



**LIST OF PLANNING APPLICATIONS AND OTHER PROPOSALS
SUBMITTED UNDER THE PLANNING ACTS TO BE DETERMINED BY
THE DIRECTOR OF ENVIRONMENT AND COMMUNITY SERVICES**

CIRCULATED SCHEDULE NO.09/16

Date to Members: 04/03/16

Member's Deadline: 10/03/2016 (5.00pm)

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

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

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

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

NOTES FOR COUNCILLORS - FORMAL ARRANGEMENTS

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

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

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

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

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

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

GUIDANCE FOR 'REFERRING' APPLICATIONS

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

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

CIRCULATED SCHEDULE - 04 MARCH 2016

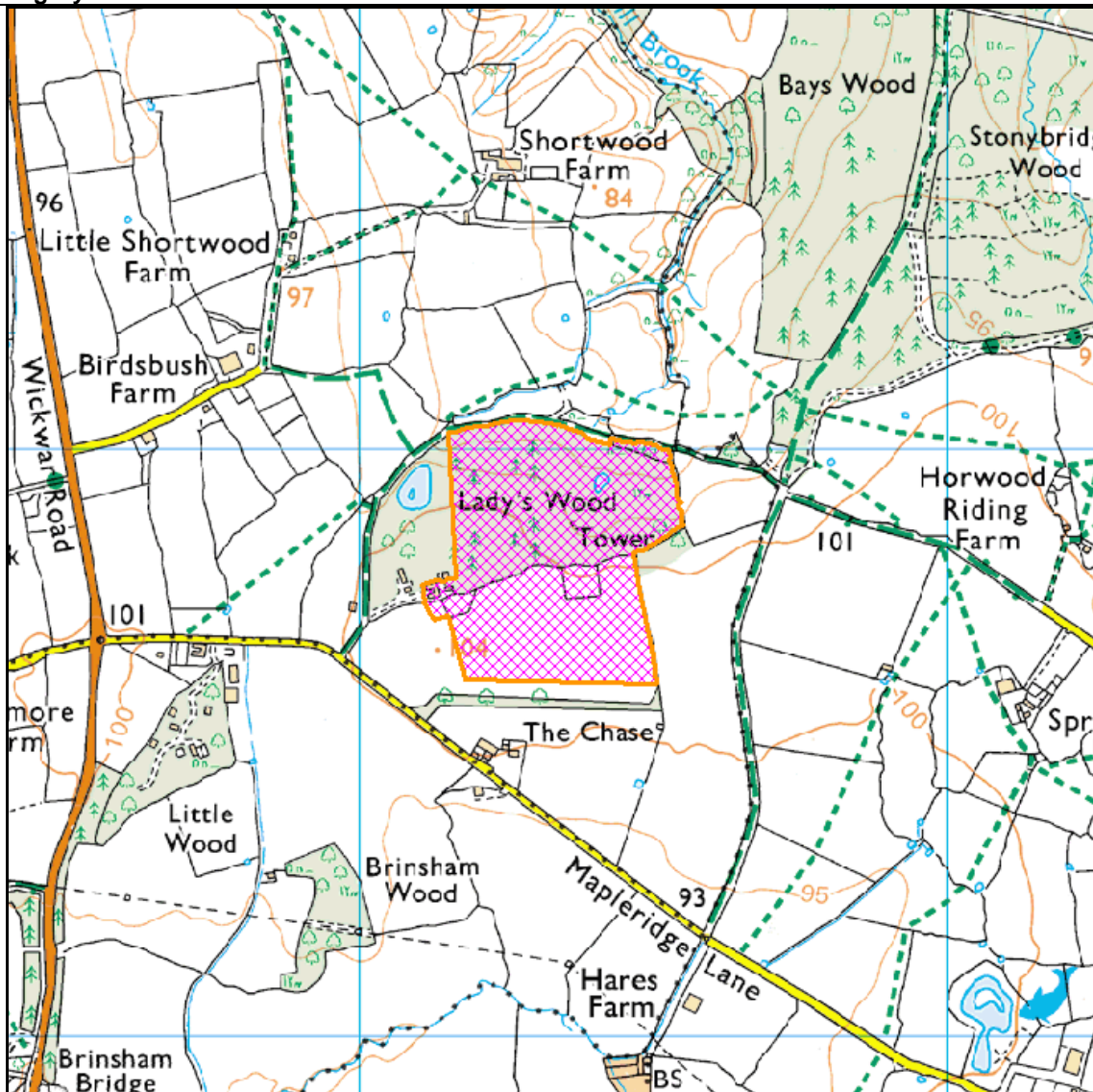
ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
1	PK15/1035/CLE	Approve	Ladys Wood Shooting School Mapleridge Lane Yate South Gloucestershire BS37 6PW	Ladden Brook	Wickwar Parish Council
2	PK15/3089/CLE	Approve	Highfield Farm Highfield Lane Horton South Gloucestershire BS37 6QU	Cotswold Edge	Horton Parish Council
3	PK15/3809/F	Approve with Conditions	Inglestone Farm Chase Lane Inglestone Common Badminton South Gloucestershire GL9 1BX	Cotswold Edge	Hawkesbury Parish Council
4	PK15/5345/F	Approve with Conditions	Unit 3 Crown Industrial Estate Crown Road Warmley South Gloucestershire BS30 8JJ	Siston	Siston Parish Council
5	PK15/5370/F	Approve with Conditions	36 Sunnyvale Drive Longwell Green South Gloucestershire BS30 9YQ	Longwell Green	Oldland Parish Council
6	PK16/0090/R3F	Deemed Consent	Warmley Park School Tower Road North Warmley South Gloucestershire BS30 8XL	Siston	Siston Parish Council
7	PK16/0202/F	Approve with Conditions	Units 7-8 Aspects Leisure Park Leisure Road Kingswood South Gloucestershire BS15 9LA	Hanham	Hanham Parish Council
8	PK16/0232/F	Approve with Conditions	52 Cheshire Close Yate South Gloucestershire BS37 5TH	Yate North	Yate Town
9	PK16/0253/F	Approve with Conditions	6 St Davids Avenue Cadbury Heath South Gloucestershire BS30 8DF	Parkwall	Oldland Parish Council
10	PK16/0306/CLP	Approve with Conditions	11 Cleeve Park Road Downend South Gloucestershire BS16 6DW	Downend	Downend And Bromley Heath Parish Council
11	PT15/4279/RVC	Approve with Conditions	Former Carpark Castle Court Thornbury South Gloucestershire BS35 2BF	Thornbury North	Thornbury Town Council
12	PT15/5202/F	Approve with Conditions	Highcliffe Frenchay Common Frenchay South Gloucestershire BS16 1LZ	Frenchay And Stoke Park	Winterbourne Parish Council
13	PT15/5253/O	Approve with Conditions	2 Charborough Road Filton South Gloucestershire	Filton	Filton Town Council
14	PT15/5352/F	Refusal	Glebe House 5 Sundays Hill Almondsbury South Gloucestershire BS32 4DS	Almondsbury	Almondsbury Parish Council
15	PT16/0064/F	Approve with Conditions	The Glen Moorslade Lane Falfield Wotton Under Edge South Gloucestershire GL12 8DJ	Charfield	Falfield Parish Council
16	PT16/0111/F	Refusal	The Cottage Hazel Lane Rudgeway South Gloucestershire BS35 3QW	Thornbury South And	Alveston Parish Council
17	PT16/0219/F	Approve with Conditions	4 Manor Park Tockington South Gloucestershire BS32 4NS	Severn	Olveston Parish Council

Dates and Deadlines for Circulated Schedule
During Easter Bank Holiday 2016

Schedule Number	Date to Members 9am on	Members Deadline
11/16	Thursday 17 March 2016	Wednesday 23 March 2016 5pm
12/16	Thursday 24 March 2016	Friday 01 April 2016 4.30pm

CIRCULATED SCHEDULE NO. 09/16 – 4 MARCH 2016

App No.:	PK15/1035/CLE	Applicant:	Mr E Hemmings Lady's Wood (2013) Limited
Site:	Ladys Wood Shooting School Mapleridge Lane Yate South Gloucestershire BS37 6PW	Date Reg:	11th March 2015
Proposal:	Application for the Certificate of Existing Lawfulness for the use of land and buildings as a shooting school and in breach of condition 2 (operating hours 10am-4pm) and condition 3 (2 people at a time) on planning permissions P84/1725 and P84/2220.	Parish:	Wickwar Parish Council
Map Ref:	373073 185780	Ward:	Ladden Brook
Application Category:		Target Date:	4th May 2015



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100023410, 2008. N.T.S. PK15/1035/CLE

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application is to appear on circulated schedule in accordance with the Council's procedure for Certificates of Lawfulness.

1. THE PROPOSAL

- 1.1 The application is for a Certificate of Lawfulness for the existing use of the land and buildings as a Shooting School, but the application also seeks to evidence a breach of four (two duplicated) planning conditions on two extant planning permissions, for in excess of ten years. The duplicate conditions are numbers 2 and 3 on planning permissions P84/1725 and P84/2220.
- 1.2 Condition 2 reads; *'The shooting school shall not operate outside the hours of 10.00am to 4.00pm and shall not operate on any day other than Tuesday to Saturday inclusive without the prior written consent of the Council'.*
- 1.3 Condition 3 reads; *'The maximum number of people receiving shooting instruction at any time shall not exceed two'.*
- 1.4 Both conditions were imposed *'to control the scale of the use in the interests of the amenities of the locality'.*
- 1.5 The site appears to have been home to a shooting school since 1982 in some shape or form. The school building is a large building comprising of an elongated rectangular core and two rectangular wings facing into a courtyard area. There are two buildings to the rear which are also used by the school. There is a long domed shed which appears to have been in position for many years and a smaller but newer shed which has recently been granted planning permission retrospectively. The main school building is an attractive stone building of architectural merit, but neither listed, nor locally listed.
- 1.6 Beyond the school buildings is a large woodland area. This is bounded with a public right of way. There is a high shooting tower in a fairly central position in the woodland which benefits from a planning permission and there are 4 other shooting towers which are subject to a separate planning application. To the south-east of the school buildings is a car park area and a large field.
- 1.7 The site is in the open countryside, outside any settlement boundary.

2. POLICY CONTEXT

- 2.1 National Guidance
Town and Country Planning (Development Management Procedure) Order 2010 (as amended)
- 2.2 Because the application is a Certificate of Lawfulness the policy context is not directly relevant as the planning merits are not under consideration. The applicant need only prove that on the balance of probabilities the use and the

breaches of the conditions have taken place for a continuous period of 10 years up to the date of this application on 9th March 2015.

2.3 A Certificate of Lawfulness is an assessment of fact and an assessment based on the available evidence and on the balance of probabilities as to whether a development has become immune from enforcement action and is thereby lawful.

2.4 There is no policy assessment to be made.

3. RELEVANT PLANNING HISTORY

3.1 N513/2 – Establishment of shooting school within existing game farm – Approved with Conditions – 29.7.1982

3.2 P84/1725 - Establishment of shooting school within existing game farm. (Renewal of temporary consent). – Approved – 18.7.1984

3.3 P84/2220 - Erection of outbuilding for uses ancillary to existing game farm & shooting school. – Approved - 17.10.1984

3.4 P85/2041 - Erection of tower approximately 37 metres (approximately 121 feet) in height for launching clay pigeons. – Approved – 11.9.1985

3.5 PK15/0489/F - Erection of a storage shed. (Retrospective). – Approved – 13.3.2015

3.6 PK15/1028/F - Lobby connecting existing reception and gun room (Retrospective) – Approved – 7.5.2015

3.7 PK15/1031/F - Retention of 4 No. Clay Shooting Towers (Retrospective) – Pending Consideration

4. CONSULTATION RESPONSES

4.1 Wickwar Parish Council

No comment

4.2 Horton Parish Council

Note that there are a number of objections to the noise arising from the activity and that this is affecting Horton residents as the neighbouring Parish and should be taken into account.

4.3 Other Consultees

No other Statutory consultation responses were received.

Other Representations

4.3 Local Residents/ Employers/Interested Parties

Letters of support and statutory declarations have been received from 13 interested parties. Comments are summarised below and examined in detail at part 5 of this report;

- The Shooting School has operated from the entire area shown on the attached drawing 140008/01 dated January 2015 continuously and without interruption for the past ten years.
- For the same period the shooting school has operated beyond the permitted days of hours of 10am-4pm Tuesday to Saturday in continuous breach of Condition 2 of Planning Permission P84/2220 and has regularly instructed groups of greater than two persons, in continuous breach of Condition 3 of the same permission.
- A DVD has been received demonstrating an event 'Schroder & Co Clay Shoot 2002'.
- Sales Book entries
- Maps of Shooting positions
- Newsletters
- Adverts
- Contracts

There is a letter from a resident which does not clearly indicate support or objection but seeks to clarify the history insofar as;

- Lady's Wood was granted full planning in 1984. In 1985 consent was given for the erection of a gun room and reception lodge and shortly after, planning consent was given for the erection of the high tower.
- Lady's Wood Shooting School has operated within its permitted planning ever since, strictly adhering to the restricted working hours of Tuesday to Saturday with shooting taking place between 9.00am to 4.30pm only and using low noise cartridges made especially for the Shooting School.
- Diary entries have been entered to provide example of some of the previous levels of use.

Objection letters have been received from 17 people. There has been some misunderstanding of the nature of the application in these submissions however key points are summarised below and examined in detail at part 5 of this report;

- There has not been a single complaint in 30 years before the new occupiers took over
- Corporate days increased over the years with small parties ranging from 6-12 people. The largest group was 30 people and this was rare. On these occasions additional freelance instructors were required and small groups of 5 or 6 people would go with each instructor
- Two of the 'employees' were 'freelance instructors'
- The School held one Charity event per year where shooting was contained from 10.00am to 3.00pm

- The hours were extended very occasionally to 4.30pm to accommodate a late client
- A shot was not fired before 9.00am or after 4.30pm
- Activity has increased considerably and it is difficult to have quiet time in the garden
- During shooting season it is usually Saturdays but clay shoots are any day, time and season
- Are there any restrictions as noise is a problem. There is a constant noise from Tuesday to Saturday 9.00am to 5.00pm
- Planning being sought to extend hours to Sunday and Monday and run till 8.00pm. Extended opening hours will be unbearable
- Environmental Nuisance log sheets submitted and suggest fairly intensive activity on 7 days in a 3-week period 09.00-16.15
- Commercial activity re. Conference Centre might affect the access lane
- Previously never held open competitions

Letters from Solicitors representing the occupiers and the owner have been received providing interpretations of the evidence and the planning history.

A petition has been received objecting to a proposal to extend the opening hours to 9am -5pm Mon-Sat and 9am-1pm Sundays. Extended to 8pm Tues-Thurs in May, June, July and August. The petition includes 65 signatures however no such planning application has been made and this appear to have been confused with an application that was submitted in 2013 (PK13/4259/RVC) which was returned.

A petition has also been received to identify the operating hours of the Shooting School over the past 10 years as 9.30am – 4.30pm from 2003 – 2013. This petition also has 65 signatures.

5. **ANALYSIS OF PROPOSAL**

5.1 **Evidence to support the application – Shooting over the entire red edge area for a continuous period of ten years**

The applicant is applying for a Certificate of Lawfulness which will determine a lawful area of land over which the Shooting School has been operating for a continuous period of ten years up to submission of the application. The application arises from examination of the planning history which identified that much smaller planning units were defined by the original planning applications.

- 5.2 The original two year permission was followed in July 1984 with a grant of planning permission (P84/1725) for 'establishment of shooting school within existing game farm. (Renewal of Temporary Consent)'. The description of this implies that a renewed temporary consent was sought, however the approval, granted 19 July 1984 did not impose any time restriction and closer inspection of the hand written officer's report reveals that it was intended to be permanent. This was only for a small area fairly central to the woodland but expressed that the operation of the 'schooling' was confined to this area and the wider woodland was only used for shooting seasonal game.

- 5.3 In October 1984, permission (P84/2220) was granted for the 'outbuilding for uses ancillary to existing game farm & shooting school' but again the planning unit was constrained to the buildings and a small area around these buildings. Only the buildings, their curtilage and a small defined area in the woodland actually benefitted from a planning permission for a Shooting School. The remainder of the woodland was understood to be used for occasional seasonal game and an otherwise lawful agricultural use.
- 5.4 The applicant has submitted a series of Statutory Declarations alongside a Site Location Plan ref. AH/140008/01. This site plan identifies a planning unit which extends from the school buildings to the west across to the eastern edge of the woodland. It includes the woodland edges from north to south and extends to grassland to the south. There is a straight western boundary through the woodland separating the residential property 'Lady's Wood' from the Shooting School.
- 5.5 A series of Statutory Declarations have been received in a template with individual amendments on the status of the signatory, the duration of their involvement and of course the signatures. The statements otherwise read; 'I can confirm that the Shooting School has operated from the entire area shown on attached drawing 140008/01 dated January 2015 continuously and without interruption for at least the past ten years'. Statements were received from;
- | | | | | |
|-----------------------|---|----------|---|----------|
| E R Hemmings | - | Client | - | 30 years |
| Anthony Robert Taylor | - | Employee | - | 25 years |
| Richard Jee | - | Employee | - | 10 years |
| Peter Alan Rollings | - | Employee | - | 20 years |
- 5.6 These are evidently people who did know the site very well and as Statutory Declarations, the submissions can be afforded significant weight.
- 5.7 The applicant has also submitted a plan identifying the position of shooting traps that have been on the land and used by the Shooting School for in excess of ten years (Rev 05 dated 17/3/14). These are sited outside of the permitted planning units and it is submitted on behalf of the applicant that shooting from these traps has resulted in shot falling right across the site now submitted with the Certificate of Lawfulness. Copies of Newsletters from the late 1990s have been provided which refer to the existence of these traps and a new grouse butt. The Officer was shown the numerous shooting positions during a site visit and was shown the direction of firing and areas of shot fall out. It was evident that there are several positions firing across the field and several positions in the woodland. The applicant acknowledged that there had been complaints about shot fall-out on the neighbouring property and public right of way and that shooting positions had been amended accordingly but this does demonstrate the scope of the shot fall-out across the whole site.
- 5.8 The plan clearly identifies a number of shooting traps and positions that are outside the permitted planning units. Dealing first with the Newsletters; these indicate a scale of operation in the late 1990s which was more than one or two people attending for gun tuition classes throughout a day and suggests operation across much more of the land than just the high tower area. The

Autumn 1997 edition details a couple of significant events at the site, attracting in excess of 25 competitors and details a number of prize winners, only one of which is the High Tower. It seems probable that such events would have used a wider area of the site than the planning units permitted by the original permissions and the officer has been shown the firing positions (also evidenced in the DVD of one such event). The Newsletter refers specifically to the 'Down-the-line Trap' towards the Lodge and the available evidence indicates that this was outside the previous red edge planning units. The Spring/Summer Edition 1998 details the construction of the 'New Grouse Layout' and again this appears to be beyond the original planning units. Reference is made to 'building the stone grouse butt, putting in new traps and designing a challenging new stand. The Newsletters also refer repeatedly to 'Gun & Dog days' at Lady's Wood and it is assumed that the purpose of this is to allow dogs to go after/collect whatever is shot at. This was probably over a much larger area than the previously confined High Tower area and further supports the application. The Newsletter refers to the 43 competitors using 4 stands.

5.9 Additional evidence from Mr Kent and Mr Rollings, who are both former instructors at the site, identifies the traps being referred to on the map and confirms that these have been in position for well in excess of ten years. Mr Kent refers to his first shot at Lady's Wood which was taken from the 'Down the Line Trap' in 1989 and considerable weight is attributed to his evidence which is corroborated by the Newsletters.

5.10 There is a Report from the Game Conservancy Shoot 2001 which refers to the groups of competitors heading off with maps to their dedicated stands which further indicates the size of the plot in use for shooting. The invite to the 2002 event refers to the use of seven stands.

5.11 A 2012 advert for the School refers to the setting of 65 acres of natural woodland and meadow, 120ft High Tower, grouse butt and large sporting layout.

5.12 Evidence to object to the application - Shooting over the entire red edge area for a continuous period of ten years

There has been very little evidence submitted to challenge the above. Indeed the lack of comment and the communication with various parties about the planning history has led the Planning Officer to conclude that actually, it was not widely known and apparently not known by occupiers and landowners that the planning unit had been quite constrained when the original permission was granted.

5.13 Solicitors acting for the Landowner, Mrs Pinker, and objecting to the certificate application, have suggested that the original sworn statements are contradicted and discredited by new information and that the wider area is not defined with any certainty. The Planning Officer does not consider the statements to be contradictory, however the latter submissions and plan do define specific shooting stands and traps rather than loosely referring to the entire site.

5.14 Conclusion on this point

It appears that the act of firing guns under tuition was probably constrained to the areas identified on the plan Rev 05 dated 17/03/14. This is perhaps best evidenced by Mr Kent's drawings and he evidently has a significant history at the Club, which is corroborated with Newsletters. These shooting positions run right through the woodland, fire up above the woodland and fire out into the field. The fallout of shot is perhaps a contentious point and one to which little weight is attributed, but evidence of a number of complaints about shot falling on the footpath and on the neighbouring garden does suggest that the fallout from this activity can be widespread. A DVD submitted by the applicant shows people firing during a Charity Event in 2002. It shows firing from two different traps right across areas of the field. It also shows firing through and high above the woodland.

5.15 In defining the planning unit for the Certificate, there does not appear to be any significant functional or physical separation across the site, save for the functional position of towers and shooting traps and there seems to be no planning grounds to define a renewed but small area of lawfulness within what does appear to be a genuinely large but legitimate planning unit. To attempt to define such a use by the individual firing positions rather than the land would seem impractical and unreasonable given the ease of movement through the site and the scale of the shoots that have been taking place.

5.16 It is recommended that the Certificate of lawfulness be granted insofar as the Shooting School activity continuing for a period of ten years over the land identified on the plan AH/140008/01.

5.17 Evidence to support the application – Operation in breach of the working hours condition for a continuous period of ten years

There is considerable evidence submitted in support of the submission that the School has operated in breach of the condition restricting the working hours for a continuous period of ten years. Condition 2 restricted working hours to 10.00am-4.00pm on Tuesdays to Saturdays. On review of the evidence submitted, the Planning Officer is in no doubt that this condition has been continuously breached for ten years. Almost every submission on the matter, including a petition of 65 signatures identifies the working hours as either 9.00am or 09.30am until 4.30pm. Nevertheless there is also a suggestion that the use might have intensified further in recent years under the new tenancy. It is also important therefore, to determine the precise scale of the breach in determining the apparent material boundaries of any Certificate.

5.18 Diaries

A number of diary entries have been submitted to the Authority, some of them within the preceding ten year period and some before this ten year period. Some diary entries have been submitted by the land owner and some by the applicant but there is nothing to doubt the validity of any of these so they are considered together.

5.19 2003

A number of diary entries have been submitted from 2003 which will not be considered in any depth as they pre-date the most relevant ten year period.

Nevertheless they do reflect a consistent pattern of shooting from 09:00 – 16:30.

5.20 1-5 & 10-13 March 2005

These identify at least three slots commencing at 09:00 but nothing after 16:00.

11-16 April 2005

These entries show bookings from 09:30 – 16:00 (presumably finishing 16:30) and no shooting on Monday.

9-10 May 2005

No bookings Monday. Bookings 09:30 -15:00 (presumably finishing by 16:00).

14-15 & 18-19 June 2005

Bookings running 09:30 – 16:00.

4-5 July, 8-9, 16-17 July 2005

Bookings run 09:00 – 16:30 finish. No bookings Sunday.

3-4 & 13-14 August 2005

Bookings run 09:00 – 16:30. No bookings Sunday.

14-17 September 2005

Bookings run 09:00 – 16:30. Also appears to be a 08:45 appointment on 16th and an 08:30 on 15th.

4-13 October 2005

Bookings run 09:00 – 16:30 and no shooting on Sunday.

5-8 & 15-16 January 2010

Bookings run 09:30 – 16:00

18-19 February 2010

Bookings run 09:30 – 16:00

12-13 March 2010

Bookings run 09:30 – 16:30

9-10 April 2010

Bookings run 09:30-16:00

19-20 May 2010

Bookings run 09:30 – 15:00

5.21 Statutory Declarations

The Statutory declarations received from Messrs Hemmings, Taylor, Jee and Rollings and already referred to above include the statement 'I further confirm that for the same period the Shooting School has operated beyond the permitted days of hours 10am-4pm Tuesday to Saturday in continuous breach

of Condition 2 of Planning Permission P84/2220'. No further specifics are provided however.

5.22 Posters

Posters have been provided for a number of events. The majority of these commence at 09:30am with shooting commencing at 10:00am. An Open Day on 21 February 2015 was advertised from 09:00am.

5.23 Other

A letter from the land owner dated 17 March 2015 states that Lady's Wood Shooting School has operated within its' permitted planning ever since, strictly adhering to the restricted working hours of Tuesday to Saturday (closed Sundays and Mondays) with shooting taking place between the hours of 9.00m to 4.30pm only'. This suggests that there has been a long-term misunderstanding of the permitted hours and is considered very strong evidence of a persistent breach. This is corroborated by the Terms of the Lease which restrict shooting to the hours of 09:00-16.30. Considerable weight is attached to the submission from the land owner who has evidently been heavily involved with the business since its inception and is still involved now as an immediate neighbour and land owner. A letter of 5 June 2015 from the land owner's partner states that 'for the past 30 years, Karen Pinker and her late husband Michael Pinker operated within the hours of 9.30am and 4pm on a relatively small scale... the hours were extended very occasionally to 4.30pm to accommodate a late client or a special request from long standing clients who could not get to us earlier. The diaries clearly show that most of the shooting finished by 4pm. I can confirm that we never fired a shot before 09.00am or after 4.30pm – Ever – there was no exception'.

5.24 A letter from Mr Teague on 4 June 2015 outlines his role in the initial set up of the Shooting School and refers to a 'schedule which we were allowed to instruct, which was 09.30am to 4.00pm'.

5.25 Considerable weight is again attributed to the evidence of Mr Kent owing to his familiarity with the site both as a client and as an instructor/manager. He refers to lessons generally starting at 09:30 but occasionally as early as 09:00 and that they sometimes continued after 16:00 but never after 16:30. Mr Rollings advises that shooting on Charity Days commenced at 09:30 at the latest.

5.26 Accompanied with one letter of objection are some Environmental Health Log Sheets recorded between 21 February and 4 March 2015 (Tuesday – Saturday). These record 7 events in that period with shooting commencing between 09:00 and 10:15 and finishing between 15:30 and 16:30. The implication from the reference to the noise and frequency of the shooting is that these were events with significant attendees.

5.27 **Evidence to object to the application - Operation in breach of the working hours condition for a continuous period of ten years**

The evidence challenging the breach of the working hours does not deny the breach but argues that the scale of the breach has intensified. There does not

appear however, to be any evidence of an intensification in working hours at this stage and I also note that the Solicitors acting for the applicant have acknowledged the terms of the lease in respect of the working hours and have advised that they will abide by these. There is an allegation that there has been an intensified use between 09:00-10:00 and 16:00-16:30 however there is overwhelming evidence that these hours were consistently used and understood by owners and customers to be 'operating hours' throughout the ten year period.

5.28 Conclusion on this point

There is overwhelming evidence that Condition 2 has been continuously breached for the ten year period. Nevertheless, this breach has still been tightly constrained and there is only evidence of a continuous breach between the hours of 09:00-10:00 and 16:00-16:30 excluding Sunday and Monday. The evidence submitted with the application allows the officer to conclude that there have been defined operating hours from Tuesday–Saturday, 09:00–16:30, for the ten year period to submission of the application. There is sufficient evidence, on the balance of probability, that condition 2 on the relevant applications has been breached for 10 years or more up to 9 March 2015.

- 5.29 That said, there is no evidence of any continuous working on Sundays or Mondays, or on any day before 09:00 or after 16:30. Owing to the noise implications and the clear definitions of these times, by mutual (albeit misguided) understanding of a planning restraint, and by the terms of the lease, further working outside of these hours could be deemed to amount to a material change of use through intensification.

5.30 Evidence to support the application – Operation in breach of the condition restricting shooting instruction to two people for a continuous period of ten years

Evidence has been submitted to support the claim that there has been a continuous breach of condition 3 of the planning permissions. There is evidence that there have been individual bookings for more than two people and that there have been events for up to 40 people or more. This application must examine the scale of the breach and determine whether the breach has genuinely been 'continuous'.

5.31 Diaries

In reference to the same diary records already referred to;

5.32 2003

A number of diary entries have been submitted from 2003 which will not be considered in any depth as they pre-date the most relevant ten year period. Nevertheless they do indicate instances consistent with the 2005 records, where more than 2 people have attended at the site.

- 5.33 There are some circled single numbers next to some of the bookings. These range from 1-6 and occasionally include ½ numbers. The Officer has sought clarification from the land owner on whose behalf these entries were submitted and she has confirmed that these numbers refer to how many of a client's pre-

booked classes have now been completed. They do not refer to a number of people present.

5.34 1-5 & 10-13 March 2005

Tuesday 1 March refers to a booking at 9:00 for an individual +2 and Wednesday 2 March lists three names at 09:00. Friday 11 March lists three names and a +1 at 14:00 and this includes reference to two classes and there is a booking for one at 15:00 (total 4 receiving tuition).

11-16 April 2005

There is an entry at 09:30 on 12 April for a named individual and 'children'. This is noted as their 3½ and 4½ classes. At the same time, there is a separate booking for an individual (total 4 people on site shooting). On 13 April there are 2 separate bookings for 2 people at 09:30 (total 4). On 15 April there are bookings totalling 3 people on site between 13:30 and 15:00, then there is a family booking for 2 adults and 2 children at 15:00. On 16 April 2005 there are 2 bookings of 3 people at 10:30 and 2 separate bookings at 13:00 (totalling 3 people).

9-10 May 2005

On 10 May there is a 09:30 – 12:00 booking for 3-4 people. Individual bookings were also taken at 10:30 and 11:30 that day, suggesting there could have been as many as 5 people taking instruction at some point.

14-15 & 18-19 June 2005

On 18 June there is a booking for a family group of 3 people at 11:30 and a separate individual booking at the same time (total 4).

4-5 July, 8-9, 16-17 July 2005

On 5 July there is a 14:00 booking for 3 people for 2 hours and a separate booking for 2 more people at 14:30 (total 5). On 8 July at 14:00 there is a booking for 6 people for 2 hours. On 9 July there are separate bookings for a total of 3 people at 10:30 and there is a single booking for 4 people at 14:00 for 2 hours. On 16 July there are separate bookings at 11:00 totalling 3 people and bookings totalling at least 3 people between 13:00-14:00.

3-4 & 13-14 August 2005

On August 4 at 15:00 there appears to be a booking of 3 people. On 13 August there are separate bookings which at 14:00 total four people shooting on site.

14-17 September 2005

On 14 September there is a booking listed under a name which corroborates with the signatory of a Corporate half-day shooting package for that afternoon. On 15 September there is a booking for 3 people at 09:30. At 14:30 there is a booking for 3 people and a separate booking for an individual (total 4). On 16 September there is a booking from 10:30 for 4/5 people running till 15:00 and there are additional bookings of 1 or 2 people during those hours.

4-13 October 2005

On 4 October there is a booking for 3 people at 11:00 and a Company booking at 14:00 for 12 people. On 6 October there are 2 bookings at 10:30 (totalling 3

people) and 2 bookings at 14:00 (totalling 3 people). There is clear reference to a booking of 3 people on 7 October and over the 2-hour period, there are 2 further individual bookings (total 4 people on shooting tuition each hour). There are 4 people booked in at 13:30. There is a separate reference to a booking of 6 people from 14:00-16:00 on 8 October and a separate booking of 1 other from 13:30-15:30. There are 4 people booked in at 09:30, 4 at 10:30 and 3 at 11:30. On 13 October there is a Group booking of 14 people from 13:00 and there is also a separate booking for 2 people at 13:00 (total 16 people).

5-8 & 15-16 January 2010

No evidence of additional numbers.

18-19 February 2010

At 10:30 on 18 February there is a booking of 3 people. At 11:30 on 19 February there are separate bookings totalling 3 people and at 13:00 separate bookings totalling 4 or 5 people.

12-13 March 2010

On 12 March there is an undefined 'family' booking at 10:30, which on the evidence of other records is assumed to be a number greater than 2. On 13 March at 11:30 there are 2 overlapping bookings totalling 5 people and at 13:00 2 separate bookings totalling 6 people.

9-10 April 2010

2 separate bookings totalling 3 people at 11:30 on 9 April and the same again at 13:00 and 14:00.

19-20 May 2010

No evidence of breaches

5.35 These are diary entries submitted on behalf of the landowner who does not benefit from the increased numbers. They do indicate a consistent breach, on the balance of probability, of the restriction to two people.

5.36 Statutory Declarations

The Statutory declarations received from Messrs Hemmings, Taylor, Jee and Rollings and already referred to above, include the statement ... 'and has regularly instructed groups of greater than two persons, in continuous breach of Condition 3 of the same permission'. No further specifics are provided however.

5.37 Posters

Posters have been provided for a number of events. The Planning Officer is satisfied that each of these events attracted more than two people shooting at a time and there is significant supporting evidence of this in the Newsletters that have been submitted. Events recorded by Posters include;

06.12.2006	Christmas Fun Day
08.06.2007	Richard Schroder Memorial Shoot
06.06.2008	Richard Schroder Memorial Shoot
13.08.2009	Ladies who Lunch and Shoot
19.08.2009	Sunshine Fun Day

09.09.2010	Ladies who Lunch and Shoot
08.12.2010	Christmas Fun Day
27.04.2011	Bluebell Fun Day
30.09.2011	Open Day
01.04.2014	League of Lady Shooters
17.05.2014	League of Lady Shooters
03.06.2014	League of Lady Shooters
05.08.2014	League of Lady Shooters
05.09.2014	North Wiltshire Conservative Association
07.10.2014	League of Lady Shooters
02.12.2014	League of Lady Shooters
13.12.2014	Festive Fun Day
21.02.2015	Have a Go Day

5.38 Shooting Packages

There is evidence of some shooting packages already demonstrated in the diary entries above. Some evidence of signed application forms for the following events has been submitted as follows;

Half Day Corporate Shooting Packages

19.04.2005
 14.09.2005
 27.10.2005
 21.01.2006
 27.02.2006
 25.04.2006
 16.05.2006
 17.05.2006
 20.06.2006
 11.07.2006
 25.07.2006
 29.08.2006
 01.12.2007
 17.04.2008
 13.06.2008

5.39 Lesson

29.01.2011 Lesson for 5 people

Party

30.04.2011 18th Birthday Party (18 guests)

Other Bookings from Register

07.01.2012 13 people
 21.03.2012 7 people
 25.04.2012 23 people
 22.06.2012 10 people
 15.08.2012 11 people
 30.01.2013 Unconfirmed number
 21.02.2013 6 people
 24.04.2013 24 people

5.40 Other

The correspondence from the landowner does not refer to this condition, however the misunderstanding of the permitted working hours and a perception of a separate agreement/condition on noise, does suggest that there was some misunderstanding of the whole planning permission and a potential lack of awareness of condition 3. A letter from the partner of the landowner (5 June 2015), states that 'corporate days increased over the years with small parties mostly ranging from 6-12 people. The largest group was 30 people and this was rare. On these occasions, additional freelance instructors were required and small groups of 5 or 6 people would go with each instructor. Within that group, only 1 person would shoot at one time'... 'During this 10 year period the Shooting School would have held 1 charity event per year'.

5.41 Although the letter refers to only one person shooting at a time, it is the officer's interpretation that everyone on site would be 'under instruction' or 'receiving tuition' in the broader intention of the condition which is to restrict the number of people using the site. People were presumably in small groups so that they could be assigned to the Instructors. It is understood that all those on site were under supervision / 'tuition'.

5.42 Newsletters

The Autumn 1997 Newsletter confirms the Dog & Gun Day as a new event which attracted 30 competitors. The same edition refers to the Xmas Fun Day attracting 26 competitors. The following week is a 21st Birthday Party with 10 friends and relations shooting. The newsletter schedules the Spring Fun Day for April 1998.

5.43 The Summer 1998 edition details the Summer Fun Day which was 'full to capacity'. A few days later the Dog & Gun Day was repeated and refers to the event continuing next year. Another Xmas Fun Day is scheduled for that December.

5.44 The Winter 1998 edition details another Spring Fun Day with 'good attendance' and a 50th birthday in April, with an additional 12 good friends. The Dog & Gun Day is advertised to be 'bigger and better' and the Summer Fun Day is also advertised.

5.45 The Summer 2000 edition again describes the Dog & Gun Day with 30 pairs of competitors in the morning and 20 individuals in the afternoon (80 people). The Summer Fun Day is also again referred to and seems to have grown. The Newsletter reads 'Boy, this was a busy one – clients came from as far afield as Cumbria, Middlesex and Spain'. The Christmas Fun Day is advertised.

5.46 The Spring 2001 Newsletter describes a Charity shoot on 17 May raising £4000 and including a 5-man flush. Edward Kent is confirmed as a 'loader' (instructor). The Bluebell Fun Day is reported as a 'full house' and the Summer Fun Day and Dog & Gun Day are advertised. This Newsletter also details a further Charity Shoot for the Game Conservancy Trust. The report refers to teams of four and implies that it was a well-attended event raising £15,000. A letter produced by Mr Kent confirms that this was run the following year with teams of

4, limited to 15 teams (60 people). I understand this to be the event covered by the DVD footage.

- 5.47 These Newsletters all refer to events prior to the commencement of the most relevant ten year period and as such, the weight attributed to the evidence must be taken in the wider context. Little or no comment has been made about these events by the previous land owner, though he stated at during the 10 year period the school would have held 1 charity event per year.
- 5.48 A letter from Peter Rollings (an Instructor at the site from 1998) dated 1 July 2015 states that he was called upon 'at least 20 times a year to assist for Corporate and Charity Events' and that the size of these varied between 15 people shooting to 30 or 40 on the larger days. Mr Rollings provides good detail of these events, with teams of 5-6 people shooting from 5-6 stands at the same time. He states that the Charity events allowed for shooting a 'flush' where 4 people shoot at the same time at clays released from a High Tower. Evidence of shooting on this scale is demonstrated in the Newsletters from the late 1990s and there is no evidence to suggest that such Corporate or wider events ceased or declined. The diary entries from 2005 corroborate some of these corporate events. There is no reason to question Mr Rollings submissions.
- 5.49 There is a letter from Edward Kent also dated 1 July 2015. He has shot at the school since the age of 12 and I note that his 21st birthday is one of the events referred to in a Newsletter as taking place at the site. He was an Instructor and Manager at the School until 2011 having become a 'full-time instructor' in 2002. Mr Kent advises that Fun Days occurred three times a year, typically with 20-30 people attending. His evidence on the format of these events corroborates that described by Mr Rollings. He states that Corporate Days varied in size with groups of 6 up to groups of 40 and could be half days or full days. He states that there were several Corporate Events per week. On the larger events there could be up to 7 instructors with 7 people shooting at a time. The Charity Days could have between 15 and 22 Teams with 7 instructors and he also refers to the four man flush at the finish. Again, there is no reason to question this evidence.
- 5.50 There is further corroborating evidence from another instructor, Anthony Robert Taylor, who is still employed at Ladys Wood, two days per month. Until approximately ten years ago he is described as working at the Shooting School four or five times a week and for the last ten years, at least twice a month. His evidence ties in with the two submissions referred to above and he adds that a full day would use 7 shooting stands and a half-day 4 stands. There is no reason to doubt this evidence.
- 5.51 Whilst the diary dates only deal with a few years therefore, the Officer is satisfied that in the absence of any significant evidence to the contrary, the pattern of use has been consistent for 10 years plus and there is no reason to doubt the evidence of the former instructors. A record of sales has been submitted by the applicant which shows 10 years of sales between a low point of 134,850 (Jan/Dec 2012) and a high of 330,750 (Jan/Dec 2014). There is no pattern of intensification as the figures for 2008 register second highest and just

a fraction below those recorded in 2014 after the change in tenancy. The sales figures support evidence of a relatively consistent level of use.

5.52 Other

A letter from Mr Teague dated 4 June 2015 does not comment in any detail on the number of people using the site but does state that they never held 'open competitions'.

5.53 Many of the other objections are specifically about noise and they allege that this has increased in recent months. Little weight can be attributed to these in evidence of the number of people shooting on the land which is the specific of this condition.

5.54 Evidence to object to the application - Operation in breach of the condition restricting shooting instruction to two people for a continuous period of ten years

Essentially, there is no evidence to demonstrate that the Shooting School has operated in accordance with the planning permissions for the past ten years. The assessment is therefore about the strength of the evidence above and whether this is sufficient to demonstrate a continuous breach of the condition over the ten years prior to submission of the application.

5.55 Conclusion on this point

There is considerable and reliable evidence that the condition restricting shooting instruction to two people was being breached as far back as the late 1990s. In fact submissions from the land owner lead the officer to conclude that there might never have been a real comprehension of this condition. Considerable weight is attached to the 2005 diary entries which have been submitted by the land owner. These are isolated days within the year but suggest a fairly consistent breach of the condition, which in turn tallies with the submissions from the Instructors who have worked at the site throughout the previous ten years. Considerable weight is attached to the evidence of these gentlemen. Much of what they have reported is corroborated in the Newsletters available (albeit that these are from preceding years). The only evidence to challenge these submissions purports to allege a material intensification of the breach, however this point is much harder to demonstrate than the consistency of the breach itself.

5.56 The officer is satisfied that since 2005, there have been 'continuous' examples of more than two people receiving shooting instruction at any one time. There have been Corporate Days on a reasonably frequent basis and Mr Kent is considered to be a reliable witness with no apparent vested interest in the application, citing these as 'several times a week'. There is evidence that seasonal Fun Days, annual Dog & Gun Days and annual Charity Days were successful and attracted high numbers in breach of the conditions and on a continuous basis.

5.57 There is little or no evidence to challenge these claims or to suggest that for any sustained period in the previous ten years, the Shooting School was deliberately acting in accordance with the condition.

5.58 It is considered that on the balance of probability there has been a consistent breach of condition 3.

5.59 **Permitted Development**

The Officer has considered the prospect of the wider use of the land, or the larger events benefitting from an annual 28-day permitted use and the need for the applicant to demonstrate a use of more than 28 days in breach.

5.60 The evidence of Mr Rollings and Mr Kent in particular is crucial in demonstrating the level of use and given the frequency, even of the diary events submitted by the landowner as an intended objection, the officer is satisfied that these breaches have been consistent beyond a 28-day per year frequency.

5.61 Given that the use for tuition or an event commences in the school buildings, the 28-day permitted development would not be considered to apply to this operation in any event. The permitted development does not extend to buildings or the curtilage of buildings.

5.62 **Other Legal Issues**

It has been brought to the Officer's attention that the lease signed by the applicant requires him to seek the landlord's consent before applying for planning permission. It is stated that no such consent has been requested or given and that the application is in breach of the lease. The officer has taken legal advice and considers that from the Local Authority perspective in registering and determining the application, the applicant is legally entitled to make this application. The dispute of the lease terms is not a matter for the Local Planning Authority and all terms of the lease are a matter of civil law between the parties.

6. CONCLUSION

6.1 Having regard to the above, sufficient evidence has been submitted to prove that, on the balance of probability, the whole of the land edged red has been used continuously, for a period of ten years up to submission of the application, for the purposes of a Shooting School; and that the operation of the shooting school has, for a continuous period of ten years up to submission of the application, been in breach of conditions 2 and 3 on the planning permissions P84/1725 and P84/2220.

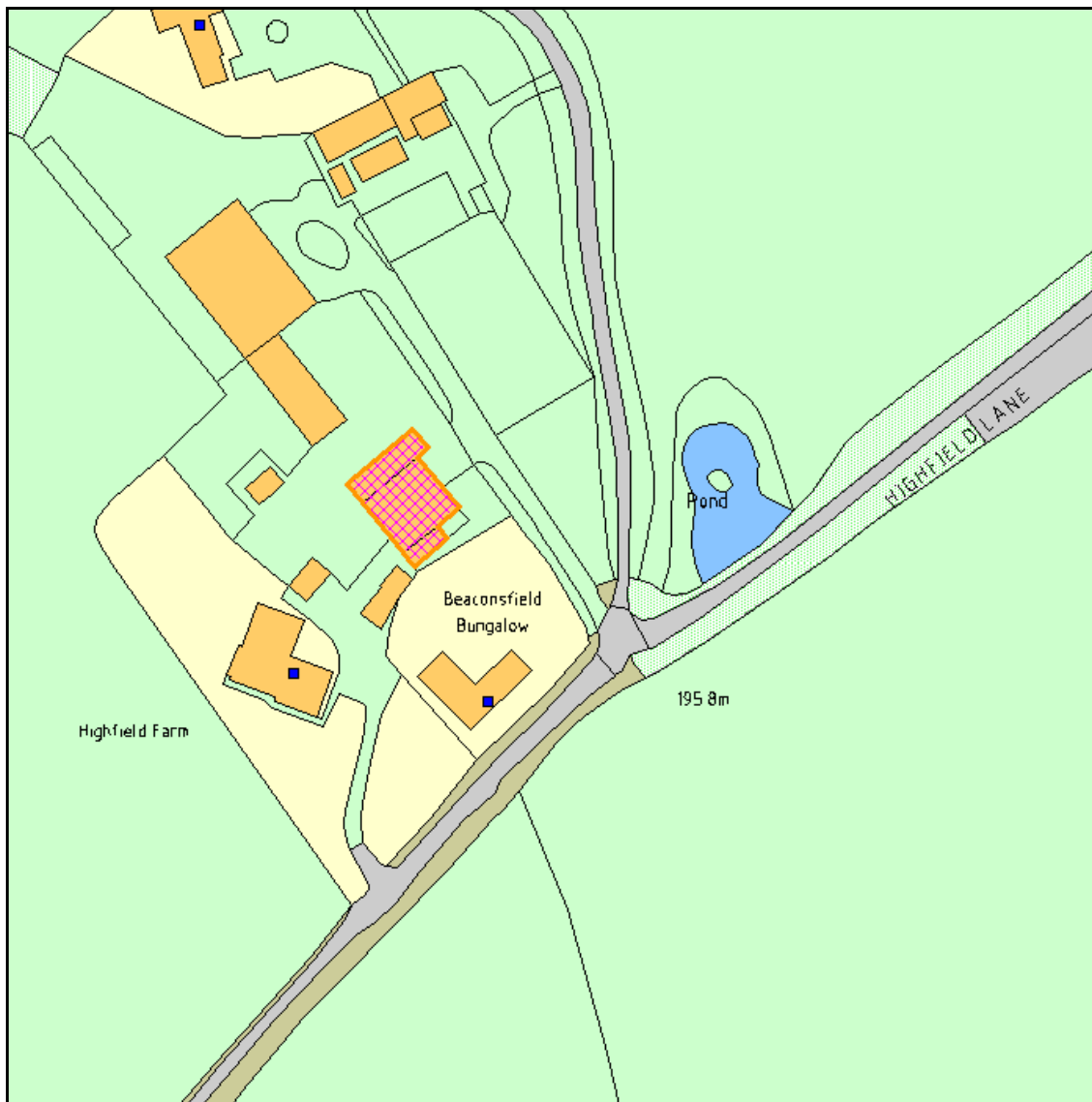
7. RECOMMENDATION

7.1 That the Certificate of Lawfulness be granted and that the Schedule reflect the operating hours of 09.00-16.30 on Tuesday-Saturday only.

Contact Officer: James Cooke
Tel. No. 01454 863429

CIRCULATED SCHEDULE NO. 09/16 – 4 MARCH 2016

App No.:	PK15/3089/CLE	Applicant:	Mr J P Fannon
Site:	Highfield Farm Highfield Lane Horton Bristol South Gloucestershire BS37 6QU	Date Reg:	17th July 2015
Proposal:	Application for a certificate of lawfulness for the existing use of building for a mixed composite use as domestic and commercial storage with ancillary domestic workshop (sui generis)	Parish:	Horton Parish Council
Map Ref:	376721 184566	Ward:	Cotswold Edge
Application Category:		Target Date:	10th September 2015



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PK15/3089/CLE

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application is for a Certificate of Lawful Existing Use or Development (CLEUD) and therefore under the Council's current scheme of delegation must appear on the Circulated Schedule.

By way of information, Members should be aware, that the test to be applied to this application for a Certificate of Lawful Use or Development, is that the applicant has to demonstrate on the **balance of probability**, that the uses as described, have occurred for a period of 10 years consecutively, prior to the receipt of the application on the 15th July 2015.

1. THE PROPOSAL

- 1.1 The application comprises a Certificate of Lawfulness submitted under Section 191 (1) of the Town and Country Planning Act 1990 as amended by S.10 of the Planning and Compensation Act 1991 in respect of a former agricultural building and associated land at Highfield Farm, Highfield Lane, Horton, South Gloucestershire BS37 6QU.
- 1.2 It is one of the applications recently submitted to regularise the breach of planning control and establish the lawful use of a number of buildings within the complex of Highfield Farm. The application comprises a Certificate of Lawfulness for the use of a former agricultural building as mixed composite use as (i) domestic and commercial storage and (ii) a domestic workshop at the property known as Highfield Farm which is located in the open countryside to the north-east of the village of Horton.
- 1.3 In order to regularise the breach of planning control, the applicant seeks a Certificate of Lawful Use of the building, as defined on the submitted Location Plan (the building is shown as building D)

2. POLICY CONTEXT

- 2.1 National Guidance
Town and Country Planning Act 1990: Section 191
Town and Country Planning (Development Management Procedure) (England) Order 2015
Town and Country Planning (Use Classes) Order 1987 (as amended).
The Planning Practice Guidance March 2014
- 2.2 Development Plans
As the application is for a Certificate of Lawfulness, the policy context is not directly relevant, as the land use merits are not under consideration. The applicant need only demonstrate that on the balance of probability, the uses as applied for have occurred for a period of 10 years consecutively, prior to the receipt of the application on the 15th July 2015.

3. RELEVANT PLANNING HISTORY

- 3.1 N6491/1 - Erection of first floor extension to provide bedroom, bathroom and additional accommodation.
Approved 22 April 1982
- 3.2 P91/2053 - Erection of detached dwelling (outline).
Refused 21 August 1991
- 3.3 PK10/0199/F - Erection of 1no. single storey self contained annexe ancillary to main dwelling with associated works. Change of agricultural land to residential curtilage. (Resubmission of PK09/5739/F).
Approved 13 April 2010
- 3.3 PK15/3084/F - Erection of 2 storey detached residential annexe ancillary to main dwelling (retrospective).
Approved 14 Sept 2015
- 3.4 PK15/3089/CLE - Application for a certificate of lawfulness for the existing use of a former agricultural building and adjoining yard as a builder's store and builder's yard respectively (sui generis).
Approved 22 January 2015
- 3.5 PK15/3091/F - Change of use of land from agricultural to residential curtilage and erection of domestic outbuilding (retrospective).
Approved 5 February 2016

Enforcement History

- 3.6 COM/15/0210/OD/1 - Annex not built accordingly to plans

4. SUMMARY OF EVIDENCE SUBMITTED IN SUPPORT OF THE APPLICATION

The applicant has submitted the following appendices as evidence in support of the application:

1. Statutory Declaration of Mr James Hilton Fannon of 44 Flaxpits Road, Winterbourne, Bristol BS36 1LA dated 26th June 2015. Mr Fannon states the following:
 - I am the applicant's son and have worked with the applicant in his building and civil engineering contracting business ever since I left school.
 - I am able to say to my certain knowledge that the building shown edged in red has been continuously used for storage of builder's plant and equipment and storage of domestic goods and as a domestic workshop continuously since 1986 and is so used at the present time.
2. Statutory declaration of James Patrick Fannon of Highfield Farm, Horton, BS37 6QU. Mr Fannon states the following:

- I am able to say that I purchased Highfield Farm in 1975. At that time the building concerned had been previously used by a Mr Backhouse for agricultural purposes. Initially I used the barn to park a lorry and some small plant and machinery that I used in connection with my business.
- In 1986 the opportunity arose to acquire some additional land and a building which I have marked 'B' on the plan. Following purchase of that I moved some of my builders' plant and equipment into that building. This meant that I had space left in what is referred to as Building D which I have used since 1986 partly for storage of builder's plant and equipment, partly domestic storage including storage of firewood, and also as a private domestic workshop where I carry out activities related to household repair and maintenance.
- I confirm that the building at present and since 1986 has been used for a mixture of the above commercial and domestic uses.

5. **SUMMARY OF CONTRARY EVIDENCE**

There is no contrary evidence at all.

A letter of objection from residents of Top Farm has been received and the concerns are summarised as follows:

- This application should be assessed in conjunction with application no PK15/3092 taking into account that the applicant has run a building business from Highfield Farm for many years.
- The sheds are used to house a flatbed lorry and other equipment used in connection with the building business. The sheds also incorporate a workshop with a vehicle inspection pit used to maintain works vehicles.
- We have not observed any domestic storage or domestic use of the workshop.
- We object to the application on the grounds that the description of the use that has been made of the site since at least 2010 is incorrect, and that 'commercial storage / workshop' would be more accurate.

Furthermore, the residents also provided evidence to show the applicant running an engineering business on site.

6. **OTHER CONSULTATIONS**

- 6.1 Horton Parish Council
Horton Parish Council have no objections to this application.
- 6.2 Sustainable Transport
No comment

7. **ASSESSMENT**

- 7.1 The legislative framework for a Certificate of Lawfulness rests under S191 of the Town and Country Planning Act 1991. Specifically, this act specifies that:

s191) (1)
'If any person wishes to ascertain whether

- (a) *any existing use of buildings or other land is lawful;*
- (b) *any operations which have been carried out in, on, over or under are lawful;*
or
- (c) *any other matter constituting a failure to comply with any condition or limitation subject to which planning permission has been granted is lawful, he/she may make an application for the purpose to the local planning authority specifying the land and describing the use, operations or other matter’.*

7.2 Accordingly, the applicant submitted the application under S191 (1)(a). To this extent, having regard to S171B of the Act, a Certificate of Lawful Existing Use or Development can be obtained where:-

- (a) There has been a continuous use of land or buildings (other than a dwelling) for more than 10 years.
- (b) A condition or limitation on a planning permission has not been complied with for more than 10 years.
- (c) Building or other operations have been completed for more than 4 years.
- (d) A building (not land) has been used as a dwelling for more than 4 years.

In this case therefore the onus of proof is on the applicant to show on the balance of probability that the use has occurred for a continuous period of 10 years up to and including the date of the application i.e. the relevant 10 year period is 15th July 2005 to 15th July 2015. According to the Council’s aerial photographs, the building D has been erected before 1991.

7.3 For a use to be lawful for the purposes of the Town and Country Planning Act, section 191(2) requires that:

‘For the purposes of this Act uses and operations are lawful at any time if:

- (a) *no enforcement action may be taken in respect of them (whether because they did not involve development or require planning permission or because the time for enforcement action has expired or for any other reason); and*
- (b) *they do not constitute a contravention of any of the requirements or any other enforcement notice then in force.’*

Regarding the erection and the use of Building D, no enforcement notice was in place during the relevant 10 year period.

7.4 The application for a Certificate of Lawfulness is purely an evidential test irrespective of planning merit. The only issues that are relevant to the determination of this application are (i) whether an unfettered occupation of this site for the uses described has occurred for a continuous period of not less than

10 years and (ii) whether or not the uses are in contravention to any planning enforcement notice or breach of condition notice then in force.

7.5 The relevant test of the submitted evidence

The onus of proof is firmly on the applicant and the relevant test of the evidence on such matters is “on the balance of probability”. Advice contained in Planning Practice Guidance states that a certificate should not be refused because an applicant has failed to discharge the stricter criminal burden of proof, i.e. “beyond reasonable doubt.” Furthermore, the applicant’s own evidence need not be corroborated by independent evidence in order to be accepted. If the Council has no evidence of their own, or from others, to contradict or otherwise make the applicant’s version of events less than probable, there is no good reason to refuse the application, provided the applicant’s evidence alone is sufficiently precise and unambiguous. The planning merits of the development 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.

7.6 Hierarchy of Evidence

The evidence submitted comprises two affidavits or 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.

From the evidence submitted the two Statutory Declarations carry substantial weight. The Council does have its own archive of aerial photographs and these will be referred to in the analysis section below.

Analysis

- 7.7 The applicant seeks a lawful certificate for the use of this former agricultural building as a mixed composite use as domestic and commercial storage and a domestic workshop. Officers acknowledge residents’ comments and evidence

regarding the use of the building and the applicant's business. During the officers' two unplanned site visits, it is noted that within the building were a variety of items which included: various building equipment and materials including ladders, doors, timber, signs, and 2 no. diggers and machines, garden equipment etc. Officers are therefore satisfied that these items were being stored on the site in association with the applicant's building and civil engineering business.

- 7.8 The applicant also submitted a sworn statement to claim that the building is used for a domestic workshop. The statement states that *the building is also used as private domestic workshop where the applicant carries out activities related to household repair and maintenance*. During the officer's site visits, officer did not notice any domestic repair or maintenance works were being carried out within the building. Although these visits in isolation cannot conclude that these buildings are not used or have not been used as a domestic workshop, officers are mindful that the building is largely used for storage and there is no clear evidence, e.g. workstations, within the building to demonstrate that the building is regularly used as domestic workshop. Officers consider that, based on the available evidence, it is likely that the applicant may occasionally use the building for some householder repair or maintenance works. Furthermore, the applicant also agreed that the domestic workshop is an ancillary use of the building, as such, it is considered that on the balance of probability a certificate should only be issued for the claimed domestic and commercial storage only with ancillary domestic workshop (*sui-generis*).

7.9 Was there Deliberate Concealment?

Although the site is well concealed from public view there is nothing to suggest that there was any attempt to deliberately conceal the uses applied for. Officers are therefore satisfied that on the balance of probability, the storage uses applied for have been continuous as described for a continuous period of at least 10 years prior to receipt of the application and as such a certificate should be granted, but noting that the claimed domestic workshop is only an ancillary use.

8.0. **CONCLUSION**

- 8.1 The submitted evidence covers the relevant 10- year period prior to receipt of the application and beyond.
- 8.2 The evidence submitted by the applicant is considered to be sufficiently precise and unambiguous for the claimed domestic and commercial storage with ancillary domestic workshop (*sui-generis*). There is no contradictory evidence from third parties or from the Council's own aerial photographs to make the applicant's version of events less than probable..

9. **RECOMMENDATION**

- 9.1 That a Certificate of Existing Lawful Use be GRANTED for the continued use of commercial and domestic storage with ancillary domestic workshop (*sui generis*).

Sufficient information has been submitted to demonstrate that, on the balance of probability, the building shown in red on the submitted plan has been present and used for domestic and commercial storage with ancillary domestic workshop (sui-generis) for a continuous period of 10 years or more prior to the submission of the application.

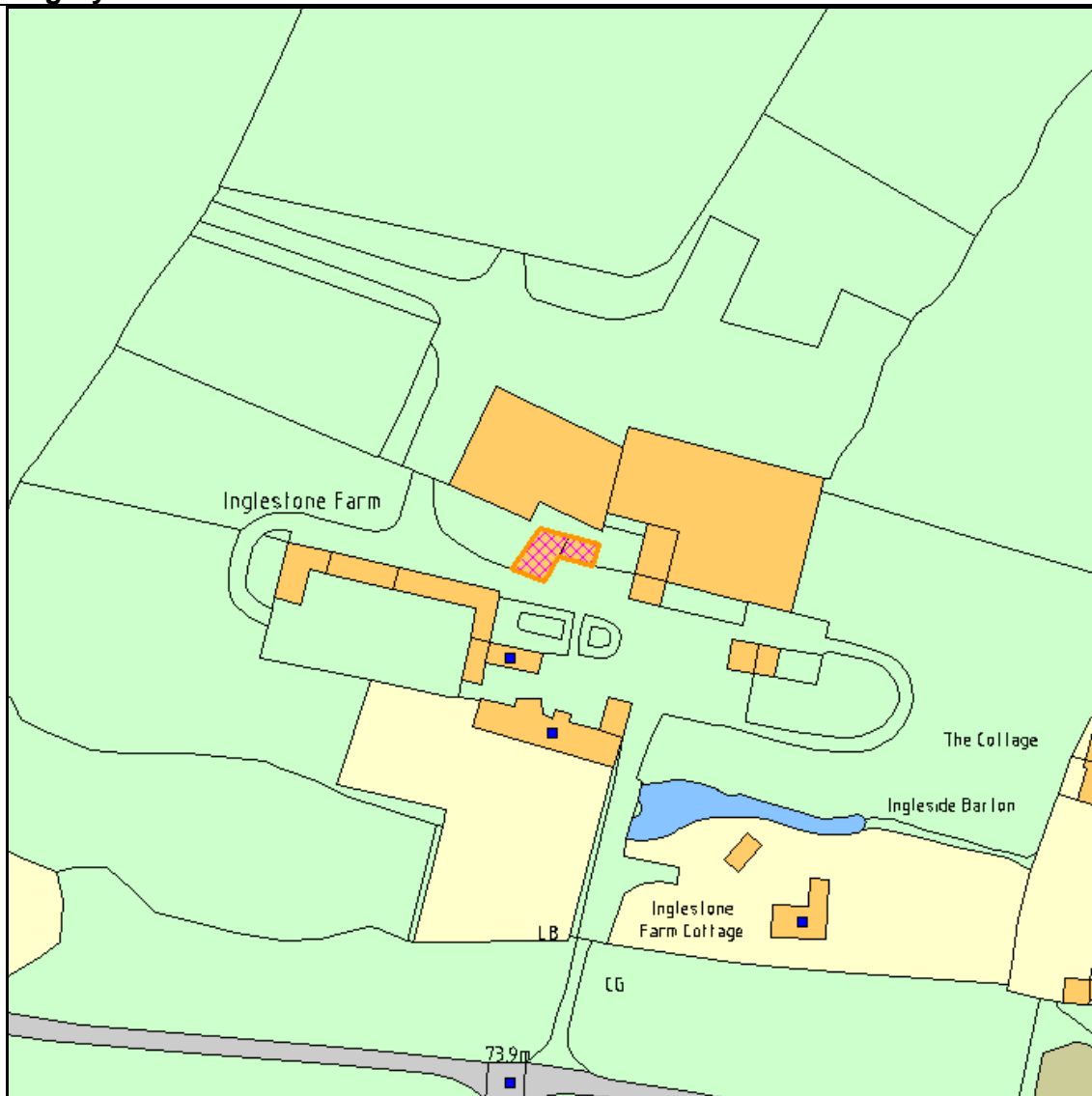
Contact Officer: Olivia Tresise
Tel. No. 01454 863761

CONDITIONS

1. The applicant has demonstrated that on the balance of probability that the building edged in red on the attached plan, received by the Council on 16th July 2015, has been used for domestic and commercial storage with ancillary domestic workshop (sui-generis) for a continuous ten year period prior to the submission of this application.

CIRCULATED SCHEDULE NO. 09/16 – 4 MARCH 2016

App No.:	PK15/3809/F	Applicant:	Mr And Mrs S Hutchunson
Site:	Inglestone Farm Chase Lane Inglestone Common Badminton South Gloucestershire GL9 1BX	Date Reg:	4th September 2015
Proposal:	Conversion and restoration of existing outbuilding to provide family recreational use ancillary to main dwelling (Class C3).	Parish:	Hawkesbury Parish Council
Map Ref:	374940 188626	Ward:	Cotswold Edge
Application Category:	Householder	Target Date:	29th October 2015



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PK15/3809/F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application appears on the Circulated Schedule due to objection comments received from SPAB (Society for the Protection of Ancient Buildings).

1. THE PROPOSAL

- 1.1 The applicant seeks full planning permission for the conversion and restoration of an existing outbuilding to provide family recreational use ancillary to the main dwelling. The site is situated outside any settlement boundary and is therefore in the open countryside and within Flood Zone 2.
- 1.2 The application site relates to Ingelstone Farm a substantial farm of some 173 hectares of predominantly arable land and includes a Grade II listed farm house dating from the late C17th/early C18th., an office/barn, holiday accommodation and various farm buildings including the main barn. This proposal relates to a small stone curtilage listed barn.
- 1.3 This proposal should be read in conjunction with PK15/3810/LB. During the course of the application additional details including revised plans and structural details were received by the Council and considered acceptable.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework March 2012
The Nation Planning Practice Guidance 2014

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
CS34	Rural Areas

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

L1	Landscape Protection and Enhancement
L9	Species Protection
L13	Listed Buildings
E7	Conversion and Re-Use of Rural Buildings
T7	Cycle Parking
T12	Transportation Development Control Policy for New Development
H10	Conversion and Re-use of Rural Buildings for Residential Purposes

2.3 Emerging Plans

Draft Policies, Sites & Places Plan

PSP9	Residential Amenity
PSP41	Residential Development in the Countryside
PSP44	Private Amenity Space Standards

2.4 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted 2007)
South Gloucestershire SPD: Residential Parking Standards (adopted) 2013
South Gloucestershire Landscape Character Assessment (Adopted) Nov. 2014

3. **RELEVANT PLANNING HISTORY**

The site has been subject of extensive planning applications and only the most recent are listed below with the rest being able to view on the Council's website

3.1	PK15/38010/LB Pending	Conversion and restoration of existing outbuilding to provide family recreational use ancillary to main dwelling
3.2	PK14/1132/F Approved	Installation of flue. 20.5.14
3.3	PK14/1156/LB Approved	Replace rear window with double doors and Install woodburner with flue 15.5.14
3.4	PK12/0392/LB Approved	Application to retain the works carried out for internal and external alterations including replacement of rendering with timber boarding, replacement windows. installation of double leaf doors to south elevation and installation of en-suite. (Resubmission of withdrawn PK11/3173/LB). 12.3.12
3.5	PK11/2945/F Approved	Change of use of the main barn to mixed agricultural/equestrian use and retention of three caravans for seasonal occupancy by 5 agricultural/equestrian workers (sui generis) (Retrospective) 3.1.12
3.6	PK10/1277/F Approved	Erection of single storey rear extension to form entrance lobby. 2.7.10
3.7	PK10/1278/LB Approved	Internal and external alterations to facilitate new entrance lobby and rear canopy. 2.7.10

- | | | |
|-----|--------------|---|
| 3.8 | PK07/0745/LB | Replacement and refurbishment of 31 no. windows to front rear and side elevations. Replacement of existing double roman roofing tiles to front elevation. |
| | Approved | 2.7.07 |
| 3.9 | PK06/0966/LB | Conversion of outbuilding to form holiday letting accommodation. (Renewal of Planning Permission PK00/2021/LB dated 6th April 2001). |
| | Approved | 10.5.06 |

4. CONSULTATION RESPONSES

4.1 Hawkesbury Parish Council

No objection

4.2 Other Consultees

Listed Building Officer

Following receipt of revised plans and confirmatory details that no demolition is to take place there is no objection subject to conditions attached to the decision notice

Society for the Protection of Ancient Buildings

Objection due to demolition

The proposal initially seemed straightforward – conversion of the barn into a family recreation area – however on closer inspection the documents highlight several areas of concern and raises questions about the intention of the proposal. The extent of demolition is very unclear and the documents imply that areas of demolition will be far more substantial (possibly the whole barn) than is indicated at first glance. The fear is that substantial portions of this building will be unnecessarily and unjustifiably demolished and that a poor replica will be built instead.

No response to updated survey, plans and statement.

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. The proposal is, as stated in the submitted details, to convert an existing stone outbuilding into *family recreational use*. The proposed floor plans are very basic and show the introduction of a WC into the building but other than the proposed alterations to the openings, there is no precise indication as to what the building would specifically be used for. As such Officers must be mindful that the building could potentially be used as a

separate and self-contained dwelling rather than an annex to the main farmhouse. Given its location on the site close to large agricultural barns and not being directly connected to the main house, it is reasonable to ensure, by means of condition, that the annex remain ancillary and not turned into independent accommodation.

5.2 Being located in the open countryside the conversion of rural buildings to residential accommodation must be assessed in terms of its impact on the countryside and landscape. Furthermore, saved Policy H10 requires the conversion and re-use of rural buildings to be assessed taking into account the business re-use of the buildings; the structural condition; and the effect on its surroundings. The impact on residential amenity and highway safety must also be taken into consideration.

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

5.4 Assessment under saved Policy H10

The NPPF takes a more pragmatic approach to the conversion of farm buildings to residential accommodation and does not insist that it be demonstrated that potential alternative business uses have been exhausted. In this instance is considered important to consider the situation as a whole: given the proximity of the barn to the farmhouse dwelling and with the presence of larger more modern buildings associated with the farm, the small derelict outbuilding is regarded as being impractical for farming use. A structural survey of the barn has been included with the submitted details and indicates its suitability for conversion without major reconstruction. This has been accepted. The barn is part of a group of buildings in close proximity to the main farmhouse and other converted agricultural buildings and there is therefore no objection to its location. In these terms the proposal is acceptable.

5.5 Design, visual amenity, impact on listed building and landscape

The building subject of this application is a small barn and former animal byre to the north of the farmhouse. The barn is a taller stone single storey structure with one hipped end and one gable. The lower animal byre extends perpendicular to this main barn and has a blank stone rear wall and open front to the south supported on brick piers. The openings have been filled in in recent years with blockwork. The buildings are in a poor state of repair but retain a good amount of historic fabric and the accompanying survey details are accepted as showing the structure capable of conversion. Notwithstanding the original comments from SPAB, (no updated comments have been received to date), revised plans with confirmatory details of the extent of the work are considered to show a sensitive approach to repair to facilitate the re-use of this building. The conversion of another outbuilding into holiday accommodation within close proximity to this structure and the farmhouse is noted. Given its location within the established farmyard there would be no adverse impact on the landscape or the character of the area. In addition, it is considered that the changes proposed to facilitate the conversion to residential ancillary accommodation would not adversely impact on the listed building or its setting.

5.6 Residential amenity

The proposal is for additional recreational use ancillary to the main dwelling. It is acknowledged that the outbuilding is some metres away from the residential garden of the main dwelling. Notwithstanding this separation, given that the building would be for *family recreational use* and the relatively close proximity to the main house the situation would not be unacceptable for ancillary accommodation. If the building was to be regarded as a unit separate from the main dwelling, the situation would be different and would be unacceptable for a number of reasons, primarily those relating to lack of dedicated amenity space and the proximity to the large working modern agricultural barns. The conversion to ancillary accommodation for the use of the family would not adversely impact on the existing amenity space available to the property and the proposal can therefore be supported.

5.7 Sustainable Transport

The application site benefits from a good size parking provision/area and the proposed conversion of the barn to residential accommodation is considered not to have an adverse impact on the amount of existing off-street parking or have any adverse highway implications.

5.8 Ecology

It is clear that the site itself has benefitted from much development including the erection of several very large modern barns a few metres away from this structure, changes to other buildings within the site and is a busy area with traffic passing close to the southern elevation. It is therefore unlikely to have protected species within it, however for the sake of completeness an informative attached to the decision notice will give advice on species protection and any action to be taken.

5.9 Drainage matters

It is acknowledged that the site is located within Flood Zone 2. Areas at risk of flooding are those in Flood Zones 2 and 3. The NPPF states that inappropriate development in areas at risk of flooding should be avoided. As such a Sequential Test is adopted to steer development to areas with the lowest probability of flooding. Using guidelines in the NPPF Technical Guidance, buildings for residential use are categorised as being *more vulnerable* but the flood risk vulnerability and flood zone compatibility table indicates that the type of development proposed here, residential use, falls under the 'appropriate' category and as such there are no objections to the scheme on these grounds.

6. **CONCLUSION**

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

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

7. RECOMMENDATION

- 7.1 That the application be **APPROVED** subject to 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).

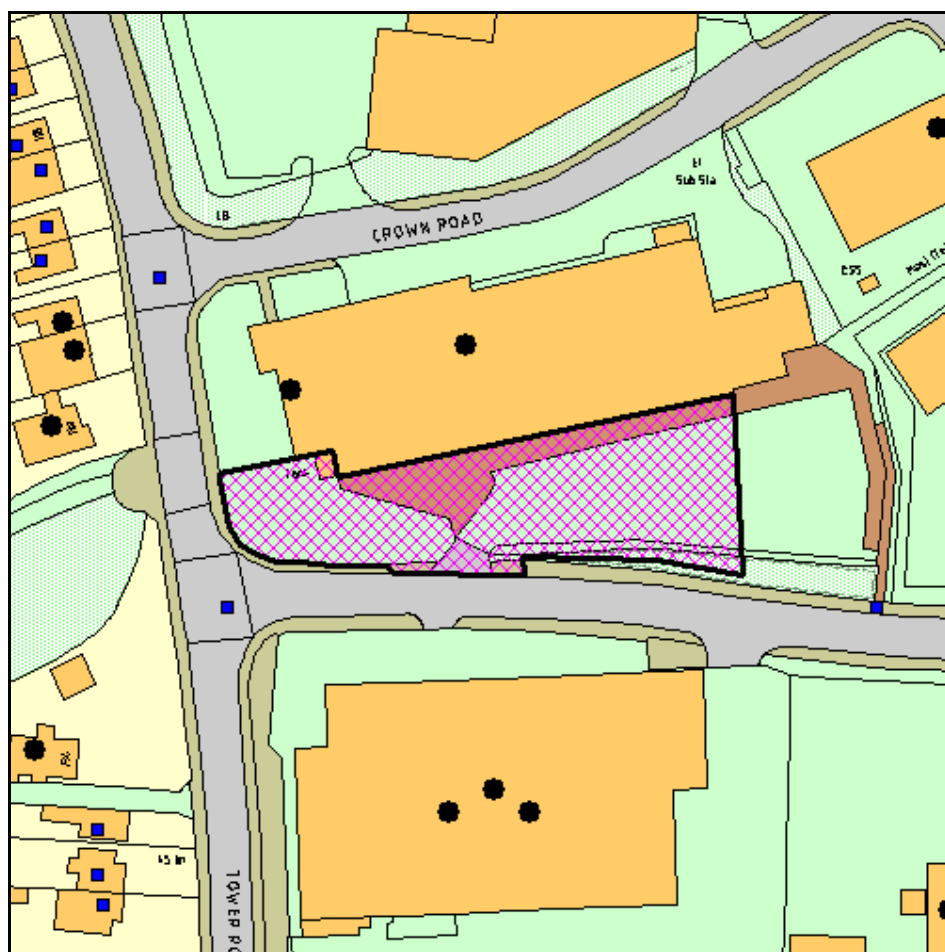
2. The conversion of the outbuilding into family recreational use hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as Inglestone Farm, Chase Lane, Inglestone Common, Badminton, South Gloucestershire, GL9 1BX

Reason

To protect the residential amenity of the neighbouring occupiers and to protect the character of the immediate area including the setting of the listed building and to accord with Policies H10, L13, L1, T12 of the South Gloucestershire Local Plan(Adopted) 2006 and Policies CS1, CS8 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; and the National Planning Policy Framework

CIRCULATED SCHEDULE NO. 09/16 – 4 MARCH 2016

App No.:	PK15/5345/F	Applicant:	Rawlings And Son (Bristol) Ltd
Site:	Unit 3 Crown Industrial Estate Crown Road Warmley Bristol South Gloucestershire BS30 8JJ	Date Reg:	4th January 2016
Proposal:	Erection of two storey office unit (Use Class B1) with alterations to existing access and associated parking and landscaping.	Parish:	Siston Parish Council
Map Ref:	367215 173199	Ward:	Siston
Application	Minor	Target	24th February 2016
Category:		Date:	



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PK15/5345/F

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 application seeks planning permission for the erection of a two storey office unit (Use Class B1) with alterations to the existing access, as well as associated parking and landscaping.
- 1.2 The application site is a corner plot within Crown Industrial Estate in Warmley. The existing site, known as Unit 3, is an industrial unit (Use Class B8), the unit is bounded by Crown Road to the north; Tower Road North to the west; and St. Ivel Way to the south and a neighbouring unit.
- 1.3 The site lies within the 'Existing Urban Area' as defined on the South Gloucestershire Local Plan Proposals Map. It is also located within the 'Tower Road, Warmley Safeguarded Employment Area' which is identified in Table 1 of Core Strategy Policy CS12. Warmley Conservation Area bounds the Employment Area to the west (for clarity the application site is not within the Conservation Area). A cycle and pedestrian path as identified on the Proposals Map runs from the site directly to the Bristol to Bath Cycle Path.
- 1.4 The applicant, Rawlings and Son (Bristol) Ltd, are an independent glass packing specialist who design, source and supply glass for all types of food and beverage. The glass packing specialists are relocating to Unit 3 (the application site) and are in need of a larger and higher quality office building to use in association with the main storage and distribution use at the site – Unit 3. The proposed office building is required to accommodate approximately 12 members of staff.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework March 2012

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design
CS4A Presumption in Favour of Sustainable Development
CS5 Location of Development
CS6 Infrastructure and Developer Contributions
CS8 Accessibility
CS9 Managing the Environment and Heritage
CS11 Distribution of Economic Development Land
CS12 Safeguarded Areas for Economic Development Land
CS29 Communities of the East Fringe of Bristol Urban Area

South Gloucestershire Local Plan Adopted January 2006 Saved Policies

- L1 Landscape Protection and Enhancement
- L12 Conservation Areas
- L13 Listed Buildings
- EP2 Flood Risk and Development
- T7 Cycle Parking
- T8 Parking Standards
- T12 Transportation Development Control Policy for New Development
- E1 Proposals for Employment Development and Mixed Use Schemes including Employment Development
- E3 Criteria for Assessing Proposals for Employment Development within the Urban Area and Defined Settlement Boundaries and /or Permitted by Policies E4/E6/E7

2.3 Supplementary Planning Guidance

Trees on Development Sites SPG (Adopted) Nov. 2005

Warmley Conservation Area SPD

The South Gloucestershire Design Check List (SPD) Adopted Aug 2007

3. RELEVANT PLANNING HISTORY

- 3.1 PK14/0153/F Change of use of part of premises from (Class B8) to mixed use (Class A3) Café and Class (A1) Retail with ancillary bicycle repair workshop as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended).
Approved 21 March 2014
- 3.2 K1779/2 Construction of a loading bay.
Approved 21 Oct. 1985
- 3.3 K1779/1 Erection of first floor sales office extension.
Approved 21 Oct 1985
- 3.4 K1779 Extension of existing warehouse premises to provide additional office accommodation and toilet facilities.
Approved 31 May 1977

4. CONSULTATION RESPONSES

4.1 Siston Parish Council

No adverse comments provided sufficient off-street parking is provided. However, in earlier comments the Parish have expressed concerns with regard to an increased number of car parking spaces for staff members being required – 12 car parking spaces. Members also requested that the building is finished in a soft grey colour or similar for external and opportunities for additional landscaping are taken.

4.2 Sustainable Transport

No objection subject to conditions regarding the proposed access; vehicular parking; and the implementation of the submitted Travel Plan.

- 4.3 Highway Structures
No objection subject to an informative regarding responsibility for maintenance.
- 4.4 Lead Local Flood Authority
No objection.
- 4.5 Tree Officer
No objection – subject to the development being carried out in accordance with protective fencing measures submitted within the Arboricultural report (BS:5837:2012) and the method statement.
- 4.6 Listed Building and Conservation Officer
No objections. The current buildings on this site are not architecturally inspiring ones and I take the view that the current proposals will not cause additional harm to the setting of Warmley House or its associated listed buildings or to the setting of the Warmley Conservation Area.
- 4.7 Community Spaces
None received.
- 4.8 Landscape Officer
No objection provided conditions requesting information regarding the protection of trees and detailed planting and specification are attached to any planning permission.
- 4.9 Open Spaces Society
None received.
- 4.10 Public Rights of Way
No objection subject to a number of considerations.
- 4.11 Planning Enforcement
None received.
- 4.12 Police Community Safety
None received.
- 4.13 Wales and West Utilities
No objection or support comments made, the provider requested that if planning permission was granted that the applicant contacts them, and that the applicant must not build over any of their apparatus.
- 4.14 Economic Development
As the proposal would result in the net gain of 288 sq m of B1(a) floorspace, and the retention of a local business/employer, it is the view of the Strategic Economic Development Team at South Gloucestershire Council that we support this application.
- 4.15 Environmental Protection
No objection subject to a condition regarding potentially contaminated land.

Other Representations

- 4.16 Local Residents
None received.

5. ANALYSIS OF PROPOSAL

- 5.1 It is proposed to erect a detached two-storey office building (B1), of contemporary design located on the hard-standing area to the south west of the existing unit.
- 5.2 Principle of Development
Policy CS12 'Safeguarded Areas for Economic Development' of the South Gloucestershire Core Strategy (adopted December 2013) states designates Tower Road, Warmley a safeguarded site for economic development, the application site falls within Tower Road. Policy CS12 supports the retention of B Use Classes within safeguarded areas; as the proposed office building will support the existing B Use at the site, the proposal is considered to satisfy policy CS12.
- 5.3 Saved policy E3 of the South Gloucestershire Local Plan (adopted January 2006) is also material in that it sets a policy requirement for the employment uses within existing urban areas. This policy is largely supportive of the economic/employment uses within urban areas provided the development does not have unacceptable: environmental effects; traffic impacts; impact on residential amenity; and the character of the area.
- 5.4 The application site abuts the Warmley Conservation Area meaning officers will also consider the impact the proposed development will have on the character and setting of the Conservation Area, as required by policy CS9 of the Core Strategy and saved policy L12 of the Local Plan.
- 5.5 Overall the principal of development is acceptable subject to a number of requirements as set out above – such requirements will be assessed throughout the remaining report.
- 5.6 Conservation Area
The application site directly abuts the eastern boundary of the Warmley Conservation Area that terminates on the verge of Tower Road closest to the application site. In this way the proposal's impact on the setting of the Conservation Area must be assessed be assessed. Officers are aware that the proposal is within an industrial estate, and accordingly, the function of the buildings within the industrial estate effectively informs its design and resultant architectural merit. With this in mind, Crown Industrial Estate is rather devoid of any buildings with aesthetically pleasing features or high quality design, from this starting point officers do not consider the proposed building to constitute any additional harm to the Conservation Area when considering the existing character of the industrial estate and the relatively poor design quality of the

buildings that compose it. Especially as the proposal building is of a much higher design standard than the existing industrial estate.

5.7 Notwithstanding this, officers do recognise that the existing collection of trees and vegetation that are positioned on the western boundary of the site do form a welcome screening barrier that is a positive aspect of the street scene. With this in mind, officers will pursue the retention of this collection of trees – this will be expanded upon within the 'Landscape and Arboricultural Considerations' section.

5.8 Overall, officers are of the opinion that the proposal would not result in the material harm of the setting of the Warmely Conservation Area.

5.9 Design and Visual Amenity

The proposed office building is two storey in scale utilising a dual pitch roof and open gable-ends. Both the roof and the elevations will be finished in a fibre cement material which are both relatively identical in appearance; this makes for a blank and utilitarian building, however, the use of crisp fenestration compliments the rather understated elevations resulting a fairly interesting building when compared to its surroundings.

5.10 The building will be marginally higher than the existing unit on the site, however, this is not considered to represent problem due to the varying scales that are evident within the industrial estate.

5.11 In-keeping with the requirements of policy CS1, the development includes a number of mechanisms and products, such as solar panels, with the aim of achieving energy conservation.

5.12 Landscape and Arboricultural Considerations

The erection of a new office block to the south of the warehouse and relocated access will result in the removal of some mature shrub planting.

As previously stated it is important to retain a number of Beech trees which are positioned to the west of the proposed building as such trees perform a welcome screen and also contributed to the aesthetic of the street scene. There was some confusion over the retention of these trees due to conflicting stances within the submitted documents, after reviewing the documents and communicating with the agent, it was established that the submitted 'Proposed Landscape Plan' (dwg no. 216) provided the correct account with regard to soft landscaping. This plan shows the main cluster of Beech Trees being retained, as do the submitted arboricultural reports, this is a welcome approach and one which retains an adequate standard of landscaping on the western side of the site.

5.13 The site currently has quite substantial shrub/bush planting on the southern boundary of the site which is not well maintained. This will be removed should planning permission be granted. This strip of vegetation along St Ivel Way is one of the few areas of planting within the estate and helps to break up the built form and hard surfaces. Although low level replacement planting on both sides of the entrance way is proposed, there is a significant space for replacement planting which has not been taken advantage of. Accordingly, should planning

permission be granted, it is recommended that a condition is imposed that requires the applicant to submit details of further planting along this southern section of the site.

- 5.14 Originally a large 2 metre high wall was proposed along the southern boundary of the site, this would have blocked views of the building and reduce opportunities for planting, the applicant was requested to reduce the height of the wall to give greater opportunity for planting and also to allow the building to have an improved relationship with St Ivel Way. The applicant obliged and now a wall is proposed along the southern elevation with a much more appropriate height that allows both the building and the planting to have a greater affirmation with St Ivel Way. To ensure the wall is constructed in accordance with the submitted boundary wall plan, a condition is suggested that requires the development to be undertaken in accordance with the submitted wall plan (dwg no. 215 A).
- 5.15 The Council's Arboricultural officer has commented on the application and has confirmed that the submitted tree protection measures are acceptable to ensure that the retained trees will not be harmed. Accordingly, should planning permission be granted, it is recommended that a condition is imposed requiring the development to be undertaken in accordance the submitted Arboricultural report and method statement.
- 5.16 Overall, subject to the aforementioned recommended conditions, the proposal will have an acceptable impact on the street scene in terms landscape; and also the existing vegetation and trees on the site.
- 5.17 Transport and Parking
It is proposed to alter the vehicular access (off St Ivel way) by shifting it approximately 6m eastwards to accommodate the new building footprint. A row of new car parking will also be provided for the officer. The new entrance has been designed so that it maintains access to the parking and manoeuvring area for heavy goods vehicles associated with the B8 use of site parking in the eastern end of the service yard. The alteration to the existing access will involve new back of pavement retaining works, and alterations to the dropped kerb onto St Ivel Way. Plan submitted shows that visibility splays of 2.4 metres by 43 metres will be provided in both east and west directions which acceptable.
- 5.18 The Highway Authority has requested that the construction details of the new vehicular access, as well as details of any retaining structure required to support the back of the public footway that forms part of the highway is submitted for approval of the Local Planning Authority prior to the commencement of development. However, officers question the necessity and relevance of this suggested condition. St Ivel Way is highway land and as such is subject to a number of restrictions and controls stipulated within the Highways Act 1980. Officers consider the requirements of this Act to be sufficient in ensuring that the highway is not unduly impacted in terms of highway safety – an informative note will be included with any planning permission granted to ensure that the applicant is aware of the Highways Act. Officers do however find it appropriate to recommend that the proposed access

is constructed and completed in accordance with the submitted plan; and the existing access is effectively 'blocked-up' prior to the occupation of the office unit. This is to ensure an acceptable standard of highway safety is maintained.

- 5.19 Further to access for motor vehicles, the accessibility of the site by other modes of travelling such as walking and cycling is acceptable, officers are aware the application site is within a sustainable location with a bus stop and other services nearby, as well as this, the submitted 'Travel Plan' is considered to be acceptable. With this in mind, officer recommend that should planning permission be granted, a condition is imposed that require the development to be carried out in accordance with the submitted Travel Plan.
- 5.20 In terms of traffic impact, it is estimated that traffic associated with the new office to be about 7 two-way trips during morning peak times and 6 two-way trips during afternoon peak times. This level of traffic is considered to be small percentage of traffic on the highway network and as such will not affect highway safety. All other traffic associated with the existing site (including traffic by existing B8 use on site) would remain unchanged.
- 5.21 Officers note the Parish Council's concerns with parking at the site; the plan submitted with this application shows a rank of 8 new car parking spaces (including a disabled space). This is considered to be acceptable in terms of the demand in car parking that will result from the construction of the office. Further to this, the number of car parking is in accordance with saved policy T8 – a maximum standard.
- 5.22 A cage store for 8 bicycles is positioned to the east of the new office unit, this is considered to be appropriate and in accordance with the minimum cycle parking standard – saved policy T7.
- 5.23 A new path will be created along the rear of the warehouses such that staffs do not have to cross the goods yard to reach their vehicles. Existing car parking to the northern elevation of the warehousing will continue to be utilised for the existing uses on the site. Accordingly, should planning permission be granted, a condition is recommended to ensure that the development is undertaken in accordance with the submitted cycle and car parking plan.
- 5.24 Overall, with regard to highway safety, the proposal is considered to be acceptable subject to the recommended conditions.
- 5.25 Public Rights of Way
There is public right of way that runs along the south eastern and southern boundary of the site. The Public Rights of Way Team have commented on this application stating that the proposed development is unlikely to affect the adjoining public right of way. However, the officer has requested that consideration is given to the entrance of the site to ensure that pedestrians and vehicles are aware of the potential heavy goods vehicles that may be crossing the public footpath. Officers do not consider it reasonable to require the applicant to provide signage alerting users of the highway to potential heavy goods vehicles using the access as this proposal is for an office use rather than a storage and distribution use, in this way the proposal will not materially

increase the number of heavy goods vehicles using the existing access. Further to this, the Highway Authority has commented on this application and have found that the proposal is acceptable in highway safety terms.

5.26 The Public Rights of Way Team have also requested that officers consider the possibility of vegetation overhanging the public right of way; this is not considered a material planning consideration.

5.27 Further to this, the Public Rights of Way Officer also requested that the applicant is made aware of a number of generic public right of way limitations and requirements, such notes will be included as an informative note attached to any decision notice should planning permission be granted.

5.28 Environmental Protection

The historic use of the site as a depot and of adjacent land as a former landfill site may have caused contamination which could give rise to unacceptable risks to the proposed development. Accordingly, the Council's Environmental Protection Team have suggested a condition is imposed that requires the applicant to undertake a basic investigation prior to development commencing, such an investigation should form a report submitted to the Local Planning Authority for assessment, based on this report the Local Planning Authority shall then determine if further investigation or remediation works are required. With the proposed location of the development and the former land use of the site in mind, officers consider the suggested condition to be reasonable and required should planning permission be granted.

5.29 Ancillary Use

The applicant, Rawlings and Son (Bristol) Ltd, are relocating to Unit 3 (the application site) and are in need of a larger and higher quality office building to use in association with the main storage and distribution use at the site – Unit 3. Accordingly, the proposed office unit will be ancillary to the main storage and distribution unit; this is reflected in the location of the proposed office unit, utilising the same access as the existing unit, and also the functioning of the unit, for example, the Design and Access Statement suggests that certain facilities will be shared between the proposed and existing unit, such as plant.

5.30 Principally the office will utilise the same access and shared part of the yard area with the existing unit on the site, should a future occupier of the site wish to sub-divide the site meaning the office unit would be used in separation from the B8 unit officers would anticipate problems arising with regard transport. In this way, officers recommend a condition is imposed on any planning permission granted that ensures the use of the unit is conditioned so that it only functions in an ancillary manner to the main B8 unit on the site. This condition would essentially mean that any future sub-division of the site would require express planning permission.

6. CONCLUSION

6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in

accordance with the policies of the Development Plan, unless material considerations indicate otherwise.

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

7. RECOMMENDATION

- 7.1 It is recommended that planning permission is **GRANTED** subject to the conditions listed on the decision notice and below.

Contact Officer: Matthew Bunt
Tel. No. 01454 863131

CONDITIONS

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

Reason

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

2. Prior to the commencement of above ground level construction, details of the roofing and external facing materials (including fenestration) proposed to be used shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason

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

3. Prior to the commencement of development a scheme of landscaping, which shall include details of proposed planting; times of planting; soil preparation details; boundary treatments and hard-surfacing; as well as a five year management plan shall be submitted to the Local Planning Authority for approval. Development shall be carried out in accordance with the agreed details.

Reason

To ensure a satisfactory standard of landscaping and the protection of the setting of the Warmley Conservation Area, and to accord with and Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; Policies L1 and L12 of the South Gloucestershire Local Plan (Adopted) 2006; and the National Planning Policy Framework. It is necessary for this condition to be prior to the commencement of development to ensure that the required landscaping can be provided within southern section of the site - this is due to the constrained nature of this section of the site.

4. Prior to the occupation of the hereby approved office unit, the boundary treatments shall be constructed in accordance with the approved 'Proposed Boundary Wall Elevations' Plan (dwg no. 215 A). The boundary treatments shall then be maintained and retained as such.

Reason

To ensure a satisfactory standard of landscaping and design and to accord with and Policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; Policies L1 of the South Gloucestershire Local Plan (Adopted) 2006; and the National Planning Policy Framework.

5. The development hereby approved shall be carried in strict accordance with the protection measures set out within the submitted Arboricultural Report (Silverback Arboricultural Consultancy Ltd Feb 2016).

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 protect the character and appearance of the area to accord with Policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; Policies L1 and L12 of the South Gloucestershire Local Plan (Adopted) 2006; and the National Planning Policy Framework.

6. A) Previous historic uses(s) of the site may have given rise to contamination. Prior to commencement of any ground disturbance, an investigation (commensurate with the nature and scale of the proposed development) shall be carried out by a suitably qualified person into the previous uses and contaminants likely to affect the development. A report shall be submitted for the written approval of the Local Planning Authority prior to the commencement of development.
B) Where potential contaminants are identified, prior to the commencement of development, an investigation shall be carried out by a suitably qualified person to ascertain the extent, nature and risks the contamination may pose to the development in terms of human health, ground water and plant growth. A report shall be submitted prior to commencement of the development for the written approval of the Local Planning Authority setting out the findings (presented in terms of a conceptual model) and identify what mitigation measures are proposed to address unacceptable risks. Thereafter the development shall proceed in accordance with any agreed mitigation measures.
C) Prior to occupation, where works have been required to mitigate contaminants (under section B) a report verifying that all necessary works have been completed satisfactorily shall be submitted to and agreed in writing by the Local Planning Authority.
D) If unexpected contamination is found after the development is begun, development shall immediately cease upon the part of the site affected. The Local Planning Authority must be informed immediately in writing. A further investigation and risk assessment should be undertaken and where necessary an additional remediation scheme prepared. The findings and report should be submitted to and agreed in writing to the Local Planning Authority prior to works recommencing. Thereafter the works shall be implemented in accordance with any further mitigation measures so agreed.

Note: An appropriate investigation is likely to include the following:

- i) A comprehensive desk study to identify all potential sources of contamination both arising on-site and migrating onto site from relevant adjacent sources.
- ii) A comprehensive ground investigation including sampling, to quantify the extent and nature of contamination.
- iii) An appropriate risk assessment to determine the scale and nature of the risks to human health, groundwater, ecosystems and buildings arising from the contamination. This will normally be presented in the form of a conceptual model.
- iv) A report detailing the remediation options including the final proposals for mitigating any identified risks to the proposed development.
- v) All works should be carried out with reference to the most relevant, appropriate and up to date guidance.

Reason

To ensure that adequate measures have been taken to mitigate against contaminated land to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

- 7. Prior to the occupation of the hereby approved office building, the cycle storage and off-street car parking shall be implemented, constructed and thereafter retained in strict accordance with the submitted 'Proposed Landscape Plan' (dwg no. 216).

Reason

In the interests of highway safety, and to accord with saved Policy T7, T8 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006, and Policy CS8 of the South Gloucestershire Core Strategy (Adopted) December 2013.

- 8. The development should be implemented in accordance with the agreed Travel Plan prepared by Entran Ltd and received by the Council on the 15/12/2016.

Reason

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

- 9. The hereby approved office building shall not be occupied until the approved access arrangements are constructed and finished in accordance with the submitted plans: Proposed Site Access (dwg no. 207) and the Proposed Boundary Wall Elevations (dwg no. 215 Rev A). For the avoidance of doubt this will mean that prior to the occupation of the office building, the existing vehicular access on site is no longer in use and is constructed as shown on the aforementioned plans.

Reason

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

- 10. The office building hereby permitted shall not be occupied at any time other than for purposes ancillary to the use of the existing storage and distribution unit known as Unit 3 Crown Industrial Unit.

Reason

In the interests of highway safety, and to enable the Local Planning Authority to assess the future use of the approved unit and the wider site; and to accord with saved Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006, and Policy CS8 of the South Gloucestershire Core Strategy (Adopted) December 2013.

11. The collection of trees at the western side of the application site shall be retained in accordance with the Proposed Landscape Plan (dwg no. 216).

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 protect the character and appearance of the area to accord with Policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; Policies L1 and L12 of the South Gloucestershire Local Plan (Adopted) 2006; and the National Planning Policy Framework.

CIRCULATED SCHEDULE NO. 09/16 – 4 MARCH 2016

App No.:	PK15/5370/F	Applicant:	Mr John Duggan
Site:	36 Sunnyvale Drive Longwell Green Bristol South Gloucestershire BS30 9YQ	Date Reg:	13th January 2016
Proposal:	Erection of single storey rear and side extension to form additional living accommodation.	Parish:	Oldland Parish Council
Map Ref:	366642 170988	Ward:	Longwell Green
Application Category:	Householder	Target Date:	8th March 2016



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N.T.S. PK15/5370/F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

Two objection comments have been received that are contrary to the Officer's recommendation.

1. THE PROPOSAL

- 1.1 The application is for the erection of a single storey rear and side extension.
- 1.2 The property is detached and located within a residential area in Longwell Green. The dwelling is finished in buff-coloured facing brick with a pitched roof and interlocking brown concrete roof tiles. A driveway is located along the south west side elevation with approximately three car parking spaces and a detached pitched roof single garage to the rear.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework 2012
- 2.2 Development Plans
South Gloucestershire Local Plan (Adopted) January (saved policies) 2006
 - H4 Development within Existing Residential Curtilages, Including Extensions and New Dwellings
 - T8 Parking Standards
 - T12 Transportation Development Control Policy for New Development
South Gloucestershire Local Plan Core Strategy (Adopted December 2013)
 - CS1 High Quality Design
- 2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist (Adopted) 2007.
South Gloucestershire Council Residential Parking Standards (Adopted) December 2013

3. RELEVANT PLANNING HISTORY

- 3.1 K1088 Approve with Conditions 24.03.1976
Residential development on approx. 104 acres. Construction of new vehicular and pedestrian access (Previous ID: K1088)
- 3.2 K1088/6 Approval 19.08.1977
Residential development on approx. 87 acres. Construction of estate roads and footpaths. (Previous ID: K1088/6)
- 3.3 K1088/43 Approval 10.07.1979
Erection of 196 private dwellinghouses and garages. Construction of estate road and footpaths. (Previous ID: K1088/43)

- 3.4 K1088/49 Approval 14.04.1981
Erection of 35 detached dwellinghouses with associated garages. (Previous ID: K1088/49)

4. CONSULTATION RESPONSES

4.1 Oldland Parish Council

No objection on condition that adequate provision is made for off-street car parking and consideration is given to suitable finishes.

Sustainable Transport

- The development proposes the removal of the existing garage to facilitate the side extension.
- There will be no increase in the number of bedrooms.
- A dwelling with up to four bedrooms requires a minimum of two off-street car parking spaces measuring 4.8m by 2.4m.
- Although the applicant has submitted a block plan showing two car parking spaces to the front of the site, it is requested that the second space is re-orientated to the space alongside the space to the existing driveway. If permitted in its current form it is likely to result in vehicles making difficult manoeuvres in a location where visibility is restricted due to the bend in the road.
- Subject to a revised block plan showing the amendments there are no transportation objections.

Environmental Protection

No comment

Other Representations

4.2 Local Residents

Objection comment received from no. 35 Sunnyvale Drive

- The position of the flue gives rise to concern regarding the exhaust fumes which could be directed towards the bedrooms of no.35 and 36.
- The proposed roof tiles and walls of the extensions are not in-keeping with the existing building.
- Sunnyvale Drive has an issue with road side parking- this extension will not help by reducing the off-road parking at the property.

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. 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 Design / Visual Amenity

The proposed single-storey rear and side extension is of an acceptable size in comparison to the existing dwelling and the site and surroundings. The materials proposed for the extension are smooth white render walls and the proposed natural slate roof tiles of the side extension. This does not match the existing materials at the property which are buff coloured brick facing and concrete roof tiles. It is noted that there has been an objection comment regarding the proposed materials of the extensions not being in-keeping with the host property and wider area.

The applicant has explained that the choice of materials is a deliberate contrast to the original building, and will clearly differentiate the development. Whilst it is often more conventional to match existing materials, there is no prescription to do so, and using a contrasting material can be an appropriate design principle. Given that this is a modern property with no overriding architectural style to protect, and the subordinate nature of the development this is considered to be an acceptable approach in keeping with design advice. The Design Checklist SPD (2007) states that while new development must respect the character of the locality, this does not mean replication of the existing housing style.

It is considered that as the extensions are modest, single-storey and are set back to the side and to the rear of the property, it is not considered that the extensions will have any significant negative impacts on the visual amenity of the host dwelling or wider streetscene. Overall it is considered that the proposal is satisfactory in terms of design and visual amenity.

5.3 Residential Amenity

Given the overall scale of the extensions and the orientation with surrounding properties it is not considered that it would give rise to any significant or material overbearing impacts on neighbouring properties. The objection comment received by no.35 Sunnyvale Drive explains that the position of the flue gives rise to concern regarding the exhaust fumes which could be directed towards the bedrooms of no.35 and 36. However, it is not considered that this would be an issue considering the modest nature of the flue for the wood burner in the proposed rear dining room. The flue is also located in accordance with Building Regulations and is over 2.3 metres from any openable window or boundary.

There are two rooflights positioned in the single storey side extension with doors positioned to the front and to the rear of the side extension. Within the single storey rear extension there are five folding doors to the rear elevation and a lantern rooflight. It is considered that due to the single-storey nature of the extensions and due to the neighbouring properties being a sufficient distance away separated by gardens and a 1.8 metre closed panel fencing to the rear, it is not considered that the extensions will garner any significant negative impacts in terms of loss of privacy, overlooking and loss of light for any neighbouring properties. It is also considered that adequate private amenity space is left over for the host dwelling after the proposed development has

taken place. The emerging PSP Plan states that there should be 70sqm of private amenity space provided for 3 and 4 bedroom properties and it is clear from the submitted plans that there is roughly 70sqm leftover for no.36 Sunnyvale Drive after the development.

5.4 Transport

As the proposed development is taking away the use of the rear garage and part of the driveway is taken up by the side extension it has been suggested by no.35 Sunnyvale Drive that there is insufficient parking space leftover for the proposed development. A revised car parking plan was submitted on 12th February 2016 (2027/031) showing space for two parking spaces within the front garden measuring 4.8m by 2.4m. This is in accordance with the Council's Residential Parking Standards SPD (2013). The Transport Officer was consulted and explained that the parking was likely to result in vehicles making difficult manoeuvres in a location where visibility is restricted due to the bend in the road. Therefore, it was requested that the second space should re-orientated to the space alongside the space to the existing driveway. Revised plans were submitted on 2nd March 2016 (2027/031 Rev A) showing this change and there are no further objections. Whilst this arrangement may mean that roadside parking that previously took place would no longer be able to, this is would not amount to a reason to refuse the proposal. The highway may be used for parking where appropriate and legal, but a specific number of spaces cannot be assumed. The parking arrangement proposed is the sort of development that might take otherwise happen under permitted development rights.

Overall, the proposal is satisfactory in terms of transportation 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 proposed extension is of an appropriate standard in scale and design. Furthermore the proposal would not materially harm the amenities of the neighbouring properties by reason of loss of privacy or overbearing impact. As such the proposals accord with Policies H4 and T12 of the South Gloucestershire Local Plan (Adopted) 2006 and Policy CS1 of the South Gloucestershire Local Plan Core Strategy December 2013.
- 6.3 The recommendation to **grant** permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 set out above, and to all the relevant material considerations set out in the report.

7. **RECOMMENDATION**

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

Contact Officer: Chloe Buckingham
Tel. No. 01454 867967

CONDITIONS

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

Reason

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

2. Prior to the first occupation of the extensions hereby permitted the parking arrangements shown on plan 2027/031 Rev A shall be implemented; and thereafter retained as such.

To ensure sufficient off street parking remains available to serve the dwelling to accord with policy CS8 of the South Gloucestershire Local Plan; Core Strategy (adopted) December 2013; and the Residential Parking Standards SPD (adopted) December 2013.

CIRCULATED SCHEDULE NO. 09/16 – 4 MARCH 2016

App No.: PK16/0090/R3F

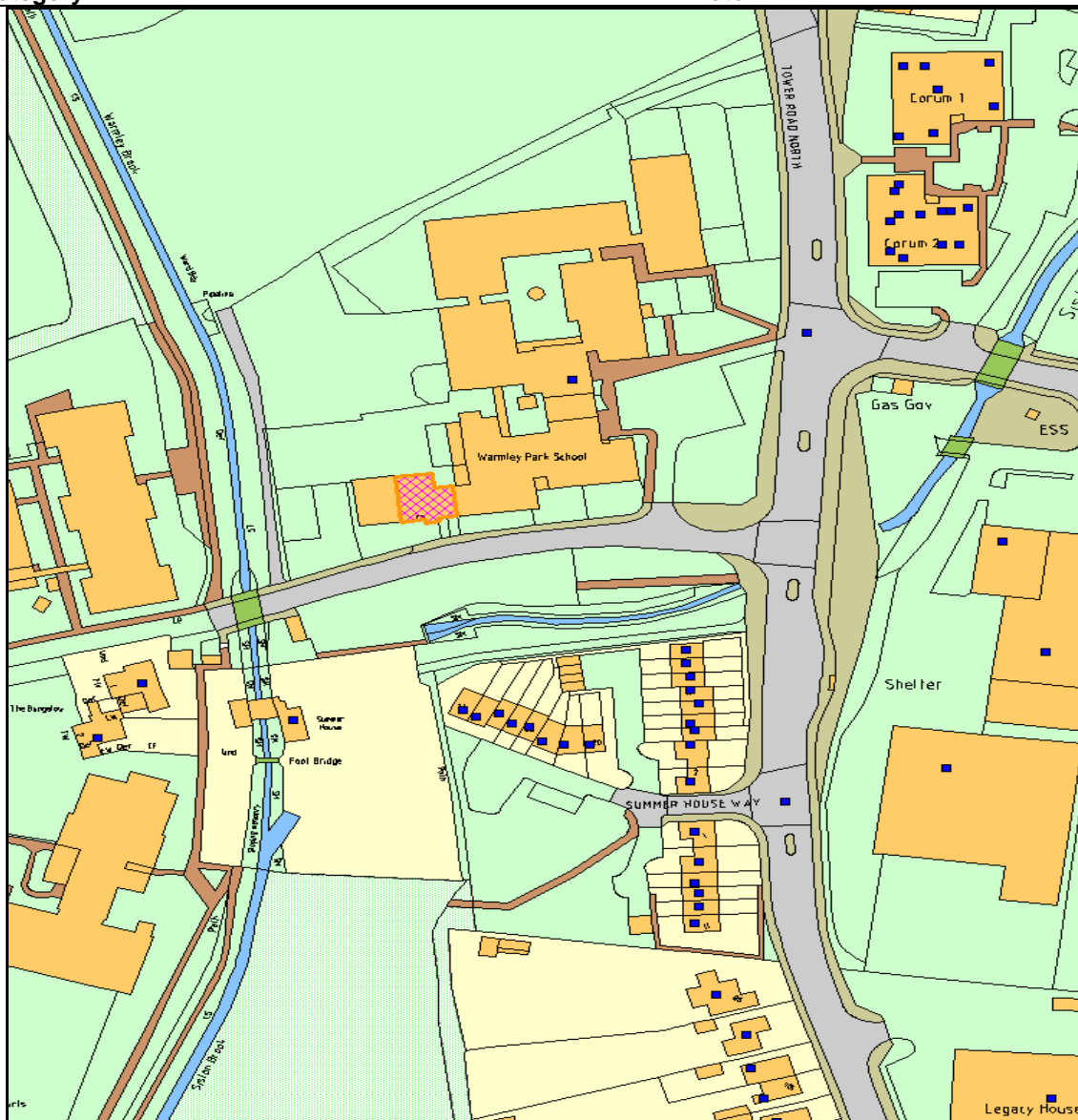
Applicant: South Gloucestershire
CouncilSite: Warmley Park School Tower Road North
Warmley South Gloucestershire BS30 8XL

Date Reg: 19th January 2016

Proposal: Erection of single storey rear extension and
internal alterations

Parish: Siston Parish Council

Map Ref: 366946 173258

Ward: Siston
Target
Date: 10th March 2016Application
Category: Minor

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PK16/0090/R3F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 The applicant is seeking full planning permission for the erection of a single storey rear extension at Warmley Park School.
- 1.2 Warmley Park School comprises of a complex of buildings that are set back from Tower Road North, Warmley. A large playing field is situated to the north of the school buildings. The car park and access to the Grange School and sports centre is situated to the South. The site is located within a residential area of Warmley, opposite an industrial site and is located adjacent to, but not within, the Warmley Conservation area.

2. POLICY CONTEXT

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

South Gloucestershire Local Plan (Adopted) January 2006 (saved policies)
T12 Transportation Development Control Policy for New Development
LC4 Proposals for Educational and Community Facilities within Existing Urban Areas

South Gloucestershire Local Plan Core Strategy Adopted December 2013
CS1 High Quality Design
CS5 Location of Development
CS8 Improving Accessibility
CS9 Managing the Environment and Heritage
CS23 Community Buildings
- 2.3 Supplementary Planning Guidance
The South Gloucestershire Design Checklist SPD (adopted)

3. RELEVANT PLANNING HISTORY

- 3.1 PK12/1004/R3F Deemed Consent 09/05/2012
Erection of containerised boiler plant room and associated silo (Biomass)
- 3.2 PK00/1073/R3F Deemed Consent 15/08/2000
Erection of Elliot classroom block

4. CONSULTATION RESPONSES

4.1 Siston Parish Council
No comment received.

4.2 Oldland Parish Council
No comment received.

4.3 Other Consultees

Sustainable Transport
No objection.

West and Wales Utilities
No objection subject to an informative on the decision notice.

Other Representations

4.3 Local Residents
None received.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Planning policy LC4 of the South Gloucestershire Local Plan (adopted) January 2006 (saved policy) allows for the principle of the development. The main issues to consider are the appearance/form of the proposal and the effect on the visual amenity of the area in accordance with design policy CS1; the transportation effects, including whether the site is accessible by non-car modes of travel, and the off street parking effects; the effect in terms of residential amenity; and the environmental effects.

The improvements the proposal will bring in terms of benefits to the operation of the school weigh considerably in favour of permitting the scheme.

5.2 Design and Impact on Visual Amenity

The proposal is for the erection of a single storey extension to extend slightly to the north and south of the existing rear extension and raise the height of an existing link extension between the main school building and the hydrotherapy classroom in order to provide improved changing facilities for staff and students, including easier access for disabled students. As a result of the internal alterations, a classroom in the existing building is to be slightly increased in size.

5.3 With regards to the design of the external alterations, the hydrotherapy classroom is to be slightly increased in height with a cream render parapet wall. A new opening is proposed to the south with ramped access. The proposed extension providing a larger changing room area is to continue the same height and will be finished in render, with new high level aluminium windows on the north and south elevation. The existing link extension, formerly the laundry and store room and being extended to the north to also accommodate staff changing and a plant and pump room is to be reduced in height, in order to

provide a visual break between the existing classroom in the main building and the raised parapet walls of the changing rooms and hydrotherapy classroom, and prevents the development from appearing too bulky. This area is to be predominantly rendered. Overall, it is considered that the development is acceptable in visual amenity terms, in accordance with policy CS1 of the Core Strategy.

5.4 Residential Amenity

There are residential properties situated to the south of the proposed works, however they are a considerable distance away and are not considered to be impacted upon by the development.

5.5 Transport

The proposed extension will not have an impact on the existing car parking at the site and is unlikely to increase parking demand. On that basis, there is no transportation objection to the development.

6. **CONCLUSION**

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

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

7. **RECOMMENDATION**

7.1 Planning permission is **GRANTED** subject to the condition on the decision notice.

Contact Officer: Trudy Gallagher
Tel. No. 01454 862217

CONDITIONS

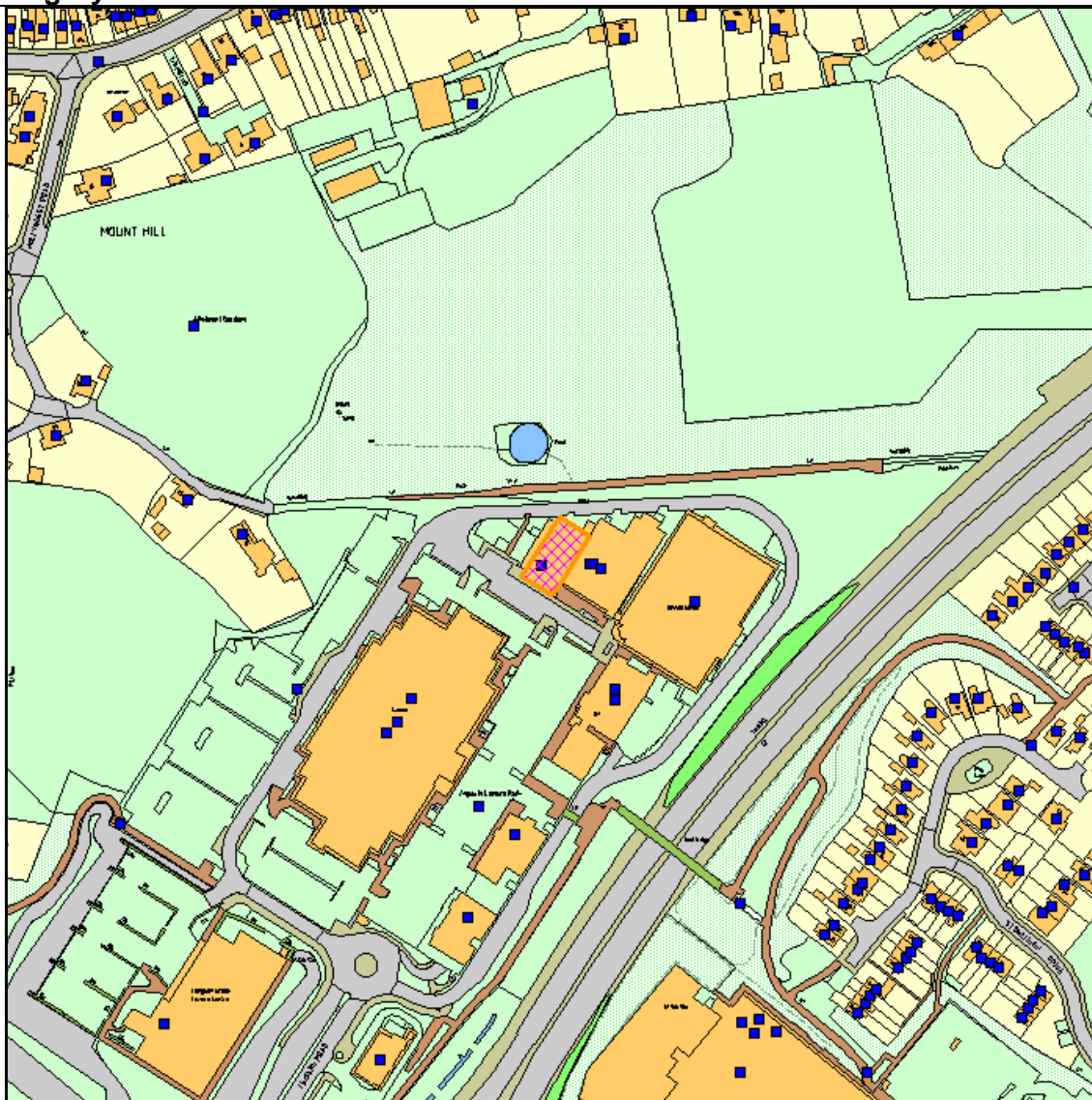
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason

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

CIRCULATED SCHEDULE NO. 09/16 – 4 MARCH 2016

App No.:	PK16/0202/F	Applicant:	Nando's Chickenland Ltd
Site:	Units 7-8 Aspects Leisure Park Leisure Road Kingswood Bristol South Gloucestershire	Date Reg:	21st January 2016
Proposal:	Installation of new shopfront and recladding. Creation of external seating area with associated works.	Parish:	Hanham Parish Council
Map Ref:	365403 172417	Ward:	Hanham
Application	Minor	Target	14th March 2016
Category:		Date:	



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N.T.S.

PK16/0202/F

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 application seeks planning permission for the installation of a new shopfront and recladding of the front elevation. Further to this, planning permission is also sought for the creation of an outdoor seating area to the front of the application building.
- 1.2 The application site is Unit 7-8 Aspects Leisure Park, Leisure Road within Longwell Green. The application site forms part of the Longwell Green Retail Parks, and is therefore designated as an 'out-of-centre' location by policy CS14 of the Core Strategy.
- 1.3 There is also an application for advertisement consent that is pending determination. With this in mind, the signage shown on the submitted plans is not to be determined within this application.
- 1.4 Planning ref. PK13/3283/F included an outdoor seating area similar to the one proposed within this application, the aforementioned planning permission is still extant.
- 1.5 The proposal will facilitate the expansion of the existing restaurant at the site into the neighbouring unit (Unit 8). Unit 8 is understood to be in an A3 'Food and Drink' use, it was formerly a Chinese restaurant. Accordingly, converting Unit 7 and 8 into one A3 unit does not require planning permission in itself, only the external works that constitutes operation development requires planning permission.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework March 2012

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design
CS4A Presumption in Favour of Sustainable Development
CS5 Location of Development
CS8 Improving Accessibility
CS14 Town Centres and Retail

South Gloucestershire Local Plan Adopted January 2006 Saved Policies

T12 Transportation
RT5 Proposals for Out of Centre and Edge of Centre Retail Development

- 2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist SPD (Adopted) August 2007

3. **RELEVANT PLANNING HISTORY**

- | | | | |
|-----|--|-------------------------|------------|
| 3.1 | PK16/0204/ADV | Pending Consideration | |
| | Display of 1no. internally illuminated fascia sign and 1no. internally illuminated door sign. | | |
| 3.2 | PK13/3283/F | Approve with Conditions | 25/10/2013 |
| | Refurbishment of the Northern Terrace including installation of new shopfronts, re-cladding of the building, introduction of an outdoor seating area and enhanced public realm, revised vehicle circulation and simplified delivery arrangement and minor internal reconfiguration. | | |
| 3.3 | PK09/0603/ADV | Approved | 22/05/2009 |
| | Display of 1 no. non illuminated fascia sign. | | |
| 3.4 | PK08/1150/ADV | Approve with Conditions | 13/06/2008 |
| | Display of 2no. internally illuminated fascia signs. | | |
| 3.5 | PK08/0899/F | Approve with Conditions | 12/05/2008 |
| | Installation of new shopfront. | | |
| 3.6 | PK05/3022/F | Approve with Conditions | 01/12/2005 |
| | Erection of 1 unit for food and drink use (Class A3 and Class A4) of the Town and Country Planning (Use Classes) Order 2005. Amendment to previously approved scheme (PK05/0881/F) comprising additional entrance and gable, and amendment and reduced height of previously approved entrance gable. | | |
| 3.7 | PK05/0881/F | Approve with Conditions | 09/09/2005 |
| | Erection of 2 no. units for food and drink use (Class A3 and Class A4) as defined in the Town and Country Planning (Use Classes) Order 1995 (As amended). | | |

4. **CONSULTATION RESPONSES**

- 4.1 Hanham Parish Council
Objection, the external seating area will increase the established problem of anti-social behaviour in the leisure park.
- 4.2 Sustainable Transport
We have now reviewed this planning application and note that it seeks to install a re-clad new shopfront and create an external seating area at Units 7 and 8 of the Aspects Leisure Park, Leisure Road near Longwell Green. We consider that the new works are in the normal location for this type of building and do not encroach upon the public highway. It is also unlikely that they will be visible from the adjacent A4174 due to the planted screening. Therefore, we do not believe that it will create any highways or transportation issues and so we have no comments about this application.

- 4.3 Highway Structures
No comment.
- 4.4 Lead Local Flood Authority
No comment.
- 4.5 Oldland Parish Council
None received.

Other Representations

- 4.6 Local Residents
None received.

5. ANALYSIS OF PROPOSAL

- 5.1 This application seeks planning permission for the installation of a new shop front including the re-cladding of the front elevation, as well as the creation of an external seating area.
- 5.2 Principle of Development
Policy CS14 suggests that development in out-of-centre locations will need to satisfy the sequential test. Similarly, saved policy RT5 will only permit town centre uses in out-of-centre locations provided they could not be located within a town centre and also requires such development to meet a number of other considerations. Policy CS14 and saved policy RT5 both aim to manage the introduction of new uses within out-of-town centres. The proposal will facilitate the conversion of Units 7 and 8 into one A3 unit, as Unit 8 was formerly in an A3 use the restrictions relating to new proposed uses within policy CS14 and saved policy RT5 are not considered to be material to the determination of this development. Accordingly, as the only aspect of this proposal that requires planning permission is the new shop-front and seating area, the assessment of this proposal shall be limited to design and the amenity of the area in relation to the proposed shopfront and seating area.
- 5.3 Design and Visual amenity
Policy CS1 'High Quality Design' of the South Gloucestershire Core Strategy (adopted December 2013) states development proposals will only be permitted if the highest possible standards of site planning and design are achieved.
- 5.4 The proposal will insert a number of full height glazed panels and doors as well as cladding panels both vertical and horizontal. The colour and design of the cladding is acceptable and in-keeping with the leisure park, especially when considering the surrounding uses and importantly the existing shopfront.
- 5.5 The proposed outdoor seating area is considered to be appropriate - it would encourage an aspect of conviviality between the surrounding leisure park and the application site. Officers are also mindful that there is an extant planning permission that afforded permission to an outdoor seating area in a similar location to the seating area proposed in this application.

5.6 Overall the proposal has an acceptable design which accords with policy CS1 of the adopted Core Strategy.

5.7 Crime and Anti-Social Behaviour

The Parish Council have suggested the outdoor seating would result in further anti-social behaviour at the site. The planters will be the only street furniture left out overnight, and this element of the proposal will be fixed in place as stated within the plans. The chairs and tables will be brought in a night, hence risk of anti-social behaviour is unlikely to materially increase due to this proposal. Further to this, officers are aware that the management of the site is effectively the responsibility of the applicant, hence it would be up to the applicant to ensure the risk of anti-social behaviour is reduced, for example by removing the outdoor seating arrangement as stated.

5.8 However, officers are aware that section 9 of policy CS1 of the adopted Core Strategy states that development proposals must 'take account of personal safety, security and crime prevention'. With this in mind, officers recommend that a condition is attached to any planning permission granted that requires the applicant to remove outdoor seating facilities when the restaurant is closed.

5.9 Transport

The proposed shop front and outdoor seating area will not materially impact upon highway safety at the leisure park. Further to this, the outdoor seating area will allow adequate room within the pavement to avoid members of the public walking on the road.

6. **CONCLUSION**

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

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

7. **RECOMMENDATION**

7.1 It is recommended that planning permission is **GRANTED** subject to the conditions listed on the decision notice and listed below.

Contact Officer: Matthew Bunt
Tel. No. 01454 863131

CONDITIONS

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

Reason

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

2. The permitted outdoor seating facilities (tables and chairs) will be removed from outside of the application building during hours when the restaurant is closed for business to customers. For clarity, this condition does not include the permitted planters.

Reason

To encourage safety, security and crime prevention, and to accord with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; and the National Planning Policy Framework.

CIRCULATED SCHEDULE NO. 09/16 – 4 MARCH 2016

App No.:	PK16/0232/F	Applicant:	Mr M Welsford
Site:	52 Cheshire Close Yate Bristol South Gloucestershire BS37 5TH	Date Reg:	21st January 2016
Proposal:	Erection of two storey side and single storey rear extension to form additional living accommodation.	Parish:	Yate Town Council
Map Ref:	371193 183202	Ward:	Yate North
Application Category:	Householder	Target Date:	14th March 2016



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PK16/0232/F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application appears on the Circulated Schedule as a result of consultation responses received, contrary to Officer recommendation.

1. THE PROPOSAL

- 1.1 The application is for the erection of a two storey side extension, and single storey rear extension, to form additional living accommodation.
- 1.2 The property is relatively modern, volume built, detached dwelling located on a cul de sac containing similar properties within the residential area of Yate.

2. POLICY CONTEXT

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

South Gloucestershire Local Plan Core Strategy (Adopted December 2013)
CS1 High Quality Design
CS8 Improving Accessibility
- 2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist (Adopted) 2007.
South Gloucestershire Council Residential Parking Standards December 2013

3. RELEVANT PLANNING HISTORY

- 3.1 P96/1290 – Single storey side and rear extension. Approved 1st April 1996

4. CONSULTATION RESPONSES

- 4.1 Yate Town Council
No objection. Support neighbour comments

Sustainable Transportation

The development proposes the removal of the existing garage to facilitate the erection of a side extension to provide additional living accommodation. No detail has been submitted on the proposed parking arrangements after development.

The Councils residential parking standards state that a dwelling with up to four bedrooms would require a minimum of two parking spaces (each measuring 2.4m wide by 5m deep) to be provided with the site boundary.

Before final comments can be made a revised plan showing the proposed parking arrangements for the dwelling needs to be submitted.

Amended plans have subsequently been received demonstrating two off street spaces within the curtilage of the property

Other Representations

4.3 Local Residents

Two letters of comment has been received, as follows:

'Having looked at the plans for the single storey rear extension, I would like to make the following comments.

The close proximity of this build which is within one metre of my side garden boundary will be quite overwhelming considering the visual density of the red brickwork. It will overshadow my patio, and cause loss of sunlight in the only part of my garden where I can enjoy afternoon sun. I feel that it will be an overbearing outlook, and make me feel hemmed in.

I understand that the depth of the planned extension will be 4 metres from the applicants existing back wall, and have been assured that this will fall in line with the back wall of my property.

Should this prove to be correct, then I fully support the application.

If not, which I suspect to be the case after measuring, I would respectfully request that the proposal should be modified to ensure that the back wall of my property and the back wall of the extension will be in alignment.

This will at least still give me a small seating area that will not be overshadowed and lose sunlight.'

The second supports the application as follows:

'We support this application, however, request that the works carried out are done so sympathetically to the rest of the small cul-de-sac, with particular attention drawn to the already limited parking for residents. Respect to boundary lines please with requests to be granted prior to gaining access.'

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

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

5.2 Design / Visual Amenity

The proposed extension is of an appropriate standard in design and is not out of keeping with the character of the main dwelling house and surrounding

properties. The extension is of an acceptable size in comparison to the existing dwelling and the site and surroundings. Materials used will be conditioned to match those of the existing dwelling.

5.3 Residential Amenity

In response to the issues raised above, the scaled plans illustrate the single storey rear extension element of the buildings to measure four metres deep from the main rear wall of the existing dwelling, with a lean-to roof. This would replace an existing conservatory. This would be located approximately one metre away from the shared boundary on the north elevation of the property. This in its own right would not be considered to give rise to a significant or material impact such as to sustain an objection and warrant refusal of the proposals. Similarly, the two storey side element of the extension would not be considered to give rise to any significant impact, given its design, scale and relationship with the property to this side. Given therefore the overall scale of the extension and its relationship with the existing dwelling and surrounding properties it is not considered that it would give rise to a significant or material overbearing impact upon neighbouring properties. It is considered that the proposal would be acceptable in terms of residential amenity. Planning permission would not grant rights to build upon, carry out works or repairs from, or access land not within the applicants control. This would be notified on any decision notice.

5.4 Transportation

Whilst the existing garage would be lost there is sufficient scope for the provision of off street parking to serve the property, in accordance with the required standards. A plan has been submitted to show two spaces to the front of the property, and this will be required by condition of any consent.

6. **CONCLUSION**

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

6.2 The proposed extension is of an appropriate standard in design and is not out of keeping with the main dwelling house and surrounding properties. Furthermore the proposal would not materially harm the amenities of the neighbouring properties by reason of loss of privacy or overbearing impact. Sufficient off-street parking exists. As such the proposals accord with Policies H4 and T12 of the South Gloucestershire Local Plan (Adopted) 2006 and Policy CS1 of the South Gloucestershire Local Plan Core Strategy December 2013.

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

7. RECOMMENDATION

7.1 That 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 CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; and the National Planning Policy Framework.

3. The hours of working on site during the period of construction shall be restricted to 08.00 - 18.00 Mondays to Fridays; 08.00 - 13.00 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 the provisions of the National Planning Policy Framework.

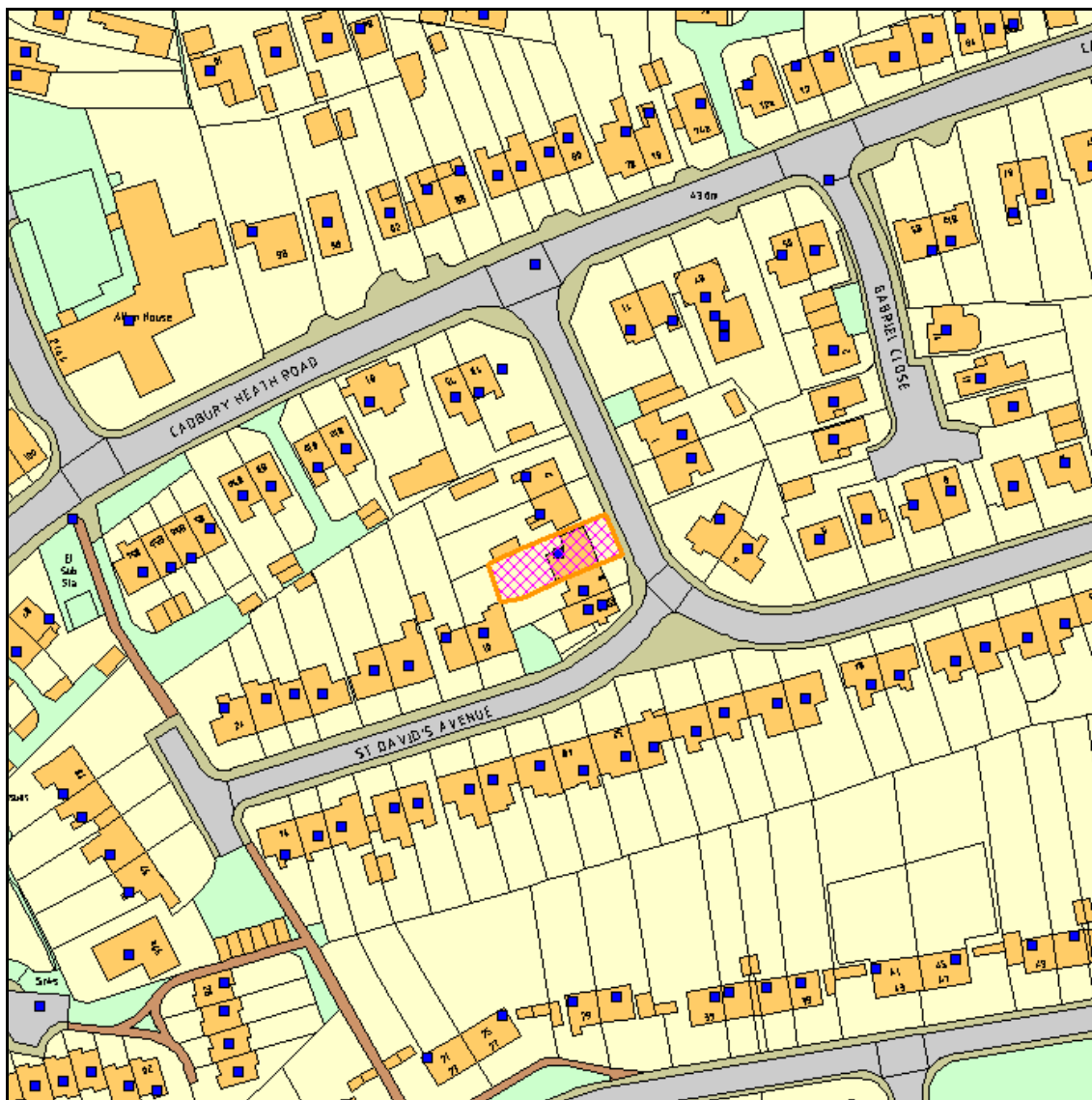
4. The extension shall not be occupied until the two off street parking spaces shown on plan number 3521-P3 (rev B) have been provided. Thereafter the spaces shall be retained of vehicular parking.

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 South Gloucestershire Residential Parking Standards SPD (Adopted) December 2013.

CIRCULATED SCHEDULE NO. 09/16 – 4 MARCH 2016

App No.:	PK16/0253/F	Applicant:	Mr Pete Morris
Site:	6 St Davids Avenue Cadbury Heath South Gloucestershire BS30 8DF	Date Reg:	26th January 2016
Proposal:	Erection of two storey side and single storey rear extensions to form additional living accommodation.	Parish:	Oldland Parish Council
Map Ref:	366490 172358	Ward:	Parkwall
Application Category:	Householder	Target Date:	17th March 2016



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PK16/0253/F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

The planning application has been referred to the Council's Circulated Schedule procedure due to an objection received from a neighbouring resident.

1. THE PROPOSAL

- 1.1 The application seeks planning permission for the erection of a two storey side extension and a single storey rear extension at 6 St Davids Avenue Cadbury Heath.
- 1.2 The host dwelling is a two-storey semi-detached dwelling located within the settlement boundary of Cadbury Heath. The dwelling utilises the materials of pebbledash render with clay roof tiles. The existing roof style is a hipped roof.
- 1.3 The materials proposed would match those of the existing dwellinghouse, with rendered blockwork with spar finish, brown concrete interlocking tiles and white upvc doors and windows.
- 1.4 The applicant was contacted on the 8th February 2016 and asked to submit a parking plan (by 15th February 2016) to address the comments made by the Sustainable Transport Officer, plans were received on 15th February 2016 and a period of reconsultation was provided to the Sustainable Transport Officer.

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, Including Extensions and New Dwellings

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

2.3 Supplementary Planning Guidance

Design Checklist Supplementary Planning Document (adopted) August 2007
Residential Parking Standards Supplementary Planning Document (adopted) December 2013

3. RELEVANT PLANNING HISTORY

- 3.1 There is no relevant planning history for this property.

4. CONSULTATION RESPONSES

4.1 Oldland Parish Council
No objection.

4.2 Sustainable Transport
The proposal will increase the number of bedrooms within the dwelling to four. Part of the development will see the conversion of the existing garage which will remove vehicular parking within the site boundary. No detail has been submitted on the proposed parking arrangements after development, without this parking the development would lead to additional on-street parking which causes congestion and hazards for other road users.

Following revised plans being submitted showing the existing and proposed parking arrangement for the dwelling after development there is no transportation objection.

Other Representations

4.3 Local Residents
A letter of objection has been received from a neighbouring resident regarding the impact on their light. They believe that their upstairs landing will be dark all day and the kitchen will be dark until 11.00am, resulting in extra costs with lighting and potential issues when the residents come to sell the dwelling.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development
Policies CS1 of the South Gloucestershire Core Strategy (adopted December 2013) and Saved Policy H4 of the South Gloucestershire Local Plan (adopted January 2006) are both supportive in principle. Saved Policy H4 is supportive providing development is within the curtilage of existing dwellings, the design is acceptable with relation to policy CS1 of the Core Strategy, providing that there is safe and adequate parking, and also providing the development has no negative effects on transport.

Policy CS1 of the Core Strategy exists to make sure developments enhance and respect the character, distinctiveness and amenity of the site and its context. The proposal shall be determined against the analysis below.

5.2 Design and Visual Amenity
The application site is a two-storey semi-detached dwellinghouse located in Cadbury Heath. The property is located on the residential road of St Davids Avenue.

The application seeks approval for the erection of a two storey side and single storey rear extension which will be used to provide additional living accommodation.

The proposed two storey side extension will be subordinate to the existing dwelling by having a lower ridge line; the total height of the two storey extension is proposed to be 8.2 metres from the ridge line, 0.2 metres lower than the existing dwelling. The proposed two-storey side extension will continue the hipped roof style.

The single storey rear extension proposes a total height of 3.4 metres to the ridge line, the roof style proposed for this part of the extension is a sloped lean to style roof. The proposed single-storey rear extension would extend beyond the rear wall of the existing dwelling by 3 metres.

The materials that would be utilised in the proposal match those in the existing dwelling, with rendered blockwork with spar finish, brown concrete interlocking tiles and white upvc doors and windows.

The proposal respects the character of the site and the wider context as well as being of an appropriate scale and proportion with the original dwelling and surrounding properties. Thus, the proposal satisfies policy CS1 of the adopted Core Strategy.

5.3 Residential Amenity

Saved policy H4 of the adopted Local Plan states that proposals for development within existing residential curtilages will only be permitted where they would not prejudice the amenity of nearby occupiers.

The applicant site is a semi-detached two-storey property located within the Cadbury Heath settlement boundary. The dwellinghouse is attached to no. 8 on the north western elevation, the boundary treatment between these properties is a 1.8 metre fence in the rear garden. To the north of the host dwelling is no.4, the boundary treatment is a 1.8 metre fence. Concerns have been raised by the residents of no.4 regarding their right to light. Rights to light would be a civil matter that can be enforced by landowners, rather than the planning authority. However, it is material to the planning assessment to consider the impact the proposal would have on living conditions. Part of this relates to light, and whether the proposal would be overbearing. This is unlikely however to reach the same standard as any established private right. The policy indicates that residential amenity should not be unreasonably prejudiced. The objectors are concerned that their landing staircase will no longer receive light, however, it is concluded that a reasonable relationship will be retained. This is partly as the a landing window not considered a principal room. No.4 are also concerned with the light into their kitchen, which will be dark until 11.00am. From site visit it is clear there is just one window in the side (north) elevation, there is however a window in a single storey rear extension; it is unclear whether these two windows provide light for the same room. In any event, whilst there may be some impact over the existing situation the resulting development will maintain a reasonable relationship with the adjacent dwelling such that living conditions are not unreasonable prejudiced. This sort of relationship between dwelling can be seen throughout South Gloucestershire.

The proposed two storey side extension will see the removal of a first floor side elevation window, and the replacement of an existing ground floor window. There are two proposed windows in the first floor front and rear elevations. The front window will have an outlook of the road. The rear window will view the private amenity space of the dwelling. The single storey rear extension proposes two velux roof lights, a set of triple doors and a window, these are unlikely to be overlooking to other dwelling as they will be situated on the single storey extension.

The proposed extensions are unlikely to affect the private amenity space of the existing residents or any future residents as there is a large rear garden available.

Overall it is considered that the proposal would not result in any adverse impacts on the residential amenity of neighbouring occupiers or future occupiers. As such the proposal is considered acceptable in terms of saved policy H4 of the Local Plan (adopted) 2006.

5.4 Highways

The application seeks permission for the erection of a two storey side and single storey rear extension at a property in Cadbury Heath. The existing dwelling is a two storey semi-detached dwelling with an area of hardstanding to the front of the dwelling.

The proposal shows that there will be one additional bedroom created by the proposed extension. The Council has a Residential Parking Standard SPD which sets the minimum parking standard in proportion to the amount of bedrooms at the property. The dwellinghouse currently has three bedrooms, for this a minimum of two spaces are required. As the proposal only suggests that there will be one further bedroom the minimum number of spaces does not increase.

Following revised plans showing two parking spaces within the curtilage of the dwellinghouse there are no objections from the Sustainable Transport Officer, it is considered important that these spaces are retained, as such a condition will be imposed.

6. CONCLUSION

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

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

7. RECOMMENDATION

7.1 That the application is **APPROVED** with conditions.

Contact Officer: Fiona Martin
Tel. No. 01454 865119

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).

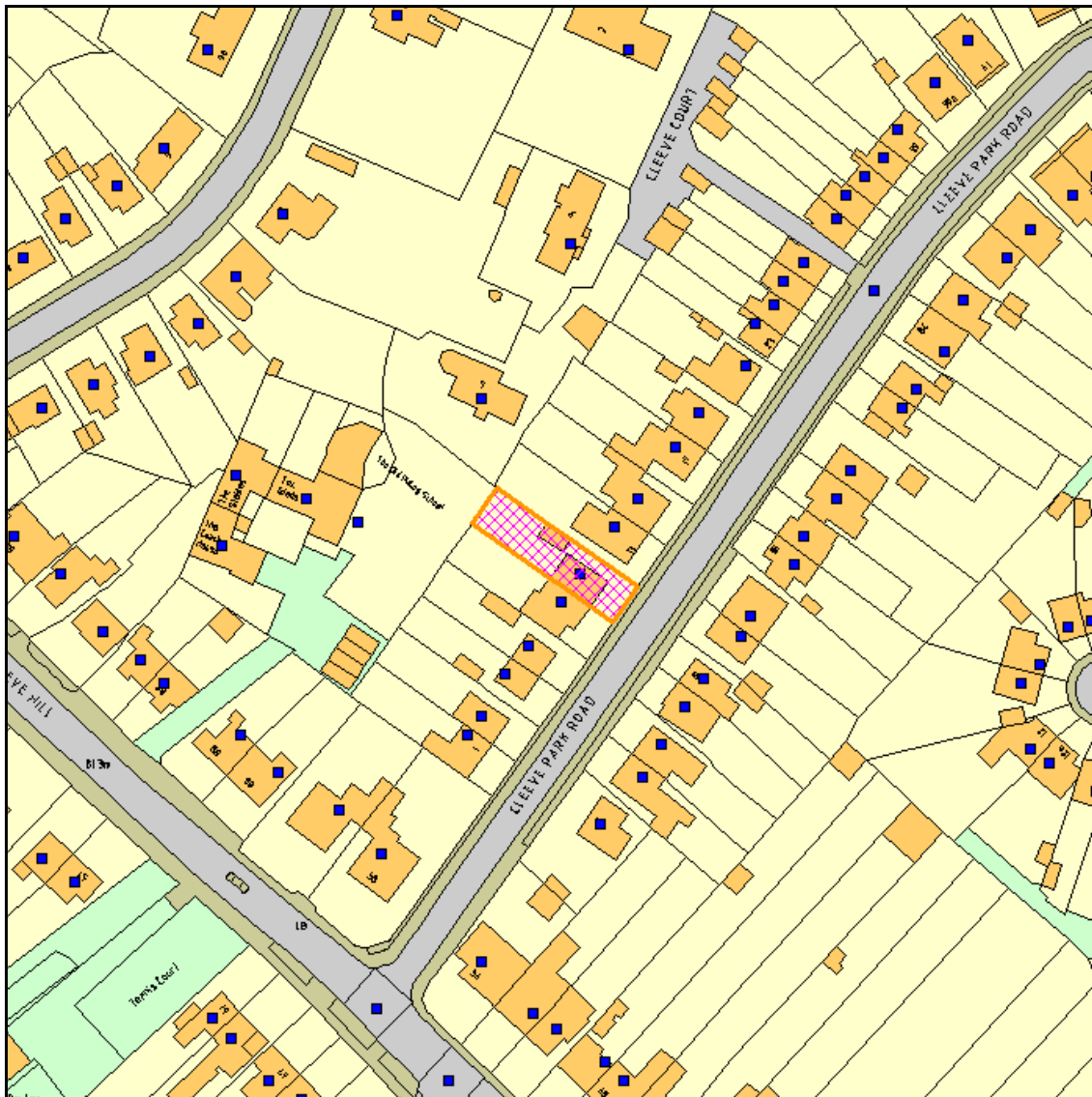
2. The off-street parking facilities (for all vehicles, including cycles) shown on the plan hereby approved shall be provided before the two storey side extension and single storey rear extension is occupied, and thereafter retained for that purpose.

Reason

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

CIRCULATED SCHEDULE NO. 09/16 – 4 MARCH 2016

App No.:	PK16/0306/CLP	Applicant:	Mrs L Richards
Site:	11 Cleeve Park Road Downend Bristol South Gloucestershire BS16 6DW	Date Reg:	28th January 2016
Proposal:	Application for Certificate of Lawfulness proposed for 2 no. rear and 1 no. side dormer window to facilitate loft conversion	Parish:	Downend And Bromley Heath Parish Council
Map Ref:	364968 177114	Ward:	Downend
Application Category:	Certificate of Lawfulness	Target Date:	21st March 2016



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PK16/0306/CLP

REASON FOR REPORTING TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 The applicant is seeking a formal decision as to whether the proposed erection of 2 no. rear dormers (one with Juliet balcony) and side dormer at 11 Cleeve Park Road, Downend would be lawful development. This is based on the assertion that the proposal falls within the permitted development rights normally afforded to householders under the Town and Country Planning (General Permitted Development) (England) Order 2015.
- 1.2 The application is formal way of establishing whether the proposal requires planning permission or not. Accordingly there is no consideration of planning merit, the decision is based on the facts presented.

2. POLICY CONTEXT

2.1 National Guidance

Town and Country Planning Act 1990 (As Amended) 1990 section 192 Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO).

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

3. RELEVANT PLANNING HISTORY

- 3.1 K5482/1 – Approval – 19/10/1990 – Construction of domestic garage.
- 3.2 K5482 – Refusal – 29/06/1987 – Two storey rear extension. Refused due to its overbearing impact.

4. CONSULTATION RESPONSES

- 4.1 Downend and Bromley Heath Parish Council
No Objection

4.2 Other Consultees

Listed Building and Conservation Officer

No Objection due to type of proposal

Other Representations

4.3 Local Residents

A number of objections have been received. These have been from residents of the abounding 'The Riding School' which is a cluster of listed buildings. The objections are relating to the proposal being out of keeping with the subject property and listed buildings as well as the overbearing/overlooking impact the proposal would have on the adjacent properties. Comment was also made indicating that the proposal may impact the value of properties bounding the rear of the curtilage.

5. SUMMARY OF EVIDENCE IN SUPPORT OF APPLICATION

5.1 Application Form; Plans Section and Elevations (Combined); Location Plan

6. ANALYSIS OF PROPOSAL

6.1 Principle of Development

The application for a Certificate of Lawfulness is purely an evidential test and is a formal way of establishing whether or not the proposed development can be implemented lawfully, without the need for planning permission. Accordingly there is not consideration of planning merit, the application is based on the facts presented. This submission is not an application for planning permission and as such the development plan is not of relevance to the determination of this application; the decision rests upon the evidence that has been submitted. If the evidence submitted demonstrates that the proposed use is lawful, on the balance of probabilities, the Local Planning Authority must grant a certificate confirming that the proposed development is lawful.

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

6.3 The proposed development consists of the introduction of 2no rear dormers, one of which with a Juliette Balcony; front Velux rooflight and a side dormer window. This development would be within Schedule 2, Part 1 Class B and C of the GPDO (2015), which allows additions etc. to the roof of a dwellinghouse and other alterations to the roof of a dwellinghouse, provided it meets the criteria detailed below:

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

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

The dwellinghouse was not granted under classes M, N, P or Q of Part 3.

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

The proposal would not exceed the height of the highest part of the existing roof.

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

The proposal will be situated to the rear and side elevations and does not front a highway.

- (d) **The cubic content of the resulting roof space would exceed the cubic content of the original roof space by more than –**
(i) **40 cubic metres in the case of a terrace house, or**
(ii) **50 cubic metres in any other case**

The proposal would result in an additional volume of approximately 35m³ and is below 50m³.

- (e) **It would consist of or include —**
(i) **the construction or provision of a verandah, balcony or raised platform, or**
(ii) **the installation, alteration or replacement of a chimney, flue or soil and vent pipe;**

For the purposes of permitted development a Juliet balcony (which does not have a platform) would not be considered a balcony.

- (f) **The dwellinghouse is on article 2(3) land.**

The host dwelling is not on article 2(3) land.

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

- (a) **the materials used in any exterior work must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse;**

The materials used will be of a similar appearance.

- (b) **the enlargement must be constructed so that –**
 - (i) **other than in the case of a hip-to-gable enlargement or an enlargement which joins the original roof to the roof of a rear or side extension –**
 - (aa) **the eaves of the original roof are maintained or reinstated; and**
 - (bb) **the edge of the enlargement closest to the eaves of the original roof is, so far as practicable, not less than 0.2 metres from the eaves, measure along the roof slope from the outside edge of the eaves; and**
 - (ii) **other than in the case of an enlargement which joins the original roof to the roof of a side or rear extension, no part of the enlargement extends beyond the outside face of any external wall of the original dwellinghouse; and**

The proposal would be greater than 0.2 metres from the outside edge of the eaves of the original roof and does not protrude beyond the outside face of any external wall of the original dwellinghouse.

- (c) **any window inserted on a wall or roof slope forming a side elevation of the dwellinghouse must be-**
 - (i) **Obscure-glazed, and**
 - (ii) **Non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is to be installed.**

The proposed side dormer window is non-opening and obscured glazed.

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

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

The dwellinghouse was not granted under classes M, N, P or Q of Part 3.

- (b) **the alteration would protrude more than 0.15 metres beyond the plane of the original roof when measure perpendicular with the external surface of the original roof;**

The roof window to the front pitch of the roof will not protrude beyond 0.15 metres beyond the plane of the original roof.

- (c) **It would result in the highest part of the alteration being higher than the highest part of the existing roof; or**

It would not result in the highest part of the alteration being higher than the highest part of the existing roof.

- (d) It would consist of or include –
- (i) The installation, alteration or replacement of a chimney, flue or soil and vent pipe, or
 - (ii) The installation, alteration or replacement of solar photovoltaics or solar thermal equipment.

The proposal does not include any alterations, installation or replacement of chimneys, flues, soil and vent pipes or solar photovoltaics or solar thermal equipment.

Other Matters

A number of objections have been received. The application for a Certificate of Lawfulness is purely an evidential test and is a formal way of establishing whether or not the proposed development can be implemented lawfully, without the need for planning permission. Accordingly there is not consideration of planning merit, the application is based on the facts presented. The development plan is not of relevance to the determination of this application; the decision rests upon the evidence that has been submitted. The evidence submitted demonstrates that the proposed alterations are lawful, on the balance of probabilities and the Local Planning Authority must grant a certificate confirming that the proposed development is lawful.

The only design considerations required for the proposal is that the materials used in exterior work is of a similar appearance to those used in the construction of the existing dwellinghouse; the eaves of the original roof are maintained and reinstated; the edge of the enlargement is greater than 0.2 metres from the eaves; and windows in side elevations are obscured glazed and non-opening unless above 1.7 metres from the floor of the room in which they are located. The proposal conforms to the above mentioned criteria and is considered lawful against the tests of the GPDO.

The value of property is not relevant to the consideration of evidence here.

7. RECOMMENDATION

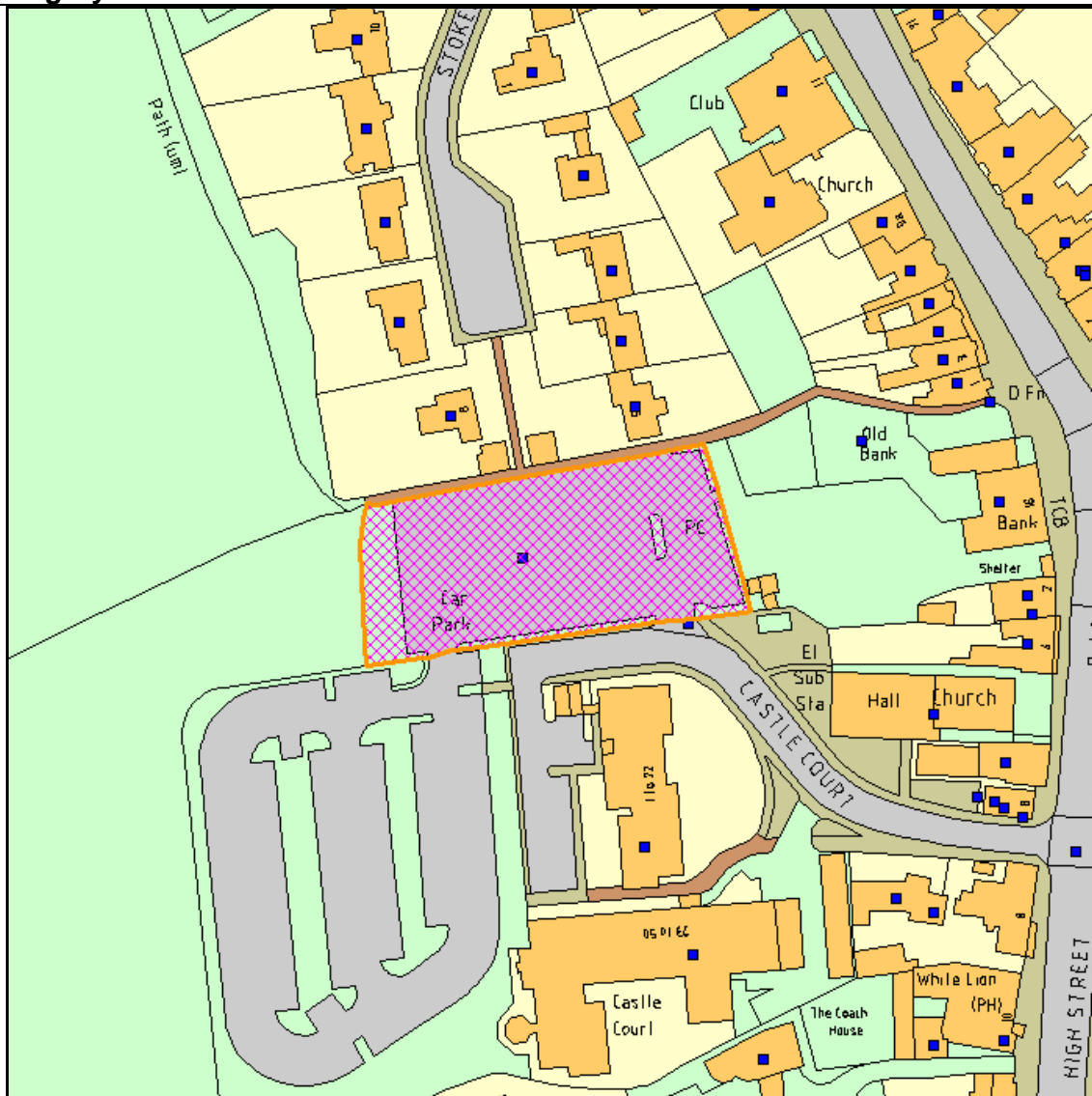
- 7.1 That a certificate of Lawfulness for Proposed Development is **granted** for the following reason:

Evidence has been provided to demonstrate that the proposed alterations would be allowed as they are considered to fall within the permitted rights afforded to householders under Schedule 2; Part 1, classes B and C for the Town and country Planning General Permitted Development Order 2015.

Contact Officer: Hanni Osman
Tel. No. 01454 863787

CIRCULATED SCHEDULE NO. 09/16 – 4 MARCH 2016

App No.:	PT15/4279/RVC	Applicant:	Newland Homes
Site:	Former Carpark Castle Court Thornbury South Gloucestershire BS35 2BF	Date Reg:	14th October 2015
Proposal:	Variation of condition no. 16 attached to planning permission PT14/4060/F to replace Site layout plan, Floor Plans and Elevation plans	Parish:	Thornbury Town Council
Map Ref:	363655 190184	Ward:	Thornbury North
Application Category:		Target Date:	7th December 2015



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PT15/4279/RVC

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application appears on the Circulated Schedule due to the receipt of letters of concern from local residents and a letter of objection from the Town Council.

1. THE PROPOSAL

- 1.1 This application seeks permission for the variation of condition 16 attached to application PT14/4060/F. Condition 16 lists the plans that were approved as part of the original planning approval.

Development must be carried out exactly in accordance with the following plans:

Received by the Council on 24th July 2015 - Artists Impression

Received by the Council on 22nd July 2015 - SK04P1 - Swept Path Analysis, SK.01revI - Site Layout

Received by the Council on 8th July 2015 - SK.02revC - Floor Plans, SK.03revC - Elevations

Reason

For the avoidance of doubt

The proposed revised wording would read as follows:

This decision relates only to the plans identified below:

Received by the Council on 16th February 2016 – 205-151revB – External Works Layout

Received by the Council on 12th February 2016 – 205-142revH – Drainage Details, SK.03revf – Proposed Elevations, 205-141revE – External Works Layout, SK.02revE – Floor Plans, SK.01revL – Site Layout Plan, 205-99revA - Sections

Reason

For the avoidance of doubt

- 1.2 In considering this application, it is appropriate to primarily focus on this condition and the reason for it and not to put attention on other matters not relevant to this variation of condition application. As a variation of condition decision has the effect of issuing a new planning permission, it is also necessary to check all conditions attached to the original application are still relevant and necessary and need following through to this new application.
- 1.3 The proposed changes from the original scheme are numerous but minor. The changes relate primarily to the introduction of walkways through the dwellings to provide access to rear bin stores, detailing of site levels, the addition of a sun room to the rear elevation of each dwelling, changes to the pedestrian walkway to be created through the existing stone boundary wall to the North. Importantly the number of bedrooms in the dwellings remains exactly the same as that approved and the dwellings remain in fundamentally the same positions on the

site. The vehicular access point and parking layout also remains fundamentally the same as that previously agreed.

- 1.4 Throughout the course of this application, many changes have been made to the plans – primarily in order to address the concerns of neighbours and also to clarify the position regarding levels. The necessary reconsultation was carried out with neighbours.

2. POLICY CONTEXT

- 2.1 National Planning Guidance
National Planning Policy Framework
National Planning Policy Guidance

- 2.2 Development Plans

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

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

South Gloucestershire Local Plan Core Strategy (Adopted)

CS1 High Quality Design
CS4A Presumption in favour of sustainable development
CS5 Location of Development
CS6 Infrastructure and Developer Contributions
CS8 Improving Accessibility
CS9 Managing the Environment and Heritage
CS12 Safeguarded Areas for Economic Development
CS15 Distribution of Housing
CS16 Housing Density
CS17 Housing Diversity
CS18 Affordable Housing
CS24 Green Infrastructure, Sports and Recreation Standards
CS32 Thornbury

Supplementary Planning Guidance

South Gloucestershire Design Checklist – Adopted
Affordable Housing SPD (Adopted)
Residential Parking Standards SPD (Adopted)

3. RELEVANT PLANNING HISTORY

- 3.1 PT14/4060/F Erection of two blocks to form 8no. terraced dwellings with access and associated works.
Approved subject to S106 on 31st July 2015

4. CONSULTATION RESPONSES

- 4.1 Thornbury Town Council
Objects to the application on the basis that the raised level of development is inappropriate
- 4.2 Transportation Development Control
No objection
- 4.3 PROW
Raises query regarding the proposed new pedestrian access through the town wall
- 4.4 Conservation Officer
No Objection subject to conditions securing details/samples of the stone boundary wall along the front of the site
- 4.5 Lead Local Flood Authority
No Objection

Other Representations

- 4.6 Local Residents
A total of 9 letters of objection have been received to the application (including one petition signed by the residents of Stokefield close). A summary of the points of concern is as follows:
- The ground level could be lowered a further.
 - All drawings should be included in the condition – including the drainage levels plan which includes datum levels
 - Concerns that the gap in the boundary wall is not wide enough and is unnecessarily obstructed by a narrow gate
 - Visual impact, overlooking and shading of Stokefield Close.
 - The separation distance between the buildings and the North boundary wall should be retained.
 - Object to raised ground levels
 - Steps and a ramp to access through the boundary all are un-necessary and would make access difficult for those with buggies or wheelchair's etc
 - The proposal will tower over the neighbours and shadow them
 - Concerns over a window in the side elevation of the proposed sun room that will face towards the neighbours
 - No direct consultation with the neighbours by Newland homes
 - Concerns over the accuracy of the plans

5. ANALYSIS OF PROPOSAL

- 5.1 The scope of a variation of condition application (section 73 application) is more limited than a full planning application. The Local Planning Authority may only consider the question of the conditions, and cannot revisit or fundamentally change the original permission. It may be decided that the permission should be subject to the same conditions as were on the original

permission; or that it should be subject to different conditions; or that permission may be granted unconditionally. There is a right of appeal in the usual way against any conditions imposed.

- 5.2 In assessing this application it is necessary to assess whether the relevant condition, or any variations satisfy the requirements of planning conditions as set out in the National Planning Policy Framework (NPPF). The NPPF requires all planning conditions to pass three tests – that conditions should be:

- i. Necessary to make the development acceptable
- ii. Directly related to the development
- iii. Fairly and reasonably related in scale and kind

- 5.3 Being mindful of the reason for attaching the conditions in the first place, when assessing this application your officer will consider whether the minor design alterations would undermine the objectives of the policies listed in the reason for the condition.

5.4 Analysis of Proposal

The original application related to the erection of 8 dwellings on a former car park site. Following several amendments, the application was approved subject to a series of conditions (most of which have since been discharged). Some work has started to implement this extant consent in the form of archaeological investigations and felling trees before the bird nesting season. However, since approval of the original application, largely due to the need to install drainage infrastructure, it has become necessary to clarify the situation regarding levels. The applicant also wishes to make some alterations to the design of the dwellings.

5.5 Height/Ground Levels

Though the life of this application there have been negotiations and alterations concerning the ground levels. As initially submitted, this application included a proposal to noticeably raise the ground level of the site so that drainage infrastructure could be included below ground. This proposal raised objections from residents of Stokefield Close and the Town Council. In order to address these concerns, the applicant has worked on a revised drainage scheme that allows the ground level within the site closest to the boundary with Stokefield Close to remain the same as the existing ground level. Other changes, such as the removal of windows from the proposed sun room have also occurred during the course of this application.

- 5.6 Detailed datum levels have been received with this application that were not available at the time of approval of the previous application. On the basis of the details submitted, the dwellings in the most sensitive position (those closest to the neighbouring residential properties on Stokefield Close) will be a maximum of 15cm taller than the dwellings previously approved. The dwellings will be located in the same positions on the site as previously permitted. Although it is appreciated that the neighbouring residents express concern about any increase in size, your officer is of the opinion that fifteen centimetres will not have any noticeable effect on neighbouring dwellings over and above the consented scheme. The increase in height of the ridge of the dwellings by

15cm is therefore deemed to be acceptable and will have no noticeable impact on levels of residential amenity compared to the consented scheme.

5.7 Rear Sunrooms

This application also includes the provision of lean-to sunrooms on the rear elevation of each dwelling. As initially submitted, the plans included a proposal to insert windows into the side elevations of the sun rooms. Neighbours raised concern that these windows would result in overlooking and so they have now been removed from the plans. The sunrooms themselves are modest additions to the dwellings, of suitable proportions and materials that will not appear out of keeping on this sensitive site, and the Conservation officer raises no objection to their inclusion. The sunroom elements will have no detrimental impact on existing levels of residential amenity and no detrimental visual impact. Their inclusion is therefore deemed to be acceptable.

5.8 Footpath Link to the North

The plans continue to show a new opening through the listed town walls to the north of the site linking to the footway beyond. There was originally a proposal to add a ramp to this walkway but this has since been removed from the scheme and is no longer for consideration. There is now a proposal to put a gate across this pedestrian access point that was not shown on the original application. Local residents object to the insertion of a gate in this location as it would impede the movement of those with buggies or using wheelchairs. Your officer does agree that the walkway would be easier to use with no gate but is mindful of the fact that this is not a Public Right of Way but is a voluntary contribution made by the developer. Given that the link is entirely voluntary, will not form part of an adopted highway of the PROW network, it is unreasonable to refuse the application on the basis of the gate. No objection is therefore being raised to this element.

5.9 External Alterations

The amended plans also include the provision of a private, enclosed walkway between dwellings 2-3 and 6-7 to provide external access from the front to the rear of the dwellings. This has in turn, removed the need for any bin stores to the front of the dwellings and facilitated a simplification of the front boundary wall. The existing stone boundary wall along the South of the site is to be partly raised in height to provide additional screening for private rear gardens then dropping down to 600mm to the front of the dwellings. The Conservation Officer comments that as no detailed elevations of this front boundary wall have been received, both sample panels and elevations of this boundary wall will need to be secured via condition. Subject to the attachment of such a condition, there is no objection to the proposed alterations to the front boundary wall or the walkways.

5.10 Summary

The proposed dwellings will have no greater impact on existing levels of residential amenity than the approved scheme. The dwellings are all to be sited in the same positions on the site and no new primary windows are proposed that could result in any adverse impacts of overlooking or loss of privacy.

5.11 There is no amendment to the level of parking provision and the number of bedrooms in the proposed dwellings has not increased. As such, the scheme still provides an acceptable level of off street parking. Furthermore, as the number of bedrooms has not changed, the education contribution has not altered and therefore the S106 agreement previously signed will be brought forward.

5.12 Other Relevant Conditions and Planning Obligations

In terms of all other conditions that were attached to application PT14/4060/F, most pre-commencement conditions have been discharged. The wording of the conditions will therefore be updated accordingly.

This proposal is also recommended for approval on the basis of the signed section 106 agreement (whose terms allow for subsequent similar planning consents to be bound by its terms). It is considered that those heads of terms previously recently agreed still meet the statutory CIL Regulations tests.

6. CONCLUSION

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

6.2 The recommendation to **APPROVE** permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 (saved policies) and the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 set out above, and to all the relevant material considerations set out in the report including the existing signed section 106 agreement dated 30th July 2015.

7. RECOMMENDATION

7.1 That planning permission is **APPROVED** subject to the conditions below:

Contact Officer: Marie Bath
Tel. No. 01454 864769

CONDITIONS

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

Reason

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

2. The hours of working on site during the period of construction shall be restricted to 07.30 to 18.00 Monday to Friday, 08.00 to 13.00 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 amenity enjoyed by those living in the locality to accord with Policy CS9 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013.

3. The render to be used on the external faces of all dwellings shall be as per that agreed for application PT14/4060/F - Knauf Conni S Textured finish 1.5mm.

Reason

In order that the works serve to preserve the character and appearance of the conservation area and the setting of the listed building, in accordance with sections 66(2) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, national guidance set out at the NPPF, policies L12 and L13 of the South Gloucestershire Local Plan (Adopted) and Policies CS1 and CS9 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013.

4. The works shall be completed strictly in accordance with the details agreed in relation to application PT14/4060/F:
 - a. all new doors (including head, reveals and cill details) shall be as per the details received by the Council on 21st December 2015
 - b. all new windows (including head, reveals and cill details). shall be as per drawing SK.03revH received by the Council on 16th February 2016 For the avoidance of doubt the windows on both front and rear elevations of the dwellings shall be traditional timber sliding sashes
 - c. all new porch/canopies shall be as per the details received by the Council on 19th October 2015
 - d. all new vents and flues shall be as per the details received by the Council on 21st December 2015
 - e. all new eaves, verges and ridges shall be as per the details received by the Council on 21st December 2015
 - f. chimneys shall be as per the details received by the Council on 19th October 2015

Reason

In order that the works serve to preserve the character and appearance of the conservation area and the setting of the listed building, in accordance with sections 66(2) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, national guidance set out at the NPPF, policies L12 and L13 of the South Gloucestershire Local Plan (Adopted) and Policies CS1 and CS9 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013. This must be a pre-commencement condition as it is essential that such details and built into the properties right from the start.

5. The tiles to be used on all dwellings shall be as per that agreed for application PT14/4060/F - Sandtoft Arcadia Natural Clay

Reason

In order that the works serve to preserve the character and appearance of the conservation area and the setting of the listed building, in accordance with sections

66(2) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, national guidance set out at the NPPF, policies L12 and L13 of the South Gloucestershire Local Plan (Adopted) and Policies CS1 and CS9 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013.

6. Prior to the first occupation of any of the dwellings hereby permitted, if any repairs or works are required to the existing locally listed wall, details of these shall be submitted to and approved in writing by the Local Planning Authority. A sample of any re-pointing (to be carried out using lime mortar) shall be completed and approved and all works shall be completed strictly in accordance with the agreed details.

Reason

In order that the works serve to preserve the character and appearance of the conservation area and the setting of the listed building, in accordance with sections 66(2) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, national guidance set out at the NPPF, policies L12 and L13 of the South Gloucestershire Local Plan (Adopted) and Policies CS1 and CS9 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013.

7. Prior to the first occupation of any of the dwellings hereby approved a scheme of landscaping, which shall include details of all existing trees and hedgerows on the land and details of any to be retained, 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 completed strictly in accordance with the agreed details prior to the first occupation of any of the dwellings hereby permitted.

Reason

In order that the works serve to preserve the character and appearance of the area in accordance with policies L1, L12 and L13 of the South Gloucestershire Local Plan (Adopted) and Policies CS1 and CS9 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013

8. Prior to the first occupation of any of the dwellings hereby permitted, the stone boundary wall along the site frontage (Southern boundary) shall be completed in accordance with a detailed elevational drawing and sample panel that must be submitted to the Council for written approval. For the avoidance of doubt, the new sections of wall should match the existing front boundary wall precisely in terms of materials, height, jointing and coursing. The development must be carried out exactly in accordance with the details agreed.

Reason

In the interests of visual amenity and to comply with the requirements of Policies L12 and L13 of the South Gloucestershire Local Plan (Adopted) and Policies CS1 and CS9 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013

9. The work must be carried out exactly in accordance with the Written Scheme of Investigation for an Archaeological Excavation prepared by Cotswold Archaeology in relation to application PT14/4060/F and received by the Council on 19th October 2015.

Reason

To satisfy the requirements of Policy L11 of the South Gloucestershire Local Plan (Adopted) and Policy CS9 of the South Gloucestershire Local Plan Core Strategy (Adopted). This must be a pre-commencement condition as archaeology cannot be saved and recorded as appropriate once destroyed.

10. Prior to the first occupation of any of the dwellings hereby permitted, full details of a maintenance strategy for the locally listed walls, front boundary wall, trees and all land outside of the private residential curtilages on the site shall be submitted to the Local Planning Authority for written agreement. The maintenance strategy shall be implemented in accordance with the details approved for five years following the first occupation of any of the dwellings hereby approved.

Reason

To ensure that a robust maintenance strategy for the development is implemented and established at the outset of the development; in the interest of residential and visual amenity and to satisfy the requirements of Policies CS1 and CS9 of the South Gloucestershire Local Plan (Adopted).

11. No dwelling shall be occupied until the access, car and cycle parking serving that dwelling has been completed in accordance with drawing SK 01 RevL (received by the Council on 12th February 2016).

Reason

In the interests of highway safety and promoting sustainable transport choices and to accord with the requirements of the NPPF, Policies T7 and T12 of the South Gloucestershire Local Plan (Adopted), Policy CS8 of the South Gloucestershire Local Plan Core Strategy (Adopted) and the Residential Parking Standards SPD (Adopted).

12. The work must be carried out exactly in accordance with the contents of the Arboricultural Method Statement dated 30/03/2015 and received by the Council on 2nd April 2015 in relation to application PT14/4060/F

Reason

In the interest of the health and longevity of the protected trees and to comply with the requirements of Policy L1 of the South Gloucestershire Local Plan (Adopted)

13. No dwelling shall be occupied until visibility splays measuring 2m set back x 25m to the nearside kerbline in both directions have been provided at the site access and those visibility splays shall be retained clear of obstruction at all times thereafter.

Reason

In the interest of highway safety and to accord with the requirements of the NPPF and Policy T12 of the South Gloucestershire Local Plan (Adopted).

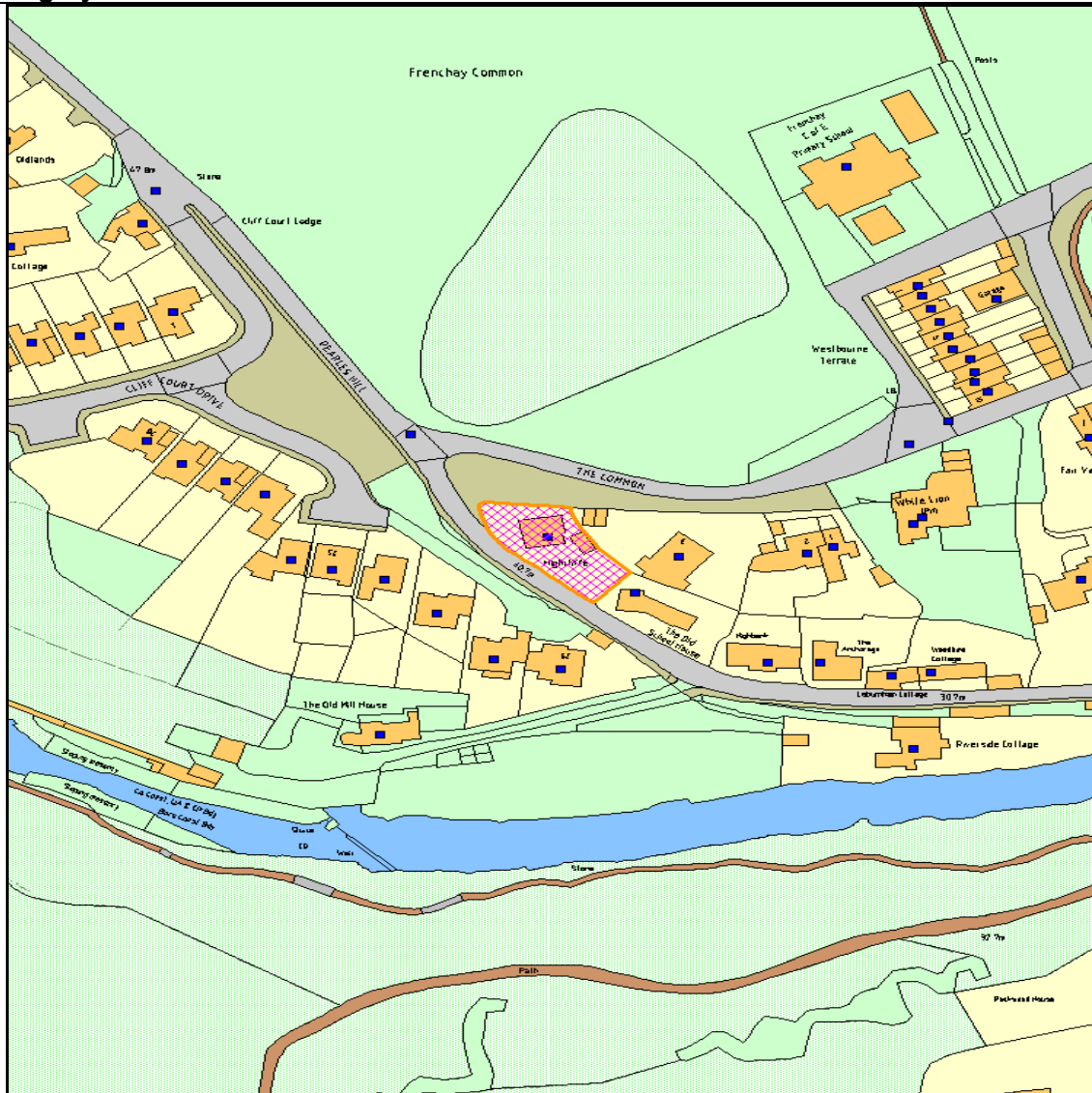
14. This decision relates only to the plans identified below:
Received by the Council on 16th February 2016 - 205-151revB - External Works Layout

Received by the Council on 12th February 2016 - 205-142revH - Drainage Details, SK.03revf - Proposed Elevations, 205-141revE - External Works Layout, SK.02revE - Floor Plans, SK.01revL - Site Layout Plan, 205-99revA - Sections

Reason

For the avoidance of doubt

Applicant:	Mr And Mrs M Pick
Date Reg:	7th December 2015
Parish:	Winterbourne Parish Council
Ward:	Frenchay And Stoke Park
Target Date:	28th January 2016



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100023410, 2008. **N.T.S.** **PT15/5202/F**

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application is referred to the Circulated Schedule for determination as comments of objection have been received. These are contrary to the officer recommendation for approval.

1. THE PROPOSAL

- 1.1 This application seeks planning permission for the erection of a side extension to a detached dwelling in Frenchay. Due to the topography of the site, to the front the proposed extension would appear as a single storey addition but from the rear the extension is 2 storeys in height.
- 1.2 The site is located within the Frenchay Conservation Area and adjacent to Frenchay Common (which is a locally listed park and garden). The site is located within the existing urban area. No further land use designations cover the site.

2. POLICY CONTEXT

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

South Gloucestershire Local Plan Core Strategy Adopted December 2013
CS1 High Quality Design
CS5 Location of Development
CS9 Managing the Environment and Heritage

South Gloucestershire Local Plan Adopted January 2006 (Saved Policies)
L12 Conservation Areas
H4 Development within Existing Residential Curtilages
- 2.3 Supplementary Planning Guidance
Frenchay Conservation Area SPD (Adopted) March 2007
South Gloucestershire Design Checklist (Adopted) August 2007

3. RELEVANT PLANNING HISTORY

- 3.1 PT05/0581/F Approve with Conditions 27/06/2005
Construction of balcony on rear elevation
- 3.2 P88/3135/C Conservation Area Consent 06/12/1988
Demolition of detached garage to facilitate erection of new detached domestic garage.
- 3.3 N3932 Approve with Conditions 24/11/1977
Erection of bedroom extension at first floor level

4. CONSULTATION RESPONSES

- 4.1 Winterbourne Parish Council
No objection; however building should be finished externally in random stone as it is located in a conservation area
- 4.2 Archaeology Officer
No objection. The proposal affects an area which is likely to have been disturbed during construction of the existing house and the retaining wall; the proposal does not require any archaeological mitigation.
- 4.3 Conservation Officer
On receipt of revised plans: no objection subject to condition
- 4.4 Sustainable Transport
No objection

Other Representations

- 4.5 Local Residents
One letter of objection from a local resident has been received which raises the following matters:
- Noise disturbance from use of existing balcony; proposed balcony closer and elevated position enables noise to be carried easily
 - Development would overlook the front elevation and front gardens of 27 and 28 Cliff Court Drive
 - No trees are in a position to assist in screening the balcony
 - A Juliet balcony should be permitted as an alternative

5. ANALYSIS OF PROPOSAL

- 5.1 This application seeks planning permission for the erection of a side extension at a detached dwelling in Frenchay.
- 5.2 Principle of Development
Extensions and alterations to existing dwellings are broadly supported by policy H4 of the Local Plan, subject to an assessment of design, amenity and transport. In addition to this, as the site is located within a conservation area, heritage must also be given due consideration. Overall, the proposed development is acceptable in principle but should be determined against the analysis set out below.
- 5.3 Design/Heritage
Highcliffe is an attractive 2-storey double-fronted mid-nineteenth century dwelling located in a prominent position at the junction of The Common and Pearces Hill. The building is constructed in a course pennant stone and has a double roman tile roof. Overall, the design of the property is symmetrical and

classical in character and proportions with stone quoins, window surrounds and plat bands.

- 5.4 Part of the prominence of the site is gained by its elevated position above the River Frome. This is particularly clear from Pearces Hill which drops steeply away from the plateaux of the common. Along the site boundary runs a natural stone retaining wall set hard against the highway down Pearces Hill. From behind the property would appear to be 3-storeys in height with a modern extension projecting from the traditional rectangular plan of the building.
- 5.5 The proposed scheme seeks to construct a single storey (when viewed from the front) and 2-storey (when viewed from the rear) extension on the western side of the property. Materials of natural stone would be used to integrate the extension with the existing building and this is considered to be acceptable. During the course of the application, the side elevation was amended to remove the fixed glazed window to ensure a more traditional appearance.
- 5.6 The proposed extension respects the general character and appearance of the existing dwelling and the special interest of the conservation area. Subject to conditions on materials and large scale details the proposal is acceptable and accords with the council's design and heritage policies.
- 5.7 Residential Amenity
Development should not be permitted that has a demonstrably adverse impact on residential amenity. This should be considered in terms of the application site itself and nearby occupiers.
- 5.8 The development would not have an adverse impact on the living conditions enjoyed by the application site. Adequate garden space would be retained to meet the needs arising from the dwellinghouse. Concern has been raised, however, that the proposed development and in particular the balcony would impact on the amenities of nearby occupiers.
- 5.9 At present there is a large balcony on the eastern side of the rear of the dwelling. This is unaffected by the proposed development. However, the development does propose an additional balcony to the rear of the proposed extension on the western end of the building. The proposed balcony would project 1.8 metres from the rear elevation (as opposed to the existing balcony which has a depth of 3 metres). From the proposed balcony there is the potential for overlooking and other impacts on residential amenity.
- 5.10 To the south of the site is Pearces Hill, beyond which is Cliff Court Drive. The fronts of the properties on Cliff Court Drive face the rear of the application site. However, there is a large degree of separation between the two as the application site stands 20, 25 and 29 metres from the nearest properties on Cliff Court Drive. It is noted that the proposed balcony is in an elevated position and therefore there is the potential for the development to have a more significant impact on amenity.
- 5.11 However, the area between the application site and the properties on Cliff Court Drive must be considered reasonably open to 'public' view as it is how

access is gained to the dwellings. From The Common, the dwellings on Cliff Court Drive are barely visible. Whilst the balcony could create a new vantage point, it is not considered that this would be prejudicial to the residential amenities of the nearby properties by virtue of the size of the balcony, distance from other dwellings and existing site characteristics.

- 5.12 It has been suggested that a Juliet balcony should be considered as an alternative. Whilst it is clear that Juliet balconies are likely to have a lesser impact on amenity, given that there is currently a large balcony on the site it would be unreasonable to only permit a Juliet balcony unless there was justification in doing so due to the harmful impact on amenity. As already stated, it is not considered that the proposal is so significantly harmful to residential amenity that development should be resisted and therefore a Juliet balcony should not be sought as an alternative.

5.13 Transport

For householder development, the most significant consideration in relation to transport is the provision of sufficient off-street parking. The council has produced the Residential Parking Standard SPD which requires the provision of parking commensurate with the number of bedrooms in the dwelling.

- 5.14 The proposed development neither increases the number of bedrooms nor affects the existing parking provision. Therefore, in terms of transport, the development would not be materially different from the existing situation and therefore no transportation objection is raised.

5.15 Trees

A tree is situated close to the proposed extension in the front garden of the dwelling. This is a Robinia and on assessment by the arboricultural officer appears to be in decline. Given that is the case, the tree is not considered to be a constraint to development and would not fulfil the criteria for protection under a Tree Preservation Order.

5.16 Retaining Wall

The Conservation Officer has raised concern that the development may affect the natural stone retaining wall along Pearces Hill. This matter has been discussed with the applicant's agent; the agent is of the opinion that the development would not harm the wall as special foundations are proposed. In any rate, there are various safeguards in the Building Regulations and the Highways Act that would protect the retaining wall and therefore it is not seen as a constraint to this development.

5.17 Archaeology

Although Frenchay is an area of archaeological interest, given that the site is developed in nature it is considered unlikely that there is any surviving in situ archaeology. Therefore, it is not considered that there is an archaeological constraint to the development of this site.

6. CONCLUSION

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

7. RECOMMENDATION

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

Contact Officer: Griff Bunce
Tel. No. 01454 863438

CONDITIONS

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

Reason

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

2. Prior to the commencement of development, the detailed design of the following items shall be submitted to and approved in writing by the Local Planning Authority:
- a) all new windows and fixed glazing (including cill, head, reveal and glass details);
 - b) all new doors (including frames and furniture);
 - c) any new vents and flues;
 - d) eaves (including rainwater goods), verges and ridges; and,
 - e) rear balcony construction including balustrade.

The development shall be carried out in accordance with the approved details.

Reason

To ensure a satisfactory standard of external appearance and to accord with Policy CS1 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013, Policy L12 of the South Gloucestershire Local Plan (Adopted) January 2006; and to maintain and enhance the character and appearance of the Conservation Area, and to accord with Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. This is required prior to commencement as they are fundamental to the proposed development.

3. Prior to the commencement of development a representative sample panel of the proposed natural facing stone, of at least one metre square, showing the stone, coursing, mortar and pointing, shall be erected on site and approved in writing by the local planning authority. The development shall be completed in accordance with the

approved panel, which shall be retained on site until completion of development for consistency.

Reason

To ensure a satisfactory standard of external appearance and to accord with Policy CS1 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013, Policy L12 of the South Gloucestershire Local Plan (Adopted) January 2006; and to maintain and enhance the character and appearance of the Conservation Area, and to accord with Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. This is required prior to commencement to ensure a satisfactory appearance.

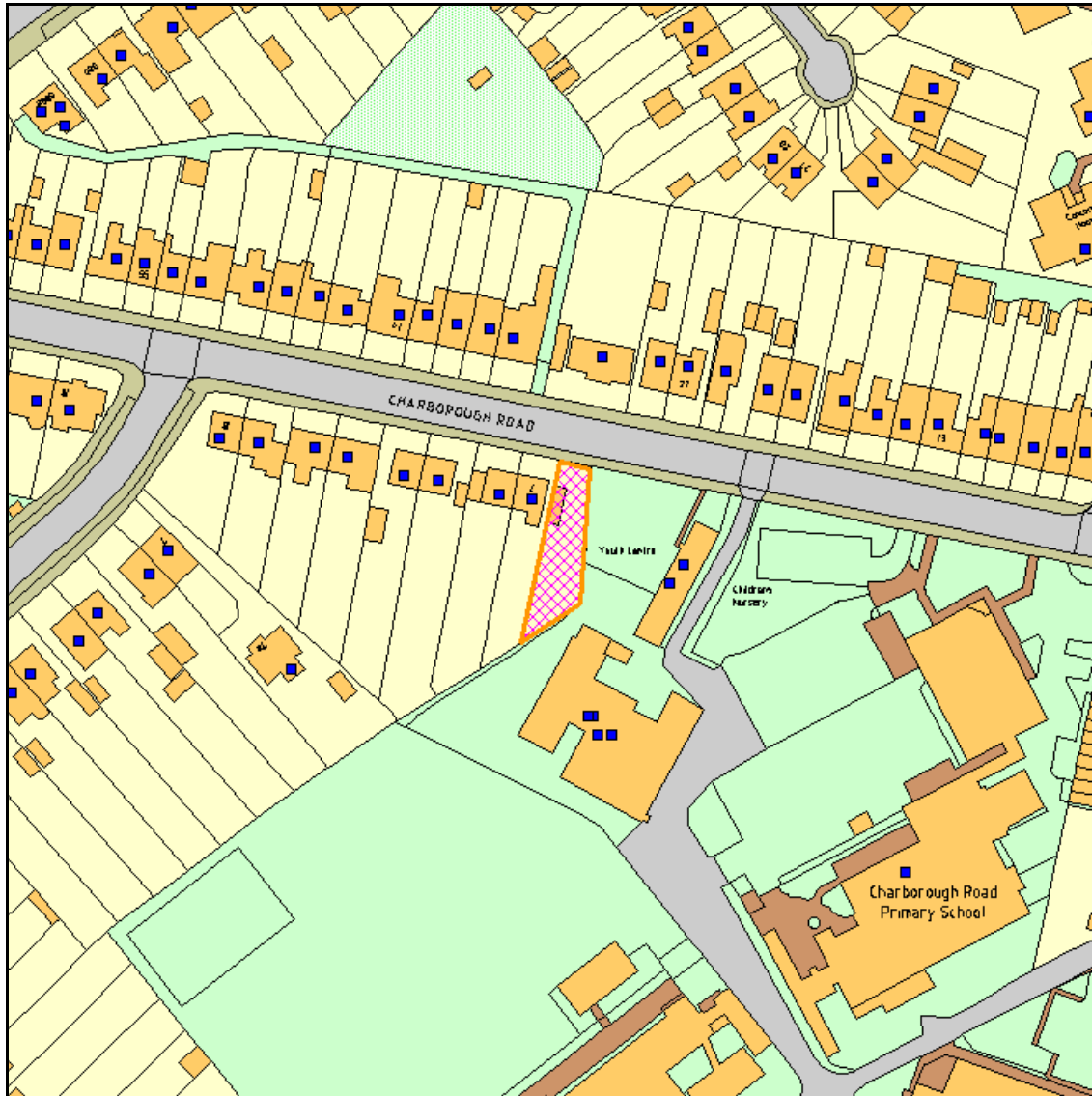
4. The tiles to be used in the development hereby permitted shall match those of the existing building in colour, texture and profile.

Reason

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

CIRCULATED SCHEDULE NO. 09/16 – 4 MARCH 2016

App No.:	PT15/5253/O	Applicant:	Mr James Thomas
Site:	2 Charborough Road Filton Bristol South Gloucestershire BS34 7R	Date Reg:	5th January 2016
Proposal:	Erection of 1no. dwelling (Outline) with all matters reserved.	Parish:	Filton Town Council
Map Ref:	359860 178728	Ward:	Filton
Application Category:	Minor	Target Date:	25th February 2016



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100023410, 2008. N.T.S. PT15/5253/O

REASON FOR REPORTING TO CIRCULATED SCHEDULE

The planning application has been referred to the Council's Circulated Schedule procedure due to objections received from local residents.

1. THE PROPOSAL

- 1.1 The applicant seeks outline planning permission for the erection of 1no. dwelling with all matters reserved. Thus the decision will be on the principle of development, all other matters of access, layout, appearance, scale and landscaping are reserved for later consideration.
- 1.2 The application site relates to a piece of land within the settlement boundary of Filton. The piece of land is within the residential curtilage of no.2 Charborough Road.
- 1.3 Whilst the application is for outline planning permission with all matters reserved, information has been submitted indicating that a 3 no. bed detached dwelling with off-street parking is sought, this is illustrative.
- 1.4 Previous Planning Approval was given following an appeal in 1988 (P88/1696).

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

T8 Parking Standards

T12 Transportation

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design

CS4A Presumption in Favour of Sustainable Development

CS5 Location of Development

CS8 Improving Accessibility

CS15 Distribution of Housing

CS16 Housing Density

CS17 Housing Diversity

CS18 Affordable Housing

2.3 Supplementary Planning Guidance

Design Checklist Supplementary Planning Document (adopted) August 2007

Residential Parking Standards Supplementary Planning Document (adopted)
December 2013

3. RELEVANT PLANNING HISTORY

- | | | | |
|-----|---|-------------------------|------------|
| 3.1 | P88/1696 | Appeal Allowed | 04/07/1988 |
| | Erection of detached house and garage. Construction of new vehicular and pedestrian access (in accordance with the amended plans received by the council on 11 th May 1988). | | |
| 3.2 | N2036/2 | Refusal | 13/09/1979 |
| | Erection of a detached dwelling. Construction of new vehicular and pedestrian accesses (Outline). | | |
| 3.3 | N2036/1 | Refusal | 14/06/1979 |
| | Erection of a detached dwelling. Construction of new vehicular and pedestrian accesses (Outline). | | |
| 3.4 | N2036 | Approve with Conditions | 13/11/1975 |
| | Relocation of domestic garage. | | |

4. CONSULTATION RESPONSES

- 4.1 Filton Parish Council
No objections.
- 4.2 Sustainable Transport
Objection. There has been insufficient information provided within the application, a site layout is needed. However it appears the depth of the front garden is circa 4.5metres, car parking spaces should generally measure 2.4m x 4.8m, if a space is to be directly in front of the dwelling there needs to be a further 0.2m between the space and the property wall. If the car parking space acts as the access to the property it needs to be widened to 3.2m. The submitted information does not demonstrate that the Council's residential car parking standard supplementary planning document can be complied with. Furthermore the proposal should include two covered and secure cycle parking spaces for each dwelling.
- 4.3 Lead Local Flood Authority
At the very least a block plan would be required before a comment can be made. Furthermore it is queried what method of foul water disposal is to be utilised.
- 4.4 The Archaeology Officer Natural and Built Environment Team
No comments received.

Other Representations

- 4.5 Local Residents
Two letters of objection have been received by neighbouring residents. The following objections have been raised by neighbours with regards to the proposed erection of 1no. dwelling (outline) with all matters reserved):

- Limited information on the website about the proposal, at the very least there should be an outline layout plan defining the building proposed and how the onsite car parking would work.
- The area identified on the location plan is a very small site with very limited frontage, this is complete over development.
- Whilst there are no details, surely existing dwelling no.2 is losing its garage and parking space.
- The road already suffers extensive traffic and parking problems, particularly during school drop off and pick up times with limited street parking available.
- The house would probably not be the same style as the other properties.
- The applicants would sell their house if they got permission for a new build and move to a bungalow with less land as they have previously mentioned.
- There is lack of information about the proposal except a site plan.

A general comment has also been received from a neighbouring resident regarding parking:

- The plans only show the existing, and we would like to know what off street parking there will be as street parking is limited, particularly following the growth of Southmead Hospital.

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

The application seeks outline permission to erect 1no. detached dwelling within the curtilage of 2 Charborough Road which is within the settlement boundary of Filton. The application is made in outline, accordingly it is only really the principle of development that is established at this stage.

The proposed development will be assessed against section 6 (Delivering a wide choice of high quality homes) of the NPPF. Paragraph 49 states that housing applications should be considered in the context of the presumption in favour of sustainable development. The paragraph goes on to state that if the Local Planning Authority cannot demonstrate a five-year supply of deliverable housing sites then their relevant policies for the supply of housing should not be considered up-to-date. This is the case at present. Consequently the application is assessed against paragraph 14 of the NPPF this sets out a presumption in favour of sustainable development. It should only be refused if any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. The provision of an addition dwelling is a benefit that attracts considerable weight.

Policy CS1 of the South Gloucestershire Core Strategy (adopted December 2013) states that all development will only be permitted where the highest possible standards of design and site planning are achieved. Proposals should enhance and respect the character, distinctiveness and amenity of the site and its context.

As well as this the density and overall layout should be well integrated with existing adjacent development and connect with wider transport links, safeguard existing landscapes and contribute to the vision and strategic objectives of the locality.

Saved Policy H4 is supportive providing development is within the curtilage of existing dwellings, the design is acceptable with relation to policy CS1 of the Core Strategy, that there is safe and adequate parking, and also providing the development has no negative effects on transport.

Furthermore, Policy T12 seeks to ensure that development would have no adverse impact on highway safety.

The proposal shall be determined against the analysis below.

5.2 Design and Visual Amenity

The site is situated on Charborough Road which is a residential road in Filton, the majority of dwellings are terraced or semi-detached houses. The surrounding properties are generally set back from the highway with an area of hardstanding at each frontage used for parking.

The application is for outline planning consent for the erection of 1no. dwelling with all matters reserved, thus the details of the design of the proposed dwelling have yet to be confirmed, as such only the general principles of design can be assessed.

There is concern regarding the design of the house and belief that it would probably not be the same style as the other properties. In order to satisfy Policy CS1 of the South Gloucestershire Core Strategy the proposal should enhance and respect the character, there are concerns of whether the proposal could successfully achieve this as the street scene is characterised by properties which are semi-detached with hipped roofs. However the detailed design of the property will be considered when the reserved matters are submitted.

Permission for a dwelling was granted consent in 1988 through appeal, this is a material consideration. Albeit a considerable period ago, and having expired it nevertheless is evidence that the principle of an additional dwelling was accepted. As the application is for outline planning permission no comments can be made with regard to the detailed design of the property. It will however be important for the proposal to comply with Policy CS1 of the South Gloucestershire Core Strategy and respect and enhance the area and its' character.

5.3 Residential Amenity

The application is for outline planning consent with all matters reserved. From the location plan submitted the proposed new dwelling would be situated to the east of no.2. The layout is a reserved matter and will be assessed further when details are submitted.

The proposed new dwelling will be bound by no.2 (applicant) and the Charborough Road youth centre, children's nursery and primary school. Whilst there has been no layout submitted the school, nursery and youth centre are considered to be an adequate distance away from the dwelling to not detrimentally impact the privacy of the school, nor appear overbearing.

The officer is satisfied that in principle it is possible to achieve acceptable amenity levels; the proposal is considered to not adversely impact on existing or proposed residential amenity of occupiers and is therefore acceptable.

5.4 Sustainable Transport

The matters of access to the property is a reserved matter, however there is little option other than from Charborough Road. The parking arrangements are not to be fixed at this stage and would be considered under layout which is also a reserved matter. The illustrative information included on the application form suggests that a 3no. bed detached dwelling is sought, for this two off-street parking spaces would be required to be compliant with the Council's Residential Parking Standards. As no.2 will be losing the existing garage this property would also need off-street parking.

The Sustainable Transport Officer for South Gloucestershire Council objects to the proposal as the submitted information does not demonstrate that the Council's residential car parking standard supplementary planning document can be complied with. In order to comply with policy T7, two covered and secure cycle spaces would need to be accommodated within the site to serve the dwelling as well as the required parking.

A number of the objection comments revolve around parking at the site for both the proposed new dwelling and the existing dwelling including how onsite car parking would work, where no.2 will park as it will be losing the existing garage and area of hardstanding.

It is unreasonable to require a parking layout when the size of the dwelling has not been established. It is however considered reasonably possible to achieve adequate parking arrangements within the dimensions of the site. A condition requiring the reserved matters submission to explicitly address this is suggested.

5.5 Drainage

There are concerns expressed by the drainage officer about how the drainage would work at the site, particularly what method would be utilised for foul water disposal. No block plan or details have been submitted alongside the application, however this is because the proposal is for outline planning permission. There is no specific reason to suppose that adequate drainage could not be achieved. A condition is suggested that drainage details must be submitted alongside the reserved matters.

5.6 Archaeology

The applicant site is in an area with core sites or tithe set cores, there have been no comments received from the Archaeology Officer for South Gloucestershire Council. A condition will be implemented to ensure an archaeology report is submitted.

5.7 Other Issues

There have been a number of issues raised regarding the proposal by neighbouring residents. The first matter to address is the comment that the applicants would sell their house if they got permission for a new build and move to a bungalow with less land as they have previously mentioned; this is not a material consideration, whilst it may be the case it is not a planning matter. Furthermore there have been a number of comments regarding the information that has submitted and the lack of it. It should be noted that the only mandatory documents required for outline planning permission are a location plan and a site plan. As all matters are reserved and this application is just whether the principle of development is acceptable no further information has been requested, as at this stage any other plans would be illustrative since all matters are reserved.

6. CONCLUSION

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

7. RECOMMENDATION

- 7.1 That the application is **APPROVED** subject to the following conditions.

Contact Officer: Fiona Martin
Tel. No. 01454 865119

CONDITIONS

1. Approval of the details of the layout, scale and appearance of the building(s), the means of access thereto and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.

Reason
This is an outline permission only and the reserved matters shall be made to the Local Planning Authority.
2. Plans and particulars of the reserved matters referred to in the condition above, relating to the layout, scale and appearance of any buildings to be erected, the means of access to the site and the landscaping of the site, shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.

Reason

This is an outline permission only and the reserved matters shall be made to the Local Planning Authority.

3. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason

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

4. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason

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

5. When the plans and particulars of the reserved matters outlined in Condition 1 are submitted they must show the off street parking facilities (for all vehicles, including cycles), including covered and secure cycle parking spaces and a provision of car parking facilities which are in accordance with the standards set out in the Residential Parking Standards SPD (Adopted) December 2013; these shall be submitted to the Local Planning Authority for approval. Thereafter, the development shall proceed in accordance with the agreed scheme, with the parking facilities provided prior to the first occupation of the building; and thereafter retained for that purpose.

Reason

To ensure the satisfactory provision of parking facilities and in the interest of highway safety and the amenity of the area as well as promote sustainable transport choices, and to accord with Policy CS8 of the South Gloucestershire Local Plan; Core Strategy (Adopted) December 2013; Saved Policy T7 of the South Gloucestershire Local Plan (Adopted) January 2006; and the South Gloucestershire Residential Parking Standards SPD (Adopted) December 2013

6. When the plans and particulars of the reserved matters outlined in condition 1 are submitted they must show include drainage detail proposals incorporating Sustainable Drainage Systems SUDS and confirmation of hydrological conditions e.g. soil permeability, watercourses, mining culverts) within the development shall be submitted for approval in writing to the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason

To ensure that a satisfactory means of drainage is provided, and to accord with policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

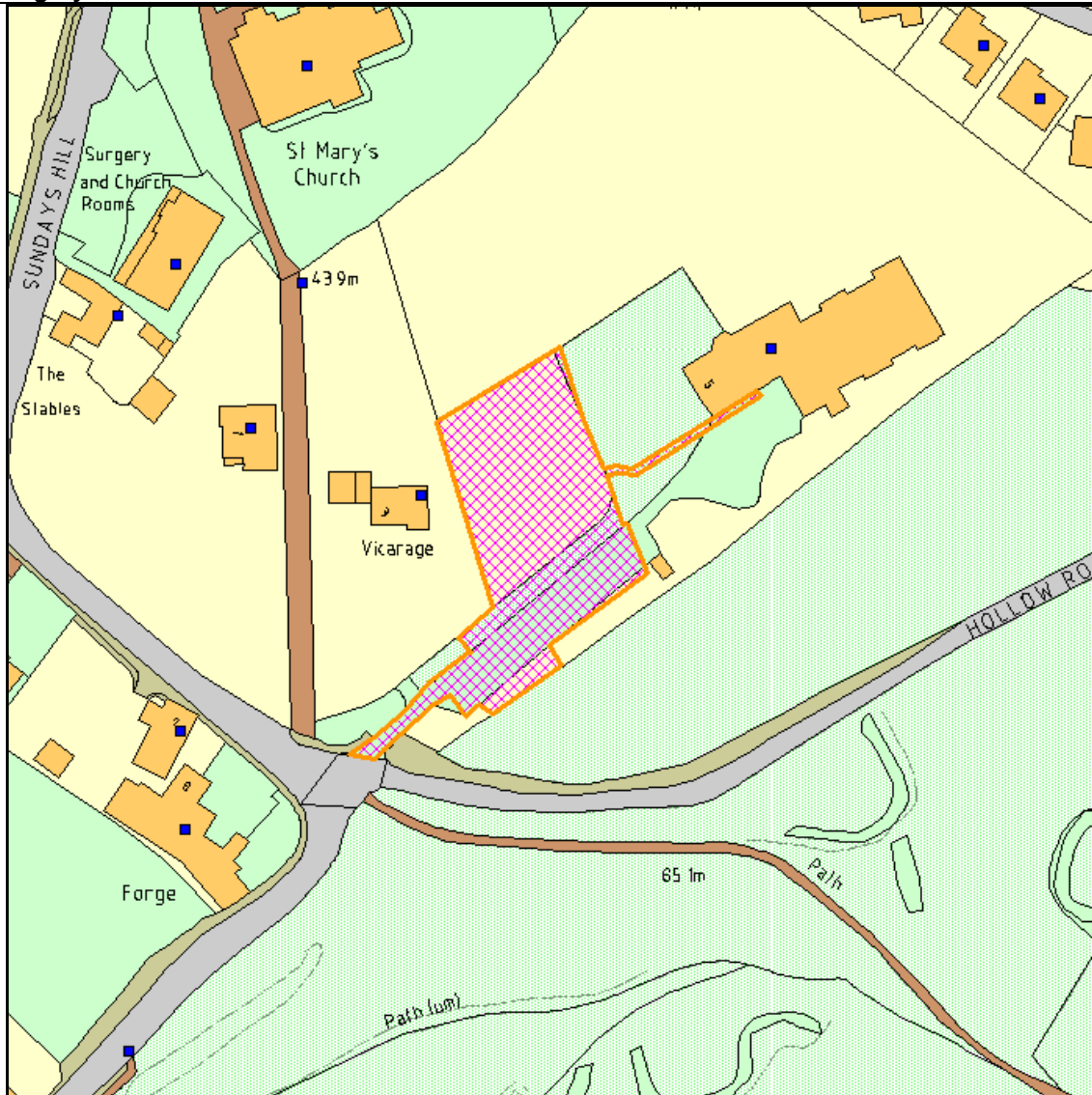
7. Prior to the commencement of development a programme of archaeological investigation and recording for the site shall be submitted to and approved by the Local Planning Authority. Thereafter, the approved programme shall be implemented in all respects, unless the Local Planning Authority agrees in writing to any variation.

Reason

In the interest of archaeological investigation or recording, and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework. This is required prior to the commencement of development due to the nature of archaeological investigation.

CIRCULATED SCHEDULE NO. 09/16 – 4 MARCH 2016

App No.:	PT15/5352/F	Applicant:	BCHD Ltd and BDB Of Finance Ltd
Site:	Glebe House 5 Sundays Hill Almondsbury South Gloucestershire BS32 4DS	Date Reg:	21st January 2016
Proposal:	Erection of two storey building for 9 no assisted living apartments (Class C2 as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended) with communal facilities, car parking and associated works.	Parish:	Almondsbury Parish Council
Map Ref:	360442 184024	Ward:	Almondsbury
Application Category:	Minor	Target Date:	14th March 2016



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application is referred to the Circulated Schedule for determination, in accordance with the council's scheme of delegation, as comment of support have been received which are contrary to the Officer recommendation for refusal.

1. THE PROPOSAL

- 1.1 This application seeks planning permission for the erection of a building in the grounds of Glebe House care home in Lower Almondsbury. The proposed building would contain 9 extra care apartments and would be made up from three constitute parts: a 2-storey rough stone faced building designed to look like a converted barn adjacent to the existing access and car park to the south of the site; a 2½-storey classical inspired smooth stone faced building to the north of the site which includes a first-floor terrace and dormer windows within the eaves; and, a central section which joins these building which would have a flat 'green roof' transected by rectangular roof lights and heavily glazed elevations combined with a grey render. A fourth part of the development, for which very little information is provided, is a covered walkway and bridge linking the proposed building with Glebe House.
- 1.2 To the east of the application site stands Glebe House. This building was originally the Victorian vicarage but has seen significant late twentieth century additions which have an impact on the building's character. To the north of the application site is the glebe field and beyond that the grade I listed St Mary's Church. To the west stands the current vicarage.
- 1.3 In terms of planning designations, the application site is located outside of the defined settlement of Almondsbury (as shown on the proposals maps) and is therefore within open countryside in the rural areas of the district. The site is also within the Bristol and Bath Green Belt and the Lower Almondsbury Conservation Area. Given the proximity to and open views of, the site is within the setting of the grade I listed church and Almondsbury is an area of archaeological interest. The land to the south of the application site, known as Vicarage Woods and Weaver Woods is covered by an area wide Tree Preservation Order.

2. POLICY CONTEXT

- 2.1 Legislation
Town and Country Planning Act 1990
Planning (Listed Buildings and Conservation Areas) Act 1990
- 2.2 National Guidance
National Planning Policy Framework March 2012
National Planning Practice Guidance
- 2.3 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design
CS4A Presumption in Favour of Sustainable Development
CS5 Location of Development
CS6 Infrastructure and Developer Contributions
CS8 Improving Accessibility
CS9 Managing the Environment and Heritage
CS15 Distribution of Housing
CS16 Housing Density
CS17 Housing Diversity
CS18 Affordable Housing
CS20 Extra Care Housing
CS34 Rural Areas

South Gloucestershire Local Plan Adopted January 2006 (Saved Policies)

L1 Landscape
L11 Archaeology
L12 Conservation Areas
L13 Listed Buildings
EP2 Flood Risk and Development
T7 Cycle Parking
T12 Transportation
H3 Residential Development in the Countryside

2.4 Supplementary Planning Guidance

- i. Development in the Green Belt SPD (Adopted) June 2007
- ii. Design Checklist SPD (Adopted) August 2007
- iii. Residential Parking Standard SPD (Adopted) December 2013
- iv. Affordable Housing and Extra Care SPD (Adopted) May 2014
- v. Landscape Character Assessment SPD (Adopted) November 2014
- vi. Waste Collection: Guidance for New Developments SPD (Adopted) January 2015
- vii. CIL Charging Schedule and the CIL and S106 SPD (Adopted) May 2015
- viii. Lower Almondsbury Conservation Area Advice Note

3. RELEVANT PLANNING HISTORY

- | | | | |
|-----|-------------|---|------------|
| 3.1 | PT06/2081/F | Approve with Conditions
Erection of two storey extension to facilitate new lift | 13/11/2006 |
| 3.2 | P95/2812 | Approval of Full Planning
Erection of single storey extension to form porch | 07/02/1996 |
| 3.3 | P94/2417/C | Approval of Full Planning
Works of demolition to facilitate change of use of building from conference centre to nursing home and erection of replacement extension | 16/01/1995 |
| 3.4 | P94/2416 | Approval of Full Planning
Change of use of building from conference centre to nursing home (Class C2 as defined by the Town And Country Planning (Use Classes) Order 1987) | 18/01/1995 |

together with demolition of existing two storey extension and erection of replacement two storey extension

4. CONSULTATION RESPONSES

4.1 Almondsbury Parish Council

Objection: The site is within the green belt and a conservation area - application does not represent a special circumstance; access is on a dangerous corner on a busy road.

4.2 Heritage Consultant (Archaeology and Conservation)

Objection: the proposal is not supported by an adequate archaeological assessment; the proposal fails to preserve the setting of the grade I listed church and grade II listed chest tombs; the proposal fails to preserve or enhance the special character of the Lower Almondsbury Conservation Area; the design of the proposal is poor.

4.3 Highway Structures

No comment

4.4 Historic England

Objection: development would result in harm to the setting of the grade I church and the non-designated Glebe House by the virtue of its incongruous and dominating impact.

4.5 Housing Enabling

Officer needs to determine whether in a C2 or C3 Use Class; if found to be a C3 use, 35% onsite affordable housing should be provided to accord with policy CS18.

4.6 Landscape Officer

Objection: proposed development would have adverse impact on the landscape setting of the church and conservation area.

4.7 Lead Local Flood Authority

No objection. Request SUDS condition.

4.8 Sustainable Transport

No objection on grounds of safety; conditions required to secure parking facilities.

4.9 Tree Officer

No objection subject to the development being carried out in accordance with the submitted arboricultural report.

4.10 Urban Design Officer

Defer to the views of the Heritage Consultant

Other Representations

4.11 Local Residents

Support: comments of support for the proposed development have been received which raise the following points:

- Development would meet long established local need
- Extra Care should be supported
- Development enables local people to stay in the village
- Existing housing stock in Almondsbury is unsuited to those with care needs
- Alternative accommodation is too far from the village
- Development would be for the good of the village and should not be halted by NIMBYs
- Development meets need of an aging population
- Development enables people to future-proof their accommodation
- Site is not prominently visible
- Development is in keeping with its surroundings
- Tree planting should be encouraged
- Ideal situation given proximity to existing care provision
- Development would result in less upheaval when it comes to care home provision
- Site is only a short walk from local services and amenities
- Development would allow independence to be maintained

Objection: comments of objection have been received which raise the following points:

- No development should take place in Glebe Field which is used for community events
- Plans opposed by some parts of the community
- Village has a traffic problem and the site is poorly located close to a dangerous junction and the school
- Care provider should be separate from accommodation provider
- Toilets need to be fully accessible with changing facilities
- Attention should be paid to the comfort of residents waiting for transport
- Facilities should be designed so that mobility needs can be accommodated
- Lift should be designed to accommodate a coffin
- Lift should be a through lift and attention paid to the buttons within it; lift should have seating and good lighting
- Cost of Extra Care housing is not always disclosed
- Access to the village should be mobility vehicle friendly
- Development should avoid construction traffic on Hollow Road
- More emphasis should be put on requiring the building to be zero-carbon

A quote of the quantity of comments in support/objection has not been provided as a number of the responses received include comments both in support and against the scheme. However, for Members' information a total of 14 public comments have been received to date.

5. ANALYSIS OF PROPOSAL

- 5.1 This application seeks planning permission for the erection of 9 extra care apartments in Almondsbury. The site is located beyond the settlement boundary for Almondsbury in the open countryside, in the green belt, and within the village's conservation area.
- 5.2 Establishing the Use Class
The applicant contends that the use of the proposed apartments would fall within Class C2 (Residential Institutions) of the Town and Country Planning (Use Classes) Order 1987 (as amended) and the application is described as such. The applicant was asked to justify this assertion and provided a case as to why the use would fall into Class C2 as officers were unconvinced that the development could be considered a residential institution over a dwelling (Class C3). Amongst a number of other factors, the submitted case included the following information:
- the homes would not be for sale on the open market; leasehold purchases would be required to be over 65 years old and require care;
 - residents would be required to take a minimum of 1.75 hours of care per week
- 5.3 Each of the residential units within the development would contain 2 bedrooms, shower room, and a kitchen/dining/living area. In terms of communal facilities, on the lower ground floor there would be a pool and gym, communal lounge and dining room, and outdoor terrace. On the lower first floor the development would provide a small communal seating area and rooftop garden. With regard to services, the development would include a kitchen and plant room. No staff facilities or accommodation are proposed within the development.
- 5.4 On face value, the proposed residential units provide single self-contained units of accommodation which could be regarded as separate planning units in their own right on completion as they are distinct areas from the rest of the building in which they are contained. Whilst it is noted that there are some communal facilities, these are considered to be subsidiary to the proposed residential units and are not of a scale to tip the balance of the use of the site towards being a residential institution or having a sui generis use.
- 5.5 Therefore, consideration must be given to the factors which may lawfully limit the occupation of the units as reasoning for a C2 use. The applicant intends the units to be purchased through leasehold by persons over 65 years old who require 1.75 hours as a minimal level of care per week. Although no evidence has been submitted, it is assumed that this would be legal binding when the units were purchased.
- 5.6 There are two important factors to be noted here. Firstly, 1.75 hours per week is not considered to be a significant level of care provision and such care levels could be achieved in standard residential accommodation. In fact, most C3 residential units are capable of providing care levels up until a point where the level of care required is sufficient to warrant full time care services such as that provided in a care home. Again, the age requirements for occupation are not considered to have a direct correlation with care requirements and do not robustly justify the completed development falling into a C2 use class.

Furthermore, there is no planning policy justification to require these factors within a legal agreement attached to a planning permission and therefore they can be given only limited weight as it could not be enforced through the Planning Act.

- 5.7 Based on the above analysis, in accordance with policy CS20, officers are of the opinion that the use of the proposed development would fall within Class C3. The planning application will therefore be assessed as such and the decision notice amended to reflect resolution of the local planning authority.

5.8 Principle of Development

Policy CS5 of the Core Strategy defines the locational strategy for development in the district. This policy directs development towards the existing urban areas and defined rural settlements as a means of promoting sustainable development. This policy also sets out what forms of development are not considered inappropriate in the green belt and policy CS34 applies to development in the rural areas.

- 5.9 However, following an appeal decision (APP/P0119/W/14/2220291) in June of last year, the local planning authority is currently unable to demonstrate a 5 year supply of deliverable housing land. As a result, paragraph 49 of the NPPF is engaged and the policies in the development plan – insofar as they relate to housing – are out of date and planning applications should be determined in accordance with the presumption in favour of sustainable development.

- 5.10 The presumption in favour of sustainable development states that local planning authorities should grant permission unless (i) the adverse impacts of doing so would significantly and demonstrably outweigh the benefits of the proposal, or (ii) specific guidance in the NPPF (or extant policies in the development plan) indicates that permission should be refused.

- 5.11 This application should therefore be determined against the analysis set out below.

Specific NPPF Guidance: Green Belt

- 5.12 One of the most significant constraints on the development of this site is its location in the green belt. The government attaches great importance to green belts with the fundamental aim of keeping the land permanently open in nature. In order to achieve this, development in the green belt is restricted and assumed to be inappropriate unless it falls into one of the predefined exception categories or very special circumstances can be demonstrated.

- 5.13 The exception categories for which new buildings in the green belt should not be considered inappropriate are listed in paragraph 89 of the NPPF and include (amongst others):

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

the openness of the green belt and the purposes of including land within it than the existing development.

- 5.14 On the proposals maps, the village boundaries are defined and a development site would need to fall within the village to be considered under the first of the above bullet points. Given that policy CS5 and CS34 (in relation to housing) are out of date, the defined settlement boundaries hold less weight and it could conceivably be argued that the site would fall within, albeit towards the edge of, the village of Almondsbury. Even if the local planning authority was to accept this line of argument, the exception category would only permit 'limited' infilling. Infill development has been defined by the local planning authority in the glossary to the Core Strategy as 'the development of a relatively small gap between existing buildings, normally within a built up area'. Whilst the development would be located in a gap between buildings (Glebe House and the vicarage) it cannot be considered 'relatively small' and therefore officers are of the opinion that the proposal would not amount to infill development. Within the green belt infill development is further restricted by the requirement to be 'limited'. The scale of the proposed buildings and the number of units proposed would produce a much stretched interpretation of 'limited'.
- 5.15 Alternatively, the second of the above bullet points would allow for the partial or complete redevelopment of previously developed land provided that it would not have a greater impact on openness than the existing use. The land is not considered previously developed when read in conjunction with the definition of previously developed land set out in the glossary to the NPPF. The site is currently open in nature and the proposal would have a significantly greater impact on openness than the existing use.
- 5.16 Officers do not consider the proposal to fall into the above exception categories and the development, if permitted, would be inappropriate development in the green belt unless very special circumstances demonstrated that the development should be granted. Very special circumstances cannot be found unless the harm caused by the development to openness, and any other harm, are clearly outweighed by other considerations.

Very Special Circumstances

- 5.17 The applicant has submitted a case of very special circumstances for assessment. The case can be summarised as follows:
- the development would not conflict with the purposes of the green belt
 - there is an established need for this form of accommodation
 - the development would improve the viability of the site and adjacent care home
 - the development would provide rural employment
 - the application should be approved in the interests of consistency.
- 5.18 The first part of the applicant's case is that the proposed development does not conflict with the purposes of the green belt. Even before assessing the development against the purposes of the green belt, it would be a very crude interpretation of 'very special' if it was accepted that just because the proposal

did not conflict with the purposes of the green belt it amounted to being very special. Indeed, it has already been concluded that the development would be harmful to openness. The purposes of the green belt are listed in paragraph 80 of the NPPF and are:

- to check the unrestricted sprawl of large built up areas
- to prevent neighbouring towns from merging into one another
- to assist in safeguarding the countryside from encroachment
- to preserve the setting and special character of historic towns, and
- to assist in urban regeneration, by encouraging the recycling of derelict and other urban land

- 5.19 Officers do not consider the proposal to comply with the purposes of the green belt. The site is within the rural area of the district. Although the settlement boundaries may be out of date with regard to housing policies, they still have a function in defining what land should be considered to be countryside and what land falls within a settlement. As the application site falls outside of the defined settlement, it by definition falls in the countryside and the proposed development would result in the encroachment of development. Furthermore, the applicant has not provided any evidence that there is no derelict or other urban land that would be suitable for the proposal and therefore the proposal conflicts with the purposes of encouraging the redevelopment of brownfield land.
- 5.20 The second part of the applicant's case is related to need. The appellant has submitted an 'assisted living needs analysis' prepared by Towler Shaw Roberts LLP dated December 2015 to support their application. This needs assessment is not derived from any data sourced by the council itself; indeed, the council does not have a minimum delivery target for C2 units (and the council does not count C2 units within its housing completions). Officers therefore attach very little weight to this document. Furthermore, having concluded that the site would in fact fall into a C3 use, even if a C2 need could be established the proposed development would not contribute towards meeting that need.
- 5.21 Furthermore, paragraph 044 of the NPPG (3-044-20141006) makes it clear that housing needs does not on its own outweigh other land use considerations. In particular, this paragraph states that this applies to green belts where boundaries should be reviewed as part of the plan making process and where exceptional circumstances dictate a boundary review is necessary. Any unmet housing need would not present a very special circumstance to permit development in the green belt.
- 5.22 The third part of the applicant's case for very special circumstances is that the proposed development would enhance the viability of the existing care home. It is stated that new nursing homes tend to have in excess of 60 bedrooms in order to be commercially viable. Glebe House at present has 47 bedrooms and the applicant claims that the addition of 9 extra care apartments would assist in securing the viability of the site.

- 5.23 No supporting financial evidence has been submitted to support the applicant's claim that the development would assist in securing the viability of the existing site operations. Given that the proposed residential units would only be required to consume 1.75 hours per week of care services, the connection between the proposed development and revenue generation/viability is weak. Great care should be taken not to confuse profit with viability and in the absence of any financial data to support the applicant's claim, this is given little weight.
- 5.24 In addition, it should be noted that a care home does not require a green belt location. Therefore, should it be found that the existing business was unviable and the proposed development would address this, it is unlikely that this would be a 'very special' circumstance as no connection is made between the use and any requirement to be located in the green belt.
- 5.25 Again, in response to the fourth part of the applicant's case, the nature of the business does not require a green belt location. Whilst employment in rural areas is supported in principle as a means to supporting a prosperous rural economy, the 6 proposed new jobs would not outweigh the harm to the green belt and is therefore not 'very special'. Employment in rural areas can be generated through development which has a much lesser impact on the green belt than that contained in this proposal.
- 5.26 The final part of the applicant's case is that the local planning authority has already approved a similar development and therefore in the interests of consistency the proposed development should be approved. The case to which the applicant is referring is PT11/0977/F for the erection of 3 2-storey and 2 single-storey extensions to provide 13 additional bedrooms at Windmill House, Alveston Down.
- 5.27 Officers consider there to be little similarity between the two cases to draw any conclusions with regard to consistency. Windmill House is a Class C2 nursing home and the proposed development sought to extend the facilities and level of accommodation. Under this application, extra care apartments are proposed which have been found to be in Class C3. Furthermore, at Windmill House extensions to the existing building were proposed whereas under this application an entirely separate building is proposed. There are insufficient comparisons between the two proposals to draw any conclusions that the local planning authority would be inconsistent with its past decisions to refuse the current application.
- 5.28 Notwithstanding this, each and every planning application is assessed on its own merits and therefore it is unlikely that the grant of planning permission would set a precedence of such a scale that it could be considered a very special circumstance; after all, very special circumstances should only be accepted when they are unique in nature.
- 5.29 Having considered the submitted case for very special circumstances, officers have concluded that the circumstances presented can only be given little weight. The case submitted does not amount to being very special and would not outweigh the harm caused to the green belt by virtue of inappropriateness.

- 5.30 The proposal therefore represents an inappropriate and harmful form of development in the green belt and guidance in the NPPF dictates that development should be refused. Furthermore, very special circumstances can only be found when the benefits of the proposal outweigh the harm to the green belt and any other harm. The following sections, whilst elements of the principle of development in their own right, would also need to be overcome in order for a case of very special circumstances (in relation to development in the green belt) to be found sound.

Specific NPPF Guidance: Heritage

- 5.31 With regard to heritage, there are three areas to consider: archaeology, impact on the conservation area, and impact on the listed buildings. Within the NPPF, guidance on the historic environment is included within section 12. Policies L12, L13, CS9 and CS34 of the development plan can all be afforded full weight with regard to heritage.
- 5.32 The area around Almondsbury is of archaeological interest. Indeed in the vicinity of the site Bronze Age, Iron Age, Roman, Saxon, and medieval archaeology have been found. The submitted heritage statement claims that as the site was not developed in the nineteenth century the site has relatively limited archaeological potential and a low potential for significant sub-surface remains.
- 5.33 Officers disagree with the findings of the heritage statement. The location of the site would suggest that it has a high archaeological potential. As such it would be expected that the heritage statement had been informed by an appropriate archaeological investigation. As a minimum in this location it should include a geophysical survey and trial trenching. It is considered that the application has failed to provide sufficient information to enable an informed decision to be taken, contrary to paragraph 128 of the NPPF and policy L11 of the Local Plan.
- 5.34 Turning to the impact on conservation area and nearby listed buildings, namely the grade I listed St Mary's Church and grade II listed chest tombs in the church yard. The application site plays an important role in both the setting of the church and the character of the conservation area. This is partly due to the open nature of the land and the historic associations of the glebe field. From the church yard there are views in a southward and eastward direction towards the application site of the former vicarage with the wooded slopes as a backdrop. The scale and massing of the proposed building would be clearly visible through any landscaping. Together with the modern extensions to Glebe House, the modern housing development of Glebe Field, and the replacement vicarage, the development would lead to the cumulative enclosure of the area leading to a visual separation of the church to the rural eastern and wooded southern setting.
- 5.35 It is therefore concluded that the development would result in harm to the setting and significance of the grade I St Mary's Church and associated listed chest tombs. This would be contrary to section 66 of the Planning (Listed

Buildings and Conservation Areas) Act 1990 which places a statutory duty on local planning authorities to have a special regard to the desirability of preserving the setting of a listed building. Paragraph 132 of the NPPF states that 'when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be.'

- 5.36 As a grade I listed building, the church is of national importance. However, the level of harm to the setting of the listed buildings and the conservation area (through the erosion of the open and rural character) would result in a 'less than substantial harm'. In such instances paragraph 134 of the NPPF requires local planning authorities to balance the harm to the heritage assets against the public interest.
- 5.37 The delivery of 9 extra care units in Almondsbury would not result in such a significant public benefit that it would outweigh the harm to the setting of the church and the character of the conservation area. The proposed development therefore fails to accord with the guidance in the NPPF planning permission should be refused.

Specific NPPF Guidance: Design

- 5.38 The government attaches great importance to design and the NPPF states that good design is indivisible from good planning. Specific guidance on design is included within section 7 of the NPPF. Adopted in December 2013, the Core Strategy is compliant with the NPPF and, as it is not a housing policy, policy CS1 of the Core Strategy can still be afforded full weight. This policy requires development to 'meet the highest possible standards of site planning and design'.
- 5.39 One specific point of design guidance in the NPPF is that development should 'respond to local character and history, and reflect the identity of local surroundings and materials'. This is transferred into policy CS1(1) and CS1(3).
- 5.40 In terms of the local distinctiveness, Glebe House has a dominating impact on the character of the site. Whilst the dwellings on Glebe Fields are visible from the site, their separation means that their influence on the architectural character of the area is muted. The replacement vicarage is of a typical post-war design and whilst having some influence on the architectural character of the area it does not promote distinctiveness.
- 5.41 Glebe House is a substantial Victorian country property. It has subtle gothic influences with strong gables and tower like features within the roof. Located in an elevated position, the building is prominent in views from the church yard. Although Glebe House has been subject to significant late twentieth century extensions, these are mostly set back from the original building which breaks up the massing of the building. It also enables the Victorian part of the building to retain the principle architectural detail of the building.

- 5.42 The proposed building is a large building. Although the three constitute parts of the design are aimed at reducing the bulk of the building, when viewed from the higher ground to the rear the building would be read as one singular block. The detailing of the side elevation facing the vicarage is clunky and would be visible from the public right of way which runs from Sundays Hill/Hollow Road to the church. Officers are unconvinced that the central section would have the ethereal qualities the design envisages due to the amount of masonry, the weight/thickness of the green roof, and the glazing bars. The building facing the church would not have a delicate appearance with part of the lower ground floor projecting to form the communal dining room with a roof terrace over. This is considered to result in a disjointed appearance to the building at ground level. Above this a bulky building is proposed that does not respect the proportions of the nearby Glebe House. If it was not for the dormers breaking the eaves line, the proposed building would appear as a large monolithic block.
- 5.43 On the other side, the building adjacent to the access and car park has hues of a converted traditional agricultural barn. The fenestration is vertical and linear with long, thin, embrasures for windows with the exception of a central glazed central section to form an entrance. The entrance is flanked on either side by buttresses yet there is one continuous roof over for the building. The appearance of the building as a converted barn is unconvincing; the vernacular features are unsuccessful and verge on the twee. No historical evidence has been submitted to suggest that an agricultural barn would be situated in a position such as that proposed in this layout or have such an intrinsic relationship to a large Victorian house.
- 5.44 Finally, with regard to design, the proposed covered walkway is not sympathetic to the historical character and setting of the site. The change in ground levels results in the bridged part becoming a very dominant feature of the development. Structures such as the bridge would be more associated with large scale development and the bridge therefore 'gives away' the true scale of the development contained in this proposal. Overall, the proposal is an awkward, confusing, and poorly detailed mix of architectural styles – each of which fails to take adequate account of the local character and history or positively contribute to the identity of Lower Almondsbury.
- 5.45 It is considered by officers that the proposal fails to promote the highest possible standards of site planning and design and therefore the development is contrary to specific guidance within the NPPF which seeks to secure high quality design as an intrinsic part of good planning and sustainable development.

Specific NPPF Guidance: Affordable Housing

- 5.46 Paragraph 50 of the NPPF enables local planning authorities to set policies to meet identified affordable housing needs; policy CS18 outlines the authority's approach to securing affordable housing provision. Whilst this is a housing policy, it is not a policy which relates to housing supply. Therefore, notwithstanding the implications of paragraph 49 of the NPPF and the council's current housing provision shortfall, this policy can still be afforded full weight in decision taking.

- 5.47 To comply with policy CS18, development is required to provide 35% on-site affordable housing. It has been established in a preceding section of this report that the proposed development is considered by officers to fall into a C3 use class. As development falling within Class C3, the proposal is liable for affordable housing contributions.
- 5.48 Not all residential development is subject to affordable housing. The local planning authority has set certain triggers for affordable housing contributions in policy CS18. In urban areas the threshold is 10 or more dwellings or a site area exceeding 0.33 hectares whereas in rural areas the threshold is lower at 5 or more dwellings or a site area exceeding 0.20 hectares. The development proposed of 9 dwellings in the rural area would exceed this threshold and require an affordable housing contribution.
- 5.49 In the absence of an appropriate legal agreement to secure the provision of a contribution equivalent to 35% on-site affordable housing, the proposal fails to accord with policy CS18 or the provisions of the NPPF and guidance dictates that planning permission should therefore be refused.

Summary of NPPF Specific Guidance and the Principle of Development

- 5.50 The presumption in favour of development only relates to sustainable development. Sustainable development is defined in paragraphs 6 to 10 of the NPPF as having an economic, social and environmental role to guide development to the most sustainable solutions.
- 5.51 Furthermore sustainable development is defined within the presumption as paragraph 14 states that planning permission should be refused where development proposals fail to accord with specific guidance in the NPPF unless other material considerations indicate otherwise. By virtue of the wording of the presumption, proposals that do not accord with the NPPF are by their very nature unsustainable.
- 5.52 The analysis above has indicated that the proposal would not accord with national guidance in regard to the green belt, heritage considerations, design quality, or affordable housing. As a result the proposal is considered, in its current form, to be innately unsustainable in nature to such an extent that planning permission should be refused despite the council's current housing land supply shortage.
- 5.53 Landscape
The application site falls into the Severn Ridges landscape character area. This area is characterised by abrupt scarps and gentle ridges, which rise from the lower levels adjacent to the river. The application site is set against the wooded slope rising above the lower ground to the river. The development on this site assists in the transition from the village to a more rural character on Almondsbury Hill. The proposed building would interrupt this relationship. The walkway would be intrusive within the existing and proposed planting and look out of place with the locality. The proximity of the parking areas to the site boundaries would be tight and fails to retain the existing parking.

- 5.54 Whilst there is undoubtedly a landscape impact, it is not considered that the impact goes beyond that of the design concerns already discussed. Should planning permission be granted a detailed landscaping scheme (to include maintenance) should be required by condition.
- 5.55 An arboricultural report has been submitted with the application. The recommendations within the report are sufficient to ensure the long term health and protection of the trees. Should the development be approved it would be conditioned so that it was carried out in accordance with the arboricultural report.
- 5.56 Living Conditions
Development should provide a good standard of living conditions for the future occupiers whilst ensuring that development does not have an undue impact on nearby occupiers.
- 5.57 With regard to the proposed residential units, it is considered that the occupiers would have sufficient access to outdoor informal amenity space on the glebe field. Some of the units would have direct outdoor access although not all. As part of the forthcoming Policies, Sites and Places Plan, the local planning authority intends to introduce a minimum size standard for private amenity space. This policy holds little weight at present. Whilst the proposal may not specifically nominate amenity space per unit, officers are satisfied that residents would benefit from an acceptable standard of living conditions.
- 5.58 Turning to the impact on nearby occupiers, there are few residential properties that would be affected by the development bar the vicarage at the entrance to the site. The vicarage enjoys a main outlook towards the church rather than the application site. Nevertheless, the sheer bulk and proximity of the building has strong potential to be overbearing leading to a significant impact on the living conditions of the proposal. An impact of this nature would be a reason for refusal; however, it is considered that the poor relationship is primarily a cause of the design of the proposal (against which an objection has been raised) and a refusal on the basis of residential amenity in light of the current shortage in housing would be difficult to uphold.
- 5.59 Transport and Parking
Located close to Almondsbury village, the site is within easy reach of existing services such as shops, community facilities and a doctors' surgery. Insofar as access to these services, no objection is raised and the site would enable the promotion of sustainable means of transport to these venues.
- 5.60 In terms of access to the site, it is proposed to utilise the existing access. Adequate visibility is achieved at the intersection of the site access and Hollow Road. There has been no recorded collisions relating to vehicles emerging from the site over the last 5 years. Whilst the access is single vehicle width there is sufficient space for vehicles to pass one another just inside the gate. It is considered that the site would generate a modest increase in traffic and that the local highway network has sufficient capacity to cope with the additional demand without any highway works or improvements.

- 5.61 As part of the development, 6 new car parking spaces are proposed. There is an argument to be made that extra care accommodation generates a lower demand for car parking than standard residential accommodation. In urban areas and town centres where there is good access to a wide variety of services through sustainable means of transport (i.e. walking, cycling, or public transport) it is easier to accept that extra care development – as with other residential development – may result in a lower parking demand. However, it is also important to recognise that residents of such developments may be less inclined to walk or cycle in older age and have a greater reliance upon the private motor car for as long as their health may allow.
- 5.62 Across the wider site, sufficient parking must be provided for the existing care home operation and any additional parking generated by the proposal. Parking demand for the proposed units is initially established by the Residential Parking Standard SPD. Under the SPD, a 2-bedroom development would require 1.5 parking spaces calculating a parking requirement of 13 spaces. In addition, a dedicated visitor parking space should be provided per every 0.2 dwellings. The proposed development would create an overall additional parking requirement of 15 spaces if compliant with the SPD.
- 5.63 Whilst officers accept that the extra care use may result in a lower parking demand, Almondsbury offers only limited shops, services, and facilities and the likelihood of an occupier owning a car is greater on this site than for similar extra care proposals in more urban areas. It is not considered that the applicant has demonstrated why 6 parking spaces are sufficient and for that reason there is insufficient information before the local planning authority to enable officers to make an informed consideration on parking provision. Until such time as this information is provided, there is no evidence that the undersupply of parking would not lead to additional parking on the highway to the detriment of highway safety. Therefore it is considered that it is in the public interest to refuse the application until it is demonstrated that the proposed level of parking is sufficient to meet the needs arising from the development.
- 5.64 Drainage
The development would lead to the loss of existing open land which may have some capacity for water storage. As part of the development additional hardstanding to form parking bays are also proposed.
- 5.65 The scale of development is considered sufficient to warrant a sustainable drainage scheme. Should the application have been recommended for approval, a condition would have been included to cover drainage.
- 5.66 Other Matters
A number of matters have been raised in consultation responses that have not been fully addressed in the main body of this report. These will be considered here.
- 5.67 It is stated that the development would address a need and shortage for this type of housing. It should be noted that the council currently has no objectively assessed need for this type of housing and therefore an undersupply cannot be

demonstrated and this is given little weight in determining this application. Whilst the proposal would provide accommodation for people with varying degrees of care needs and independence this is not considered to be sufficient reason to allow a harmful development in term of the reasons identified above.

- 5.68 The development, if permitted would not prevent the use of the glebe field for community functions. Access to the field would be a civil matter and therefore is given little weight in determining this planning application.
- 5.69 The internal arrangements (such as the lift capacity, coffin access and door buttons and general functionality, toilets, waiting facilities, and mobility needs) are given little weight in determining this planning application as the proposal would have to accord with Building Regulations. Energy regulations are also given sufficient control though Building Regulations for development of this scale.
- 5.70 Cost for extra care housing are not subject to control within the planning system and are therefore given little weight in determining this application. It is not within the remit of the planning application to control the operator of the care provision. Whilst it is possible for the planning system to require works outside of the site but in connection with the development, such as the provision of a mobility scooter friendly route to the village, such control must be justified. In this instance the scale of development is not considered to warrant the provision of such a route.

6. CONCLUSION

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

7. RECOMMENDATION

- 7.1 It is recommended that planning permission is REFUSED for the reasons listed below.

Contact Officer: Griff Bunce
Tel. No. 01454 863438

1. The site is located within the Bristol/Bath Green Belt and the proposal does not fall within the limited categories of development normally considered appropriate within

the Green Belt. In addition, case for very special circumstances put forward by the application has not be found to be 'very special' such that the normal presumption against development in the Green Belt should be overridden. The proposal is therefore contrary to the provisions of Policy CS5 and CS34 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

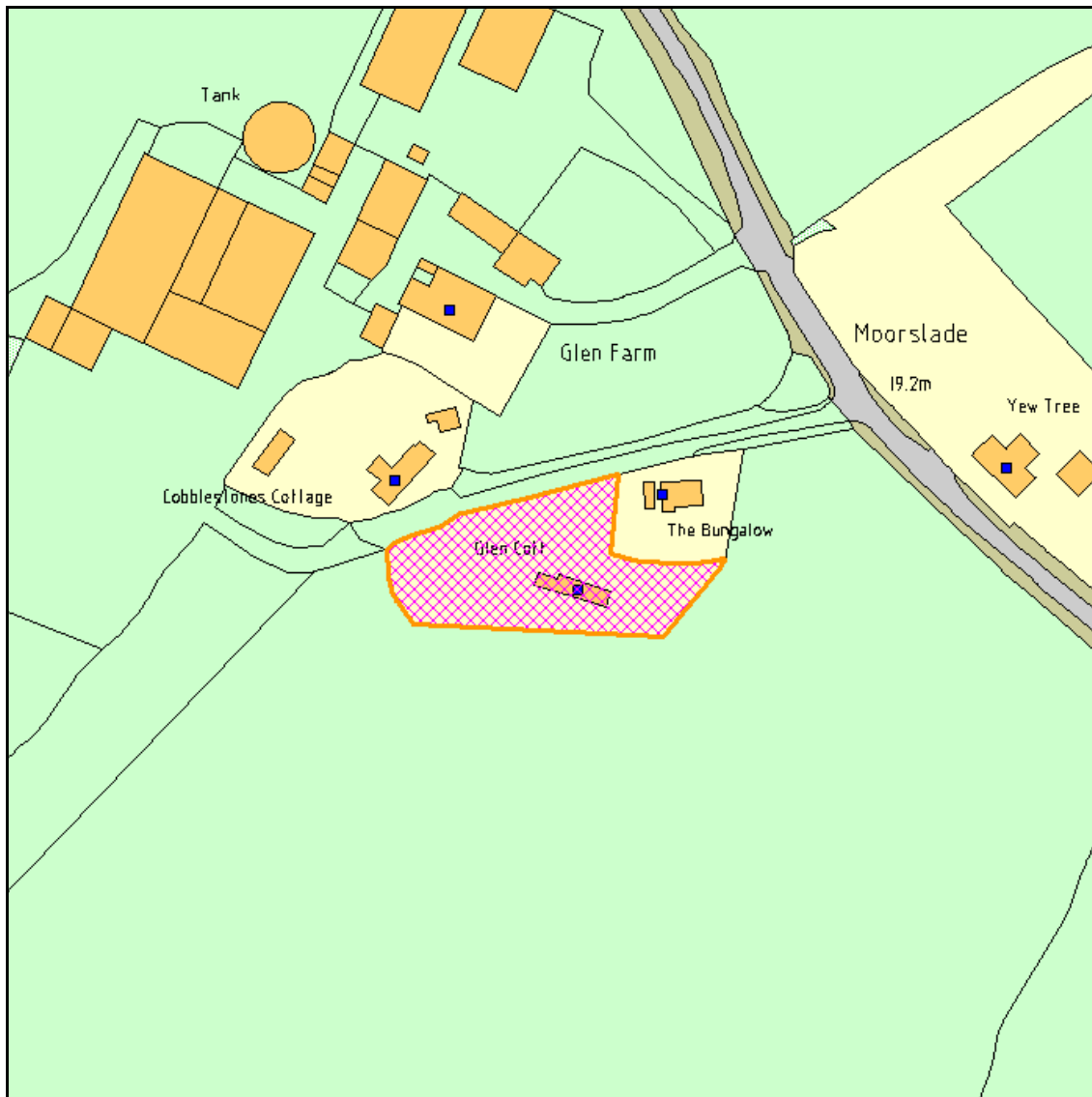
2. The proposed development fails to preserve the setting of the grade I listed church and grade II listed tomb chests. Whilst the impact is considered to be less than substantial, the public benefits of the proposal does not outweigh the level of harm. The proposed development is therefore contrary to the provisions of Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, Policy CS1, CS9 and CS34 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013, Policy L13 of the South Gloucestershire Local Plan (Adopted) January 2006, and the National Planning Policy Framework.
3. The proposed development fails to preserve or enhance the character and appearance of the Lower Almondsbury Conservation Area but virtue of the degradation of the rural setting. The impact is considered to be less than substantial however the public benefit of the proposal does not outweigh the level of harm. The proposed development is therefore contrary to the provisions of Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, Policy CS1, CS9 and CS34 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013, Policy L12 of the South Gloucestershire Local Plan (Adopted) January 2006, and the National Planning Policy Framework.
4. The proposed development fails to reach the highest possible standards of site planning or design, or respond to or promote local character and distinctiveness. This is due to the massing, scale, form, and detailing of the proposed building and walkway which would be dominating and fail to respect the character and appearance of the area. The constitute parts of the building have an awkward relationship with each other and the landscape setting in which the building is located. The bulk of the building relates poorly to other buildings nearby. The proposed development is therefore contrary to Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013, the South Gloucestershire Design Checklist SPD (Adopted) August 2007 and the National Planning Policy Framework.
5. The site has high potential for archaeology. Limited archaeological investigation has been undertaken to full inform the development and therefore the local planning authority has insufficient information to assess the harm to archaeology should the development be permitted. The proposal is therefore contrary Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013, Policy L11 of the South Gloucestershire Local Plan (Adopted) January 2006 and paragraph 128 of the National Planning Policy Framework.
6. The proposed off-street parking falls short (in number) of that required by the Residential Parking Standard SPD (Adopted) December 2013. No case has been put forward to suggest that the site should be exempt from the provisions of the SPD and that the proposal would provide sufficient parking to meet the needs arising from the development. Therefore there is insufficient information before the local planning authority to satisfy the authority that, if permitted, the development would not lead to

increased demand for on street parking in an area where further on street parking would be undesirable. In such instances the impact on highway safety may be severe and the development would be contrary to Policy CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013, the Residential Parking Standard SPD (Adopted) December 2013, and the the National Planning Policy Framework.

7. In the absence of an appropriate legal agreement to secure the provision of affordable housing the proposed development is contrary to Policy CS18 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

CIRCULATED SCHEDULE NO.09/16 – 4 MARCH 2016

App No.:	PT16/0064/F	Applicant:	Mr Andrew Horrell
Site:	The Glen Moorslade Lane Falfield Wotton Under Edge South Gloucestershire GL12 8DJ	Date Reg:	11th January 2016
Proposal:	Erection of detached garage, work room and store.	Parish:	Falfield Parish Council
Map Ref:	367727 194197	Ward:	Charfield
Application Category:	Householder	Target Date:	4th March 2016



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PT16/0064/F

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 application seeks planning permission for the erection of an outbuilding within the residential curtilage of The Glen, a two storey cottage within Falfield set back from Moorslade Lane. The outbuilding will provide a workshop and garage area with a loft area dedicated to domestic storage.
- 1.2 Over the course of the application the agent submitted revised plans that reduced the overall scale, and amended the position and design of the proposal. An appropriate period of re-consultation occurred in response to this.

2. POLICY CONTEXT

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

South Gloucestershire Local Plan Core Strategy Adopted December 2013
CS1 High Quality Design
CS4A Presumption in Favour of Sustainable Development
CS5 Location of Development
CS8 Improving Accessibility
CS34 Rural Areas

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

3. RELEVANT PLANNING HISTORY

- 3.1 PT12/1671/F Approve with Conditions 10/07/2012
Erection of porch and single storey side extension to replace existing garage with an ancillary studio annexe.
- 3.2 PT01/2087/F Approve with Conditions 24/08/2001
Erection of two storey rear and first floor side extension.

4. CONSULTATION RESPONSES

4.1 Falfield Parish Council

The Parish Council requests that the run off surface water from the proposed detached garage, work room and store does not flow onto the narrow access track to prevent inconvenience to the other residential properties who use it.

4.2 Sustainable Transport

No objection.

4.3 Archaeology

No objection.

4.4 Public Rights of Way

No objection but the development proposal may affect the footpath OFA 5 that runs abutting the development area. For this reason the limitations listed are required for the application should it be granted permission.

4.5 Open Spaces Society

None received.

Other Representations

4.6 Local Residents

One letter of objection has been received in relation to this development. These comments are summarised below:

- The location of the outbuilding is not appropriate; it also impacts upon our outlook (occupiers of Cobblestones Cottage);
- Should be moved to the rear boundary of the site;
- Reduce the size of the building.
- Questions relating to why such a scale of outbuilding is required;
- The submitted plans have a number of errors;
- Request to maintain the hedge/tree row in order to screen the proposal;
- Questions relating to the proposed materials;
- Size of the outbuilding would lend itself to living accommodation;
- Concerns regarding run-off water and drainage, especially in relation to its impact on Moorslade Lane;
- The submitted size comparison of nearby dwellings/building is not correct.

5. ANALYSIS OF PROPOSAL

5.1 This application seeks planning permission for the erection of an outbuilding that includes a garage/workshop area as well as a first floor storage facility. The application site is within the open countryside, but is not within the Green Belt or an Area of Outstanding Natural Beauty.

5.2 Principle of Development

Policy CS1 'High Quality Design' of the South Gloucestershire Core Strategy (adopted December 2013) states development proposals will only be permitted if the highest possible standards of site planning and design are achieved.

Meaning developments should demonstrate that they: enhance and respect the character, distinctiveness and amenity of the site and its context; have an appropriate density and well integrated layout connecting the development to wider transport networks; safeguard and enhance important existing features through incorporation into development; and contribute to strategic objectives.

- 5.3 Saved Policy H4 of the South Gloucestershire Local Plan (adopted January 2006) is supportive in principle of development within the curtilage of existing dwellings. This support is provided proposals respect the existing design; do not prejudice residential and visual amenity, and also that there is safe and adequate parking provision and no negative effects on transportation.
- 5.4 Accordingly, the development is acceptable in principle, subject to a number of considerations outlined above – such considerations will be assessed throughout the remaining report.
- 5.5 Design, Visual Amenity and Landscape Considerations
The proposed development is linear in nature with two attached components. The first component is the garage section which has a slightly lower height than the second component, the workshop section. The workshop section is slightly higher (5 metres maximum height) in order to allow a first floor storage area. The outbuilding has a dual pitch roof, and gable ends on the north and south elevation, with very small dormer windows facing the cottage as well as a garage door.
- 5.6 The scale of the proposal is considered acceptable, officers do understand that the proposal could be perceived to be rather large with a maximum height of 5 metres and a total length of approximately 12 metres. However, the scale of the outbuilding should be seen in the context of the wider site and area. The application site is very large, being a dwelling set in a rural area, and due to the outbuilding's scale and location, the outbuilding appears subservient to the main dwelling. Further to this, officers do note that a number of other dwellings on Moorslade Lane also have outbuildings within their respective gardens, hence large outbuildings are not considered to be out of character with the area.
- 5.7 The proposal is proposed to be finished in a mixture of brick plinths, stained boarding and render corner pillars on the side elevations; further to this, the gable ends will be finished in render and the tiles will match those used in the existing dwelling. These materials are considered acceptable, a condition is recommended that requires the render and roof tiles to match those used in the existing dwelling. The cladding and brick is a relatively new feature that is not utilised within existing dwelling, but is considered to be appropriate, hence officers do not find it appropriate to condition these material in any way.
- 5.8 Currently there are a number of conifers that form a row of trees approximately 5 metres in height that line the north western boundary of the application site – this is the boundary section opposite Cobblestones Cottage. This row of trees will screen the development to a degree, however, officers are not relying on this as screening method. This is because officers do not believe the

development needs to be screened as it has an appropriate design, scale, and siting. Accordingly, no landscaping scheme has been required for this development.

- 5.9 Overall the proposal has an acceptable design which accords with policy CS1 of the adopted Core Strategy.

5.10 Residential Amenity

Saved policy H4 of the adopted Local Plan aims to ensure that residential development within established residential curtilage does not prejudice the residential amenity of any neighbouring occupiers.

- 5.11 The occupier of Cobblestones Cottage has suggested the proposed development will result in a harmful impact to the outlook of Cobblestones Cottage. The proposed development is located approximately 13 metres to the south of the Cobblestones Cottage, within this intervening distance is Moorslade Lane. Although officers value the opinion of neighbouring residents, officers do not agree that the proposed development will materially harm the outlook of the occupier of Cobblestones Cottage. This assessment is due to the angle at which Cobblestones Cottage is orientated; the distance between the aforementioned dwelling and the proposed development and also the appropriate scale of the development. Further to this, officers also consider the existing situation at the site, this is a line of trees along the boundary largely opposite Cobblestones Cottage that is approximately 5 metres in height that currently acts to reduce outlook to a greater extent than the proposed development.

- 5.12 The proposal will result in some shadowing to the north, this is not considered to materially harm any nearby occupiers. Overall, the proposed development is considered to not materially prejudice the residential amenity of any nearby occupiers.

5.13 Ancillary Use

Officers are satisfied that the proposed outbuilding would perform an ancillary function to the main dwelling. This assessment is due to a number of considerations. Firstly, the use of the facilities; domestic storage, a workshop and garage; are considered relatively appropriate and common when considering the use of the site as a residential unit. Secondly, the scale of the development, although rather large, the scale of the development supports an assessment that the use of the outbuilding would be ancillary in nature to the main dwelling. Finally, the outbuilding is in close proximity to the main dwelling which adds further weight to the assessment that the outbuilding and existing dwellinghouse will function as one residential unit.

- 5.14 Notwithstanding this, officers are aware that the development is not just a 'single-skin' construction, and due to its size, the proposal could be utilised in a residential annexe use. This could result in detrimental impact on highway safety and also nearby amenity, with this in mind, should planning permission be granted, officer recommend a condition that restricts the use of the

outbuilding as a residential annexe; and requires the development to operate in an ancillary manner to the host dwelling only.

5.15 Transport and Parking

Regardless of this development, there would be adequate car parking available at the application site to support the host dwelling. With this in mind there are no objections to this proposal with highway safety in mind.

5.16 Surface Water

The Parish has raised concerns relating to surface water run-off from the proposed outbuilding. Officers have considered this in the context of the site and the development and have arrived at the conclusion. As the application site is within Flood Zone 1, and surface water drainage will be covered within the parameters of building control, officers do not consider surface water run-off to be a reason for objection or condition with this development in mind.

5.17 Public Rights of Way

There is a public right of way that runs along Moorslade Lane, as the development is completely confined to the application site officers are not of the opinion that the proposed development will materially impact upon this right of way in anyway. Nonetheless, officers will include advisory notes from the Public Rights of Way Team within the decision notice (if planning permission is granted) to ensure the applicant is aware of a number of generic restrictions.

5.18 Other Matters

The issues of the size and scale of the development have been assessed and explored within the main body of this report. However, what has not been addressed is the reason of why this outbuilding is the scale it is. As this report has established the scale of the unit is acceptable in terms of design, landscape, residential amenity, highway safety and also officers are satisfied that the use of the outbuilding will be ancillary to that of the main dwelling. Accordingly, the reasons behind why the applicant wants to have an outbuilding of this size are not considered to be material with regard to this proposal, further than the use of the outbuilding, and this has been addressed within earlier sections of this report.

6. **CONCLUSION**

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

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

7. RECOMMENDATION

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

Contact Officer: Matthew Bunt
Tel. No. 01454 863131

CONDITIONS

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

Reason

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

2. The render and roof tiles to be used in the outbuilding hereby permitted shall match those used in the existing dwelling.

Reason

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

3. The development hereby permitted shall not be occupied at any time as a residential annexe or for sleeping accommodation.

Reason

In order to allow the Local Planning Authority to assess highway safety and residential amenity; as well as to accord with Policy H4 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006; and Policy CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013.

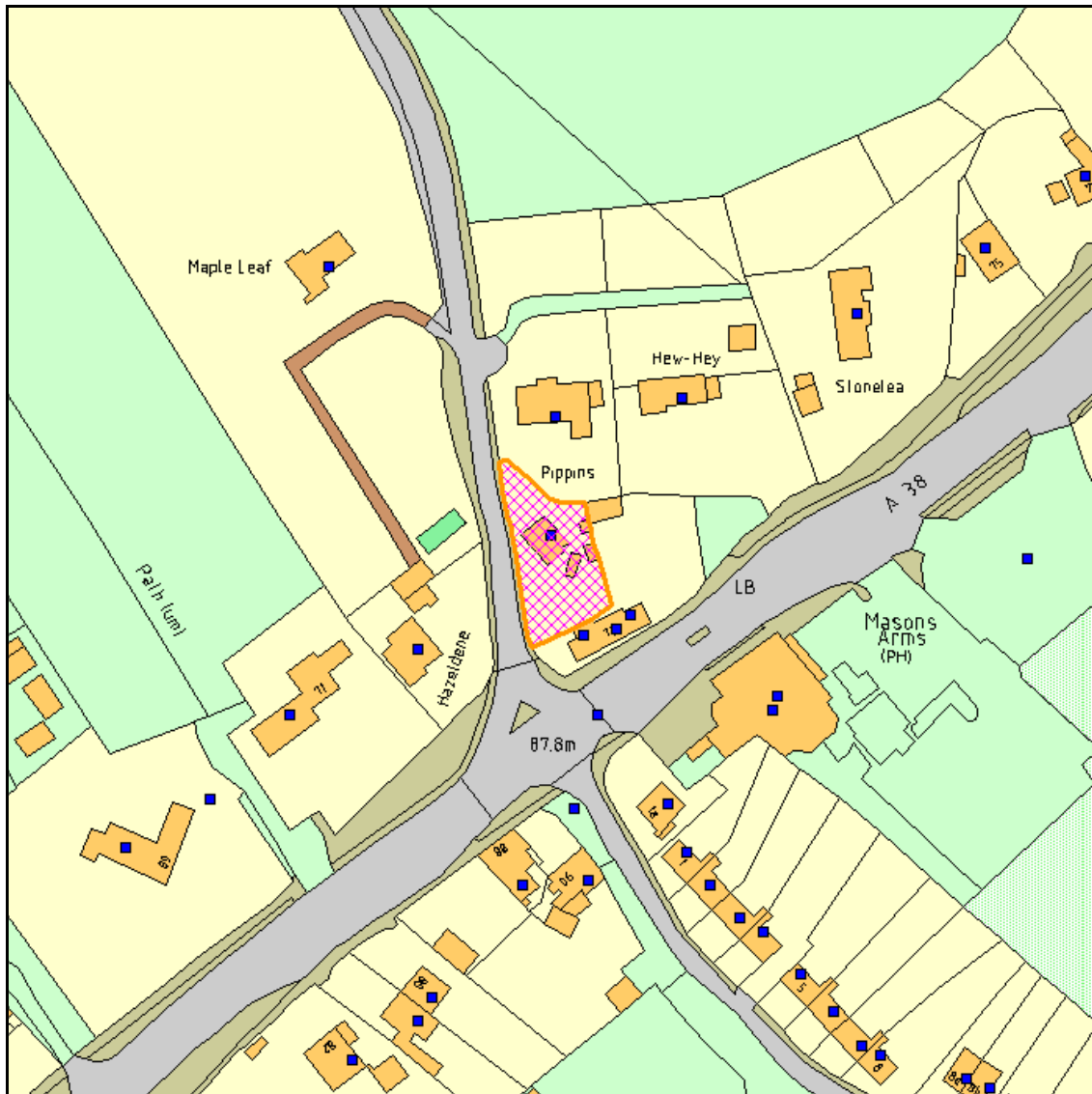
4. Without prejudice to condition 3, the development shall only be occupied and used in an ancillary manner to dwellinghouse known as The Glen.

Reason

In order to allow the Local Planning Authority to assess potential amenity concerns that could manifest from a non-ancillary use occurring within the hereby permitted outbuilding; as well as to accord with Policy H4 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006; and Policy CS1 and CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013.

CIRCULATED SCHEDULE NO. 09/16 – 4 MARCH 2016

App No.:	PT16/0111/F	Applicant:	Ms Sarah Hildersley
Site:	The Cottage Hazel Lane Rudgeway Bristol South Gloucestershire BS35 3QW	Date Reg:	14th January 2016
Proposal:	Demolition of existing garage and rear extension. Erection of two storey rear extension to form additional living accommodation.	Parish:	Alveston Parish Council
Map Ref:	362854 186997	Ward:	Thornbury South And Alveston
Application Category:	Householder	Target Date:	10th March 2016



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PT16/0111/F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

The planning application has been referred to the Council's Circulated Schedule procedure due to a letter received contrary to the Officers recommendation.

1. THE PROPOSAL

- 1.1 The application seeks planning permission for the demolition of the existing garage and rear extension and the erection of a two storey rear extension to provide additional living accommodation at The Cottage in Rudgeway.
- 1.2 The host dwelling is a two storey detached dwelling utilising the materials of cream render on the elevations, clay tiles on the roof and brown pvc for the windows. The dwelling is situated on a modest plot of land.
- 1.3 The applicant site is located outside of a defined settlement boundary and within the Bristol/ Bath Green Belt.

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, Including Extensions and New Dwellings

South Gloucestershire Local Plan Core Strategy Adopted December 2013
CS1 High Quality Design
CS4A Presumption in Favour of Sustainable Development
CS5 Location of Development
CS8 Improving Accessibility
CS9 Managing the Environment and Heritage
- 2.3 Supplementary Planning Guidance
Design Checklist Supplementary Planning Document (adopted) August 2007
Residential Parking Standards Supplementary Planning Document (adopted) December 2013
Development in the Green Belt Supplementary Planning Document (adopted) June 2007

3. RELEVANT PLANNING HISTORY

- 3.1 There is no relevant planning history for this site.

4. CONSULTATION RESPONSES

- 4.1 Alveston Parish Council

No comments received.

4.2 Sustainable Transport

The application seeks to demolish the existing garage and rear extension and erect a two storey rear extension. The dwellinghouse currently has two bedrooms, the proposal will increase this so it will be a three bedroom property. The Residential Parking Standards SPD states that a minimum of two off street parking spaces would be required. It is considered that there is adequate off street parking on the driveway for the property and the area that the existing garage stands will be retained for parking. There are no transportation objections to the proposal.

Other Representations

4.3 Local Residents

A comment in support of the application has been received from a neighbouring resident stating that:

Providing the case officer takes into consideration the upstairs velux and vertical windows do not affect the privacy there are no objections to the proposal and we support the proposal.

5. ANALYSIS OF PROPOSAL

5.1 The application seeks permission to demolish the existing detached garage and single storey rear extensions at the dwellinghouse, and the erection of a two storey rear extension which will be used to form additional living accommodation.

5.2 Principle of Development

Policy H4 of the South Gloucestershire Local Plan (adopted January 2006) highlights that extensions to dwellings within residential curtilages are acceptable in principle subject to considerations to amenity, design and transportation. In this case the issues for consideration is the impact the proposal could have on the amenities of neighbouring occupiers, whether the design is in keeping with the site and surroundings and whether the proposal will have a negative impact on the parking available. The proposal shall be determined against the analysis below.

5.3 Green Belt

The application site is situated within the Bristol/ Bath Green Belt. The Green Belt is of great importance to the Government, the aim of Green Belt policy is to keep land permanently open. When assessing the proposal it should be considered whether the proposed development is an inappropriate development for the Green Belt in relation to the NPPF, whether the development causes any other harm and whether the development requires special circumstances necessary to justify development. Furthermore as stated within the Development in the Green Belt Supplementary Planning Document (adopted June 2007) additions to existing dwellings should only be considered acceptable if the proposal is not disproportionate; the proposed development compliments the existing character and it does not harm the openness of the Green Belt. Disproportionality is assessed on a case-by-case basis, but ideally

house extensions should not exceed 30%, those which do should have very special circumstances.

From the information accessible to the Local Planning Authority it appears that the dwellinghouse has had no recorded planning alterations. The dwellinghouse has an existing volume of 228.47m³ (this is excluding the stone built stores which adjoin the rear boundary).

The proposed two storey rear extension will have a volume of 174.77m³, this will see a circa 76.5% increase in volume which is considered to be inappropriate within the Green Belt. However, as the dwelling is considered to be original and the existing garage and single storey rear extensions will be demolished these have been removed from the volume of the existing dwelling, resulting in the 'original' dwelling measuring 96.51m³, the terminology is defined within the Development in the Green Belt SPD. As such the addition results in a volume increase over 100%, this is deemed to be an disproportionate and inappropriate volume increase for a site within the Bristol/ Bath Greenbelt.

As such, the proposal is not considered to be acceptable within the Green Belt as the volume increase exceeds the guidance outlined within the Development in the Green Belt SPD (adopted) June 2007. The proposal is also considered to be contradictory to the National Planning Policy Framework (2012) which highlights that the Green Belt serves five purposes, one of which is to assist in safeguarding the countryside from encroachment. No very special circumstances have been put forward in this case.

5.4 Design and Visual Amenity

The application site is a two-storey detached dwelling situated outside of a defined settlement boundary. The application seeks approval for the demolition of the existing garage and rear extension and the erection of a two story rear extension to provide additional living accommodation.

The existing dwellinghouse has a gable roof with a single storey rear extension with a lean to roof and a front porch with a pitched roof. There is an area of hardstanding to the south-west of the property.

The materials utilised in the proposal will match those used in the existing dwelling. With cream render on the elevations, clay tiles for the roof and brown pvc for the windows.

The proposal will have a ridge line height to match the existing dwelling, whilst it will not be subordinate to the existing dwelling the proposal will not be visible from the streetscene.

The proposal fails to be proportionate in scale and massing to a site dwelling situated within the Bristol/ Bath Green Belt. As such, the proposal fails to satisfy policy CS1 of the adopted Core Strategy.

5.5 Residential Amenity

Saved policy H4 of the adopted Local Plan states that proposals for development within existing residential curtilages will only be permitted where they would not prejudice the amenity of nearby occupiers.

The applicant site is a detached two-storey property located within the Bristol/Bath Green Belt and outside of a designated settlement boundary.

The boundary treatment at the rear of the property is a 1.8 metre stepped fence which separates the dwelling from The Pippins and Hew-Hey. To the front of the dwelling is a low stone wall which acts as a boundary between the host dwelling and Hazel Lane. To the south-east of the site there is a large stone wall, this separates no. 73 and the host dwelling. No. 73 is situated at a higher level to the host dwelling.

There are new windows proposed within the two storey rear extension. The south-east elevation will see the insertion of a new door and window on the ground floor; there are also two rooflights proposed, these will not create any overlooking. There is a window proposed in the first floor, because of the topography of the site it is unlikely that this will adversely impact the residents of no. 73.

To the north-west (side) elevation there are patio doors proposed in the ground floor. There is also a velux roof light which is combined with vertical windows on the first floor, this has raised concern with a neighbouring resident as they are concerned that this window might affect their privacy; it is important to note that this is not an objection comment. As it is on a side elevation the proposed window will not directly overlook the resident's property.

To the north-east (rear) elevation there is one window proposed on the ground floor, this will replace an existing window. There are no new windows proposed on the south-west (front elevation).

The proposed extensions are unlikely to affect the private amenity space of the existing residents or any future residents as there is a large rear garden available.

Overall the proposal would not result in any adverse impacts on the residential amenity of neighbouring occupiers or future occupiers. As such the proposal is considered acceptable in terms of saved policy H4 of the Local Plan (adopted) 2006.

5.6 Highways

The host dwelling is a detached two bed dwellinghouse in Rudgeway. The current minimum adopted spaces required to serve such a property is 1.5 spaces (adopted after the dwelling was built). The officer notes that there is an existing detached garage and an area of hardstanding suitable for two vehicles within the curtilage of the site.

The proposal seeks permission for the demolition of the existing detached garage and single storey rear extensions, and the erection of a two storey rear

extension. The proposal adds a further bedroom, for a three bedroom property the minimum requirement is 2 spaces (measuring 2.4m wide by 5m deep).

The Sustainable Transport Officer for South Gloucestershire Council raises no objection to the proposal, as although the existing garage is to be demolished there is adequate space for off street parking on the driveway, the applicant also states that the area of the existing garage will be retained for parking. As such, the proposal is considered to satisfy Saved Policy H4 of the Local Plan and comply with the Residential Parking Standards Supplementary Planning Document (Adopted) December 2013.

6. CONCLUSION

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

7. RECOMMENDATION

- 7.1 That the application is **REFUSED**.

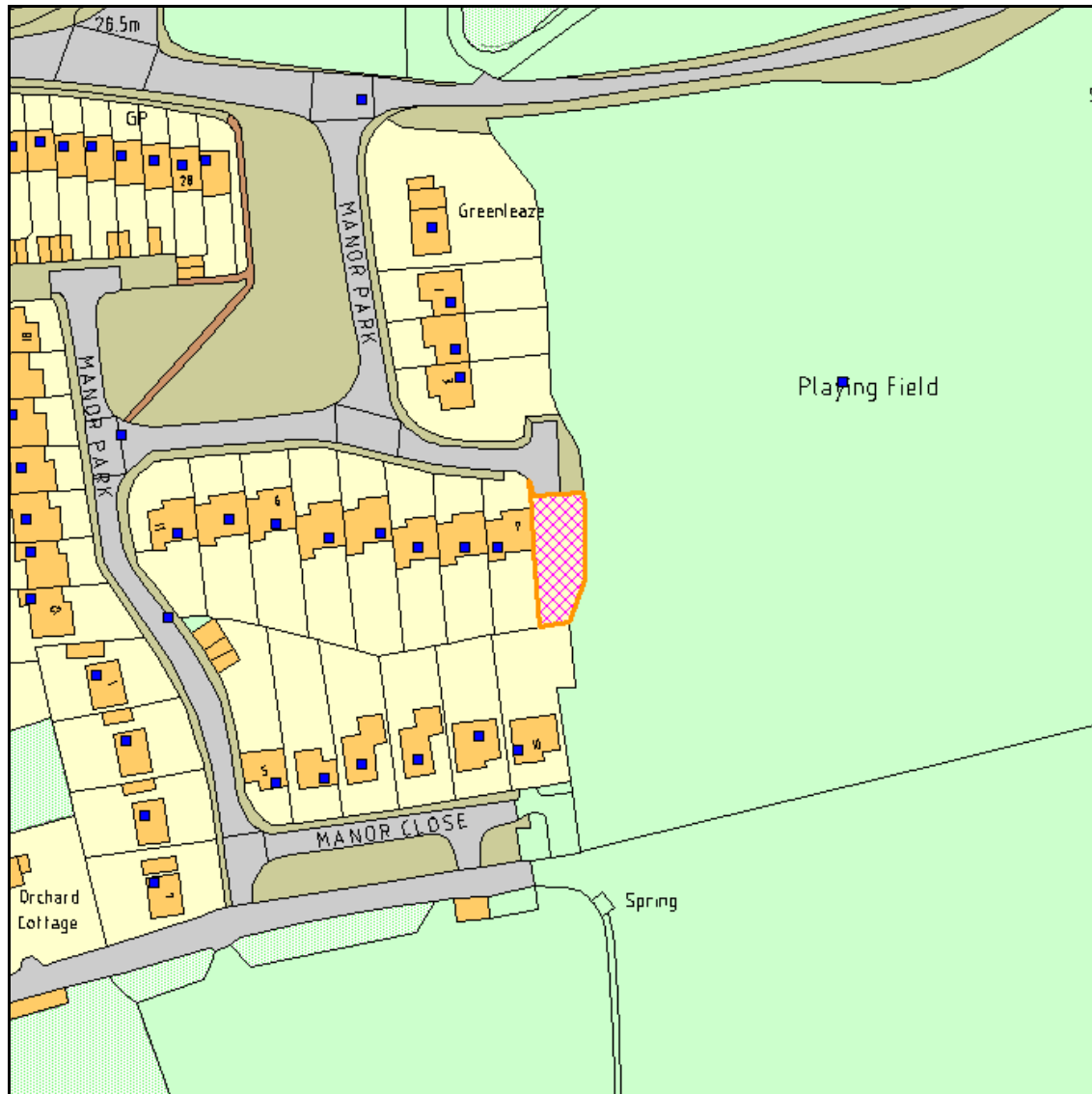
Contact Officer: Fiona Martin
Tel. No. 01454 865119

REFUSAL REASON

- 1. The site is located within the Bristol/Bath Green Belt and the proposal does not fall within the limited categories of development normally considered appropriate within the Green Belt as the extension is considered to be disproportionate. In addition, the applicant has not demonstrated that very special circumstances apply, such that the normal presumption against development in the Green Belt should be overridden. The proposal is therefore contrary to the provisions of Policy CS5 and CS34 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; the advice set out in the adopted Development in the Green Belt SPD (2007); and the National Planning Policy Framework.

CIRCULATED SCHEDULE NO. 09/16 – 4 MARCH 2016

App No.:	PT16/0219/F	Applicant:	Mr C Lapworth
Site:	4 Manor Park Tockington Bristol South Gloucestershire BS32 4NS	Date Reg:	26th January 2016
Proposal:	Erection of 1no. attached dwelling with associated works	Parish:	Olveston Parish Council
Map Ref:	361061 186470	Ward:	Severn
Application	Minor	Target	17th March 2016
Category:		Date:	



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PT16/0219/F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application is referred to the circulated schedule in accordance with the council's scheme of delegation to take into account the comments of objection which have been received.

1. THE PROPOSAL

- 1.1 This application seeks planning permission for the erection of a new dwelling adjoined to the eastern flank elevation of no.4 Manor Park in Tockington.
- 1.2 The site is within (but on the edge of) the settlement boundary for Tockington. The site is also within the green belt as Tockington is a 'washed over' settlement. A protected category B Scot's Pine tree is located to the rear of the proposed dwelling.
- 1.3 It is proposed to extend the existing terrace of dwellings. This terrace is broken up by various set backs along its length; from west to east the terrace is made up in sections of 3:2:3 dwellings. The development would result in 4 dwellings in the most eastward setback.
- 1.4 Manor Park is a cul-de-sac of dwellings built around the 1970s. On the approach from Washingpool Hill, the development is spacious set around a grassed open space. The design of the properties is very stylised and characteristic of the period of construction.
- 1.5 An application for a house on this site was dismissed at appeal in 2013. The applicant has engaged in pre-application discussions to address the reasons why the inspector dismissed the appeal and this application is a result of these discussions.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework March 2012

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design
CS4a Presumption in Favour of Sustainable Development
CS5 Location of Development
CS8 Improving Accessibility
CS9 Managing the Environment and Heritage
CS15 Distribution of Housing
CS16 Housing Density
CS17 Housing Diversity
CS34 Rural Areas

South Gloucestershire Local Plan Adopted January 2006 (Saved Policies)

- L1 Landscape
- L5 Open Areas
- T12 Transportation
- H4 Development within Existing Residential Curtilages

2.3 Supplementary Planning Guidance

- Development in the Green Belt (Adopted) June 2007
- South Gloucestershire Design Checklist (Adopted) August 2007
- Residential Parking Standard (Adopted) December 2013

3. RELEVANT PLANNING HISTORY

- 3.1 PT12/3538/F Refusal (Appeal Dismissed) 21/12/2012
Erection of 1no. end terrace dwelling with new access and associated works

Refusal Reasons

1. The dwelling proposed would appear cramped and out of keeping with the more spacious character of the adjoining terrace (where properties are characterised by their wide frontages) and the more spacious character of the locality (by virtue of the pattern of development and the settlement boundary location of the application site adjacent to the open Green Belt). To this extent, the proposal is considered to be materially different to the two-storey side extension approved as part of PT09/5705/F which was designed as a subservient extension to an existing dwelling and which would be contained within the same residential curtilage. The proposal is therefore considered to be contrary to Planning Policies D1, H2, H4 and GB1 of the South Gloucestershire Local Plan (Adopted) January 2006, the South Gloucestershire Design Checklist (Adopted) Supplementary Planning Document and Development within the Green Belt (Adopted) Supplementary Planning Document.
2. Insufficient evidence is provided to ensure the adequate protection of the protected trees on and adjoining the application site. The proposal is therefore considered to be contrary to Planning Policies D1 and L1 of the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Design Checklist (Adopted) Supplementary Planning Document.

- 3.2 PT09/5705/F Approve with Conditions 23/12/2009
Erection of 2 storey side extension to provide additional living accommodation (Resubmission of PT08/2131/F)

- 3.3 PT08/2131/F Refusal 16/09/2008
Erection of 2 storey side extension to provide additional living accommodation

Refusal Reasons

1. The proposed extension, by reason of its size, design and external appearance, would be out of keeping with the existing dwelling house and other nearby properties and, if allowed, would detract from the character and appearance of the host dwelling and the visual amenities of the locality. The proposal is therefore considered to be contrary to Planning Policies D1, H4 and GB1 of the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Design Checklist (Adopted) Supplementary Planning Document.

2. Insufficient evidence is provided to ensure the adequate protection of the protected Pine tree within the rear garden of the application site. The proposal is therefore considered to be contrary to Planning Policies D1 and L1 of the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Design Checklist (Adopted) Supplementary Planning Document.

4. CONSULTATION RESPONSES

- 4.1 Olveston Parish Council
No objection
- 4.2 Archaeology Officer
No objection
- 4.3 Highway Structures
No comment
- 4.4 Landscape Officer
No objection but boundary to the playing field should be a low wall and hedge rather than close board fence
- 4.5 Lead Local Flood Authority
No objection subject to informative notes
- 4.6 Transport Officer
No in principle objection; however, garage is slightly undersized and query whether garage door could be opened when vehicle parked on the drive.
- 4.7 Tree Officer
No objection subject to conditioning arboricultural information

Other Representations

- 4.8 Local Residents
7 letters of objection from local residents have been received which raise the following matters:
- Applicant does not own the land included in the application
 - Development will affect design of the site
 - Development will be harmful to the tree
 - Exacerbate existing parking problem
 - Insufficient parking to remain at the existing house
 - Loss of 'public' parking on the highway
 - Overdevelopment and cramped
 - Public transport in Tockington is poor
 - Result in land-grab of amenity land
 - Result in parking creating a highway safety issue
 - Works to other trees refused

5. ANALYSIS OF PROPOSAL

5.1 This application seeks planning permission for the erection of a new end of terrace dwelling at Manor Park in Tockington.

5.2 Principle of Development

The site is located within the settlement boundary of Tockington, a location where Policy CS5 would direct development. However, the council is (at present) unable to demonstrate a 5 year housing land supply. In such circumstances the NPPF dictates that housing policies in the development plan are out of date and applications should be determined against the presumption in favour of sustainable development. This presumption states that permission should be granted unless the adverse impacts significantly and demonstrably outweigh the benefits of the proposal or specific guidance in the NPPF states development should be resisted.

Specific NPPF Guidance: Green Belt

5.3 One of the most significant constraints on the development of this site is its location in the green belt. The government attaches great importance to green belts with the fundamental aim of keeping the land permanently open in nature. In order to achieve this, development in the green belt is restricted and assumed to be inappropriate unless it falls into one of the predefined exception categories or very special circumstances can be demonstrated.

5.4 The exception categories for which new buildings in the green belt should not be considered inappropriate are listed in paragraph 89 of the NPPF and include (amongst others):

- the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building
- limited infilling in villages, and limited affordable housing for local community needs under policies set out in the Local Plan

5.5 Under the 2012 application the proposed dwelling had the same built form as the 2009 side extension and therefore no objection was raised by either the LPA or the Inspector on the basis that, in terms of openness, the dwelling would have no greater impact than the side extension. However, the proposed development has been increased in size to overcome the design reason for dismissing the appeal. It can no longer be considered to be a proportionate addition to the existing dwelling.

5.6 New dwellings are permitted in the green belt where they accord with the relevant development plan and national policies. The NPPF allows for the limited infilling within villages and policy CS5 directs development to the defined settlements (in which the site is located), albeit at present policy CS5 is out of date. The NPPF does not however define 'limited infilling'. Within the council's Core Strategy, a definition of infill development is given as 'the development of a relatively small gap between existing buildings, normally within a built up area'.

- 5.7 The eastern edge of the site is open to the playing fields yet the site is distinct in character from the open land to the east being screen by a hedge and a strong village 'edge' being formed from the boundaries of the various properties. There is developed land to the north, south and west of the application site and the proposal would not lead to an encroachment beyond the visual definition of the village.
- 5.8 Although the site is not technically a linear gap between buildings, it is a gap within the local built form and the proposed development would not encroach into the countryside beyond the village boundary (both physical and nominal on the proposals maps). On balance of all these factors and those discussed above it is accepted in this instance that the proposal may amount to limited infilling and therefore no objection is raised on the basis of green belt designation.

Definition of Sustainable Development

- 5.9 The presumption in favour of development only relates to sustainable development. Sustainable development is defined in paragraphs 6 to 10 of the NPPF as having an economic, social and environmental role to guide development to the most sustainable solutions.
- 5.10 Located within a settlement which the council has previously deemed suitable for development, it is considered that, in principle, the site and the proposal represent a sustainable form of development by providing housing within an existing settlement to provide jobs and houses whilst preventing loss of agricultural land.

Impacts of Development: Design

- 5.11 As part of the appeal decision, the Inspector upheld the council's refusal of the 2012 application on design. It should be noted that the design proposed now is significantly different from that previously refused and has been informed by pre-application discussions with officers. These discussions focused on overcoming the specific areas of concern raised by the Inspector.
- 5.12 Some of the comments on design in the Inspector's decision include: 'the proposal involves a new dwelling with significantly narrower front and rear facades and a much smaller footprint than the exiting dwelling'; 'the overall visual effect would appear contrived and unconvincing mainly because the new house would appear as if it had been 'tagged on' to the end of the terrace and significantly reduced in size to fit'.
- 5.13 To address this, the width of the building has been increased so that it resembles one of the dwellings within the terrace in its own right. The proposal is still slightly set back from the host dwelling so that the run of the terrace is not unduly affected. It is considered that this no longer makes the proposal appear tagged on or restricted in size as the width is much more in keeping with the width of the existing dwellings in the terrace.

- 5.14 The design of the proposal is now considered to be acceptable and would not result in significant and demonstrable harm to the character and appearance of the area.

Impacts of Development: Landscape

- 5.15 A Scot's Pine is located in the rear garden of 4 Manor Park to the east of the dwelling. This tree has been recognised for its contribution to the visual amenity of the locality and is subject to a Tree Preservation Order. The development would result in a material decrease in the visibility of the tree from Manor Park; however, the views from the public footpath through the playing field to the east would be largely unaffected.
- 5.16 Whilst the planning authority would have reason to object to the lower level of amenity offered to the area by the tree as a result of the development, it should be noted that a side extension was previously permitted (and is likely to be permitted again).
- 5.17 Internally, the layout has been amended through discussions so that the windows serving the primary rooms in the new dwelling are furthest away from the tree. The purpose of this was to limit, as much as feasible, the future demand for tree works which would result from the development.
- 5.18 An arboricultural impact assessment, method statement and tree protection plan have been submitted for consideration. This indicates that the proposed development would marginally encroach in to the root protection area of the Scot's Pine tree. Given that the encroachment is marginal, strip foundations could be used to limit the impact of the development on the tree roots. The development should also be carried out under an arboricultural watching brief and a detailed method statement. Both the watching brief and statement can be required by a planning condition.
- 5.19 In terms of landscape, the most important aspect of the development is managing the transition between the dwelling and the open playing fields to the east. It was originally proposed to erect a timber close board fence; this was considered to be unacceptable as it was too urbanising and did not reflect the rural village character of the site. Amended plans have been submitted indicating a low stone wall with hedge. This is an acceptable form of boundary treatment and shall be secured by condition to ensure that the transition is successfully achieved as part of the development proposal.
- 5.20 The erection of a side extension would lead to a similar reduction in views of the tree and therefore the reduction in the visibility of the tree cannot be considered to be a significant or demonstrable harm. Given that the impact on the tree is low and can be managed through conditions, the development is not considered to result in significant or demonstrable harm. Conditions can also be used to ensure an appropriate boundary treatment is installed and maintained and therefore the development would not result in a significant or demonstrable harm to the landscape setting of the site.

Impact of Development: Living Conditions

- 5.21 Development should not be permitted which has a prejudicial impact on the living conditions of nearby occupiers or which fails to provide adequate living conditions to the future occupiers of the development. Throughout the planning history on this site, no objection has been raised on the basis that the development would have a detrimental impact on living conditions.
- 5.22 As a result of the development, no.4 would retain a garden that is consistent in size with the other gardens in the terrace. This is considered to be sufficient to meet the needs of the occupiers of this property.
- 5.23 Although the application site tapers towards the south, the garden is still considered to be sufficient in size to provide a quality outdoor space for the future occupants. As already noted, however, the garden would contain the protected Scot's Pine which is situated in very close proximity to the rear elevation of and due south of the proposed dwelling. During pre-application discussions, the internal layout at the rear was handed so that primary living accommodation was further away from the tree. Only one bedroom on the first floor and the kitchen/dining room on the ground floor would have a rear aspect.
- 5.24 In order to allow greater light into the kitchen, a crown lift to 3 metres through the removal of the lowest branch of the tree is proposed. This is considered acceptable and would not harm the amenity of the tree but would improve the amenity of the dwelling. The tree is a mature specimen and although it has an expected life span in excess of 40 years it is not considered that the proposed development would be prejudicial to the retention on the tree over this period. It is considered that the property would benefit from an acceptable standard of living conditions without requiring further work to the tree.
- 5.25 There would be little impact on the living conditions of nearby occupiers. The proposal would continue an existing terrace and would not result in overlooking of hitherto private areas. Furthermore, as the proposal extends a linear building form it is not considered that it would result in an overbearing impact on any nearby occupier.
- 5.26 Overall, it is considered that the impact of the development on living conditions is minimal, and by implication would not be significant or demonstrable or warrant the refusal of the application.

Impact of Development: Transportation

- 5.27 Concern has been raised locally about the impact of the development on the availability of parking and its associated impact on highway safety. Manor Park is a Class 4 highway and therefore the main considerations are the provision of sufficient off-street parking to meet the needs arising from the development. Under the Residential Parking Standard SPD, off-street parking requirements are defined in connection with the number of bedrooms in a property.

- 5.28 4 Manor Park contains 4 bedrooms and the proposed new dwelling would contain 3 bedrooms. The Parking Standard requires the provision of 2 parking spaces for properties of these sizes. Plans submitted with the application indicate 1 parking space on the drive for each property and a garage. For 4 Manor Park, this is consistent with the current parking provision; no extension to this property is proposed and therefore the level of parking on this part of the site should be accepted as it is not materially different from the existing situation.
- 5.29 Whilst the driveway would provide 1 of the 2 parking spaces required for the proposed house, the garage would (under the provisions of the Residential Parking Standard SPD) only contribute towards parking when it had an internal minimum size of 3 metres wide by 6 metres deep. The proposed garage measures 2.7 metres wide and 6 metres deep and is therefore marginally undersized to contribute towards parking provision.
- 5.30 The under provision of parking must be considered against two pieces of policy guidance. National guidance in the NPPF is very specific in stating that development should not be refused on transport grounds unless it would result in a 'severe' impact on highway safety. Given that the garage is only marginally undersized it would be unreasonable to write its contribution off completely. Whilst the majority of parking arising from the development could be accommodated on site, it is feasible that the development would lead to some additional on-street parking. Manor Park is a lightly trafficked street on which there are no traffic regulation orders. Subject to compliance with the Highway Code, Manor Park can accommodate on-street parking.
- 5.31 It cannot be considered that the marginally under-standard parking provision would result in a severe impact to highway safety given the classification of the road and its lightly trafficked nature. Furthermore, any on-street parking that would result from the development is unlikely to represent a severe highway safety hazard. The impact of the development on the local highway network is not considered to be significant or demonstrable to the extent that planning permission should not be granted. It should also be noted that the Inspector previously raised no objection on the grounds of parking or highway safety (although it is noted that the previous scheme that parking was provided to the side of the dwelling and the Residential Parking Standard SPD had not been adopted by the local planning authority).

The Overall Planning Balance

- 5.32 The site's location in the green belt is the most significant constraint to development. Whilst the proposal may not represent a traditional form of infill development, it would indeed be limited by the site's relationship to the adjacent playing fields. The proposal is not considered to conflict with the purposes of green belt designation (as described in paragraph 80 of the NPPF) and therefore it is not considered that the grant of planning permission should be resisted on the basis of green belt guidance. Furthermore, the transportation impacts of the development are not considered to amount to a severe impact on highway safety. Therefore, specific guidance in the NPPF does not dictate that development should be refused.

- 5.33 It is considered that the proposal represents a sustainable form of development and therefore the presumption in favour of sustainable development applies. The harms of the development have been identified in the analysis above. However, there has been little discussion on the benefits.
- 5.34 The proposed development is considered to be deliverable in the next 5 years and would make a small contribution to housing supply in the district. Whilst, as the development is only for 1 dwelling, this can be given only limited weight it is nonetheless a benefit. Other benefits include the protection of the countryside through development within a village and the potential the development has to support rural services.
- 5.35 The impacts that have been identified above are not considered to significantly or demonstrably (when read in conjunction with the proposed conditions) outweigh the benefits of the proposal. In light of the presumption of sustainable development, it is recommended that planning permission is granted.
- 5.36 Drainage
There is no requirement on this site for a sustainable drainage system as drainage would be adequately managed for development of this scale through the Building Regulations process. However, a highway drain is located close to the development site and the applicant must contact the highway drainage team to ensure that the development does not damage the existing drainage infrastructure.
- 5.37 Other Matters
A number of matters raised during the public consultation have not been addressed so far. This section will respond to these matters.
- 5.38 It has been stated that the area of land included within the application site is not wholly in the control of the applicant. This matter has been brought to the attention of the applicant's agent. This matters would not prevent the local planning authority from making an informed and balanced decision and the applicant must satisfy themselves that the implementation of any planning permission would be lawful as the grant of planning permission would not grant any rights over third party land.
- 5.39 It is noted that the rural areas tend to have less access to public transport. The local planning authority prepares settlement boundaries to direct development to the more sustainable areas of the district, in which Tockington is included. Planning cannot control parking on the public highway and the loss of public parking spaces is given little weight in determining this planning application.
- 5.40 Works to trees that are subject to a tree preservation order require consent from the local planning authority. The considerations for such consent are the impact of the works on the amenity offered by the specimen to the locality. This is materially different to the considerations for planning permission and comparisons between the two applications should be made with caution.

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 presumption in favour of sustainable development and the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

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

Contact Officer: Griff Bunce
Tel. No. 01454 863438

CONDITIONS

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

Reason

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

2. Notwithstanding plan 3073-P004-J, prior to the commencement of development a scheme of landscaping in relation to the eastern boundary of the site, 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 of a native hedge (and times of planting); and boundary treatments to include a low natural stone wall, shall be submitted to the Local Planning Authority for approval. Development shall be carried out in accordance with the agreed details and the planting undertaken before the end of the first planting season following the first occupation of the new dwelling.

Reason

To protect the character and appearance of the area to accord with Policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013, Policy L1 of the South Gloucestershire Local Plan (Adopted) January 2006 (Saved Policies) and the National Planning Policy Framework. This is required prior to commencement to ensure effective management of the transitional boundary between the village and countryside.

3. Prior to the commencement of development, a detailed arboricultural method statement for the excavation and subsequent construction of the foundations within the root protection area of T1 (as identified in the Hillside Trees Report submitted with this application and dated November 2015) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details. For the avoidance of doubt the detailed arboricultural method statement required by this condition shall include: the hand digging of the foundations trench and the lining of the trench with a non-permeable heavy duty membrane; and, an arboricultural watching brief for all works within the root protection area.

Reason

To protect the character and appearance of the area and the health and well being of the protected tree and to accord with Policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013, Policy L1 of the South Gloucestershire Local Plan (Adopted) January 2006 (Saved Policies) and the National Planning Policy Framework. This is required prior to commencement as it relates to the foundations of the development.

4. The materials to be used in the construction of the external surfaces of the dwelling hereby permitted shall match those used on no.4 Manor Park.

Reason

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

5. The off-street parking facilities shown on plan 3073-P004-J hereby approved shall be provided before the building is first occupied, and thereafter retained for that purpose.

Reason

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