side extension to form additional living accommodation.	Parish:	None
Map Ref:	365842 176919	Ward:	Rodway
Application Category:	Householder	Target Date:	24th August 2015



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 100023410, 2008. N.T.S. PK15/2831/F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application appears on the Circulated Schedule following an objection which was contrary to officer recommendation.

THE PROPOSAL

- 1.1 The application is for the erection of a two storey side extension to form additional living accommodation. An existing detached single garage would be removed from the curtilage of the side of the dwelling.
- 1.2 The property is a semi detached dwelling located on a cul-de-sac, containing similar properties within the residential area of Downend.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework
National 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/Parking Standards
L9 Protected Species

South Gloucestershire Local Plan Core Strategy Adopted December 2013
CS1 High Quality Design
- 2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist (Adopted) 2007.
South Gloucestershire Parking Standards SPD

3. RELEVANT PLANNING HISTORY

- 3.1 PK10/1878/F – Erection of two storey side, single storey side and front extension to provide additional living accommodation and rear decking. Refused 17th September 2010.
- 3.2 PK10/2982/F - Erection of two storey side, single storey side and front extension to provide additional living accommodation. (Re-submission of PK10/1878/F) Approved 23rd December 2010.

4. CONSULTATION RESPONSES

- 4.1 Parish Council
Un-Parished area

Highway Drainage
No comments

Ecology

A condition will be required on any permission for the land to be surveyed for badgers and if present a mitigation survey drawn up.

Sustainable Transportation

Planning permission is sought to extend the existing dwelling to provide additional living accommodation. After development the bedrooms within the dwelling will increase to four. Part of the development will involve the demolition of an existing detached garage.

No detail has been submitted on the proposed vehicular parking for the site. The Council's residential parking standards state that a minimum of two parking spaces would be required for a four-bed dwelling. Each space needs to measure at least 4.8m deep by 2.4m wide. A revised plan showing the proposed vehicular parking for the site needs to be submitted prior to commencement of the development.

There is no transportation objection to the proposed development, subject to the required level of vehicular parking being provided prior to commencement of the development.

Officer Note: Further plans were requested in order to demonstrate satisfactory off-street parking provision. Subsequently, additional plans have been received illustrating two-off street parking spaces and the plans are considered satisfactory.

Other Representations

4.2 Local Residents

One letter of objection has been received, as follows:

'I have 2 major concerns regarding this application:

1. I would like to bring to your attention that a large, long-standing, well-established badger sett is situated within the small piece of land between the applicants garden and my own. The excavations for this work are very likely to disturb these protected animals. The following information has been directly sourced from the RSPCA website

(<http://www.rspca.org.uk/adviceandwelfare/wildlife/inthewild/badgers/law>)

Badgers are protected and so are the setts (burrows) they live in. Under the Protection of Badgers Act 1992, in England and Wales (the law is different in Scotland) it is an offence to:

Wilfully kill, injure or take a badger (or attempt to do so).

Cruelly ill-treat a badger. Dig for a badger. Intentionally or recklessly damage or destroy a badger sett, or obstruct access to it. Cause a dog to enter a badger sett. Disturb a badger when it is occupying a sett.

Currently, the occupants of 64, 66 and 68 lives are affected by the badgers in varying degrees. None of them can relax in their gardens fully as they have to constantly watch out for the badgers as they could, at any time of day, start roaming the gardens. The garden of 68 is difficult, if not impossible, to negotiate in bad light due to the results of their digging and plants are constantly dug up or destroyed.

2. At the edge of the applicants land, directly beyond their fence is a very steep drop into the area occupied by the badgers and onwards into the gardens of 64 and 66 Brook Road. This land has eroded greatly over recent years resulting in the boundary walls falling away. Excavations could lead to yet more damage to these adjacent gardens. A visit by the planning department from south glos council will verify the severity of the problem.

Therefore, my question regarding this application, should it be approved, is:

a) Can it be guaranteed that the badgers will not be disturbed by the works and that the lives of the occupants of these adjacent properties will not be affected further by these animals as a result?

b) Also, should the erosion of the boundary walls be exacerbated by these works can I be assured that any resulting damage to the adjacent gardens be made good at no cost to myself at number 66 or my neighbours at numbers 64 and 68?'

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

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

5.3 Residential Amenity

The proposals are similar in design and scale to those previously approved. It is not considered that the scale and design of the current proposals would have any additional or significant further impact such as to provide for a materially different consideration of the proposed extension. The length, size, location and orientation of the proposals are not considered to give rise to any significant or material overbearing impact on adjacent properties. Further to this sufficient garden space remains to serve the property.

5.4 Transportation

Further plans have been received to demonstrate adequate off street parking provision. A condition is therefore recommended to secure and retain this additional space. On this basis it is considered that the proposals are acceptable and meet with current parking standards.

5.5 Ecology

A resident has advised that there is a badger sett within the vicinity of the application site. This is a matter that has also been addressed on previous applications. It is unlikely that any sett tunnels extend under the application site,

if a sett were however present development would be within such a distance from the nearest sett entrance to require a license under the Protection of Badgers Act 1992 before work could be commenced legally. A condition was attached to previous consents requiring the site and adjoining land be surveyed for badgers and if present, a mitigation strategy would be required to be drawn up. This condition was addressed and discharged under the previous application, however given the timescales lapsed and the presence of protected badgers within the vicinity, this condition will need to be reapplied to any further approval decision.

5.6 Other issues

Concerns have been raised regarding the potential for the proposals to cause further erosion and damage to boundary walls at the bottom of the garden, shared with properties on Brook Road. In planning terms one cannot assume that this would be the case and the precise details of footings and excavations will be covered by Building Regulations. Planning permission does not authorise works or access on or over land not within their control and the onus will also be on the applicant to ensure that works do not cause damage, which in the event, would be a civil matter.

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 proposals are of an appropriate standard in design and are not out of keeping with the main dwelling house and surrounding properties. Furthermore the proposal would not harm the amenities of the neighbouring properties by reason of loss of privacy or overbearing impact. Adequate parking can be provided on the site. Potential badger issues are covered satisfactorily by condition. As such the proposal accords with Policies H4, L9 and T12 of the South Gloucestershire Local Plan (Adopted) 2006 and CS1 of the South Gloucestershire Local Plan Core Strategy 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 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 H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

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

Reason

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

4. Prior to the commencement of development hereby authorised the application site and adjoining land must be surveyed by a suitably qualified person for badgers. If present, a mitigation strategy should be drawn up and submitted for written approval of the Local Planning Authority, and shall include details of any work subject to the provisions of the Protection of Badgers Act 1992. All work shall thereafter be carried out in accordance with the approved details.

Reason:

To protect the wildlife and ecological interests of the site and adjoining land, and in accordance with Policy L9 of the South Gloucestershire Local Plan (Adopted) January 2006.

Reason:

This is a pre-commencement condition to ensure that any issues relating to badgers can be addressed at an early stage before development commences and can accord with Policy L9 of the South Gloucestershire Local Plan (Adopted) January 2006.

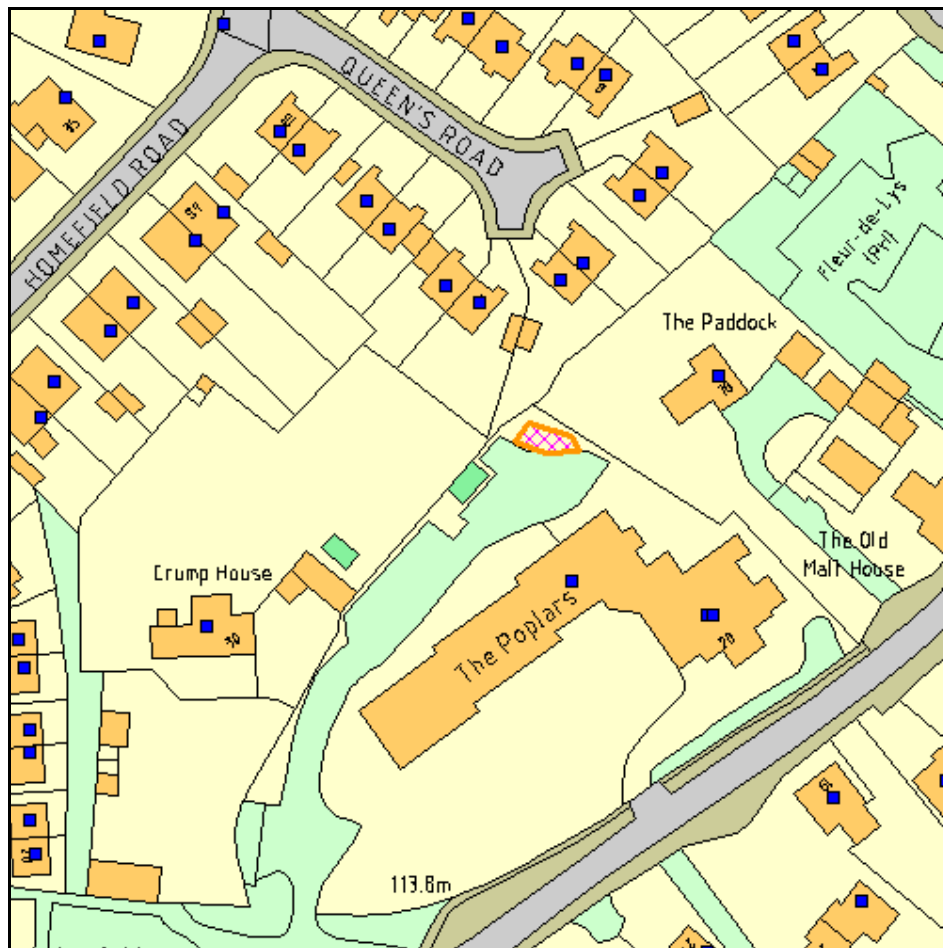
5. The hours of working on site during the period of construction shall be restricted to 08.00 - 18.00 Mondays to Fridays; 08.00 - 13.00 Saturdays and no working shall take place on Sundays or Public Holidays. The term 'working' shall, for the purpose of clarification of this condition include: the use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

Reason

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

CIRCULATED SCHEDULE NO. 35/15 – 28 AUGUST 2015

App No.:	PK15/2855/TRE	Applicant:	Mr Woodrough
Site:	The Poplars 20 Shortwood Road Pucklechurch Bristol South Gloucestershire BS16 9PL	Date Reg:	2nd July 2015
Proposal:	Works to reduce crown, on building side only, by 3m of 2 no. Yew trees covered by SGTPO 09/15 dated 18th June 2015	Parish:	Pucklechurch Parish Council
Map Ref:	369866 176376	Ward:	Boyd Valley
Application Category:		Target Date:	25th August 2015



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 100023410, 2008. N.T.S. PK15/2855/TRE

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This report is being referred to the circulated schedule because an objection to the proposal has been received from Pucklechurch Parish Council.

1. THE PROPOSAL

- 1.1 Works to reduce crown, on building side only, by 3m of 2 no. Yew trees covered by SGTPO 09/15 dated 18th June 2015.
- 1.2 The trees are growing within the car parking area at the rear of The Poplars, 20 Shortwood Road, Pucklechurch, South Gloucestershire BS16 9PL.

2. POLICY CONTEXT

- 2.1 National Guidance
 - i. The Town and Country Planning Act 1990
 - ii. The Town and Country Planning (Tree Preservation) (England) Regulations 2012.

3. RELEVANT PLANNING HISTORY

- 3.1 PK06/2522/TCA, Site Address: 20 Shortwood Road Pucklechurch South Gloucestershire BS16 9PL, Decision: NOB, Date of Decision: 21-SEP-06. Proposal: Works to remove 3 no. dead branches from Lime tree and reduce 1 no. Yew Tree by 20% all situated within Pucklechurch Conservation Area.
- 3.2 PK15/1587/TCA, Site Address: The Poplars, 20 Shortwood Road, Pucklechurch, South Gloucestershire, BS16 9PL, Decision: OBJ, Date of Decision: 22-MAY-15. Proposal: Works to fell 2no. Yew trees in Pucklechurch Conservation Area.

4. CONSULTATION RESPONSES

- 4.1 Pucklechurch Parish Council object to the proposal.

The Parish Council commented that this application was refused on the grounds that the trees were worthy of a Tree Preservation Order. The proposal is to reduce the crowns of the trees on the building side only and the Council believe that this will unbalance the trees, leaving them abnormally shaped and effect the long term survival of the trees.

Other Representations

- 4.2 Local Residents

None received.

5. ANALYSIS OF PROPOSAL

- 5.1 Works to reduce crown, on building side only, by 3m of 2 no. Yew trees covered by SGTPO 09/15 dated 18th June 2015.

5.2 Principle of Development

The only issues to consider are whether the proposed works would have an adverse impact on the health, appearance, or visual amenity offered by the tree to the locality and whether the works would prejudice the long-term retention of the specimen.

5.3 Consideration of Proposal

The two Yew trees are growing in close proximity to each other to the rear (North) of The Poplars, close to the car parking area. The crowns of these trees are effectively growing as one and the trees are on a slightly raised area.

5.4 The previous application was to remove the trees and, at this point, the trees were protected by a Tree Preservation Order as their retention was desirable.

5.5 Yew is a species of tree that is particularly resilient to pruning and it is not felt that the proposed works would have a significant or detrimental effect on the long term health and amenity of the trees.

5.6 Provided the proposed tree works are undertaken professionally and according to the British Standard, and given the current form of the trees, it is not felt the works will leave the trees unbalanced.

6. RECOMMENDATION

6.1 That consent is GRANTED subject to the conditions on the decision notice.

Contact Officer: Simon Penfold
Tel. No. 01454 868997

CONDITIONS

1. The works hereby authorised shall be carried out within two years of the date on which consent is granted.

Reason

To ensure the works are carried out in an appropriate manner and in the interests of the health and visual amenity of the tree(s), and to accord with Policy L1 of the South Gloucestershire Local Plan (Adopted) January 2006.

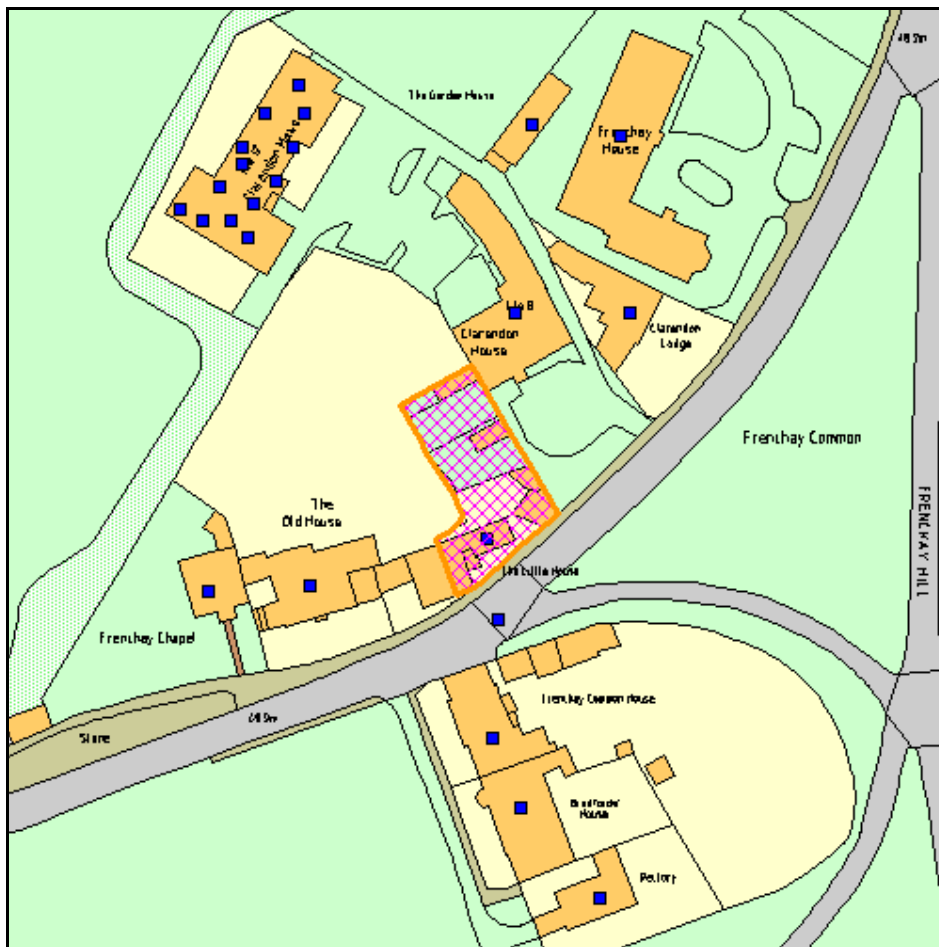
2. The works hereby authorised shall comply with British Standard 3998: 2010 - Recommendations for Tree Work.

Reason

To ensure the works are carried out in an appropriate manner and in the interests of the health and visual amenity of the tree, and to accord with The Town and Country Planning (Tree Preservation) (England) Regulations 2012

CIRCULATED SCHEDULE NO. 35/15 – 28 AUGUST 2015

App No.:	PT15/0649/LB	Applicant:	Ms Eleanor Ager (Lowe)
Site:	The Little House Beckspool Road Frenchay Bristol South Gloucestershire BS16 1ND	Date Reg:	4th March 2015
Proposal:	Erection of single storey side and rear extension, internal and external alterations to form additional living accommodation. Demolition of existing garage. Raising of rear boundary wall.	Parish:	Winterbourne Parish Council
Map Ref:	364019 177600	Ward:	Frenchay And Stoke Park
Application Category:	Minor	Target Date:	27th April 2015



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 100023410, 2008. N.T.S. PT15/0649/LB

REASON FOR REPORTING TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 This is not an application for planning permission, rather an application for listed building consent. Accordingly, all that can be considered is the impact of the proposed works on the special architectural and historic significance of the listed building. Therefore, concerns relating to issues such as residential amenity, arboriculture, highway safety and car parking provision cannot be assessed within this application, and are rather assessed within the accompanying planning application (planning ref. PT15/0648/F).
- 1.2 The proposal seeks listed building consent for the erection of a single storey side and rear extension, and internal and external alterations to form additional living accommodation. The application also seeks listed building consent for internal and external alterations to form additional living accommodation.
- 1.3 The application site comprises the Grade II listed building The Old House, which is located on the northern side of Beckspool Road within the established settlement boundary of Frenchay. The site is located within the Frenchay Conservation Area.
- 1.4 This application is also accompanied by an application for planning permission, planning ref. PT15/0648/F (decision pending). Both this listed building consent application and the accompanied planning application seek amendments to a previous proposal that was approved at appeal by the Planning Inspectorate (APP/P0119/E/12/2169313 and APP/P0119/A/12/2169308). Development has begun for both of these permissions, these permissions related to a kitchen extension to the side of the dwelling and a siting/dining area to the rear. Both of these extensions were linked through a glazed link corridor on its rear elevation. This planning application, together with the accompanying listed building consent application, seeks permission to make the following amendments to the previously approved scheme:
 - Reduce the foot print of the approved extensions;
 - Move the approved eastern elevation away from the eastern boundary wall;
 - Increase the size of the rear link extension through extending it to the rear;
 - Inserting a green roof on the large section of the approved scheme;
 - Changing a number of materials utilised within the previously approved proposal
 - Moving the curved random stone wall which is positioned to the north of the Little House.
- 1.5 The only major internal works proposed regard the creation of one opening in the northern (rear) elevation.

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

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework March 2012
Planning (Listed Buildings and Conservation Areas) Act 1990

2.2 Development Plans

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

L13 Listed Buildings

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

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design

CS9 Managing the Environment and Heritage

2.3 Supplementary Planning Guidance

Residential Parking Standard SPD (Adopted) December 2013

South Gloucestershire Design Checklist SPD (Adopted) August 2007

The Frenchay Conservation Area SPD (adopted)

3. RELEVANT PLANNING HISTORY

- 3.1 PT15/0648/F Decision Pending
Erection of single storey side and rear extension, internal and external alterations to form additional living accommodation. Demolition of existing garage. Raising of rear boundary wall.
- 3.2 PT13/2725/LB Application Returned 23/07/2013
Erection of single storey side and rear extension, internal and external alterations to form additional living accommodation. (Amendment to previously approved scheme PT11/1526/LB).
- 3.3 PT13/2402/NMA Objection 29/07/2013
Non-material amendment to PT11/1525/F to relocate the rear extension away from the boundary.
- 3.4 APP/P0119/E/12/2169313 Upheld 21/06/2012
Appeal upheld in respect of planning ref. PT11/1526/LB.
- 3.5 APP/P0119/A/12/2169308 Upheld 21/06/2012
Appeal upheld in respect of planning ref. PT11/1525/F.

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

4. **CONSULTATION RESPONSES**

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

4.2 Other Consultees

Sustainable Transport
No comment.

Conservation and Listed Building Officer

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

Archaeology
No comment.

Tree Officer

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

Council for British Archaeology

None received.

Georgian Group

None received.

Twentieth Century Group

None received.

Society for the Protection of Ancient Buildings

None received.

Victorian Society

None received.

Ancient Monuments Society

None received.

Other Representations

4.3 Local Residents

None received.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The only issue to consider in this application is the impact of the proposed works on the special architectural and historic significance of the listed building.

5.2 When considering such an impact, the previous listed building consent that was approved at appeal (APP/P0119/E/12/2169313) must be considered as this is the fall-back position for the application. This extant permission established the principle of a larger side and rear extension being acceptable in this location, subject to a number of requirements mostly relating to the 'design philosophy' which the Planning Inspector held in high regard when upholding the previous appeal.

5.3 Consideration of Proposal

The Old House is understood to date originally from the sixteenth century, but was remodelled and re-fronted in the early nineteenth century. To the east of the Old House is the coach house, which is likely to have been built at the time of the remodelling of the house in the early nineteenth century. This is attached by virtue of a stone wall and modern attached open link walkway. Attached to the east of the coach house is The Little House. This was originally detached, but linked via a single storey link addition in the mid twentieth century. The date of The Little House is not clear however also likely to be nineteenth century, but perhaps later than the coach house. It has undergone some unfortunate alterations in recent times including a number of uPVC windows and porch. The Little House is understood to have been staff accommodation, and possibly also served as an apple store. The property has

a substantial walled garden to the north, which has historically been subdivided in to a service garden to the rear of The Little House and more formal 'pleasure' garden to the rear of Old House. The garden and the horticultural associations of previous residents is an important aspect of the historic significance of the building. The relationship between the Old House and Little House is also very important to its significance. All of the three buildings are included in the list description, and the garden walls and greenhouse structure remains would be curtilage listed.

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

of internal alterations were proposed including a number of new openings to the northern elevation, this would have detrimentally impacted upon the historic fabric of this wall, accordingly, the number of openings were reduced.

- 5.7 The proposal will be largely not visible from the highway due a large stone wall which contributes to the character of the site and its context, including the Frenchay Conservation Area. Due to the low profile of the roof, the side and rear extension will largely appear as one extension from Beckspool Road, this aids the proposal in aiming to be subservient to the Little House. The proposed side gate aids the proposed eastern elevation in not appearing overly extensive and oppressive due to its length.
- 5.8 The green roof represents a design improvement from the previously approved scheme as the roof elevation would have appeared rather utilitarian and oppressive for the adjacent occupiers of the dwelling to the north east who overlook the roof of the proposal. The green roof represents a feature that is more environmentally and visually friendly, as well as this, the green roof does not interfere with the architectural integrity of the existing listed building.
- 5.9 The rear extension that was formerly more of a link extension with a minimal scale, the proposed rear extension is now much larger within this scheme. This does cause some concern as it extends directly from the Little House and does obscure a large proportion of the existing rear elevation. In order to reduce this obscurity, the rear extension is glazed and the roof is finished in a seam metal together with glazed rooflights. This design approach follows that endorsed by the Planning Inspector in the previous appeal who states that large extensions at the site are acceptable so long as they are constructed as to appear light-weight and permeable.
- 5.10 The proposal includes a curved 1.5 metre high dividing wall within the garden of the application site, the wall is proposed to be curved and to segregate the Little House and the Old House. The Inspector supported such a segregation through a proposed wall stating that the separation of the formal garden of the Old House and the courtyard of the Little House represented positive site planning. This was because the proposal wall would re-establish a formal separation between the more functional and utilitarian character of the Little House and the more ornate and polite garden of the Old House. A sample panel of natural stone walling will be required through condition should planning permission be granted.
- 5.11 As stated throughout, it is vital that the proposal appears light-weight in form, the choice of materials and design of fenestration and other features such as eaves detailing and gates design is therefore of critical importance. In addition to this, applications for listed building consent also concern internal alterations, the proposal includes new opening to the northern elevation and also other minor internal alterations. To ensure that such details do not harm the historic fabric of the listed building and contribute to achieving such a permeable design, the materials, finishes, openings and detailed designs will be conditioned should listed building consent be granted.

5.12 The courtyard includes a number of features that are curtilage listed and do contribute to the character of the site and compliment the Little House. Accordingly, a condition will be imposed on any planning permission granted to ensure that these garden structures and boundary walls are altered and restored effectively, a detailed timetable that specifies such repairs will therefore be requested through condition.

5.13 Similarly, the details of the replacement render to be used on the north elevation of the Little House will be conditioned to ensure the dwelling's architectural integrity is protected. The replacement render will replace that which has already been removed and that which will be removed as a result of this proposal. As well as this, details of all new wall, floor and ceiling finished will be required to be submitted through by condition should listed building consent be granted, to ensure that the architectural fabric of the Little House is conserved.

5.14 Other Matters

As stressed throughout this report, applications for listed building consent can consider the impact of the proposed works on the special architectural and historic significance of the listed building. Accordingly, concerns regarding car parking, highway safety and arboriculture expressed within submitted comments cannot be considered within this application for listed building consent – such issues will be assessed within the accompanying full planning application.

5.15 Summary

As stated previously the proposed extension is rather large when compared to the existing building, the Little House. However, within the previously upheld appeal, the Inspector found that such a scale of extensions are acceptable at the Little House so long as the proposals are light-weight in structure and appear permeable when compared to the existing dwelling. The proposal does appear relatively light-weight due the choice of materials, roof/eaves relationships and use of glazing. With both the fall-back position of the upheld planning permission in mind and the Inspectorates' comments from the previous appeal, the proposal is consider to have an acceptable impact on the listed building.

6. CONCLUSION

6.1 The recommendation to approve Listed Building Consent has been taken having regard to section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Government advice contained within the National Planning Policy Framework.

7. RECOMMENDATION

- 7.1 That listed building consent is **GRANTED** with the conditions listed below/on the decision notice.

Contact Officer: Matthew Bunt
Tel. No. 01454 863131

CONDITIONS

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

Reason

As required by Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) to avoid the accumulation of Listed Building Consents.

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

Reason:

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 and national guidance set out at the NPPF and Historic Environment Planning Practice Guide and the saved Policy L13 of the South Gloucestershire Local Plan (Adopted) January 2006.

3. Notwithstanding previously submitted details, and prior to the commencement of the specific works, a detailed timetable and schedule and specification of repairs relating to the removal and replacement of render shall be submitted to and approved in writing by the local planning authority. The works shall be completed strictly in accordance with the approved timetable and specification. For the avoidance of doubt all replacement render shall be a traditional lime render.

Reason:

a. This is a pre-commencement condition to avoid any unnecessary remedial works in future.

b. In order that the works serve to preserve the architectural and historic interest of the listed building and its setting, in accordance with section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and national guidance set out at the NPPF and Historic Environment Planning Practice Guide and the saved Policy L13 of the South Gloucestershire Local Plan (Adopted) January 2006.

4. Notwithstanding previously submitted details, and prior to the commencement of development, details of all new internal wall, floor and ceiling finishes shall be submitted and approved in writing by the local planning authority. The works shall be completed strictly in accordance with the approved specification.

Reason:

- a. This is a pre-commencement condition to avoid any unnecessary remedial works in future.
- b. In order that the works serve to preserve the architectural and historic interest of the listed building and its setting, in accordance with section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and national guidance set out at the NPPF and Historic Environment Planning Practice Guide and the saved Policy L13 of the South Gloucestershire Local Plan (Adopted) January 2006

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

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

Reason:

- a. This is a pre-commencement condition to avoid any unnecessary remedial works in future.
- b. In order that the works serve to preserve the architectural and historic interest of the listed building and its setting, in accordance with section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and national guidance set out at the NPPF and Historic Environment Planning Practice Guide and the saved Policy L13 of the South Gloucestershire Local Plan (Adopted) January 2006

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

Reason:

- a. This is a pre-commencement condition to avoid any unnecessary remedial works in future.
- b. In order that the works serve to preserve the architectural and historic interest of the listed building and its setting, in accordance with section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and national guidance set out at the NPPF and Historic Environment Planning Practice Guide and the saved Policy L13 of the South Gloucestershire Local Plan (Adopted) January 2006

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

Reason:

a. This is a pre-commencement condition to avoid any unnecessary remedial works in future.

b. In order that the works serve to preserve the architectural and historic interest of the listed building and its setting, in accordance with section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and national guidance set out at the NPPF and Historic Environment Planning Practice Guide and the saved Policy L13 of the South Gloucestershire Local Plan (Adopted) January 2006

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

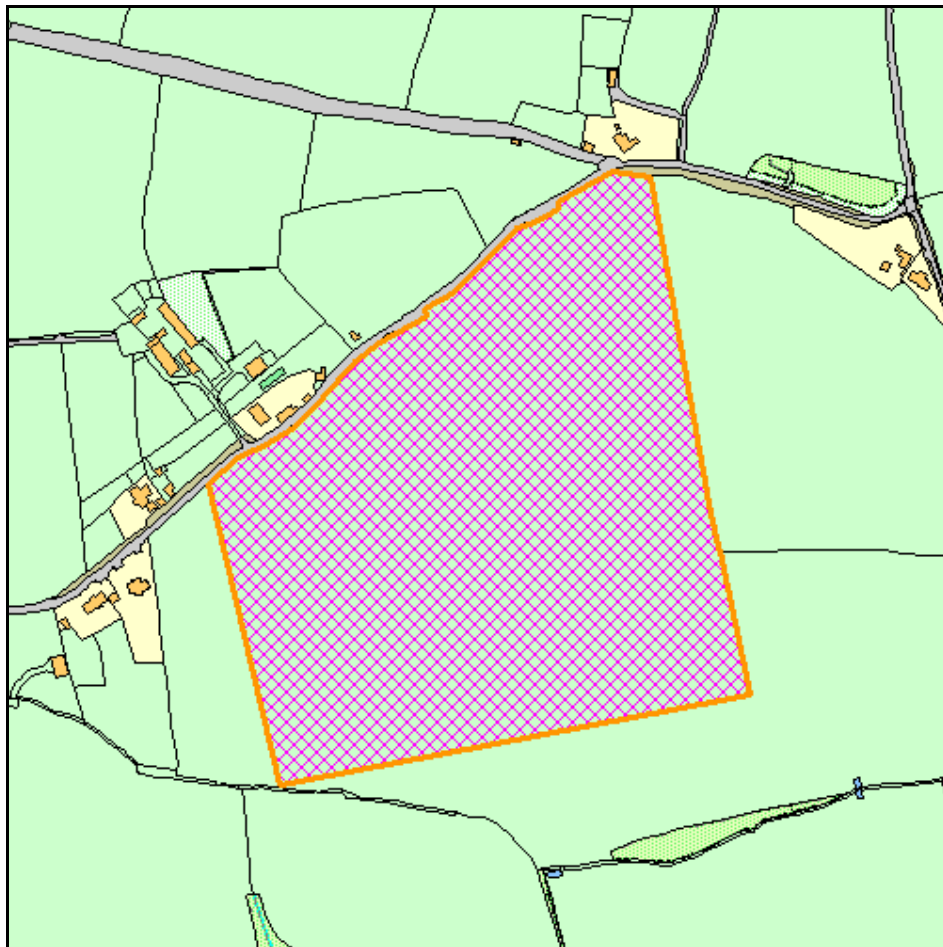
Reason:

a. This is a pre-commencement condition to avoid any unnecessary remedial works in future.

b. In order that the works serve to preserve the architectural and historic interest of the listed building and its setting, in accordance with section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and national guidance set out at the NPPF and Historic Environment Planning Practice Guide and the saved Policy L13 of the South Gloucestershire Local Plan (Adopted) January 2006.

CIRCULATED SCHEDULE NO. 35/15 – 28 AUGUST 2015

App No.:	PT15/2691/F	Applicant:	Ms L Treasure
Site:	Seven Oaks Sweetwater Lane Alveston South Gloucestershire	Date Reg:	30th June 2015
Proposal:	Erection of barn and associated access track and change of use of land from agricultural to equestrian use (as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended). (Retrospective)	Parish:	Aust Parish Council
Map Ref:	361643 189066	Ward:	Severn
Application Category:	Minor	Target Date:	20th August 2015



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100023410, 2008. **N.T.S.** **PT15/2691/F**

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application is referred to the Circulated Schedule as it represents a departure from relevant Green Belt Policy within the Development Plan.

In this case any resolution to grant planning permission for this development does not need to be referred to the Secretary of the State for Communities and Local Government as the development is not of a large enough scale and it would not have a significant impact on the openness of the Green Belt (referral criteria is set out in the Departure Direction 2009).

1. THE PROPOSAL

- 1.1 The application relates to a field approximately 13.5 acres (5.46 hectares) in area and laid to pasture. The field lies in open countryside and Green Belt land to the south of Sweetwater Lane and to the north-west of Alveston. An agricultural building was erected on the land in 2009.
- 1.2 Retrospective planning permission is sought for:
 - Use of the existing building for equestrian uses i.e. stabling, tack room and storage of fodder.
 - Retention of a hard-core track and access.
 - Change of use of land from agricultural to equestrian use.

2. POLICY CONTEXT

- 2.1 National Guidance
The National Planning Policy Framework (NPPF) March 2012
National Planning Practice Guidance (NPPG) 2014
- 2.2 Development Plans
South Gloucestershire Local Plan (Adopted) 6th January 2006
 - L1 - Landscape Protection and Enhancement
 - L9 - Species Protection
 - L16 - Protecting the Best Agricultural Land
 - EP2 - Flood Risk and Development
 - E10 - Horse related development
 - T8 - Parking Standards
 - T12 - Transportation
 - LC5 - Proposals for Outdoor Sports and Recreation outside Existing Urban Area and Defined Settlement Boundary
 - LC12 - Recreational Routes
- 2.3 South Gloucestershire Local Plan Core Strategy (Adopted) 11 Dec. 2013
 - CS1 - High Quality Design
 - CS4A - Presumption in Favour of Sustainable Development
 - CS5 - Location of Development
 - CS8 - Improving Accessibility
 - CS9 - Managing the Environment and Heritage

CS34 - Rural Areas

2.4 Emerging Plan

Proposed Submission : Policies Sites and Places Plan – March 2015

PSP2 - Landscape

PSP7 - Development in the Green Belt

PSP11 - Development Related Transport Impact Management

PSP16 - Parking Standards

PSP20 - Flood Risk, Surface Water and Watercourse Management

PSP21 - Environmental Pollution and Impacts

PSP27B - Horse Related Development

2.5 Supplementary Planning Guidance

The South Gloucestershire Design Checklist (SPD) – Adopted August 2007

Development in the Green Belt SPD – Adopted June 2007

Trees on Development Sites – Adopted Nov. 2005

SG Landscape Character Assessment (Revised and Adopted) Nov 2014.

3. RELEVANT PLANNING HISTORY

3.1 None

Adjacent Site

3.2 PT12/1219/F - Change of use of land from agricultural to mixed use of agricultural and land for the keeping of horses.
Approved 5th July 2012

4. CONSULTATION RESPONSES

4.1 Aust Parish Council

Aust Parish Council does not object to this application in principle, but if permission were granted, there should be strict conditions attached similar to those in the existing permission and in particular, there should be no artificial light to the manege or the field, no use for business purposes such as livery stabling or any other commercial use.

It should be noted that there is no manege proposed.

Oldbury-on-Severn Parish Council

No response

4.2 Other Consultees

Highway Structures

No comment

Lead Local Flood Authority

No objection

Transportation D.C.

We have no objection in principal to this application however, we would be very concerned about the increased travel demand which would arise if it were used intensively. Hence, we would recommend a number of conditions are placed on any planning permission granted for this site to limit it to the personal use of the applicant.

These conditions are designed to limit the impact of this development on the safety of the adjoining highway network and are as follows:

No more than 8 horses shall be kept on site.

There shall be no commercial uses or business activities on this site. This shall include a riding school or livery activities.

Historic Environment

No comment

Other Representations

4.3 Local Residents

No responses

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

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

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

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

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

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

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

- 5.8 Impact on the Openness of the Green Belt and Landscape Issues
Paragraph 79 of the NPPF states that the government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.
- 5.9 Inappropriate development is by definition harmful to the openness of the Green Belt and should not be approved except in very special circumstances (para. 87).
- 5.10 Para. 89 of the NPPF states that planning authorities should regard the construction of new buildings as inappropriate in the Green Belt but lists exceptions which include "*provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it*". In this case however no new buildings are proposed.
- 5.11 The NPPF at para. 90 goes on to say that "*certain other forms of development are also not inappropriate in the Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in the Green Belt*". A list of those developments that are not considered to be inappropriate is given and include "*the re-use of buildings provided that the*

buildings are of permanent and substantial construction” but these do not include the change of use of land.

- 5.12 The proposal includes the use of a former agricultural building of permanent and substantial construction which is not therefore inappropriate in the Green Belt.
- 5.13 The application also includes the change of use of agricultural land to land for the recreational keeping of horses. Officers must therefore conclude that this proposed change of use is inappropriate development. Furthermore case law has established that changes of use of land are inappropriate. On this basis therefore, very special circumstances are required for this element of the scheme if the application is to be approved.
- 5.14 In this case the proposed use is a recreational one i.e. equestrianism, which retains the open nature of the fields and would not compromise any of the five purposes listed at para. 80 of the NPPF for designating land as Green Belt. The actual impact on openness is negligible, and can be further protected by the use of conditions. Officers consider that this clearly outweighs any harm to openness by reason of inappropriateness and amounts to very special circumstances to justify a departure from Development Plan Policy.
- 5.15 The site is well screened from the road and surrounding land by a network of high hedgerows and trees. The existing building measures 6.09m x 13.72m with height to eaves of 3.05m and a height to ridge of 3.89m. The building is currently used as stabling, tack room and storage for fodder. The building has been designed for general storage and livestock use. The building has a steel portal frame, concrete block walls with Yorkshire boarding, and fibre cement sheet roof. Being designed for agricultural purposes the building does not look out of place in this rural location. Furthermore the building is appropriately located in the far north-western corner of the field where it is not prominent within the landscape. Nonetheless, in the interests of maintaining the open character of the landscape conditions are justified to restrict the erection of any jumps or other structures on the site (with the exception of moveable field shelters that are generally permitted development). An old caravan is currently located next to the building, its removal can also be secured by condition. A condition to restrict lighting is also required to reduce light pollution.
- 5.16 Impact on Residential Amenity
The application site occupies a relatively isolated position, so much so that the nearest residential properties would not be adversely affected. Equestrian uses are only to be expected in such a rural location.
- 5.17 Transportation Issues
The site is accessed directly off Sweetwater Lane. The metal access gate is set well back to allow vehicles to pull off the road before opening the gate. There is a separate pedestrian gate to the side of the main gate. The hard-core track has already been laid which leads to the existing barn. There is adequate room for parking and turning of vehicles.

- 5.18 Officers have concerns about possible over intensification of use of the site and therefore recommend conditions to limit the number of horses kept on the site to 8, with no commercial uses or business activities on the site, such as riding school or liverys. The applicant has confirmed that she is the owner and sole occupier of the land and intends to keep only her horses on the land. .
- 5.19 Environmental Issues
The disposal of foul waste should be undertaken in accordance with the DEFRA Code of Good Agricultural Practice for the Protection of Water and would be the subject of Environment Agency and Environmental Health controls. The site does not lie within a flood zone.
- 5.20 E10: Access to Bridleways
There are no direct links from the site to bridleways, however the site has very good access to the local bridleway network some 50m to the west along Sweetwater Lane, which is a very quiet lane traffic wise. It is noted that Sweetwater Lane is identified in the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 as a recreational route. Officers consider it the norm for such rural routes to be used by horse riders. On this basis, it would be difficult to substantiate a refusal reason for this application on the grounds of lack of bridleways.
- 5.21 E10: Preferred use of other existing buildings on the site
This criterion is not relevant to this proposal, there being no other suitable buildings in the field.
- 5.22 Welfare of Horses
Concerns have been raised about the number of horses kept on the site. It is now proposed to limit the number of horses to 8no. Furthermore the 13.5 acre site is considered to provide more than adequate grazing land in accordance with British Horse Society recommendations.
- 5.23 Ecology
The site has no special ecological designations and is already used to graze horses.

6. CONCLUSION

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

7. RECOMMENDATION

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

Contact Officer: Roger Hemming
Tel. No. 01454 863537

CONDITIONS

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

Reason

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

Reason

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

2. The number of horses kept on the site edged in red on the plans hereby approved, shall not exceed 8.

Reason

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

3. No jumps, new fences, gates or other structures for accommodating animals and providing associated storage shall be erected on the land other than those shown on Drawing No. 51723/01/001 Rev A and up to a maximum of two moveable field shelters, the details of which shall firstly be agreed in writing with the Local Planning Authority. Thereafter, development shall accord with these agreed details.

Reason

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

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

Reason

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

5. Within three months of the date of this decision, or to a programme otherwise agreed with the Local Planning Authority, the existing caravan shall be permanently removed from the site.

Reason

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

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

Reason

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

7. The approved hard-standing for car parking and turning (shown on the Combined Retrospective Drawing No. 51723/01/001 Rev A) shall be permanently retained for that purpose.

Reason

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

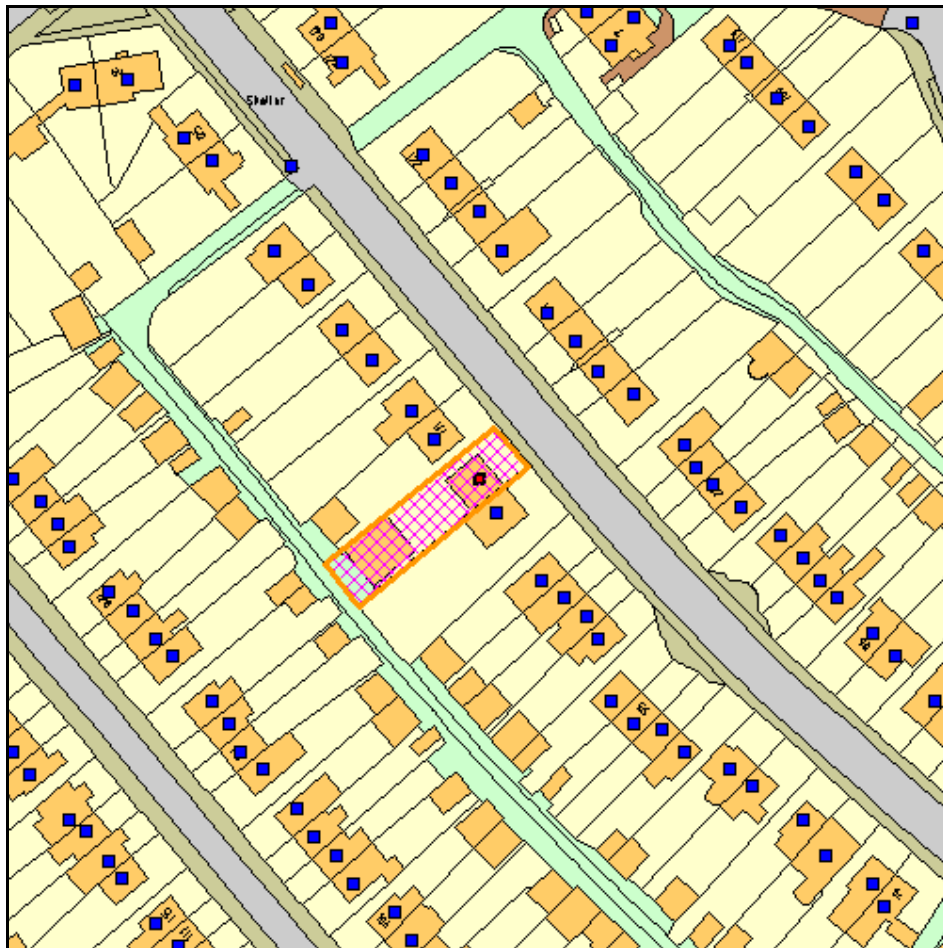
8. There shall be no form of external illumination on the site.

Reason

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

CIRCULATED SCHEDULE NO. 35/15 – 28 AUGUST 2015

App No.:	PT15/3343/F	Applicant:	Mr & Mrs K Slogget
Site:	109 Durban Road Patchway Bristol South Gloucestershire BS34 5HW	Date Reg:	4th August 2015
Proposal:	Erection of single storey rear and side extension to provide additional living accommodation.	Parish:	Patchway Town Council
Map Ref:	359678 181880	Ward:	Patchway
Application Category:	Householder	Target Date:	28th September 2015



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 100023410, 2008. N.T.S. PT15/3343/F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

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

1. PROPOSAL AND SITE DESCRIPTION

- 1.1 The applicant seeks full planning permission to erect a single storey side and rear extension. The extension would have a depth of 3 metres, width of 8.8 metres (projecting by 2.0 metres on the side) with a height of 3 metres. Materials will match the adjoining property. The proposal will involve the removal of a detached building in the garden described on plan as a garage.
- 1.2 Initial plans submitted with the planning application showed that the extension would have a balcony across part of the roof of the extension accessed from the first floor of the rear elevation (submitted plans show an obscure glazed screen on the sides of the balcony). Following negotiation, this element has been removed in order to address concerns relating to the impact upon residential amenity. Plans also show an additional door in a detached garage (this in itself does not require consent).
- 1.3 The application site comprises a semi-detached property situated on the southern side of Durban Road

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
H4 Development within Existing Residential Curtilages, Including Extensions and New Dwellings
- 2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist (Adopted 2007)

3. RELEVANT PLANNING HISTORY

- 3.1 PT08/2399/F Erection of double garage (Approve)

4. CONSULTATION RESPONSES

- 4.1 Patchway Town Council
No Comments Received

4.2 Other Consultees

Highway Drainage

No comment

Other Representations

4.3 Local Residents

Four objections have been received (two from the same address). These objections were to an earlier design which has been altered as a result of negotiation (see below).

The grounds of objection are as follows:

No objection to the extension but objection to the balcony as this will result in a loss of privacy to neighbouring occupiers

A further objection has been received to amended plans reiterating previous concerns.

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

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

5.2 Visual Amenity

The proposal consists of a single storey rear extension that extends beyond the side of the property on the northern side. A balcony shown on original plans which included glass screens at each end has been removed following negotiation.

There have been a number of rear extensions added within the vicinity of the site. This extension has a flat roof however within context on this rear elevation this would not significantly detract from the visual amenity of the area. Materials are to match. The change of a window in the existing rear elevation to the Juliette style doors shown is acceptable. .

5.3 Residential Amenity

The dwelling is semi-detached, with no neighbours to the immediate rear but with properties on either side. No.107 to the south having a single storey extension and No.111 the other half of the detached structure to be demolished within the application site. It is not considered that the proposed extension itself

given its scale and location would detract from the residential amenity of neighbouring occupiers either through loss of privacy or as a result of loss of outlook through appearing oppressive or overbearing.

Concern was raised to the original submission that the use of the flat roof to the extension as a balcony would result in the loss of privacy to adjoining properties. It was proposed to install a 2 metre high obscure glazed screen set back by 2 metres from the northern boundary with No.111 and on the boundary with No.107. This balcony has been removed from plans following negotiation however for the avoidance of doubt, in order to protect the residential amenity of neighbouring occupiers, a condition is recommended to be added to the decision notice to specifically prevent the use of this flat roof as a balcony..

Subject to the above condition the proposed development is considered acceptable in terms of the impact upon residential amenity.

5.4 Sustainable Transport

The application is not proposing to increase the total number of bedrooms within the property, nor would it effect the existing off street parking arrangements and as such, there are no objections in terms of parking and highway safety.

6. CONCLUSION

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

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

7. RECOMMENDATION

7.1 That the application be **APPROVED** subject to the conditions set out below.

Contact Officer: David Stockdale
Tel. No. 01454 866622

CONDITIONS

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

Reason

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

2. The roof area of the extension hereby permitted shall not be used as a balcony, roof garden or similar amenity area without the grant of further specific permission from the Local Planning Authority.

Reason

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