



**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.05/16

Date to Members: 05/02/16

Member's Deadline: 11/02/16 (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:

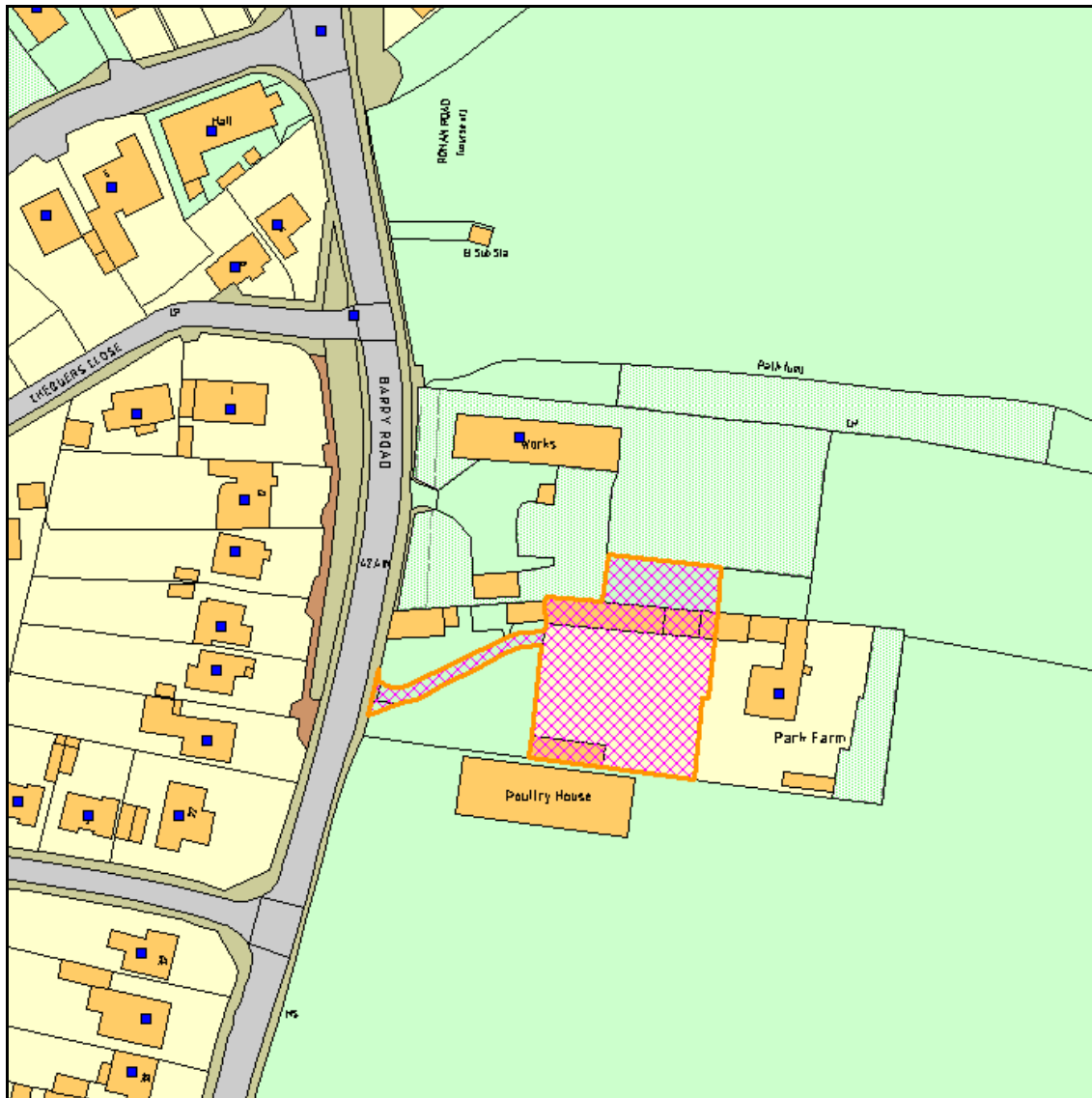
- Before referring an application always speak to the case officer or Area Planning Manager first to see if your concerns can be addressed without the application being referred.
- If you are considering referring in an application outside the ward you represent, as a courtesy, speak to the ward member(s) 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 - 05 FEBRUARY 2016

ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
1	PK15/3182/F	Approve with Conditions	Park Farm Barry Road Oldland Common South Gloucestershire BS30 6QX	Bitton	Bitton Parish Council
2	PK15/4224/F	Approve with Conditions	74 Parkfield Road Pucklechurch South Gloucestershire BS16 9PS	Boyd Valley	Pucklechurch Parish Council
3	PK15/4577/F	Approve with Conditions	4 Cassell Road Staple Hill City Council BS16 5DF	Downend	Downend And Bromley Heath Parish Council
4	PK15/4886/RVC	Approve with Conditions	22A Elmleigh Road Mangotsfield South Gloucestershire BS16 9EX	Rodway	None
5	PK15/4922/F	Approve with Conditions	152A Soundwell Road Soundwell South Gloucestershire BS16 4RT	Staple Hill	None
6	PK15/5113/CLE	Approve	Chetwynds Mill Lane Upton Cheyney South Gloucestershire BS30 6NH	Bitton	Bitton Parish Council
7	PK15/5206/CLP	Approve with Conditions	8 Glanville Gardens Kingswood South Gloucestershire BS15 9WS	Woodstock	None
8	PK15/5488/F	Approve with Conditions	8 Edmund Close Downend South Gloucestershire BS16 5EJ	Downend	Downend And Bromley Heath Parish Council
9	PT15/4710/RVC	Approve with Conditions	Land Adjacent To Over Court Farm Over Lane Almondsbury South Gloucestershire	Almondsbury	Almondsbury Parish Council
10	PT15/4881/F	Approve with Conditions	20 West Ridge Frampton Cotterell South Gloucestershire BS36 2JA	Frampton Cotterell	Frampton Cotterell Parish Council
11	PT15/5218/RVC	Approve with Conditions	65 High Street Thornbury South Gloucestershire BS35 2AP	Thornbury North	Thornbury Town Council
12	PT15/5222/F	Approve with Conditions	The Whitehouse 83A Redwick Road Pilning South Gloucestershire BS35 4LU	Pilning And Severn Beach	Pilning And Severn Beach Parish Council
13	PT15/5367/F	Approve with Conditions	86 Durban Road Patchway South Gloucestershire BS34 5HN	Patchway	Patchway Town Council

CIRCULATED SCHEDULE NO. 05/16 – 05 FEBRUARY 2016

App No.:	PK15/3182/F	Applicant:	Arcade Leasing Ltd
Site:	Park Farm Barry Road Oldland Common South Gloucestershire BS30 6QX	Date Reg:	23rd September 2015
Proposal:	Conversion of outbuildings to form 3 no. dwellings with new access and associated works. (Resubmission of PK15/0318/F)	Parish:	Bitton Parish Council
Map Ref:	367421 171066	Ward:	Bitton
Application Category:	Minor	Target Date:	16th November 2015



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N.T.S.

PK15/3182/F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application has been referred to the Circulated Schedule following the receipt of objections from Bitton Parish Council and a local resident; the concerns raised being contrary to the officer recommendation.

1. THE PROPOSAL

- 1.1 The application relates to former agricultural buildings within the Park Farm complex located in open countryside and Green Belt land to the east of Barry Road, Oldland Common. The application is for the conversion of the eastern part only of the traditionally constructed range located to the north of the driveway and a smaller isolated barn located opposite and to the south of the driveway. The northern range consists of single-storey and two-storey barns of stone rubble construction with clay tiled roofs and with simple timber boarded doors; the isolated barn to the south is a single-storey building of similar construction. The northern range of outbuildings, are Locally Listed but the main farm-house and southern barn are not. Together the buildings form a well detailed, traditional farm complex that makes an important contribution to the character of this part of Oldland Common.
- 1.2 It is proposed to convert the buildings to create 3no. self-contained dwellings (2 x 4 bed units and 1 x 2 bed unit) sharing the access with the main former farm house. There would be no need to extend the buildings to facilitate the conversion. Car parking for each dwelling would be provided within the existing courtyard area. An earlier application PK15/0318/F for the conversion of all of the outbuildings at the site, to create 5 units of accommodation, was withdrawn on officer advice.
- 1.3 The application is supported by the following documents:
 - Design and Access Statement
 - Sustainability Statement
 - Coal Mining Risk Assessment
 - Bat Survey
 - Structural Survey

2. POLICY CONTEXT

- 2.1 National Guidance
The National Planning Policy Framework 27th March 2012
The Planning Practice Guidance 2014

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy (Adopted) 11 Dec. 2013.

CS1 - High Quality Design

CS4a - Presumption in favour of Sustainable Development

CS5 - Location of Development

CS6 - Infrastructure and Developer Contributions

CS8 - Improving Accessibility

CS9 - Managing The Environment and Heritage
CS15 - Distribution of Housing
CS17 - Housing Diversity
CS18 - Affordable Housing
CS34 - Rural Areas

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

L1 - Landscape Protection and Enhancement
L9 - Species Protection
L11 - Archaeology
L15 - Buildings and Structures which Make a Significant Contribution to the Character and Distinctiveness of the Locality.
EP2 - Flood Risk and Development
T7 - Cycle Parking
T12 - Transportation Development Control Policy for New Development
H10 - Conversion and Re-use of Rural Buildings for Residential Purposes

Emerging Plan

Draft Policies, Sites & Places Plan

PSP1 - Local Distinctiveness
PSP2 - Landscape
PSP3 - Trees and Woodland
PSP7 - Development in the Green Belt
PSP8 - Settlement Boundaries
PSP9 - Residential Amenity
PSP17 - Parking Standards
PSP18 - Heritage Assets and the Historic Environment
PSP20 - Wider Biodiversity
PSP21 - Flood Risk, Surface Water and Watercourse Management
PSP23 - Unstable Land
PSP41 - Residential Development in the Countryside
PSP44 - Private Amenity Space Standards

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (SPD) Adopted 23rd Aug 2007
Development in the Green Belt (SPD) Adopted June 2007
South Gloucestershire Council Residential Parking Standards (Adopted)
South Gloucestershire Landscape Character Assessment (Adopted) Nov. 2014

3. RELEVANT PLANNING HISTORY

- 3.1 PK15/0318/F - Conversion of outbuildings to form 5 no. dwellings with new access and associated works..
Withdrawn 21 April 2015

4. **CONSULTATION RESPONSES**

4.1 Bitton Parish Council

Councillors considered that this application was a repeat of PK15/0318/F but for only part of the site. As no significant changes were recognised, the Council's comments on that application remain. Whilst not against the principle of using these buildings for residential purposes, they fear that this will be used as a precedent for the erection of houses to the east of the A4175 on Green Belt land, claiming that this would be infilling. Councillors feel that conversion of the buildings as proposed is too much since inadequate provision remains for sufficient parking spaces (Barry Road is not suitable for parking), there would be insufficient amenity space per dwelling and lack of space for waste bins, etc.

4.2 Other Consultees [including internal consultees of the Council]

Sustainable Transport

No objection subject to a condition to secure widening of the access and bin storage details.

The access has already been widened.

Lead Local Flood Authority

No objection

Highway Structures

No comment

Historic Environment

No objections

Tree Officer

No objection

The Coal Authority

No objection

Landscape

No objection

Ecology

No objections subject to conditions and informatives.

Conservation Officer

No objection subject to conditions to remove p.d. rights in respect of new walls and sheds plus conditions to secure details of vents and flues and re-building in natural stone of the boundary wall at the entrance

Other Representations

4.3 Local Residents

1 No response was received from the occupier of 16 Pines Road, Bitton.

The concerns raised are summarised as follows:

- Insufficient parking provision.
- Increased noise.
- Cars park dangerously on Barry Road during the school run.
- Possible impact on Weeping Willow Tree behind the site.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Para. 14 of the NPPF states that decision takers should approve development proposals that accord with the development plan without delay; where the development plan is absent, silent or relevant policies are out-of-date, permission should be granted unless:

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

5.2 The relevant parts of the development plan are The South Gloucestershire Local Plan Core Strategy (Adopted) 11th Dec. 2013 and the saved policies within the South Gloucestershire Local Plan (Adopted) 6th Jan. 2006. The Policies, Sites & Places Plan is an emerging plan only. Whilst this plan is a material consideration, only limited weight can currently be given to the policies therein.

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

5.4 Chapter 4 of the NPPF promotes sustainable transport and states that development should only be prevented on transport grounds where the residual cumulative impacts of development are 'severe'.

5.5 The NPPF seeks to significantly boost the supply of housing and para. 55 seeks to promote sustainable development in rural areas including development which would re-use redundant or disused buildings and lead to enhancement of the immediate setting. There is therefore no in-principle objection to the proposal.

5.6 Green Belt Issues

In the first instance the proposal must be considered in the light of the latest policies relating to development within the Green Belt. Policy GB1 of the South Gloucestershire Local Plan (Adopted) 6th January 2006 is not a saved policy. The relevant Green Belt policy is therefore to be found in the NPPF.

5.7 Inappropriate development is by definition harmful to the openness of the Green Belt and requires the applicant to demonstrate very special circumstances if it is to be approved. Paragraph 89 of the NPPF however states that the extension or alteration of a building in the Green Belt is not inappropriate development provided it does not result in disproportionate additions over and above the size of the original building. Paragraph 90 further advises that the re-use of existing buildings which are of permanent and substantial construction are also not inappropriate in the Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in the Green Belt.

5.8 The purposes of including land within the Green Belt are set out at para. 80 of the NPPF and include:

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

Officers consider that with appropriate controls over future extensions and outbuildings etc. the proposed conversion would, on balance, not have a materially greater impact than the present authorised use on the openness of the Green Belt. The overall foot-prints of the buildings would remain the same. Whilst the roofs would be replaced they would remain at the same height as the existing.

5.9 The application site is previously developed and the proposed dwellings would not be entirely isolated, there being an existing yard and works to the north, store to the south and the existing former farm house to the east; there is also residential development immediately to the west of Barry Road but within the Urban Area. The proposed conversions are therefore not considered to conflict with any of the above criteria and as such are **not inappropriate** development in the Green Belt. As such, very special circumstances are not required in this case.

5.10 Policy H10 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 relates to the conversion and re-use of rural buildings for residential purposes. It states:

‘Proposals for the conversion and re-use of existing buildings for residential purposes outside the existing urban areas and the boundaries of settlements as defined on the Proposals Map will not be permitted unless;

- a) *All reasonable attempts have been made to secure a suitable business re-use or the conversion is part of a scheme for business re-use;*
- b) *The buildings are of permanent construction and structurally sound and capable of conversion without major or complete reconstruction;*
- c) *The buildings are in-keeping with their surroundings in terms of character, form, bulk and overall design;*
- d) *Development including any alterations, extensions or the creation of a residential curtilage will not have a harmful effect on the character of the countryside or the amenities of the surrounding area;*
- e) *The building is well related to an existing settlement or other groups of buildings.'*

5.11 **a) All reasonable attempts have been made to secure a suitable business re-use or the conversion is part of a scheme for business re-use;**

5.12 As required by Policy H10(A), alternative uses to residential use for the existing buildings should first be explored. Criterion A requires that all reasonable attempts have been made to secure a suitable business re-use or the conversion is part of a scheme for business re-use. The supporting text (para. 8.217) to the policy states that normally a consecutive period of 12 months marketing is considered to be reasonable.

5.13 In this case the buildings are unsuitable for modern agricultural purposes. The former agricultural uses ceased some 15 years ago, and more recently the buildings have been used for domestic storage. Furthermore, the close proximity of the existing former farm house renders the site unsuitable for commercial uses. The viability of such an enterprise also remains in question, especially considering the likely cost of conversion of the buildings.

5.14 Officers have noted that emerging Policy PSP36 only requires that all reasonable attempts have been made to secure an economic development use which is defined within the Core Strategy as including development within the B Use Classes, public and community uses and main Town Centre uses; furthermore a 12 month marketing exercise is not specifically required and neither does the NPPF require one; in this regard Policy H10(A) is now outdated (see para. 5.1 above). In addition it is also material to the determination of this application that the Government has recently relaxed planning controls in respect of conversion of existing agricultural buildings to residential properties in the countryside (see GPDO Part 3 Class Q) and this weighs heavily in favour of the proposal. Most of the buildings are locally listed and as such are non-designated heritage assets. The proposal provides the opportunity to restore the heritage assets where otherwise they are likely to fall into dereliction. Officers consider in this case, that a residential conversion is, on balance the most appropriate use for the buildings.

5.15 **b) The buildings are of permanent and substantial construction and are capable of conversion without major or complete reconstruction; and;**

- 5.16 A structural survey of the buildings has been carried out by a suitably qualified engineer who concluded that the buildings are readily capable of being converted for residential use. Whilst the poorly restored roofs would need replacing this would not represent major re-construction. Officers are therefore satisfied that criterion 2 of Policy H10 is met.
- 5.17 Conservation, Design and Visual Amenity Issues
Policy CS1 of the South Gloucestershire Local Plan Core Strategy (Adopted) 11th Dec. 2013 seeks to secure good quality design in new development and more specifically Policy H10(D), which relates to the conversion of rural buildings for residential purposes, requires that – “Development, including any alterations, extensions or the creation of a residential curtilage would not have a harmful effect on the character of the countryside or the amenities of the surrounding area”.
- 5.18 Residential conversions do tend to have the most impact on traditional farm buildings due to the need to accommodate all of the different rooms and functions associated with domestic properties. Conversions to alternative uses can, therefore, result in more sympathetic schemes of adaptation and re-use that better respect the character and significance of historic farm buildings.
- 5.19 As locally listed buildings the farm buildings are a non-designated heritage asset and as such paragraphs 128, 129, 131 and 135 of the NPPF apply and it is essential that the proposed scheme of conversion preserves those elements identified as contributing to the special character of the buildings and their setting as non-designated heritage assets. Whilst a design and access statement has been submitted in support of the proposal it does not contain an assessment identifying the significance of these buildings as non-designated heritage assets and as a consequence the requirements of paragraph 128 have not been met.
- 5.20 Nevertheless it is possible to make an assessment of their significance and assess the potential impacts of the proposal as required under para 129 of the NPPF and officers conclude that their principal significance arises from the fact that these are simple but well detailed vernacular buildings, clearly visible within the open countryside to the east of Oldland Common. The principle contribution to the character of these buildings comes from their traditional stone rubble construction, their simple boarded openings, and the traditionally detailed clay tiled roofs. The taller roadside barn makes a significant contribution to the street scene and although not within the application site contributes to the importance of the farmyard group which together with the farmhouse to the east, form an important group whose contribution to the street scene is only diminished by the prominent and poorly detailed blockwork walling at the entrance to the farmstead.
- 5.21 Whilst the farmhouse itself is sufficiently altered as to be un-listable, the group of farm buildings defining the farmyard retain their simple traditional character, and it is essential that the unity of this group of farm buildings is preserved even though only the eastern part of the site is to be converted.

- 5.22 The current scheme seeks to respect the existing openings, and introduces two new roof-lights rather than introducing additional openings. It also seeks to reuse some of the glass panes from the existing roofs, and officers take the view that provided careful hard and soft landscaping is introduced the scheme would be an acceptable one in terms of its impacts on the character of this group of locally listed buildings. This will require resolution of the roadside boundary wall at the entrance of the site and this should be rebuilt in natural stone as part of the proposals; this can be conditioned.
- 5.23 Some of the proposed residential curtilage may take on a planned, cultivated and domestic character and appearance and the gardens could typically accommodate a range of physical features, such as items of hard landscaping, play equipment, clothes drying facilities and garden furniture. However this must be balanced against the fact that the existing buildings would be restored and the existing yard already has a quasi domestic appearance. The residential curtilages would be well enclosed by existing and proposed boundary walls and hedgerows. Nevertheless, given the rural Green Belt location and character of the buildings, a condition to remove permitted development rights is in this case considered justified. The proposed conversion and associated change of use of land to residential curtilage is not inappropriate in this case and therefore meets criteria c and d of Policy H10.
- 5.24 Transportation Issues
Although the site is outside any settlement boundary it is within a reasonable distance of schools, convenience stores and employment opportunities. In accordance with criterion 'e' of Policy H10, the buildings are well related to other groups of buildings, there being brownfield sites to the north and south and the original farm house to the east.
- 5.25 There is sufficient space within the site to provide adequate parking and turning provision, which to some extent already exists. At least two parking spaces for each property would be provided, which complies with the South Gloucestershire Residential Parking Standards, which are minimum standards. Turning areas would be provided within the site to allow vehicles to exit onto Barry Road in forward gear. Adequate parking would be retained to serve the existing dwelling.
- 5.26 The proposal would utilise an existing access, which has already been widened to 5m for a distance of 10m back from the edge of the footway; this would allow two cars to pass. Visibility splays of 2.4m x 45m either side of the access are achievable and shown on the plans. The access would be upgraded by the introduction of a bound surface for the 10m section of driveway from the edge of the carriageway as shown on the submitted plans.
- 5.27 Subject to conditions to secure details of a refuse collection area and the implementation of the parking spaces and access upgrade, there is no transportation objection to this proposal.

5.28 Landscape Issues

The site is within the open countryside and Green Belt but has no other landscape designation. The proposed conversion of the buildings is acceptable in landscape terms. The proposed conversion results in a development that would be well enclosed by the existing and proposed walls and hedgerows. It is proposed to create separate residential curtilages for the proposed dwellings, by sub-dividing the existing site (see indicative landscaping shown on Plan No. 1864-3 Rev A). An appropriate scheme of landscaping would however be secured by condition, should planning permission be granted. Subject to this condition, it is considered that there is no landscape character or visual amenity objection to the development with regard to Policy L1.

- 5.29 Concerns have been raised by a local resident about possible adverse impact on a Weeping Willow Tree, but this is located on neighbouring land behind one of the barns that are not subject of this application and would therefore not be affected.

5.30 Impact Upon Residential Amenity

Although well related to the existing farm house, the new dwellings would be a reasonable distance from it. The proposed residential uses are likely to have significantly less impact on the residential amenity of neighbouring property than a farming or business use, both in terms of noise or disturbance from the traffic generated. Furthermore the general outlook for neighbouring occupiers would be improved by the conversion of the buildings. Given the position, orientation and distance of the proposed dwellings in relation to the nearest properties, there would be no significant issues of overlooking. Whilst there would inevitably be some disturbance for neighbouring occupiers during the conversion phase, this would be on a temporary basis only and could be adequately mitigated by imposing a condition to limit the hours of working. An adequate area of private residential amenity space would be provided/retained for the existing and proposed dwellings. The proposal therefore accords with Policy CS1 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

5.31 Environmental Issues

The site lies in Flood Zone 1 and as such is not prone to flooding. The site does lie within a Coal Mining Referral Area and as such a Coal Mining Risk Assessment has been submitted to the Coal Authority's satisfaction. It is proposed to use the mains sewer for foul disposal. Surface water would be disposed of to the existing drainage system which is covered by Building Regulations. The proposal is considered to be in accordance with Policy EP2 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

5.32 Ecology Issues

The application includes a bat building inspection and activity surveys report by Avon Wildlife Trust Ecological Consultancy dated September 2015. The activities survey recorded low level activity by at least four species across the application site. A single common pipistrelle was recorded emerging from the ridge of building 4 before flying south indicating the presence of a day roost for the species. It is considered that the application passes the three European Protected Species licensing tests and that consequently there are no ecological constraints to granting planning permission. Conditions would be attached

relating to the recommendations made in Chapter 4 of the bat building inspection and activity surveys report by Avon Wildlife Trust Ecological Consultancy dated September 2015 and new artificial bird nesting sites. The proposal would therefore be in accordance with Policy L9 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

5.33 Affordable Housing

The proposal falls below the Council's threshold for affordable housing provision.

5.34 Community Services

The proposal falls below the Council's threshold for (10) for contributions to community services.

5.35 5-Year Land Supply

A recent appeal decision APP/P0119/A/14/2220291 – Land South of Wotton Road, Charfield, established (para. 146) that the Council can currently only demonstrate a 5-year housing land supply sufficient for 4.64 years. As there is provision for windfall sites in the calculation, this weighs in favour of the proposal, which would make a positive contribution, albeit a small one, to the housing supply within South Gloucestershire.

5.36 CIL Matters

The South Gloucestershire Community Infrastructure Levy (CIL) & Section 106 Planning Obligations Guide SPD was adopted March 2015. CIL charging commenced on 1st August 2015 and this development, if approved, is potentially liable to CIL charging.

5.37 Other Issues

Of the concerns raised at paragraphs 4.1 – 4.3 above that have not already been addressed:

- The proposal is not for infilling. Neither would it set a precedent for the residential development of the surrounding fields as each application must be determined on its own individual merits.

6. CONCLUSION

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

6.2 The recommendation to grant planning permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Local Plan Core Strategy (Adopted) 11th Dec. 2013 set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

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

Contact Officer: Roger Hemming
Tel. No. 01454 863537

CONDITIONS

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

Reason

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

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

Reason

Having regard to the Green Belt location, historic rural character and setting of the buildings; to protect the openness of the Green Belt; to ensure the satisfactory appearance of the development and to protect the landscape character in general; to accord with Policies L1 and H10 of the South Gloucestershire Local Plan (Adopted) January 2006, Policies CS1 and CS34 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11 Dec. 2013 and the provisions of the NPPF.

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

Reason

To minimise disturbance to neighbouring properties and to accord with the provisions of the NPPF.

4. Prior to the first use of the development for the purposes hereby approved, the access to include visibility splays, access re-surfacing, car parking facilities and turning areas shall be implemented in accordance with the approved Site Plan Drawing No. 1864-3 Rev A and maintained as such thereafter.

Reason

To ensure adequate access, on-site parking provision and turning areas in the interests of highway safety and to accord with Policy T12 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 and to accord with The South Gloucestershire Residential Parking Standards (SPD) Adopted.

5. Details of a refuse bin collection area shall be submitted to and approved in writing by, the Local Planning Authority. Thereafter the bin collection area shall be implemented in full accordance with the details so approved prior to the first occupation of any of the dwellings hereby approved.

Reason

To ensure adequate bin collection facilities in the interests of highway safety and to accord with Policy T12 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 and Policy CS1 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11th Dec. 2013..

6. Prior to the commencement of the development 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, together with measures for their protection during the course of the development; proposed planting (and times of planting) plus a 5-year maintenance schedule, boundary treatments and areas of hard-surfacing shall be submitted to the Local Planning Authority for approval. Development shall be carried out in accordance with the agreed details.

Reason

Having regard to the Green Belt location, rural character and setting of the buildings; to protect the openness of the Green Belt; to ensure the satisfactory appearance of the development and to protect the landscape character in general; to accord with Policies L1 and H10 of the South Gloucestershire Local Plan (Adopted) January 2006, Policies CS1 and CS34 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11 Dec. 2013 and the provisions of the NPPF. This is a prior to commencement condition to ensure that those trees/hedgerows to be retained are adequately protected for the whole duration of the development.

7. Prior to the commencement of the relevant parts of the development hereby approved full details comprising plans at a scale of 1:20 of any proposed vents and flues shall be submitted to and agreed in writing with the Local Planning Authority. Development shall be carried out in accordance with the agreed details.

Reason

To preserve the character of Park Farm as a non-designated heritage asset in compliance with saved policy L15 of the South Gloucestershire Local Plan and Section 12 of the NPPF.

8. Prior to the first occupation of the dwellings hereby approved, the roadside boundary wall to either side of the site entrance shall be re-constructed in natural Pennant Sandstone in accordance with the details shown on the approved Site Plan Drawing No. 1864-3 Rev A.

Reason

To preserve the character of Park Farm as a non-designated heritage asset in compliance with saved policy L15 of the South Gloucestershire Local Plan and Section 12 of the NPPF.

9. The development hereby approved shall be subject to the bat mitigation measures described in Chapter 4 (Discussions and Recommendations) of the bat building inspection and activity surveys report by Avon Wildlife Trust Ecological Consultancy and dated September 2015 to also form the basis of a licence application (derogation) under Regulation 53 of the Habitat Regulations 2010. All works shall be carried out in accordance with said measures.

Reason

In the interests of protected species and to accord with Policy L9 of The South Gloucestershire Local Plan (Adopted) 6th Jan 2006 and Policy CS9 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11th Dec. 2013.

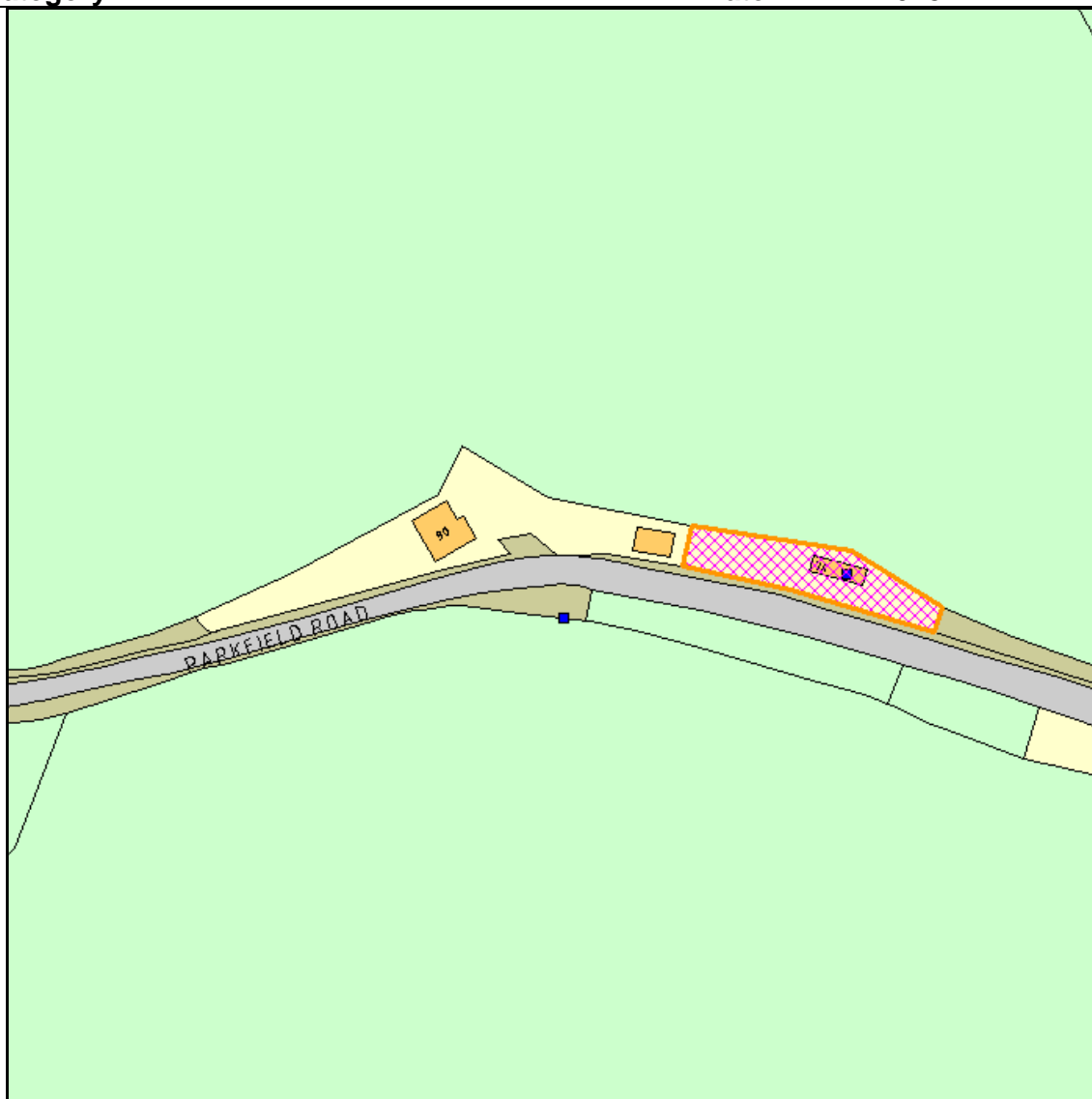
10. Prior to the relevant parts of the development hereby approved, a scheme for the provision of new artificial nesting sites for swallow, house martin and house sparrow including their location, shall be drawn up and agreed with the Council in writing. All works are to be subsequently carried out in accordance with the approved details and completed prior to the first occupation of the approved dwellings.

Reason

In the interests of protected species and to accord with Policy L9 of The South Gloucestershire Local Plan (Adopted) 6th Jan 2006 and Policy CS9 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11th Dec. 2013.

CIRCULATED SCHEDULE NO. 05/16 – 5 FEBRUARY 2016

App No.:	PK15/4224/F	Applicant:	Mr And Mrs J Harvey
Site:	74 Parkfield Road Pucklechurch Bristol South Gloucestershire BS16 9PS	Date Reg:	5th October 2015
Proposal:	Removal of existing boundary hedgerow adjacent to Parkfield Road to facilitate replacement with a two metre high 18.8 metre length wall.	Parish:	Pucklechurch Parish Council
Map Ref:	369432 176944	Ward:	Boyd Valley
Application Category:	Minor	Target Date:	26th November 2015



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PK15/4224/F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

The application is referred to the Circulated Schedule in the light of comments from Pucklechurch Parish Council

1. THE PROPOSAL

- 1.1 The site is made up of an authorised Gypsy Pitch containing one mobile home and associated ancillary building (day room). The site is enclosed along its Southern Boundary with a hedgerow (approximately 38 metres) and a 1.8 metres high wall (approximately 6 ½ metres) and iron gates at the main entrance to the site (at the Eastern end of the site). A second timber gate is present at the Western end of the site. The Northern boundary of the site is also enclosed by a wall and hedge.
- 1.2 The site is located in open countryside and is within the Bath and Bristol Green Belt. Access to the site is from Parkfield Road which is a single track road with passing places and accesses to existing residential properties dispersed along its length.
- 1.3 The application details the proposal to remove the length of hedge along the Southern boundary and replace it with a wall to continue the existing wall on this boundary. Notwithstanding the description, it should be noted that the removal of the existing hedge is not a “development” and so in itself would not require planning permission.
- 1.4 *Special Circumstances submitted by the Applicant*
The applicant (the occupier of the site) submits that the development would facilitate the replacement of the existing mobile home with a larger unit. The applicant submits that the existing mobile home no longer accommodates their needs due to the deteriorating health of a family member; and on this basis needs to be replaced with a larger unit. However, the terms of the ‘site licence’ (provided by South Gloucestershire Council under the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968) is such that any mobile home must be no less 3 metres from a combustible feature, which includes a hedgerow. In order to meet the terms of the ‘site licence’ the hedgerow must be removed to accommodate a larger mobile home. The applicant submits that the hedgerow must be replaced with a wall to match the existing in height for security reasons.
- 1.5 The applicant has provided a copy of the ‘site licence’ which has been verified by the South Gloucestershire Environmental Health Officer. Officers note that condition 3 of the licence specifically excludes the siting of the mobile home where it would be within 3 metres of any hedge or site boundary. The applicant has indicated that they would be able to site the larger mobile home required and maintain 3 metres from the boundary if a wall were employed, but would be unable to do this with the current hedge.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework (March 2012)
Planning Policy for Traveller Sites (August 2015)

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
CS21 Gypsy and Traveller Accommodation
CS34 Rural Areas

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

L1 Landscape Protection and Enhancement
H3 Residential Development in the Countryside
H11 Replacement Dwellings in the Countryside
T12 Transportation Development Control Policy for New Development

2.3 Supplementary Planning Guidance

Development in the Green Belt (2007)
South Gloucestershire Design Checklist (2007)

2.4 Other Material Planning Considerations

The South Gloucestershire and City of Bristol Gypsy and Traveller Accommodation (GTAA) December 2013

3. RELEVANT PLANNING HISTORY

- 3.1 P95/1632 Use of land for stationing of one residential mobile home and one touring caravan. (Retrospective)

Refused 26th June 1995

Allowed at appeal for temporary period

- 3.2 P97/4246 Erection of outbuilding for toilet, shower and utility room

Approved 24th June 1997 (Temporary consent for 3 years)

- 3.3 PK00/1349/RVC Relaxation of conditions 2 and 3 of planning permission P95/1632

Conditions varied (to allow further temporary consent) by the Local Planning Authority. Decision made 4th May 2001.

Conditions removed at appeal. The development was made permanent subject to a condition restricting occupancy to Mr and Mrs Harvey and family, or persons with Gypsy status. Decision made 8th May 2002

- 3.4 PK01/3251/F Retention of amenity block.

Approved 15th October 2002

- 3.5 PK06/3375/F Erection of detached bungalow with car parking access and associated works.

Refused 9th August 2007

Dismissed at appeal 5th March 2008

- 3.5 PK11/2528/F Erection of 1no. detached bungalow

Refused 22nd December 2011

Dismissed at appeal 5th March 2014

4. **CONSULTATION RESPONSES**

- 4.1 Pucklechurch Parish Council

The Parish Council acknowledge the special circumstances in support of the application.

Concern is raised that the loss of the hedge and its replacement with a wall will result in an urbanising effect in the rural location. The Parish Council suggest that a solution more in keeping with a rural location is explored.

The Parish Council suggest that removal of the hedge is conditional on the replacement of the mobile home.

- 4.2 Highway Authority

No objection. The wall should be set back sufficiently to avoid encroachment onto the public highway.

- 4.3 Highway Structures

Wish to make no comment

- 4.4 Lead Local Flood Authority

Wish to make no comment

- 4.5 Landscape Officer

The subject hedge is not protected under the Hedgerow Regulations Act 1997. However the officer notes that the subject hedge is not made up of species that are likely to be flammable when alive.

Beyond the built up area Parkfield Road is enclosed by native hedging along most of its length. Gaps for access and the presence of low walls and lap board

fencing are noted and the officer acknowledges that sections of board fencing are out of keeping with the leafy character of the lane. It is also noted that the gateway to the application site is made up of a tall wall with ornamental features out of keeping with the character of the lane.

The retention of the hedge is preferable, however the officer acknowledges that the 'site licence' associated with the application site may require the hedge, as a combustible feature, to be removed to allow the replacement of the mobile home. If the hedgerow is to be removed it is suggested that an acceptable boundary treatment would be a low stone wall with associated planting.

4.6 Spatial Planning Team

The proposed development would result in inappropriate development which is, by definition harmful to the openness of the Green Belt.

There is a risk that refusal of this planning application could result in the occupants of the site leaving the site. This could result in the loss of a site currently safeguarded as a Gypsy/Traveller site under policy CS21 of the South Gloucestershire Local Plan, Core Strategy (Adopted) December 2013; and emerging policy PSP46 of the Policies Sites and Places Development Plan Document (Proposed Submission March 2015).

Other Representations

4.7 Local Residents

Two letters in support have been received. The comments are summarised as follows;

The existing mobile home is not suitable for the needs of the occupants and a replacement with a larger home is reasonable.

The frontage of the site is well kept.

5. ANALYSIS OF PROPOSAL

5.1 The proposed development consists of the construction of a 1.8 metre high wall along the Southern boundary of the site. The proposed wall is approximately 38 metres in length.

5.2 The applicant has submitted that the proposed development would facilitate the replacement of the existing mobile home on the site. For the avoidance of doubt, the use of the site to provide a residential gypsy pitch is established on a permanent basis. The extant planning permission does not restrict the occupation of the site to the existing mobile home or prevent its future replacement with a new larger mobile home (as defined under the Caravan Sites and Control of Development Act 1960 as amended by the Caravan Sites Act 1968). This application therefore only assesses the development of the proposed boundary wall.

5.2 Principle of Development

Planning Policy for Traveller Sites (PPTS) provides national policy in respect of the provision of new traveller sites and in particular advice for Local Planning Authorities in the 'Decision-taking' process. As set out above, the existing traveller site is authorised. The majority of the document addresses the provision of new traveller sites and the consideration of planning applications in that regard and does not apply in this instance. Nonetheless, Policy H of the PPTS at paragraph 25 sets out that planning authorities should ensure that sites in rural areas respect the scale of and do not dominate the nearest settled community, and avoid placing pressure on the local infrastructure. Similarly, paragraph 26 (d) seeks to ensure that traveller development would not be enclosed with so much hard landscaping, high walls or fences such that the impression may be given that the site and its occupants are deliberately isolated from the rest of community.

- 5.3 The existing site is modest in scale containing only one authorised pitch and is domestic in nature. The proposed wall is 1.8 metres in height and would enclose approximately 45 metres of the Southern boundary of the site when combined with the existing wall at the Eastern end of the site. Although the proposed development would be clearly visible from the public realm, officers consider that given the scale, height and proposed materials the proposed development would not be significant in terms of its overall scale. Similarly, officers consider that the proposed wall would not give the impression that the site and its occupants are deliberately isolated from the rest of community (this is one of the considerations in the PPTS). Officers therefore consider that the proposed development does not conflict with the provisions of the PPTS.

5.4 Green Belt Considerations

The site is located within the Green Belt and is beyond the village development boundary associated with Pucklechurch. It is therefore necessary to consider the development against the tests of 'appropriateness' as set out in the National Planning Policy Framework.

- 5.5 Paragraph 79 of the National Planning Policy Framework (NPPF) sets out that the Government attaches great importance to Green Belts; and, that the fundamental aim of Green Belt Policy is to prevent urban sprawl by keeping land permanently open. The document goes on to set out that the essential characteristics of Green Belts are their openness and their permanence.
- 5.6 Paragraph 87 of the NPPF sets out that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 88 of the NPPF requires that 'substantial weight is given to any harm to the Green Belt', and that 'very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations'.
- 5.7 Paragraph 89 of the NPPF sets out that the construction of new buildings in the Green Belt should be regarded as inappropriate in the Green Belt. Exceptions to this include 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

- 5.8 It is noted that the applicant has submitted a case for 'very special circumstances' in support of this application and by implication considers that the development is inappropriate within the Green Belt; and therefore harmful to openness by definition. It is also noted that advice from specialist officers (Spatial Planning Team) also implies that the proposal would represent inappropriate development in the Green Belt.
- 5.9 Notwithstanding the above, it is noted that the hedgerow is not afforded any protection under the Hedgerow Regulations Act 1997; and to this end can be removed irrespective of this planning application. Furthermore, it is noted that the applicant/occupier of the site could construct a low wall (up to 1 metre in height) under permitted development governed by the provisions of Part 2 (Minor Operations), Class A (gates, fences, walls etc) without the requirement for express planning permission. Officers consider that it is pragmatic to consider the scope of this planning application in the context of the above.
- 5.10 Officers note that the site has taken on a somewhat domestic appearance with the introduction of the existing wall and associated gates. The majority of the existing hedgerow has also been managed in such a way that it has itself taken on a more domestic appearance. It is considered that the proposed development is domestic in scale and consistent with the domestic character of the site.
- 5.11 In considering this proposal in the context of the potential development under permitted development rights it is acknowledged that it is possible to construct a new wall up to 1 metre in height in the proposed location without requiring planning permission. The circumstances of the residential pitch are that whilst it is a C3 use of land the mobile home is not considered to constitute a "building" (although the wall is). If a comparison was drawn with a proposed boundary treatment for an existing dwelling in the Green Belt for the settled community it would be considered an appropriate form of development in the Green Belt under paragraph 89 of the NPPF. The test of proportionality in the SPD would apply. There would seem no need to draw an artificial difference with the circumstances here just because the boundary treatment pertains to a residential pitch as opposed to a dwelling. Accordingly, officers consider that the development would not represent a disproportionate addition to the existing building (the existing wall is a "building") given the relationship with this residential pitch. Furthermore, given the scale and nature of the development officers also consider that the provision of a new wall in this location would not conflict with the five purposes of the Green Belt as set out in Paragraph 80 of the NPPF.
- 5.12 On this basis, officers conclude that the proposed development is appropriate and meets the tests set out in paragraph 89 of the NPPF. It is not necessary to consider the 'very special circumstances' case submitted in Green Belt terms.

5.13 Landscape Character and Visual Amenity

The site is located within the open countryside. Parkfield Road is predominantly a single track lane with accesses to residential dwellings (including other traveller accommodation) dispersed along its length. The context of the application site is such that high native hedging enclose the lane to the west and east. The site itself currently includes a 6 ½ metre length of wall facing the lane associated with the main gated access onto the site. The remainder of the lane elevation of the site is made up of a hedge which is approximately 1.8 metres in height immediately south of the existing mobile home. Beyond that point the hedge has been allowed to grow to a height of approximately 2.5 metres.

- 5.14 As set out earlier in this report, the applicant submits that the removal of the hedge is to facilitate the replacement of the existing mobile home. The applicant submits that the existing mobile home is no longer suitable for the needs of the applicant due to health problems being experienced by a family member residing in the mobile home. The applicant has provided a copy of the 'site licence' which precludes the siting of the mobile home within 3 metres of the subject hedge. The installation of a larger mobile home would breach this condition and as such the applicant proposes to remove the hedge and replace it with the proposed wall. Discussion with the applicant clarified that the wall would be required in order to provide adequate site security.
- 5.15 Officers note that the position of the existing mobile home is such that it is well within 3 metres of the hedge enclosing the boundary of the site with the neighbouring fields immediately to the north. Discussions with the applicant in this respect identified that in order to address this, there is specific fire protection in place between the hedge and the north elevation of the mobile home. This is in compliance with condition 3(a) of the site licence.
- 5.16 Whilst the Landscape Officer has indicated that it is preferable in landscape terms to retain the hedge, it is not afforded protection under the Hedgerow Regulations 1997. Accordingly, the hedgerow can be removed in any event and as such its loss as a result of this proposal is afforded limited weight in the assessment of this planning application. Moreover, the circumstances set out by the applicant would make this seem likely given their pressing need for a larger mobile home.
- 5.17 As set out earlier in this report, it is possible for the occupier of the site to construct a wall up to 1 metre in height along the same position of the proposed wall under permitted development rights. Whilst it is acknowledged that the proposed development of the wall at 1.8 metres in height would have a greater visual impact in landscape terms than a 1 metre high wall allowed under permitted development, this impact should be considered in the immediate context of the site. In particular, the existing development already includes a wall that is 1.8 metres high on the elevation of the site with Parkfield Road. This also includes associated gate piers and iron gates of similar height. This has acted to introduce a domestic character into the wider rural context. Furthermore, there are instances of other development of domestic character in close proximity to the site. Given that the permitted development available would itself act to introduce further domestication of the site, officers consider

that the development proposed would have a minimal impact in Landscape character terms. It is noted that the location of the application site is well confined by topography and landscape features such that the introduction of the proposed all at this location would be limited to a very local impact.

- 5.18 Officers have explored the potential for providing 'fire proof' protection to the inside of the existing hedge as an alternative in discussion with the applicant. Such measures would most likely involve the introduction of fire retarding profiled metal sheeting. Such measures are considered to have a less desirable visual appearance than the proposed wall and as such not considered to be a viable alternative.
- 5.19 The Parish Council have suggested that a solution in keeping with the rural location of the site is explored if the hedge is to be removed. Similarly, the Landscape Officer suggests that natural stone is used in the construction of the proposed wall. In this instance, the existing wall is constructed in reconstituted stone. Whilst officers acknowledge that natural stone would be a preferred material for a wall in this location as a whole structure, it is considered that visually, the wall should be of a consistent material throughout. Accordingly, it is appropriate that the development matches the existing wall and an appropriately worded condition can be imposed to that effect in the event of approval.
- 5.20 Residential Amenity
Although there are residential properties close to the site, the introduction of the proposed wall would not act to compromise the amenity of the residents of nearby dwellings. Similarly, the development would not have a materially greater impact upon the occupants of the mobile home on the site over and above the existing situation. The proposed development is acceptable in residential amenity terms.
- 5.21 Highway Safety
The proposed wall would be constructed within the ownership of the applicant and along the boundary with the adjacent highway. It would not result in development within the visibility splay associated with the access to the site to and from Parkfield Road. On this basis, it is considered that the proposed development is acceptable in highway safety terms.
- 5.22 The Planning Balance
As set out earlier in this report, officers have concluded that the proposed development is 'appropriate' in the context of its Green Belt location. As such it is not necessary for the applicant to demonstrate 'very special circumstances' for allowing the development in this location.
- 5.23 Nonetheless, the proposed development would have an impact upon the landscape character and visual amenity terms. Officers conclude that this impact would be minimal when set against the impact of development available under permitted development rights; and the unprotected status of the existing hedge. The applicant has submitted justification for the development on the basis that it would facilitate the provision of a new mobile home in order to accommodate specific health requirements of the applicant's family. Although

the benefit of providing the replacement mobile home would be limited to the personal circumstances of the applicant and would have negligible benefit in the greater public interest, officers consider that the minor impact of the development in landscape character and visual terms is such that approval of the development would not itself conflict with the wider public interest.

5.24 It is noted that specialist officers (Spatial Planning Team) have suggested that the refusal of planning permission could result in the loss of a safeguarded traveller site as the current occupants would likely move away from the site. However, in this instance, the extant planning permission is restricted to the occupation by the current family or by persons with Gypsy status. The site is listed as being safeguarded under Policy CS21 of the South Gloucestershire Local Plan; Core Strategy. Even in the event that the current occupants vacate this site, it would remain available for use by persons with gypsy status and as such very limited weight is given to this factor in determining this planning application.

5.25 Having regards to the above assessment, officers consider that the proposed development is acceptable.

6. CONCLUSION

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

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

7. RECOMMENDATION

7.1 That planning permission is approved subject to the following conditions.

Contact Officer: Simon Penketh
Tel. No. 01454 863433

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 boundary wall hereby approved shall be constructed in materials to match the existing wall on the site.

Reason

In the interest of the character and visual amenity of the site and the surrounding locality and to accord with Policy CS1 of the South Gloucestershire Local Plan; Core Strategy (adopted) December 2013 and saved Policy L1 of the South Gloucestershire Local Plan (Adopted) January 2006.

CIRCULATED SCHEDULE NO. 05/16 – 5 FEBRUARY 2016

App No.: PK15/4577/F

Applicant: Ms C Lightfoot

Site: 4 Cassell Road Staple Hill Bristol City Council BS16 5DF

Date Reg: 14th December 2015

Proposal: Single storey rear extension with loft conversion

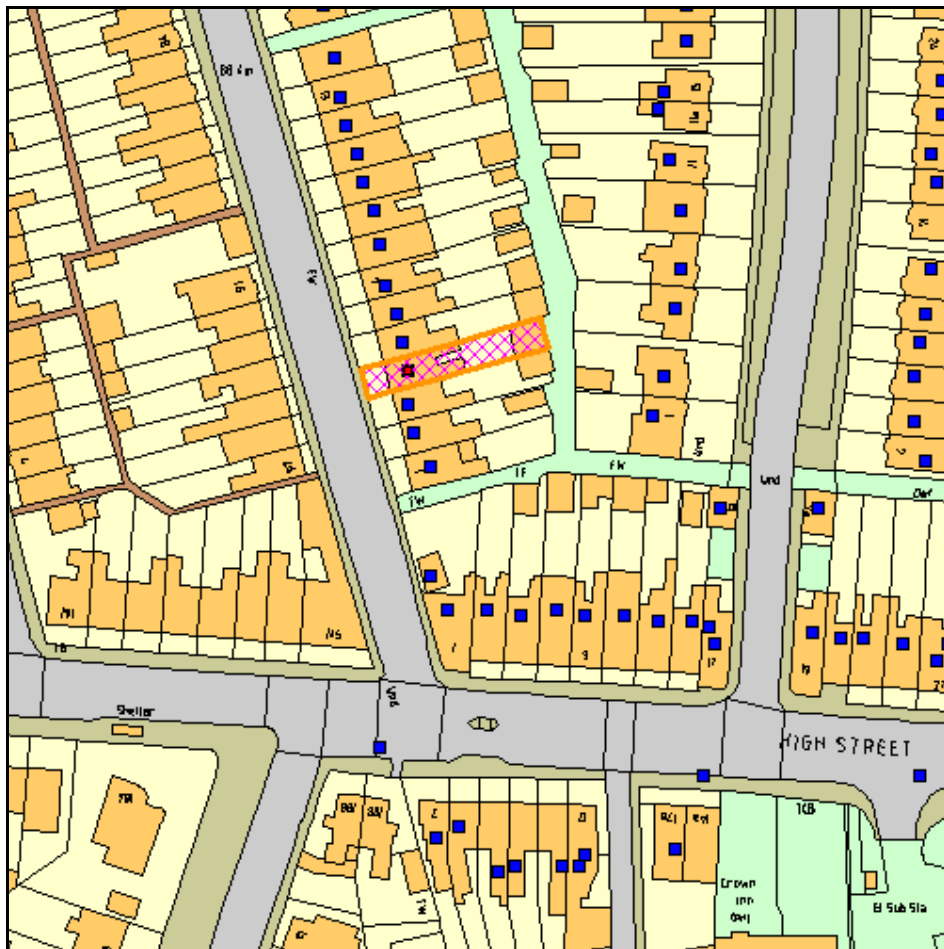
Parish: Downend And Bromley Heath Parish Council

Map Ref: 364325 176021

Ward: Downend

Application Category: Householder

Target Date: 4th February 2016



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PK15/4577/F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application appears on the Circulated Schedule due to a letter of objection from the Parish Council.

1. THE PROPOSAL

- 1.1 This application seeks planning permission to demolish two existing single storey rear extensions to facilitate the erection of a single storey rear extension and insert 3no. rooflights on the front and rear elevations to facilitate a loft conversion.
- 1.2 The application site is no. 4 Cassell Road; a two storey terrace house within Downend.
- 1.3 During the course of the application, the design of the proposal was changed to remove the proposed conversion of the garage. This was on the basis that by converting the garage, this would remove all parking available for the dwelling. An appropriate period of re-consultation occurred in response to the revised plans.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework March 2012
National Planning Policy Guidance 2014

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design
CS4a Presumption in Favour of Sustainable Development
CS5 Location of Development
CS8 Improving Accessibility
CS9 Environmental Resources and Built Heritage

South Gloucestershire Local Plan Adopted January 2006 Saved Policies

T12 Transportation
H4 Development within Existing Residential Curtilages

2.3 Supplementary Planning Guidance

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

3. RELEVANT PLANNING HISTORY

- 3.1 PK09/1250/F Approved with Conditions 21/08/2009
Erection of detached replacement garage

4. CONSULTATION RESPONSES

4.1 Downend and Bromley Heath Parish Council

Objection:

- Backland development
- Insufficient parking
- No access or egress to rear of property
- Building one dwelling in isolation at rear of property would set a precedent leading to an increase in traffic at the front of the property.

4.2 Other Consultees

Sustainable Transport

Objection: garage conversion would remove all available parking for property.

Other Representations

4.3 Local Residents

None received

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

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 will be required to demonstrate that they respect and enhance the character, distinctiveness and amenity of the site and its context; is well integrated with existing and connected to the wider network of transport links; safeguards existing landscape/nature/heritage features; and contributes to relevant strategic objectives.

Saved Policy H4 of the South Gloucestershire Local Plan is supportive in principle of proposals for alterations and extensions to existing dwellings within their curtilage, providing that the design is acceptable and that there is no unacceptable impact on residential and visual amenity, and also that there is safe and adequate parking provision and no negative effects on transportation. This proposal would be an extension of existing dwelling (not a new isolated dwelling as suggested in the Parish objection); and would take place within the existing residential curtilage. Whilst it is at the back of the property, it is not what would normally be understood to constitute “backland development”.

5.2 Design and Visual Amenity

Within the area there are a number of single storey rear extensions that extend for moderate distances, the majority of which extend along boundary treatments. The adjacent dwelling to the south is an example of this with a single storey extension extending to the rear for 5 metres. The proposal seeks to demolish two rather undesirable looking lean-to single storey extensions which sprawl from the eastern elevation of the host dwelling along the north and south boundaries of the property. This demolition will facilitate the erection

of a single storey rear extension. The proposed extension would be slightly larger in terms of its height by approximately 0.4 metres, but would have the same footprint as the existing extensions. Openings would be to the east opposite the garden and an additional 4no. rooflights would bring more light into the structure. Medium and narrow rear extensions adjacent to boundary treatments are common within the area, and the proposed extension would be adjacent to a neighbouring rear extension which is approximately 5 metres in length. Accordingly, as there are a number of similar extensions in the area, and the proposed extension would be attached/adjacent to a neighbouring replacement rear extension of equal length, the proposed rear extension is deemed to have an appropriate scale. To allow the proposed extension to in-keep with the existing dwelling, all the materials utilised within the proposal will match those used in the existing dwelling.

Four roof lights are proposed to facilitate the loft conversion, including one on the principal roof slope and two on the rear facing roof slope. Although there does not appear to be any other roof lights installed on properties in the immediate locality, they are considered to be acceptable and do not detract from the character of the area. Overall, the proposal has an acceptable standard of design which accords with policy CS1 of the adopted Core Strategy.

Residential Amenity

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

The proposed rear extension will not materially harm the outlook of the adjacent occupiers as the extension will not extend any further to the rear than the existing extensions. The proposal will be marginally higher, but this is not considered to materially harm the levels of outlook or light enjoyed by the occupiers to the north and south.

Due to the height and angle of the roof lights, the development will not cause any overlooking to neighbouring properties.

Accordingly, the proposed works will not materially prejudice the residential amenity of the nearby occupiers, therefore, the proposal is considered to accord with saved policy H4 of the adopted Local Plan.

Transport and Parking

With householder development, transport considerations relate mainly to the provision of adequate off-street parking. Parking should be provided to a level commensurate with the size of the property (in terms of the number of bedrooms).

The only parking for the site was provided within the existing double garage. Initial plans, however, showed the proposed conversion of the garage. Given the existing limited opportunity for off-street parking the removal of part of the garage was of concern to officers. The Highway Engineer therefore requested revised plans to show if there was alternative parking for the property, but this

could not be achieved. Further plans now show that the original parking arrangement will be retained with the garage unchanged.

After development, the bedrooms within the dwelling will increase to four. Under the Residential Parking Standard, a property of this size should provide two parking spaces. These would be provided by the garage. The size standard of the garage accords with the Standard and therefore contributes towards parking provision. Given the importance of avoiding adverse highway impact due to vehicles parking on the road when they could use off-street parking, it is considered reasonable that a condition be attached to the decision notice to ensure that the existing garage cannot be changed without the express consent of the LPA.

6. CONCLUSION

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

7. RECOMMENDATION

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

Contact Officer: Helen Braine
Tel. No. 01454 863133

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 Proposed Floor Plans and Elevations 1145/21 B hereby approved shall be retained for that purpose. For the avoidance of doubt the garage shall be retained for the purpose of the storage of motor vehicles and domestic storage only and no other purpose.

Reason

In the interests of highway safety, and to accord with Policy CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

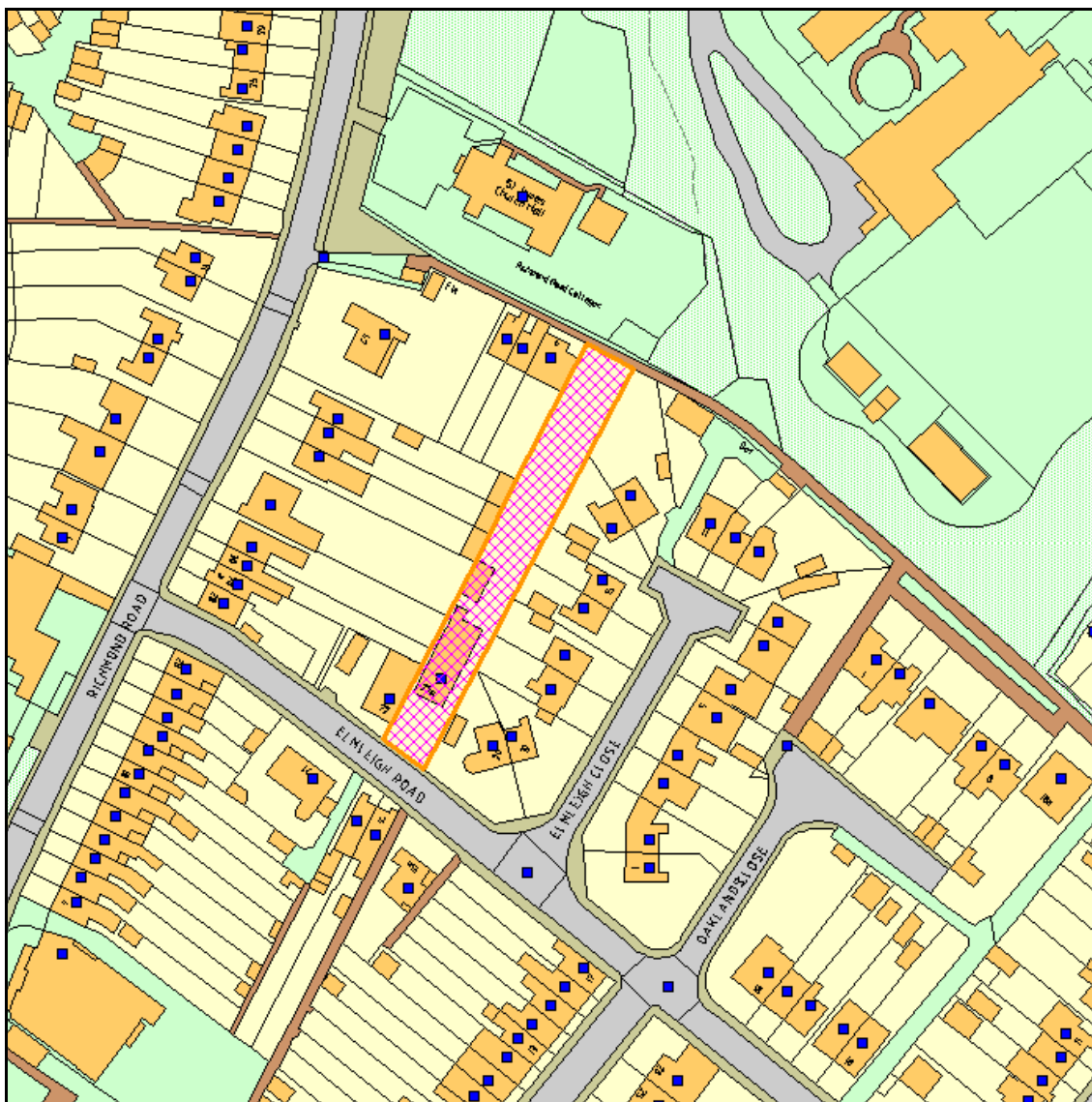
3. The hours of working on site shall be restricted to 7:30 to 18:00 Monday to Friday and 8:00 to 13:00 on Saturdays; and no working shall take place on Sundays or Public Holidays. The term 'working' shall, for the purpose of clarification of this condition include: the use of any plant or machinery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

Reason

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

CIRCULATED SCHEDULE NO. 05/16 – 5 FEBRUARY 2016

App No.:	PK15/4886/RVC	Applicant:	Choice Care Ltd
Site:	22A Elmleigh Road Mangotsfield Bristol South Gloucestershire BS16 9EX	Date Reg:	16th November 2015
Proposal:	Variation of Condition 7 attached to planning permission PK15/3208/RVC to allow additional bedroom to main building and increase the floorspace of the annexe (original consent Reference PK14/4136/F)	Parish:	None
Map Ref:		Ward:	Rodway
Application Category:	Minor	Target Date:	6th January 2016



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PK15/4886/RVC

REASON FOR REPORTING TO CIRCULATED SCHEDULE

The application is referred to the Circulated Schedule as objections from local residents have been received contrary to the officer recommendation to approve the proposal.

1. THE PROPOSAL

- 1.1 The site is located within the Bristol East Fringe Urban Area. The existing site is made up of a plot of land measuring approximately 95 metres by 10 metres. The site was occupied by a modest single storey dwelling, driveway and garden and is accessed from Elmleigh Road. However, this building has been demolished and development approved under PK14/4136/F and PK15/3208/RVC has now commenced.
- 1.2 Planning Permission was granted on 27th March 2015 for the demolition of the existing single storey dwelling and the construction of a new building to provide a C2 residential care home and ancillary development (PK14/4136/F and PK15/3208/RVC) as detailed in section 3 of this report). The development would be operated on the basis of providing a residential care home for adults with learning difficulties. In this instance, the extant planning consent is conditioned such that the development is used only for that purpose.
- 1.3 The original approval is also subject to a condition that requires the development to be implemented in accordance with the approved plans. Subsequently, that application was varied so as to substitute elevational drawings to show a small dormer window over the staircase of the approved dwelling (PK15/3208/RVC) as detailed in section 3 of this report). The revised planning permission also contains a condition that requires the development to be implemented in accordance with the approved plans (condition 7).
- 1.4 The application is submitted under s73 of the Town and Country Planning Act to vary condition 7 so as to replace approved plans with a revised plans. The revised plans shows internal alterations to facilitate an additional bedroom and the increase of the size of the footprint of the approved annex building (containing 2 independent rooms).

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework March 2012
Planning Policy Guidance

2.2 Development Plans

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

T12 Transport Development Control Policy for New Development

T8 Parking Standards

L9 Species Protection

H4 Development within Existing Residential Curtilages including Extensions and New Dwellings

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design
CS5 Location of Development
CS9 Managing the Environment and Heritage
CS15 Distribution of Housing
CS17 Housing Diversity
CS23 Community Infrastructure and Cultural Activity
CS29 Communities of the East Fringe of Bristol

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (adopted) 2007

South Gloucestershire Residential Parking Standards (adopted) 2013

3. RELEVANT PLANNING HISTORY

3.1 P99/4448 Erection of Residential care home

Refused 15th July 1999

Dismissed at appeal (T/APP/P0119/A/99/1033612/P7) 15th March 2000

This application proposed a 9 bedroom building in addition to and retaining the existing dwelling on the site.

3.2 PK04/3466/F Erection of detached building to form annex for dependant relative

Refused 22nd November 2004

3.3 PK05/1934/F Erection of detached building to form annexe for dependant relative (Resubmission of PK04/3466/F).

Refused 1st August 2005.

Allowed at appeal (APP/P0119/A105/11864620) 6th December 2005

3.4 PK07/3195/F Change of use from Residential (ClassC3) to Residential Home for ten persons with learning difficulties (Class C2) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended). Alterations to roofline of existing dwelling to facilitate the creation of additional floor space .Erection of rear single storey link extension with dormer over to provide additional floor space. Erection of single storey front extension.

Refused 19th March 2008

3.5 PK08/2227/F Change of use from Residential (ClassC3) to Residential Home for ten persons with learning difficulties (Class C2) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended). Alterations to roofline of existing dwelling to facilitate the creation of additional floor space.

Erection of rear single storey link extension with dormer over to provide additional floor space. Erection of single storey front extension (resubmission of PK07/3195/F).

Approved 28th November 2008

- 3.6 PK11/3233/EXT Change of use from Residential (Class C3) to Residential Home for ten persons with learning difficulties (Class C2)) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended). Alterations to roofline of existing dwelling to facilitate the creation of additional floor space .Erection of rear single storey link extension with dormer over to provide additional floor space. Erection of single storey front extension. Application to extend time limit implementation for PK08/2227/F.

Approved 18th November 2011. This permission was not implemented and has now lapsed.

- 3.7 PK14/4136/F Demolition of existing dwelling (Use Class C3 Dwelling). Erection of single storey seven bedroom Residential Home (Use Class C2 Residential Institution) for adults with learning difficulties and construction of two bedroom annexe for use ancillary to the main building; and associated works.

Approved 27th March 2015

- 3.8 PK15/3208/RVC Variation to Condition 8 attached to PK14/4136/F to substitute drawings as detailed on application form

Approved 7th September 2015.

This planning permission approves the variation of the original planning permission so as to allow a small dormer window to be provided over the staircase of the approved building.

4. CONSULTATION RESPONSES

4.1 Emerson's Green Parish Council

No comment has been received at the time of writing this report.

4.2 Highway Authority

No objection. The Highway Authority is satisfied that introduction of additional bedroom would not increase traffic to and from this site and that the overall traffic movements from the residential care home would be low due to its small scale. The Highway Authority is satisfied that there is space on site for 4 parking spaces including one disable space and this does not exceed the South Gloucestershire Council maximum parking standards; and is acceptable.

The provision of 4 cycle parking spaces is recommended.

- 4.3 Coal Authority
No objection. The site is within a Defined Low Risk area. Standing advice informative note is recommended.
- 4.4 Lead Local Flood Authority
No objection
- 4.5 Public Right Of Way Team
No objection

Other Representations

- 4.6 Local Residents
7 sets of comments have been received from the local community. The comments raise objection to the proposed variation of the extant planning permission. The comments are summarised as follows;

The proposal amount to the extension of the original planning permission and will result in a design that differs from the original planning permission.

The proposed development will increase the numbers of staff and residents at the care home to the detriment of parking, highway safety and amenity; and could compound existing parking problems.

There would be a requirement to add a further staff parking space. The approved parking space for disabled users cannot be used to offset this.

The changes to the annex would result in a detrimental impact upon the amenity of the occupiers of the surrounding dwelling as a result of the loss of privacy, noise and light.

Concern is raised that the development could encourage and could become a target for anti-social behaviour.

Concern is raised that the application represents an incremental increase in development on the site leading to over-development.

The development would require the closure of the Public Right of Way adjacent to the site in order to connect the development to existing drains to the detriment of the safety and amenity of the existing footpath.

Concern is raised about the presence of asbestos within the existing building and its potential impact upon public health during demolition works.

Concern is raised about the disruption to the local community as a result of dust and noise during the demolition and building works.

The application is not supported by a phase 1 habitat survey to allow the consideration of the impact of the development upon ecology.

The proposal shows a gate to be hung off the adjacent property which would not be permitted by the owner.

The drawings show only one toilet for staff which is not sufficient and does not comply with work-place Health and Safety Regulations 1992.

The proposed annex would prevent access for the maintenance of the adjacent dwelling.

The proposed annex could undermine the foundations of the adjacent dwelling.

The proposed annex would generate levels of noise not consistent with the Clean Neighbourhood Environmental Act 2005

The surrounding sewer/drainage system has not been surveyed to show that the proposed development would not result in additional pressure upon the existing sewerage systems to the detriment of the amenity of the surrounding locality.

The proposal does not adequately deal with surface water drainage to the detriment of the amenity of the local area; and to the detriment of the fabric of the adjoining dwelling.

The proposed annex is beyond the reach for emergency services and does not have adequate fire protection, to the detriment of the safety of the staff and residents of the development.

5. ANALYSIS OF PROPOSAL

5.1 The application proposes changes to the approved development in the form of additional floor area to the approved annex building (located in the northern area of the site); and for internal amendments to the main building as approved to allow for the provision of an extra bedroom; increasing the bedrooms from 9 (as currently approved) to 10.

5.2 Principle of Development

The development was approved under PK14/4136/F which remains extant. It should be noted that minor amendments in the form of a small dormer window on the northwest elevation of the building was approved under planning permission PK15/3208/RVC. On this basis, the principle of the development is established. The development as approved under the above applications has now commenced. For the avoidance of doubt, the developer can now continue to build out the approved development irrespective of the outcome of this planning permission.

5.3 The application is submitted under section 73 of the Town and Country Planning Act 1990 (as amended). This differs from a full planning application submitted under section 78 of the Town and Country Planning Act 1990 (as amended). This section of the Act allows for the variation of an extant planning permission and make changes without the requirement to go back to the principle of the development.

In this instance, the consideration of the application should consider only the impact of the proposed amendments over and above the approved development. In relation to planning matters relevant to this application, the assessment is set out as follows.

5.4 Design and Visual Amenity

There are two key changes to the development approved under the extant planning permission (PK15/3208/F). These are considered as follows;

5.5 Alterations to the main building

The main building is positioned towards the front (south-western) part of the site. It replaces the original dwelling and associated outbuilding at this position. Drawings are submitted which show internal alterations to facilitate the introduction of an additional bedroom. In this instance, the kitchen and lounge/dinning room have been adjusted to provide additional space for the new bedroom. This has resulted in alterations to the fenestration of the Northwest Elevation. Essentially, this would provide a window for the additional bedroom, a full window (in place of a high level window) for the kitchen. It is also proposed to remove an external doorway related to the kitchen. Otherwise the external appearance of the approved building, its height and footprint have not been altered.

5.6 Alterations to the annex

It is proposed that the width of the annex building is increased from 8 metres to 8.8 metres. It is not proposed to increase the overall height of the ridge or eaves of the building. This would facilitate amendments to the internal layout of the building to provide a modestly larger living area for each room. The southwest elevation of the building would now include an additional external door giving access to the staff toilet facility associated with the building. For the avoidance of doubt, the dormer window shown in the drawing on the west elevation has been approved under the previous approval PK15/3208/RVC. In respect of the Northwest Elevation of the building, there would be no material change.

5.7 It is considered that the visual changes proposed are minor when considered against the visual merit of the extant planning permission. Whilst it is noted that the revised annex building would be physically larger and would project beyond the rear elevation of the adjacent dwelling (3, Richmond Cottages) to the West, the physical changes would not be easily visible from the public realm. The change would result in a larger area of the side elevation being visible from the adjacent residential property. However, given that this would be limited to less than 1 metre, and that the development would include a new 1.8 metre high timber fence, it is considered that there would not be an unacceptable impact in respect of the amenity of the occupants of the adjacent dwelling. Similarly, the alterations to the main building would not easily be visible from the public realm. On this basis it is considered that the proposed changes would not have a detrimental impact in terms of the character and visual amenity of the locality over and above the impact of the extant planning permission.

5.8 Residential Amenity

The proposed amendments would introduce alterations to the fenestration/door openings on the western elevation of the main building and would extend the side elevations of the approved annex by 8.8 metres.

5.9 Impact of the proposed changes to the annex

Concern has been raised by local residents in respect of the impact of the additional length to the side elevations in respect of overshadowing and loss of light. Officers acknowledge that there would be more impact upon the residential property adjacent to the west of the site (3, Richmond Cottages) as a result of the proposed changes. The resulting projection beyond the rear wall of the neighbouring dwelling would be 1.2 metres. The height of the eaves of the annex as proposed would be approximately 2.5 metre and there would be approximately 0.8 metres of separation between the annex and the adjacent dwelling. The annex building its position due east of the adjacent dwelling. The proposed development would have some impact in respect of the light in the morning periods. In this instance, officers consider that the relatively short length of the projection, the height of the eaves and the orientation of the development is such that the impact would be limited and short lived. Whilst there is no specific 'right to light' in planning terms, officers are satisfied that the relationship of the proposed annex and the existing dwelling (and associated curtilage) is not such that there would be an unacceptably overbearing impact.

- 5.10 Notwithstanding the above, the proposal includes the installation of a 1.8 metre high timber fence along the boundary of the site and against the adjacent residential property. Officers are satisfied that this would act to screen the development from the adjacent property. Whilst the construction of this fence would be 'permitted development' not requiring planning permission, officers consider that (for the reasons set out later in this report) that the installation of the fence should be secured by way of planning condition in the event that this application is approved.

5.11 Impact of the amendments to the main building

In respect of the Northwest Elevation of the building, the approved development currently shows 3 high level windows providing light to a dining and lounge area and a standard window approximately 1m by 1m, and external door to serve the kitchen area and further door to serve circulation space. The proposed amendments would introduce a new window for the proposed bedroom and would change the position of the kitchen window within this elevation. The high level windows would be reduced to two and the kitchen door omitted from the development.

- 5.12 The proposed bedroom window would face directly towards residential curtilage associated with Richmond Road and 22 Elmleigh Road (adjacent) due west of the site. This boundary is currently made up of a mixture of a low wall, ever green hedging and various outbuildings associated with the adjacent properties. Whilst there is currently substantial screening as a result of the existing hedge to prevent intervisibility and loss of privacy, there is no guarantee that this would be retained for the long term. However, adequate screening can be provided with the provision of a fence along the western boundary of the site.

The developer has indicated that this can be accommodated. In the event that this application is approved, an appropriately worded condition can be imposed to secure the fence permanently.

- 5.13 Other concern has been raised as to the impact of the development in respect of noise and light pollution. It is acknowledged that the development would accommodate 10 residents and that two of the ten bedrooms proposed are distanced from the main building in the form of an annex. The submitted information shows that the site would be enclosed with a timber fence and officers have indicated that this can be secured by around the whole site by way of condition. The space between the main building and the annex would be utilised as amenity/garden space for the benefit of the residents of the development. Given the scale of the development and the fact that it is residential in nature, officers do not consider that levels of noise and activity within the site would be materially greater than that of a domestic dwelling. Similarly, the introduction of lighting within the site would be similar to the provision of domestic exterior lighting, and not unreasonable in the urban context of the site. Notwithstanding this, in the event that antisocial levels of activity occur at the site, and in the event that antisocial levels of lighting are installed this is a matter appropriately addressed through Environmental Health and Nuisance legislation (administered and enforced by the Environmental Health Officer).
- 5.14 As set out later in this report, it is not considered that the development would result in a material increase in respect of vehicular movements to and from the site over and above that of the approved development. On this basis, it is considered that there would be no material impact upon the amenity of the occupants of neighbouring residential properties as a result of noise from vehicular movements.
- 5.15 Having regards to the above, officers are satisfied that the proposed amendments to the approved development would not result in a detrimental impact in residential amenity and privacy terms.
- 5.16 Drainage
Concern in respect of the drainage of the site has been raised by local residents. Concern relates to the use of a soak-away system to handle surface water and the connection of the development to the existing local sewer network.
- 5.17 As set out earlier in this report, the matters for consideration under this application relate to the impact of the proposed amendments over and above the approved development. In this instance, the method for disposing of surface and foul water from the approved development has not altered. Essentially, the development will utilise a soak-away system to handle surface water that would be located centrally within the site (between the main building and the annex). Foul waters from the main building would be disposed of via the existing public foul sewer located to the rear of Elmleigh Crescent and the annex into the foul sewer located under the public right of way adjacent to the north boundary of the site.

- 5.18 It is noted that in respect of the original planning consent (PT14/4136/F) that the Lead Local Flood Authority had no objection in drainage terms subject to the provision of sustainable drainage methods. In this instance, foul and surface water drainage is appropriately for consideration under the Building Regulation Legislation, given its small scale and domestic nature. It is the responsibility of the developer to ensure that the development can satisfy the appropriate building Control Legislation in respect of the drainage of the site.
- 5.19 Having regards to the above, officers consider that the proposed amendments would not result in a materially greater impact over and above that of the approved development.
- 5.20 Ecology
The impact of the development in ecological terms has been considered as part of the original planning permission. In particular it was noted that the site is made up of a domestic garden and as such it is unlikely that protected species would be on the site. This is unlikely to have altered since the time that the originally approved. The proposed alterations would result in a development that is very similar in scope and scale to that which has been approved and as such officers consider that there would be no material impact in ecological terms over and above the extant planning permission.
- 5.21 Transportation and Highway Safety
Concern has been raised by local residents regarding the impact of the development in respect of parking and highway safety in the locality. This issue was assessed under the original application. Essentially, the matter for consideration is the impact of the provision of an additional bedroom. It is noted that the level and type of parking is not proposed to change as part of the amended scheme; and would continue to provide four parking spaces including one space for disabled users.
- 5.22 In this instance, the amendment would result in the increase of the number of residents by 1. However, the amount of staff attending the site on a daily basis would remain the same. Officers are satisfied that on this basis, the proposed amendments would not result in additional vehicular movements or the requirement for additional parking within the site and continues to comply with the South Gloucestershire maximum parking standards. Accordingly, officers are satisfied that the proposed amendments are acceptable in highway safety and amenity terms.
- 5.23 Land Stability (Coal Mining Legacy)
The Coal Authority confirms that the site is located in Defined Low Risk area and suggest that any approval includes a standard informative highlighting the location of the site in coal risk terms. In this instance, the scope and scale of the development is similar to the extant planning permission. Accordingly, officers consider that the proposed amendments would not have a materially greater impact over and above the approved development in coal mining terms.

5.24 Other Considerations

Fire Risk – Local residents have raised specific concern that the development cannot be accessed by emergency services and residents may be at risk from fire. As set out earlier in this report, the issue for consideration is the impact of the proposed amendments over and above that of the consented scheme. The development would introduce an additional bedroom within the main building. The location of the annex has not changed under the proposed amendments. Fire risk and prevention is appropriately a matter for Building Regulation Legislation and as such it is the responsibility of the developer to ensure that this matter is addressed under those regulations. Additionally, it is the responsibility of the operator of the development (the Care home provider) to ensure that its residents (and staff) are safe from fire and other risks.

5.25 In this instance, the scope and scale of the development is similar to the extant planning permission. Accordingly, officers consider that the proposed amendments would not have a materially greater impact over and above the approved development in fire risk terms.

5.26 *Impact upon Public Right of Way* – Local residents have raised concern that the access to the public right of way adjacent to the Northern boundary of the site would be compromised as a result of the connection of the development to the surrounding sewer network. Whilst it is acknowledged that some disruption would occur during the construction phase, this would be a temporary impact and not one that would permanently cause the loss of amenity and access to the public right of way. Furthermore, the works required to be carried out at the point of connection are appropriately the subject of a licence that must be obtained from the Highway Authority. Such a licence would require specific measures for safety during the works to connect the development to the sewer and appropriate measures for the reinstatement of the surface of the public right of way. Again, the proposed amendments would not have a material impact over and above the approved development in public right of way access terms.

5.27 Conditions

Officers are aware that the approved development is underway and as such has been implemented. On this basis, there is no further requirement to impose a condition requiring that development is commenced within three years of in the event that planning permission is granted. However, all other conditions imposed upon the extant planning permission remain relevant and should be carried forward to any variation of the extant planning permission. As set out earlier in this report, an additional condition is suggested in the event of approval in order to secure the provision of a 1.8 metre high timber fence.

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 variation of planning permission PK15/3208/F is approved.

Contact Officer: Simon Penketh
Tel. No. 01454 863433

CONDITIONS

1. The development hereby approved shall not be occupied until the off street car parking as shown on drawing numbered 2014/249-15 Rev A (Proposed Site Plan) has been provided. For the avoidance of doubt the off street parking shall comprise of 4 car parking spaces including one parking space for disabled users. Thereafter the development shall be retained as such.

Reason

To ensure that adequate off street parking is available within the development site in the interests of highway safety and to accord with Policy CS8 of the South Gloucestershire Local Plan; Core Strategy (Adopted) December 2013 and the South Gloucestershire Residential Parking Standards (adopted) December 2013, and saved policies H4 and T12 of the South Gloucestershire Local Plan (adopted) January 2006.

2. Prior to the first occupation of the development hereby approved, details demonstrating the method for providing a 1.8 metre high boundary fence at the site shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter the development shall be implemented in accordance with the agreed details and thereafter retained as such.

Reason

In order to protect the privacy and amenity of the occupants of the development and the surrounding residential properties adjoining the site; and to accord with policy CS1 of the South Gloucestershire Local Plan Core Strategy Adopted December 2013 and saved policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006

3. The glazing at first floor level on the Southeast elevation of the building hereby approved shall at all times be of obscured glass to a level 3 standard or above and be permanently fixed in a closed position.

Reason

In the interests of the privacy and residential amenity of the occupants of residential properties at 17 to 20 Elmleigh Close and to accord with Policy CS1 of the South Gloucestershire Local Plan, Core Strategy (adopted) December 2013; and saved policy H4 of the South Gloucestershire Local Plan (adopted) January 2006.

4. The hours of working on site during the period of construction shall be restricted to 08:00 until 18:00 Monday to Friday, and 08:00 until 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

In the interests of the residential amenity of the occupants of residential properties surrounding the site and to accord with Policy CS1 of the South Gloucestershire Local Plan, Core Strategy (adopted) December 2013; and saved policy H4 of the South Gloucestershire Local Plan (adopted) January 2006.

5. The annex building as shown on drawings numbered 2014/249-15, 2014/249-12 and 2014/249-16 as received by the Local Planning Authority on 21st October 2014 shall be used ancillary to the main building and use on this site and for now other purpose.

Reason

The use of this building for any other purpose than that approved under this planning permission would require a further assessment of its impacts by the Local Planning Authority.

6. The development shall be used to provide residential accommodation for adults with learning difficulties (C2 Residential Institutions); and for no other purpose (including any other purpose in Class C2 (Residential Institutions), a state Funded School or registered nursery); as defined in the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to the Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason

The use of this building for any other purpose than that approved under this planning permission would require a further assessment of its impacts by the Local Planning Authority

7. The development hereby approved shall be implemented strictly in accordance with the plans listed below;

The Site Location Plan
Drawings Numbered;
2014/249-13

as received by the Council on 21st October 2014

Drawings Numbered;
2014/249-10 Rev B
2014/249-11 Rev B
2014/249-12 Rev A
2014/249-14 Rev B
2014/249-15 Rev A
2014/249-16 Rev A

as received by the Council on 11th November 2015

Reason

For the avoidance of doubt.

CIRCULATED SCHEDULE NO. 05/16 – 5 FEBRUARY 2016

App No.: PK15/4922/F

Applicant: Birchview Ltd

Site: 152A Soundwell Road Soundwell
Bristol South Gloucestershire BS16
4RT

Date Reg: 17th November
2015

Proposal: Demolition of existing buildings and
erection of 6no. dwellings with access,
parking, landscaping and associated
works.

Parish: None

Map Ref: 364794 175131

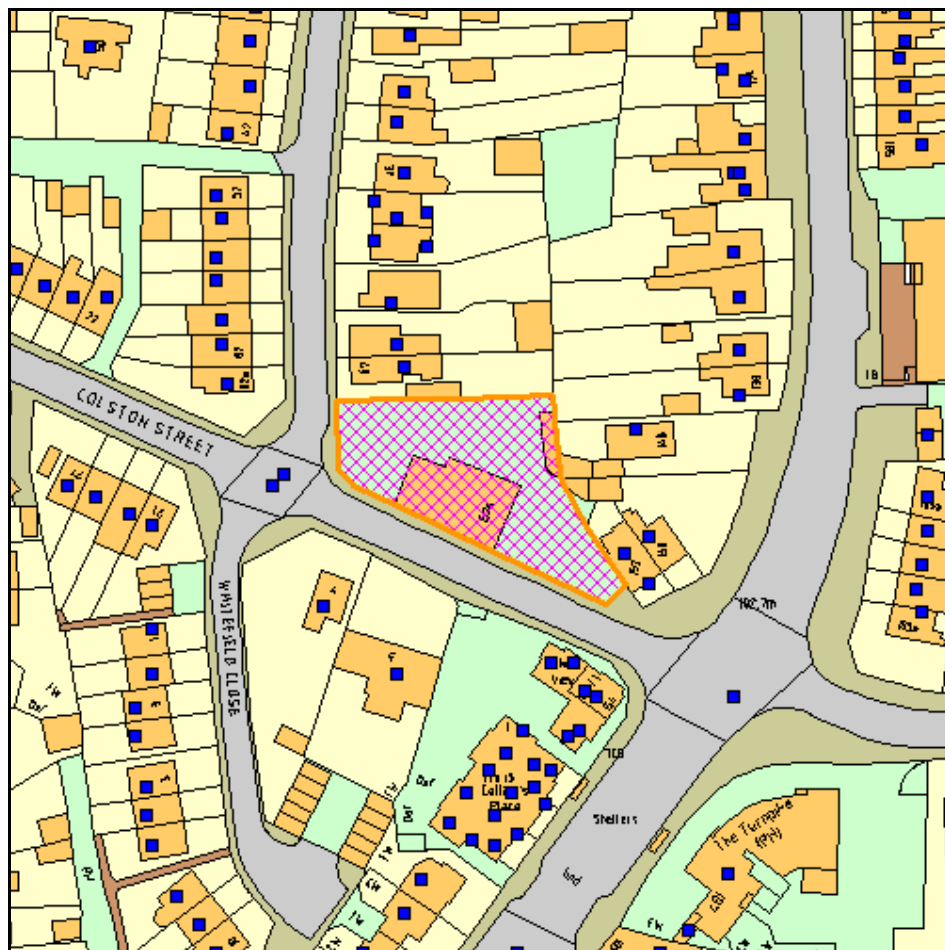
Application Minor

Ward: Staple Hill

Target 12th January 2016

Category:

Date:



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PK15/4922/F

REASONS FOR REPORTING TO CIRCULATED SCHEDULE

This application has been referred to the Circulated Schedule following the receipt of objections from local residents; the concerns raised being contrary to the officer recommendation.

1. THE PROPOSAL

- 1.1 The application relates to Stevens Coach Depot, located just off Soundwell Road to the north of Colston Street. The location is suburban in character, comprising predominantly post-war, two-storey residential development, although a large 3-storey development of flats i.e. 'The View' has recently been erected at the corner of Colston Street and along Soundwell Road. The application site itself is bounded to the north and east by the houses and gardens of no.49 Leicester Square and no.152 Soundwell Road respectively.
- 1.2 Within the Depot itself, is a detached building fronting Colston Street, which incorporates the coach garage/workshop and a two-storey office. There are gated accesses into the site from both the east and west. The rest of the site is mostly laid to hard standing, where the coaches are parked. The site levels fall gently from east to west.
- 1.3 It is proposed to demolish the existing Depot building and erect 6 x 2.5 storey houses in three semi-detached blocks. Units 1-4 would be 4 bed houses and Units 5 – 6 would be 3 bed houses. The existing accesses would be stopped up with all vehicular and pedestrian access to the dwellings proposed from Colston Street.

2. POLICY CONTEXT

2.1 National Guidance

The National Planning Policy Framework 27th March 2012.

The Planning Practice Guidance 2014

2.2 Development Plans

The South Gloucestershire Local Plan Core Strategy (Adopted) 11 Dec. 2013

CS1 - High Quality Design

CS4A – Presumption in Favour of Sustainable Development

CS5 - Location of Development

CS6 - Infrastructure and Developer Contributions

CS8 - Improving Accessibility

CS9 - Managing the Environment and Heritage

CS13 - Non-Safeguarded Economic Development Sites

CS17 - Housing Diversity

CS18 - Affordable Housing

CS23 - Community Infrastructure and Cultural Activity

CS24 - Green Infrastructure, Sport and Recreation Standards

South Gloucestershire Local Plan (Adopted) January 2006

L1 - Landscape Protection and Enhancement
L5 - Open Spaces
L9 - Species Protection
EP2 - Flood Risk and Development
EP4 - Noise-sensitive development
T7 - Cycle Parking
T8 - Parking Standards (Commercial)
T12 - Transportation Development Control Policy for New Development
LC1 - Provision for Built Sports, Leisure and Community Facilities (Site Allocations and Developer Contributions)
LC2 - Provision for Education Facilities (Site Allocations and Developer Contributions)

2.3 Supplementary Planning Guidance

Trees on Development Sites SPG (Adopted)
The South Gloucestershire Design Check List (SPD) Adopted Aug 2007.
Affordable Housing SPD Adopted Sept.2008.
South Gloucestershire Council Residential Parking Standards (SPD) Adopted.

2.4 Emerging Plan

Policies, Sites & Places Development Plan Document (Draft) June 2014

PSP1 - Local Distinctiveness
PSP2 - Landscape
PSP3 - Trees and Woodland
PSP6 - Onsite Renewable & Low Carbon Energy
PSP8 - Settlement Boundaries
PSP9 - Residential Amenity
PSP12 - Development Related Transport Impact Management
PSP17 - Parking Standards
PSP20 - Wider Biodiversity
PSP21 - Flood Risk, Surface Water and Watercourses
PSP22 - Environmental Pollution and Impacts
PSP44 - Private Amenity Space Standards

3. **RELEVANT PLANNING HISTORY**

- 3.1 K4319 - Erection of replacement coach garage and workshop building, construction of coach and car parking spaces, alteration to existing access to highway.
Approved 31 Oct. 1983
- 3.2 K4319/1 - Construction of garage, workshop & office .
Approved 17 Jan. 1986

4. **CONSULTATION RESPONSES**

- 4.1 Parish/Town Council
Not a parished area

4.2 Other Consultees

The Coal Authority

No objection subject to condition relating to coal workings.

Environmental Protection

No objection subject to a condition related to possible contaminated land.

Transportation D.C

No objection subject to conditions relating to car and cycle parking and access and cross-over points.

Highway Structures

No comment

Lead Local Flood Authority

Objection – Drainage proposals must be stated.

A revised plan showing drainage proposals was subsequently submitted.

Other Representations

4.3 Local Residents

Objections were received from 3no. local residents (2no. from the occupiers of no.49 Leicester Square and 1no. from the occupier of Flat 5, The View). The concerns raised are summarised as follows:

- Loss of light to side windows of no.49 Leicester Square.
- Loss of privacy to ground floor side windows (Dining Room and Kitchen) of no.49 Leicester Square from:
 - Unit 6 kitchen window
 - Unit 4 bedrooms 3 and 4
 - Unit 3 bedrooms 3 and 4
- Development would affect stability of boundary wall to no. 49.
- Object to loss of view to Flat 5 if the development is flats but no objection if houses.

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Para. 14 of the NPPF states that decision takers should approve development proposals that accord with the development plan without delay; where the development plan is absent, silent or relevant policies are out-of-date, permission should be granted unless:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or

- specific policies in the Framework indicate development should be restricted.

5-Year Land Supply

- 5.2 A recent appeal decision APP/P0119/A/14/2220291 – Land South of Wotton Road, Charfield, established (para. 146) that the Council can currently only demonstrate a 5-year housing land supply sufficient for 4.64 years. As there is provision for windfall sites in the calculation, this weighs in favour of the proposal, which would make a positive contribution, to the housing supply within South Gloucestershire.
- 5.3 The Policies, Sites & Places Plan is an emerging plan only. Whilst this plan is a material consideration, only limited weight can currently be given to the policies therein.
- 5.4 In accordance with para.187 of the NPPF, Core Strategy Policy CS4A states that; when considering proposals for sustainable development, the Council will take a positive approach and will work pro-actively with applicants' to find solutions, so that sustainable development can be approved wherever possible. NPPF Para.187 states that Local Planning Authorities should look for solutions rather than problems and decision-takers at every level should seek to approve applications for sustainable development where possible.
- 5.5 Chapter 4 of the NPPF promotes sustainable transport and states that development should only be prevented on transport grounds where the residual cumulative impacts of development are 'severe'.
- 5.6 Paragraph 50 of the NPPF sets out the importance of delivering a wide range of residential accommodation. This policy stance is replicated in Policy CS17 of the Core Strategy which makes specific reference to the importance of planning for mixed communities including a variety of housing type and size to accommodate a range of different households, including families, single persons, older persons and low income households, as evidenced by local needs assessments and strategic housing market assessments.
- 5.7 Core Strategy Policy CS16 seeks efficient use of land for housing. It states that: *Housing development is required to make efficient use of land, to conserve resources and maximise the amount of housing supplied, particularly in and around town centres and other locations where there is good pedestrian access to frequent public transport services.*
- 5.8 The site is an existing Coach Depot (*sui generis*) and is therefore considered to be a non-safeguarded economic development site. Core Strategy Policy CS13 only permits the change of use of such sites within the urban areas, where it can be clearly demonstrated that all reasonable attempts have failed to secure a suitable economic development re-use. Where these circumstances occur, then priority would be given to alternative uses in the following sequence:
1. A mixed use scheme;
 2. A residential only scheme.

5.9 Whilst the site has not been marketed for alternative economic development, officers acknowledge that the site would have very limited suitability for re-use for employment purposes, being entirely surrounded by residential properties and having poor vehicular access directly onto two road junctions, as well as the age, condition and limitations of the existing building. When these material considerations are considered together with the absence of a five-year housing supply in South Gloucestershire and the NPPF presumption in favour of housing on previously developed sites in sustainable locations; officers consider that in this case, the need to demonstrate that an employment re-use is not viable, is outweighed. Officers therefore have no in-principle objection to the proposal.

5.10 Density

The proposal has been designed within the various constraints of the site, not least the proximity of neighbouring property. The proposed density of 40dph is commensurate with that of the locality and is considered to make efficient use of the land in what is a sustainable location, close to the centre of Kingswood, within walking distance of shopping and community facilities e.g. Kingswood Leisure Centre and main bus routes. In this respect the proposal accords with government guidelines and in terms of its density alone, the development is not considered to be an overdevelopment of the site. Officers consider it inconceivable that more houses than that proposed could be realistically accommodated on the site. Following pre-application advice, an original proposal for three-storey town houses on this site, was not pursued.

5.11 Scale and Design

Core Strategy Policy CS1 only permits new development where good standards of site planning and design are achieved. The Policy requires that siting, overall layout, density, form, scale, height, massing, detailing, colour and materials, are informed by, respect and enhance the character, distinctiveness and amenity of both the site and the locality.

5.12 The immediate surrounding area is residential in character comprising mostly post-war, semi-detached and terraced properties with modest sized rear gardens. There is however a wide variety in the architectural vernacular. The scale and design of the proposed dwellings, incorporating brick, render and tile would not look out of place within the varied street scene and as such would accord with the requirements of Policy CS1 of The South Gloucestershire Local Plan Core Strategy and The South Gloucestershire Design Check List.

5.13 Landscape

Policy L1 of the South Gloucestershire Local Plan (Adopted) 6th January 2006 seeks to conserve and enhance those attributes of the landscape, which make a significant contribution to the character of the landscape. In this case there is very little vegetation of note within the site. There are short sections of natural Pennant Sandstone boundary wall to the western end of the site but these are not proposed to be retained. Some indicative planting of new trees are proposed to the northern and eastern extremities of the site, the full details of which could be secured by condition. On balance therefore and subject to a landscape condition, the proposal accords with Local Plan Policy L1 and there are no objections on landscape grounds.

5.14 Impact Upon Residential Amenity

Some concerns have been raised by the occupiers of no.49 Leicester Square, about loss of light and privacy (see para. 4.3 above). Officers noted during their site visit that there were two small windows at ground floor level and a small first floor window in the southern side elevation of no.49. The objector has confirmed that the ground floor windows serve a kitchen and dining room although officers noted that these windows currently lie behind the heavy, wrought iron railing fence, located on the northern boundary of the application site. Furthermore, it was also noted that the first-floor, side window to no.49 appeared to be screened internally by a curtain or board.

5.15 The nearest pair of dwellings to no.49 would be Units 5 & 6 but these would be set at an oblique angle to the side of no.49 and set back from the northern boundary of the site; the northernmost corner of the block would be 2.4m from this boundary; which is not considered to be excessively close and represents a normal relationship for properties in a sub-urban location. Being only two-storeys high with accommodation in the roof space, the proposed dwellings would not be excessively high. Similarly Units 1 & 2 would be sufficiently distant from no.152 Soundwell Road. On balance officers do not consider that there would be such an overbearing impact or loss of light to neighbouring property as to justify a refusal of planning permission.

5.16 Having regard to issues of overlooking or inter-visibility; Unit 6 only has a small kitchen window at ground floor level, in the north-west side elevation, whilst a first floor bathroom window is shown obscurely glazed, which could be secured by condition. Given that the ground floor window would be angled away from no.49, would be screened by the boundary treatment (secured via the landscape condition) and would immediately overlook parking bays, this arrangement would not result in a significant loss of privacy for the occupiers of no.49. In response to the concerns raised, a previously proposed first floor, side bedroom window for Unit 6, has been moved to the rear elevation where it merely overlooks the neighbouring garden. The future insertion of windows in the side elevation of Unit 6 could be restricted by condition. It is further noted that the submitted plans show partial obscure glazing to bedrooms 3 and 4 for Unit 1 and, and bedroom 2 of Unit 6 respectively. It is not considered that it is good design to use obscure glazing for principal rooms such as bedrooms; nor is such an approach considered necessary in this layout. An informative indicating that the use of obscure glazing to these bedrooms should not be utilised (and is not a requirement of the consent) shall be put on the decision notice.

5.17 Officers consider that some loss of privacy from overlooking of neighbouring property is inevitable in a densely populated sub-urban location such as this; especially if, as required by the NPPF, the most efficient use of brown field sites for housing is to be made. Given the orientation and distance of Units 3/4 & 1/2 from the garden of no.49 i.e. 12m and 16m respectively, officers do not consider this to be an unacceptable arrangement.

- 5.18 Similarly, it is noted that Unit 1 is an adequate distance i.e. 2m to 6m, from the boundary with no.152 Soundwell Road and positioned at an oblique angle with no first floor windows in the eastern side elevation.
- 5.19 In terms of private amenity space, each dwelling would have its own private rear garden. Concerns about building works de-stabilizing the boundary wall to no.49 are adequately covered by Building Regulations.
- 5.20 Whilst the proposal would introduce residential dwellings onto a site where none currently occur; this must be balanced against the existing use of the site as a Coach Depot where coaches currently have unrestricted movement within the site immediately adjacent to the neighbouring properties and the repair and maintenance of vehicles can be carried out between 08.00hrs to 20.00hrs Mon-Sat.
- 5.21 Having regard to the above, officers are satisfied that on balance there would be no justification to refuse this application on the grounds of adverse impact on residential amenity.
- 5.22 Transportation Issues
Officers are satisfied that there would be sufficient parking space within the site to satisfy the Minimum Residential Parking Standards. The access arrangements are considered to be safe and suitable with adequate visibility being provided for vehicles entering and leaving the parking spaces.
- 5.23 Given the above and subject to conditions to secure the accesses, car and cycle parking; and pedestrian crossing point on Leicester Square; the proposal is considered to accord with Policy T12 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 and Core Strategy Policy CS8.
- 5.24 Environmental and Drainage Issues
Any increase in noise levels or anti-social behaviour, would be the subject of normal environmental health controls. Whilst there would inevitably be some disturbance for neighbours during the development phase, this could be adequately mitigated by imposing a condition to restrict the hours of working. Given the previous uses of the site the Council's EHO has advised a condition to ascertain if the site is contaminated and measures in mitigation if it proves to be so. In terms of drainage, the means of foul disposal is now shown on the revised Site Plan; drainage matters are also covered by Building Regs. The site lies in Flood Zone 1 and is not therefore at high risk of flooding. Any connections to the main sewers would need to be agreed with Wessex Water. The site does lie within a Coal Referral Area and as such a Coal Mining Risk Assessment has been provided to the Coal Authority's satisfaction.
- 5.25 Ecology
The site is not covered by any statutory or non-statutory nature conservation designations. There are no ecological constraints to developing the site.

5.26 Affordable Housing

The proposal is for 6no. new dwellings only, which is below the Council's threshold for affordable housing provision.

5.27 Community Services

The proposal is for 6no. new dwellings only, which is below the Council's threshold for contributions to Community Services.

CIL Matters

- 5.28 The South Gloucestershire Community Infrastructure Levy (CIL) & Section 106 Planning Obligations Guide SPD was adopted March 2015. CIL charging commenced on 1st August 2015 and this development, if approved, would be liable to CIL charging.

6. CONCLUSION

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

7. RECOMMENDATION

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

Contact Officer: Roger Hemming
Tel. No. 01454 863537

CONDITIONS

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

Reason

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

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

Reason

To protect the residential amenity of the neighbouring occupiers and to accord with the requirements of the NPPF.

3. Prior to the first occupation of the dwellings hereby approved, the vehicular access arrangements, car parking and cycle parking provisions for the proposed dwellings shall be implemented in accordance with the approved Proposed Site Plan : Ground Drawing No. 2704/11 Rev C and retained thereafter for that purpose.

Reason

To ensure the satisfactory provision of access, car and cycle parking facilities and in the interest of highway safety and the amenity of the area, and to accord with Policies T7 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006, Policy CS8 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11th Dec. 2013 and The South Gloucestershire Residential Parking Standards (Adopted) 2014.

4. The dwellings hereby approved, shall not be occupied until the existing vehicular access to Leicester Square has been adjusted to provide a pedestrian crossing point, and an additional dropped kerb pedestrian crossing point, has been provided on the opposite side of Leicester Square in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason

In the interest of highway safety and the amenity of the area, and to accord with Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006 and Policy CS8 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11th Dec. 2013.

5. No windows other than those shown on the plans hereby approved shall be inserted at any time in the side elevations of the properties labelled Unit 1 and Unit 6 on the plans hereby approved.

Reason

To protect the residential amenity of the neighbouring occupiers and to accord with the requirements of the NPPF.

6. The glazing to the window on the first floor side elevation of the dwelling labelled Unit 6 on the plans hereby approved, shall at all times be of obscured glass to a level 3 standard or above with any opening part of the window being above 1.7m above the floor of the room in which it is installed.

Reason

To protect the residential amenity of the neighbouring occupiers and to accord with the requirements of the NPPF.

7. Prior to the construction of the relevant parts of the dwellings hereby approved, samples or details of the materials to be used for the external surfaces and roof covering of the dwellings, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in full accordance with the details or samples so agreed.

Reason

To ensure a satisfactory appearance of the dwellings having regard to the visual amenity and character of the street scene and locality in general and to accord with Policy CS1 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11th Dec. 2013 and The South Gloucestershire Design Check List (SPD) Adopted Aug. 2007 and the provisions of the NPPF.

8. A) Previous historic uses(s) of the site as a Coach Depot, may have given rise to contamination. Prior to commencement, 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. This is a pre-commencement condition to ensure that all of the site is free of contamination before works commence.

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

Reason

To protect the character and appearance of the area to accord with Policy L1 of The South Gloucestershire Local Plan (Adopted) 6th Jan 2006 and Policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

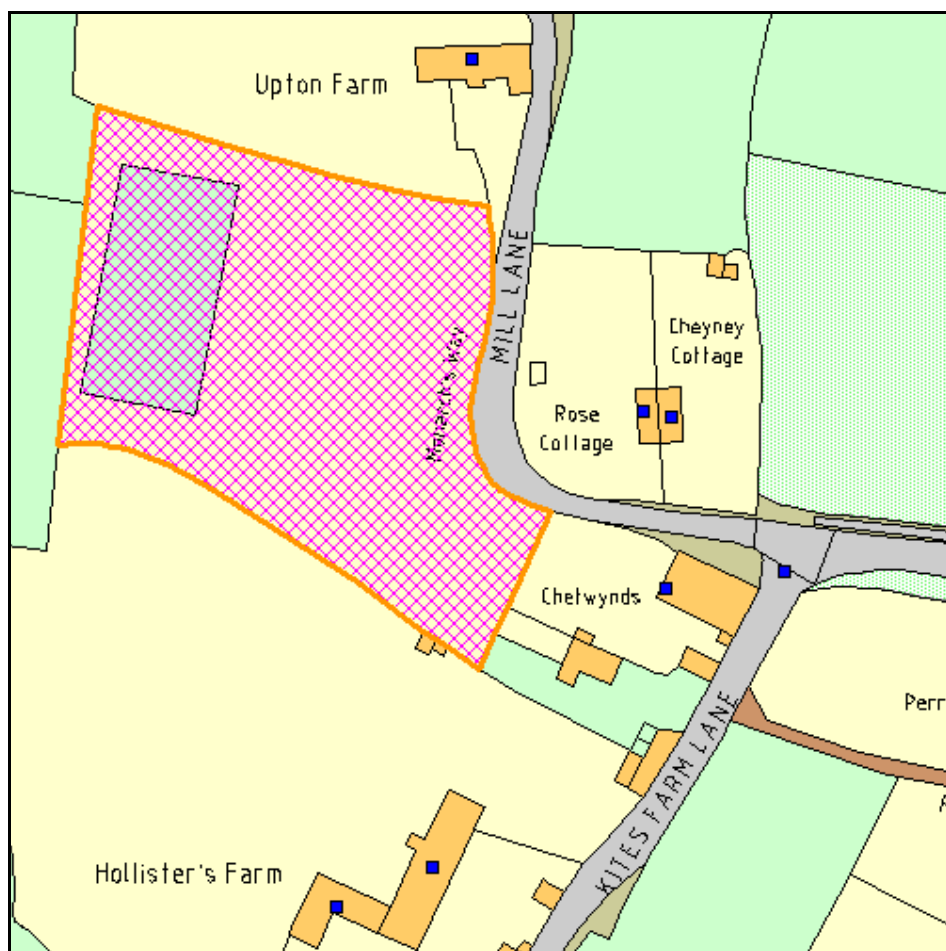
10. The development hereby approved shall be carried out in accordance with the proposed precautionary measures included in Section 4.0 of the submitted Coal Mining Risk Assessment Report (November 2015, prepared by Crompton Fear Partnership Ltd).

Reason

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

CIRCULATED SCHEDULE NO. 05/16 – 5 FEBRUARY 2016

App No.:	PK15/5113/CLE	Applicant:	Mr Damien Silverton
Site:	Chetwynds Mill Lane Upton Cheyney Bristol South Gloucestershire BS30 6NH	Date Reg:	27th November 2015
Proposal:	Application for a certificate of lawfulness for the existing use of land as residential curtilage.	Parish:	Bitton Parish Council
Map Ref:	369142 170046	Ward:	Bitton
Application Category:		Target Date:	21st January 2016



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100023410, 2008. N.T.S. PK15/5113/CLE

REASON FOR REPORTING TO THE CIRCULATED SCHEDULE

This application is referred to the circulated schedule in accordance with the Council's scheme of delegation as it is for a certificate of lawfulness.

1. THE PROPOSAL

- 1.1 This application seeks a certificate of lawfulness for the existing use of land as residential (Class C3 as defined in the Town and Country Planning (Use Classes) Order). The application site relates to land to the west of Chetwynds, Mill Lane, Upton Cheyney.
- 1.2 Chetwynds is a grade II listed building located within the Upton Cheyney Conservation Area; Upton Cheyney does not have a settlement boundary and therefore the site is within the open countryside. The site is located within the green belt and within the Cotswolds Area of Outstanding Natural Beauty.
- 1.3 A certificate of lawfulness is sought on the basis that the use of the land as residential garden is immune from enforcement action by virtue of section 171B(3) of the Town and Country Planning Act 1990 ("the Act") and therefore, in accordance with section 191(2) of the Act the use is lawful.

2. POLICY CONTEXT

- 2.1 National Guidance
 - i. Town and Country Planning Act 1990: s171B and s191
 - ii. Town and Country Planning (Development Management Procedure) (England) Order 2015
 - iii. National Planning Practice Guidance: 17c (06.03.2014)

3. RELEVANT PLANNING HISTORY

- | | | | |
|-----|--|---------------------------|------------|
| 3.1 | PK15/4362/F | Withdrawn | 09/11/2015 |
| | Erection of single storey home office/garden room | | |
| 3.2 | PK00/2838/F | Approve with Conditions | 06/04/2001 |
| | Erection of single storey link extension | | |
| 3.3 | PK00/2672/LB | Approve with Conditions | 05/04/2001 |
| | Erection of single storey link extension | | |
| 3.4 | PK00/0030/F | Approve with Conditions | 30/06/2000 |
| | Construction of Tennis Court | | |
| 3.5 | P98/4184 | Approval of Full Planning | 24/04/1998 |
| | Erection of conservatory and extension to existing detached garage | | |
| 3.6 | K7762 | Refusal of Full Planning | 07/09/1994 |
| | Erection of conservatory | | |

4. SUMMARY OF EVIDENCE IN SUPPORT OF THE APPLICATION

- 4.1 To support this application, the following evidence has been submitted:
- Letter from Julius Bahn Oak Buildings dated 25 November 2015
 - Pritchards sales particulars, ref: jb:17 (undated)
 - Letter from Phillip Burfitt and Maria Burfitt dated 7 November 2015
 - Letter from Rona Grasham dated 3 November 2015
 - Letter from Mr D Silverton (undated)
- 4.2 In addition to the above, the LPA has access to the plans submitted with a number of the planning applications listed above which include the land in question in various red and blue lines.
- 4.3 The LPA also has access to aerial photographs of the site from 1991, 1999, 2005, 2006, 2008/9, and 2014/5.

5. SUMMARY OF CONTRARY EVIDENCE

- 5.1 The LPA has no contrary evidence.

6. OTHER REPRESENTATIONS RECEIVED

- 6.1 Bitton Parish Council
Bitton Parish Council is not in a position to comment on this application
- 6.2 Conservation Officer
As a matter of principle, the extension of the residential curtilage would detract from the setting of the listed building; the provision of a large formal garden is not considered appropriate for this building or the character of the village; resulting permitted development rights would be harmful; extension of garden would result in intrusion into the landscape; this is an application for a certificate of lawfulness and therefore it should be decided on the basis of planning and legal officer advice.
- 6.3 Local Residents
None received

7. EVALUATION

- 7.1 An application for a certificate of lawfulness is not a planning application: it is purely an evidential test and therefore should not be determined against planning policy or on planning merit. The test to be applied is whether the application has demonstrated, through precise and unambiguous evidence, that (in this instance) the existing use of the land as garden is lawful.
- 7.2 Breach of Planning Control
No planning permission has been granted for the use of the land as residential garden. Therefore the use of the building in such a manner would form a breach of planning control. Section 171B of the Act introduces statutory time limits in which enforcement action against breaches of planning control should

be taken. If the breach has occurred continuously for the period stated in this section it would become immune from enforcement action.

7.3 Grant of Certificate of Lawfulness

Certificates of lawfulness for existing uses are covered in section 191 of the Act. Section 191(2) states:

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

(a) no enforcement action may then 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); [...]

7.4 Time Limit of Immunity

The applicant is claiming that the use of the land for residential purposes has occurred since 1997. This would constitute *any other breach of planning control* and therefore in accordance with section 171B(3) of the Act, the development would become lawful at the end of a period of 10 years beginning with the date of the breach.

7.5 In order for this certificate of lawfulness to be granted it must be demonstrated that, on the balance of probability, the use of the land as garden has occurred continuously for a period exceeding 10 years and that there has been no subsequent change of use.

7.6 Assessment of Lawfulness

From the applicant's evidence, it is claimed that the change of use has occurred since 1997. Evidence to support this claim is provided in the form of letters from previous owners and neighbours of the site. Given that the assessment is made on the balance of probabilities, the LPA would need to have contrary evidence which outweighed that submitted by the applicant to find the supporting letters insufficient grounds to grant the certificate.

7.7 The most useful evidence to the LPA is the aerial photographs of the site. Listed in the table below are the noticeable changes to the site as perceived by the case officer.

Analysis: Aerial Photographic Changes at Chetwynds, 1991-2014	
1991	<ul style="list-style-type: none">• general 'field'-like appearance• riding arena to the northwest of the site• tree belt between house and application site
1999	<ul style="list-style-type: none">• slightly more tended in appearance• trampoline in centre of the site• riding arena now grown over with grass
2005	<ul style="list-style-type: none">• tennis courts installed over former riding arena• trampoline now nearer to the tennis courts• tree planting occurred in northwest of the site• tree belt between house and application site lessened and now includes an established hedge

2006	<ul style="list-style-type: none"> • much more tended in appearance • hedge developing between tennis court and rest of application site • further change in tree belt, hedges become more prominent • trampoline still on site but now in a different position • ride-on lawn mower potential in the south of the picture
2008	<ul style="list-style-type: none"> • application area seems a little bit less cared for than in 2006 • trampoline still evident but moved position again • hedge between tennis court and the rest of the site appears thicker
2014	<ul style="list-style-type: none"> • additional tree planting towards centre of site • trampoline now removed • evidence of grass cutting

- 7.8 The aerial photographs of the site demonstrate that from 1999 onwards, the site has not been solely used for agricultural purposes and there has been a significant degree of domestic recreational use. This is evident in the construction of a tennis court and the placement of a trampoline.
- 7.9 In the planning application for the construction of the tennis court, the LPA did not appear to question the residential curtilage of the property and the site was within various red and blue lines on the submitted plans.
- 7.10 Having assessed the aerial photographs and the plans submitted for various applications for development on the site, the LPA is not in receipt of any evidence of sufficient weight to tip the balance away from that supporting the evidence presented by the applicant.
- 7.11 Assessment Findings
It has been found that a breach of planning control is likely to have occurred in the late 1990s. The LPA is not in possession of any counter evidence. The aerial photographs do not show that there has been any further change of use of the site.
- 7.12 Paragraph 17c-006-20140306 of the National Planning Policy Guidance states:
- In the case of applications for existing use, if a local planning authority has no evidence itself, nor any from others, to contradict or otherwise make the applicant's version of events less than probable, there is no good reason to refuse the application, provided the applicant's evidence alone is sufficiently precise and unambiguous to justify the grant of a certificate on the balance of probability.*
- 7.13 On the balance of probabilities, the land included within this application has been used as the extended garden of the property known as Chetwynds. It is therefore considered that the use of the land for residential purposes would be immune from enforcement action by virtue of section 171B(3) of the Act and under section 191(2) a certificate of lawfulness should be granted.

8 RECOMMENDATION

- 8.1 It is recommended that a Certificate of Lawfulness is GRANTED for the reason listed below.

Contact Officer: Griff Bunce
Tel. No. 01454 863438

CONDITIONS

1. On the balance of probabilities, the land included within this application has been used as the extended garden of the property known as Chetwynds for a period in excess of 10 years from 1997 and there has been no subsequent change of use. It is therefore considered that the use of the use is lawful.

CIRCULATED SCHEDULE NO. 05/16 – 5 FEBRUARY 2016

App No.: PK15/5206/CLP

Applicant: Mr Barry Angell

Site: 8 Glanville Gardens Kingswood Bristol
South Gloucestershire BS15 9WS

Date Reg: 12th January 2016

Proposal: Certificate of lawfulness for the
proposed erection of single storey rear
extension to provide additional living
accommodation

Parish: None

Map Ref: 365197 173037

Ward: Woodstock

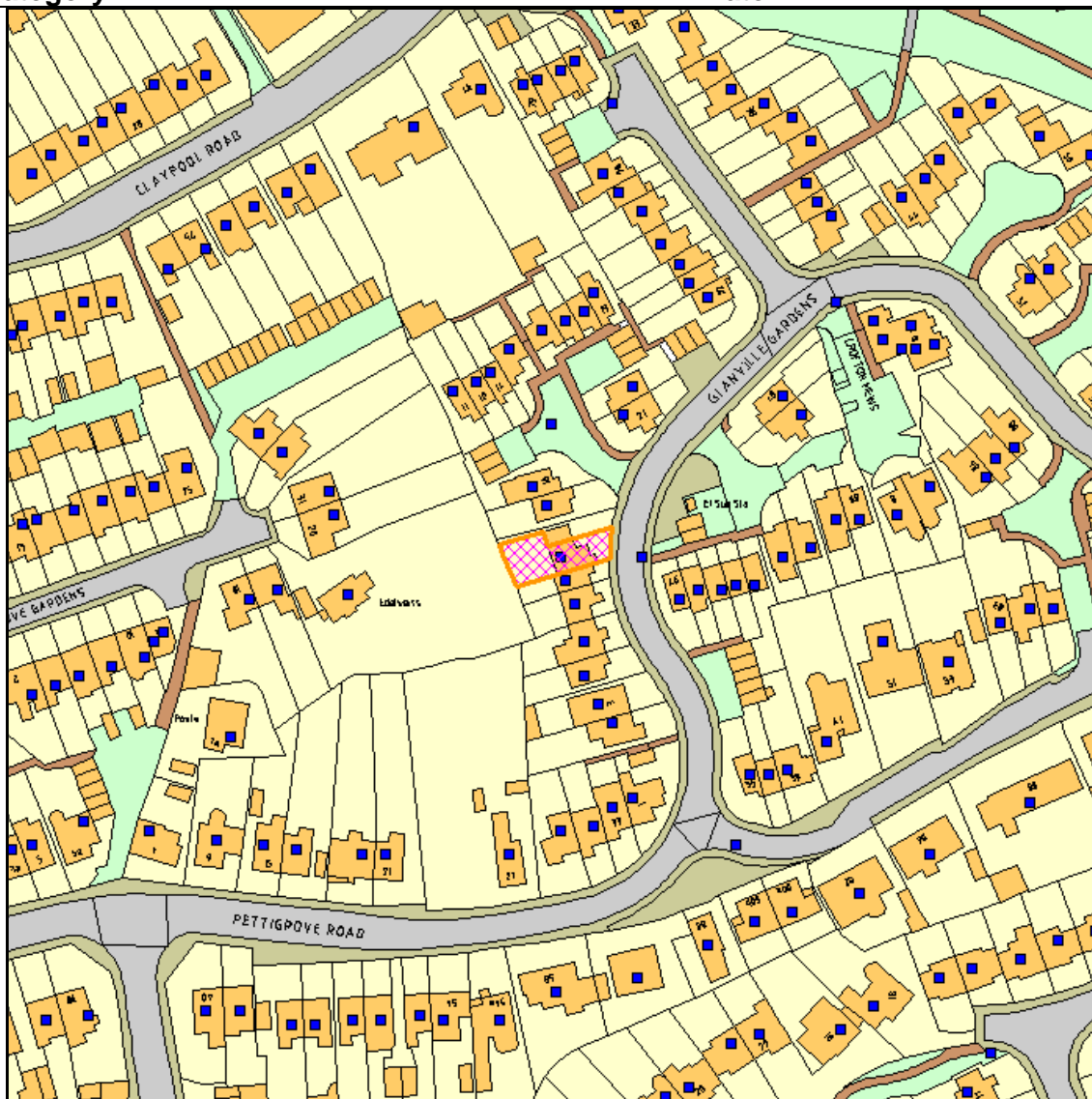
Application

Target

1st February 2016

Category:

Date:



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N.T.S.

PK15/5206/CLP

This application is referred to the Circulated Schedule for determination as a matter of process. The application is for a certificate of lawfulness for a proposed development.

1.1 This application seeks a formal decision as to whether or not the proposed erection of a single storey rear extension at 8 Glanville Gardens Kingswood would be permitted under the regulations contained within The Town and Country Planning (General Permitted Development) (England) Order 2015.

1.2 This application is not an analysis of planning merit, but an assessment as to whether the development proposed accords with the above regulations. There is no consideration of planning merit, the decision is based solely on the facts presented.

2.1 This is not an application for planning permission. Thus it cannot be determined through the consideration of policies contained within the Development Plan; the determination of this application must be undertaken as an evidential test against the regulations listed below.

The Town and Country Planning (General Permitted Development) (England) Order 2015.

3.1	K4331	Approval	21/12/1983
Erection of 93 dwellinghouses with assoc. roads, footpaths, garages, parking spaces & toddlers play spaces (previous id: k4331).			

4.1 Town/ Parish Council
Site is unparished.

4.2 Local Residents
No comments received.

5.1 The following evidence was submitted to the Local Planning Authority on 4 December 2015 –

- Site Location Plan
- Proposed Floor Plans, Section and Elevations

6. ANALYSIS OF PROPOSAL

6.1 This application seeks a certificate of lawfulness for a proposed single storey rear extension with rooflights at a property in Kingswood.

6.2 Principle of Development

An application for a Certificate of Lawfulness is purely an evidential test and is a formal way to establish whether or not the proposed development can be implemented lawfully without the need for planning permission. Thus there is no consideration of planning merit, the application is based on facts presented. The submission is not a planning application and therefore the Development Plan is not of relevance to the determination of this application.

6.3 The key issue in this instance is to determine whether the proposal falls within the permitted development rights afforded to householders under Schedule 2, Part 1, Class A and Class C of the Town and Country Planning (General Permitted Development) (England) Order 2015.

6.4 The proposed development is a single storey rear extension to the property. This development would fall within Schedule 2, Part 1, Class A this allows for the enlargement, improvement or other alteration of a dwellinghouse, provided it meets the criteria as detailed below.

6.5 The Officer notes that some of the permitted development rights for the property have been removed under K4331, theses include

- *'Notwithstanding the provisions of the Town and Country Planning (General Development) Order 1977 as amended, no gates, walls, fences or other means of enclosure shall be erected, placed or constructed in front of the wall of a dwelling which fronts onto a highway with the prior express planning permission of the District Planning Authority unless it is in accordance with the guidelines attached to this permission.'*
- *'Notwithstanding the provisions of the Town and Country Planning (General Development) Order 1977, as amended, no gates, walls, fences or other means of enclosure shall be erected, placed or constructed abutting the boundary of the development, where it is shown that the existing hedges shall be retained on the approved plans and the approved landscaping scheme for these boundaries, which will include the retention of these hedges, shall be implemented as such and maintained to the satisfaction of the District Planning Authority thereafter. For the avoidance of doubt the above restriction applies to plots 8-16, 27-34, 38-47, 54-61 and 76-91.'*

These restricted permitted development rights do not affect the proposed single storey rear extension.

6.6 Assessment of Evidence: Single Storey Rear Extension

Schedule 2 Part 1 Class A allows for the enlargement, improvement or other alteration of a dwellinghouse, subject to meeting the following criteria:

A.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 of this Schedule.

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

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

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

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

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

The height of the eaves of the single storey rear extension would not exceed the height of the eaves of the existing dwellinghouse.

- (e) The enlarged part of the dwellinghouse would extend beyond a wall which –**

- (i) forms the principal elevation of the original dwellinghouse; or**
- (ii) fronts a highway and forms a side elevation of the original dwellinghouse;**

The proposed extension does not extend beyond a wall which forms a principle elevation of the original dwellinghouse neither does it extend beyond a wall which fronts a highway or form a side elevation.

- (f) Subject to paragraph (g), the enlarged part of the dwellinghouse would have a single storey and—**

- (i) extend beyond the rear wall of the original dwellinghouse by more than 4 metres in the case of a detached dwellinghouse, or 3 metres in the case of any other dwellinghouse, or**
- (ii) exceed 4 metres in height;**

The application is for an end of terrace dwellinghouse. The proposed extension would have the maximum height of the proposed extension is 3.5 metres to the ridge line.

The proposed extension would extend beyond the rear wall of the original dwellinghouse by 3 metres.

- (g) Until 30th May 2019, for a dwellinghouse not on article 2(3) land nor on a site of special scientific interest, the enlarged part of the dwellinghouse would have a single storey and—**

- (i) extend beyond the rear wall of the original dwellinghouse by more than 8 metres in the case of a detached dwellinghouse, or 6 metres in the case of any other dwellinghouse, or
 - (ii) exceed 4 metres in height;
- Not applicable

(h) The enlarged part of the dwellinghouse would have more than a single storey and—

- (i) extend beyond the rear wall of the original dwellinghouse by more than 3 metres, or
- (ii) be within 7 metres of any boundary of the curtilage the dwellinghouse opposite the rear wall of the dwellinghouse

The proposed extension would be single storey.

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

The height of the eaves would not exceed 3 metres.

(j) The enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse, and would –

- (i) exceed 4 metres in height,
- (ii) have more than a single storey, or
- (iii) have a width greater than half the width of the original dwellinghouse; or

The proposed extension does not extend beyond a side wall of the property.

(k) It would consist of or include –

- (i) the construction or provision of a veranda, balcony or raised platform,
- (ii) the installation, alteration or replacement of a microwave antenna,
- (iii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe, or
- (iv) an alteration to any part of the roof of the dwellinghouse.

The proposed extension does not include any of the above.

A.2 In the case of a dwellinghouse on article 2(3) land, development is not permitted by Class A if –

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

The application site is not situated within article 2(3) land.

- A.3 Development is permitted by Class A subject to the following conditions –**
- (a) the materials used in any exterior work (other than materials used in the construction of a conservatory) must be of a similar appearance to those used in the construction of the exterior dwellinghouse;**
The proposed plans show that the extension will be finished with brickwork to match the existing and tiles that match the existing dwelling as near as possible. As such the proposed materials would therefore match the host dwelling.
 - (b) any upper-floor window located in 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 installed; and**This is not applicable for the proposed development.
 - (c) Where the enlarged part of the dwellinghouse had more than a single storey, the roof pitch of the enlarged part must, so far as practicable, be the same as the roof pitch of the original dwellinghouse.**
This is not applicable for the proposed development.
- 6.7 The proposed single storey rear extension is **considered to comply** with Schedule 2 Part 1 Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015 **and is therefore permitted development.**
- 6.8 Assessment of Evidence: Roof Lights
Schedule 2 Part 1 Class C allows for any other alteration to the roof of a dwellinghouse subject to meeting the following criteria:
- 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 permission for use as a dwelling under Part 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015.
 - (b) The alteration would protrude more than 0.15 metres beyond the plane of the slope of the original roof when measured from the perpendicular with the external surface of the original roof;**
The proposed roof lights do not protrude more than 0.15 metres from the roofline.
 - (c) It would result in the highest part of the alteration being higher than the highest part of the original roof; or**
The proposed rooflights do not exceed the highest part of the original roofline.
 - (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 proposed development does not consist of or include any of the items listed above in (d) (i) or (d) (ii).

Development is only permitted by Class C subject to the following conditions:

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

(a) Obscure-glazed; and

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

The proposal does not include any side elevation windows.

6.9 The proposed roof light is **considered to comply** with Schedule 2 Part 1 Class C of the Town and Country Planning (General Permitted Development) (England) Order 2015 **and is therefore permitted development.**

7. RECOMMENDATION

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

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

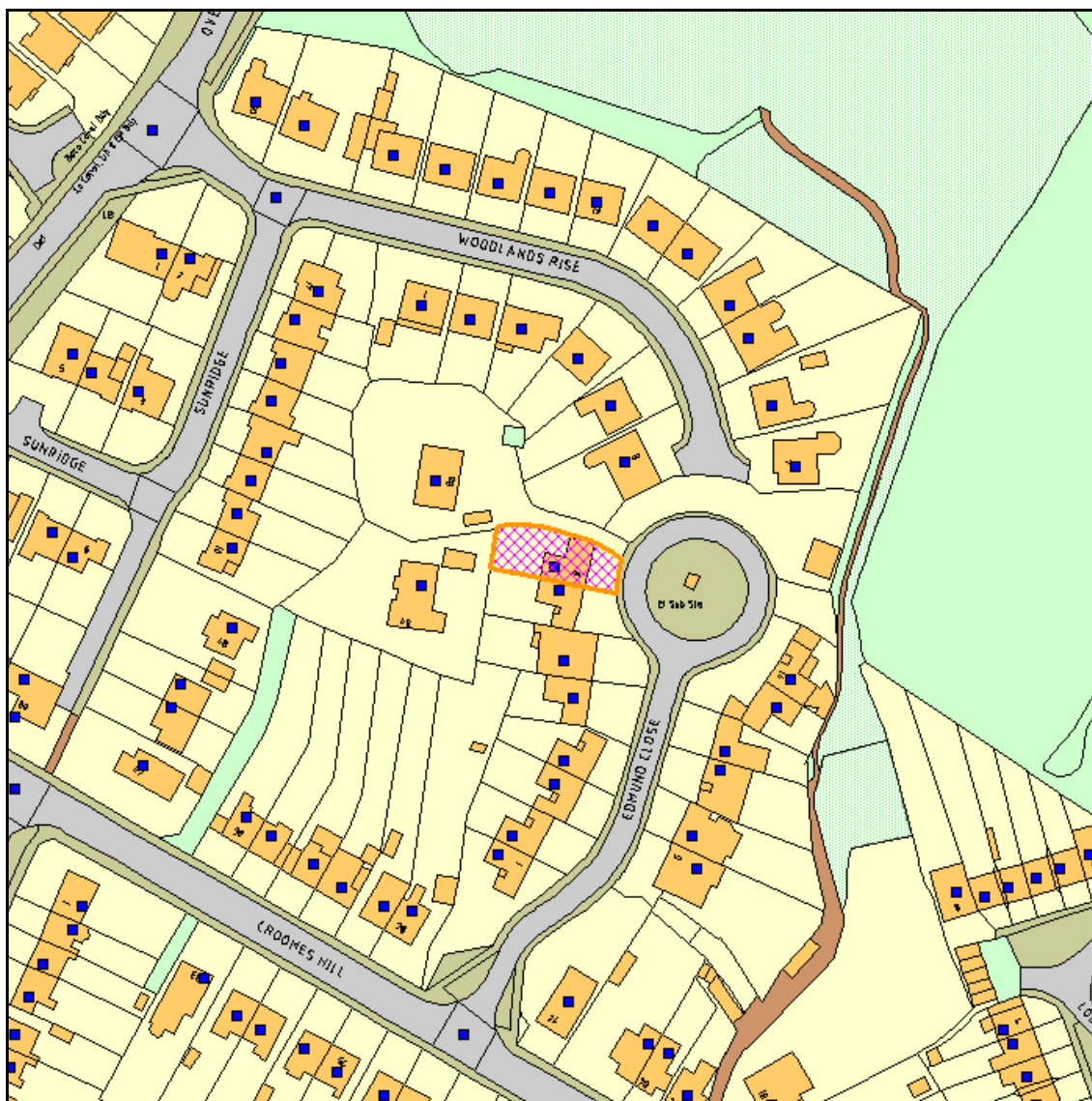
Contact Officer: Fiona Martin
Tel. No. 01454 865119

CONDITIONS

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

CIRCULATED SCHEDULE NO. 05/16 – 5 FEBRUARY 2016

App No.:	PK15/5488/F	Applicant:	Mrs Jennifer Hopkins
Site:	8 Edmund Close Downend Bristol South Gloucestershire BS16 5EJ	Date Reg:	30th December 2015
Proposal:	Erection of two storey side and rear extension to provide additional living accommodation.	Parish:	Downend And Bromley Heath Parish Council
Map Ref:	364676 176728	Ward:	Downend
Application Category:	Householder	Target Date:	17th February 2016



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 The applicant seeks full planning permission for the demolition of an existing garage and the erection of a two storey side extension to form additional living accommodation.
- 1.2 The application site relates to a two-storey semi-detached dwelling situated within a small cul-de-sac in the established residential area of Downend. The site is also located within a registered historic park and garden.
- 1.3 During the course of the application, three changes have been made to the originally submitted plans following Officer advice. These changes have included an increase in the overall length of the proposed side extension by 0.7 metres, the removal of a first floor side window and replacement with a high level window and a change to the parking arrangement to the front of the property to provide parking for 3no. vehicles at that location.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework March 2012

National Planning Policy Guidance 2014

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design

CS4a Presumption in Favour of Sustainable Development

CS5 Location of Development

CS8 Improving Accessibility

CS9 Managing the Environment and Heritage

South Gloucestershire Local Plan Adopted January 2006 Saved Policies

T12 Transportation

H4 Development within Existing Residential Curtilages

2.3 Supplementary Planning Guidance

(a) South Gloucestershire Design Checklist (Adopted) August 2007

(b) Residential Parking Standard (Adopted) December 2013

3. RELEVANT PLANNING HISTORY

- 3.1 None

4. CONSULTATION RESPONSES

4.1 Downend and Bromley Heath Parish Council
No Objection

4.2 Other Consultees

Sustainable Transport

No Objection, subject to a revised block plan showing parking for the site being submitted.

Revised plans have been received and these are considered to comply with parking standards.

Historic England

No Objection

Avon Gardens Trust

No response received

Other Representations

4.3 Local Residents

One letter of objection has been received from a local resident. The points raised are summarised as:

- Proposed high level side window will overlook our property
- Proposed side extension will be overbearing, greatly impact our view and overshadow
- Different materials will be used on the proposed side elevation
- Potential asbestos in existing garage

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

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 will be required to demonstrate that they respect and enhance the character, distinctiveness and amenity of the site and its context; is well integrated with existing and connected to the wider network of transport links; safeguards existing landscape/nature/heritage features; and contributes to relevant strategic objectives.

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

5.2 Design and Visual Amenity

The application site is a two-storey semi-detached dwellinghouse situated at the end of a small cul-de-sac of similar properties off Croombes Hill in Downend. A number of these already benefit from various extensions including two-storey side and rear structures. The application site benefits from a single storey garage to the side. Under this application, a two-storey side extension with a roof stepped down from the main dwelling is proposed.

The extension would result in additional ground floor accommodation and would allow the creation of an additional bedroom at first floor. Other examples of similar types of extension can be seen in the area. Given the above, the proposal is considered to be acceptable in terms of its design, scale and massing and can be recommended for approval.

5.4 Residential Amenity

Closest neighbour to the northeast are located at No. 6 Woodlands Rise. Neighbours in this property have expressed concern regarding privacy issues and the impact the proposed side two-storey extension would have on their property. It is acknowledged that the proposed side extension would create changes for this neighbour. The proposed first floor high level window opening located in the side elevation replaces an existing first floor bedroom opening here. In this respect there would be little change to the current situation. However, a number of factors must be taken into consideration in the assessment of the potential impact. Firstly, the degree of separation between the two structures would be approximately 11 metres at its closest point but the neighbouring property is some metres below the application site, secondly, the neighbour has a good sized garden with opportunity for sunlight to enter at least most of it, thirdly, the orientation of the host property already limits the amount of sunlight entering the garden. As mentioned above, extensions within existing residential curtilages are encouraged within built-up areas. The proposed side extension in itself is not considered to be particularly unusual in its scale or position and taking into account the distances between them and the existing situation, the two-storey side extension would not have such a negative impact on the amenity of this neighbour sufficient to refuse the application.

The proposed two-storey extension would also have openings in its front and rear elevations. Closest properties to the northwest would be approximately 20.5 metres away and those to the southwest approximately 21.5 metres away. These neighbours are set lower than the application site and given the distances between the properties it is considered that the proposal would not have an adverse impact significantly over and above the existing situation. Sufficient amenity space would remain to serve the host property.

It is considered that although there would be changes, on balance, the proposal would not have an adverse effect on the neighbours and would be of a sufficient distance away from others to accord with Policy H4 and is thereby acceptable.

5.5 Sustainable Transport

Following negotiations, the design of the proposal has changed slightly to ensure the provision of at least two off-street parking spaces to serve the extended property. An Informative will be put in place to remind the applicant to contact the Council's Development Streetcare Department to obtain consent to extend the existing dropped kerb. As such the proposal is deemed to comply with new residential parking standards and there is no objection on highway grounds.

5.6 Other matters

Neighbours have stated the submitted plans do not show the same materials being used on the proposed side elevation. The officer has contacted the agent who confirms the materials proposed would be to match those of the main dwelling.

In a similar vein, the same neighbours have requested an asbestos demolition/refurbishment survey prior to commencement of works and any removal of asbestos, if found, be carried out by licensed asbestos contractors. This would be a matter to be dealt with by the individual parties and does not fall under the remit of a planning report, but an informative will be attached to ensure that the applicant/agent is aware of the potential issue.

6. **CONCLUSION**

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

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

7. **RECOMMENDATION**

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

Contact Officer: **Helen Braine**
Tel. No. **01454 863133**

CONDITIONS

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

Reason

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

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

Reason

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

CIRCULATED SCHEDULE NO. 05/16 – 5 FEBRUARY 2016

App No.: PT15/4710/RVC

Applicant: Mojo Active Ltd

Site: Land Adjacent To Over Court Farm Over Lane
Almondsbury Bristol South Gloucestershire BS32 4DF

Proposal: Removal of condition 1 and variation of condition 3
attached to planning permission PT14/1136/RVC to allow
the outdoor fitness facility to be permanent and utilised
hours to remain from 0800 to 2100 Mondays to Fridays and
0800 to 1830 Saturdays and Sundays within April to
September inclusive and 0800 to 1830 within October to
March inclusive.

Date Reg:**Parish:** Almondsbury Parish Council

Map Ref: 358650 182409

Application Category: Major

Ward: Almondsbury

Target Date: 29th January 2016



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PT15/4710/RVC

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application has been referred to the Councils Circulated Schedule in view of the concerns that have been raised by neighbouring residents.

1. THE PROPOSAL

1.1 The application seeks planning permission for the removal of condition 1 and the variation of condition 3 of planning permission PT14/1136/RVC to permanently allow the outdoor fitness facility to be utilised from 0800 to 2100 Mondays to Fridays and 0800 to 1830 Saturdays and Sundays within April to September inclusive and 0800 to 1830 within October to March inclusive.

1.2 Planning permission PT11/3174/F was granted for the change of use of agricultural land to provide an outdoor fitness facility.

Condition 1 states *'This temporary planning permission shall be ceased on or before 24 November 2015. Reason: In the interest of highway safety and residential amenity all to accord with Planning Policies T12 and LC15 of the South Gloucestershire Local Plan (Adopted) January 2006, and Policies CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013).'*

Condition 3 states *'The outdoor fitness facility hereby approved shall only be utilised from 08.00am to 21.00pm Mondays to Fridays and 08.00am to 18.30pm Saturdays and Sundays within April to September inclusive and 08.00am to 18.30pm within October to March. Reason: Reason: In the interest of highway safety and residential amenity all to accord with Planning Policies T12 and LC15 of the South Gloucestershire Local Plan (Adopted) January 2006, and Policies CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013).'*

1.3 It should be noted that Condition 4, which restricted the number of people using the outdoor fitness facilities, has been removed under planning permission PT14/1136/RVC.

1.4 The application relates to approximately 1.9 ha of land on the north side of Over Lane, Almondsbury. The site is set back from the main road and thus is devoid of a road frontage. Further, the application site is located beyond any settlement boundary and within the open Green Belt.

2. POLICY CONTEXT

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

2.2 Development Plans

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

- L1 Landscape Protection and Enhancement
- L8 Sites of Regional and Local Nature Conservation Interest
- L9 Species Protection
- L13 Listed Buildings
- LC5 Proposals for Sport and Outdoor Recreation beyond the Urban Area/
Settlement Boundaries
- LC12 Recreational Routes
- T8 Parking Standards
- T12 Development Control Policy for New Development

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

- CS1 High Quality Design
- CS4A Presumption in Favour of Sustainable Development
- CS5 Location of Development
- CS9 Management of Environment and Heritage
- CS24 Green Infrastructure, Sport and Recreation Standards
- CS34: Rural Areas

2.3 Supplementary Planning Guidance

- South Gloucestershire Design Checklist (Adopted)
- Development in the Green Belt (Adopted)
- South Gloucestershire Biodiversity Action Plan (Adopted)
- SG Landscape Character Assessment Character 18: Severn Ridges.

3. RELEVANT PLANNING HISTORY

- 3.1 PT11/041/SCR Change of use of agricultural land to outdoor fitness facility (Class D2) and erection of associated structures. EIA not required: 18 June 2011
- 3.2 PT11/3174/F Change of use of agricultural land to outdoor fitness facility (Class D2) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended) and the erection of associated assault course timber structures. Approved 13 January 2012
- 3.3 PT15/3535/F Change of use of land to land for the use of archery (Class D2). Being consideration.
- 3.4 PT16/010/SCR Removal of condition 1 and variation of condition 3 attached to planning permission PT14/1136/RVC to allow the outdoor fitness facility to be permanent and utilised hours to remain from 0800 to 2100 Mondays to Fridays and 0800 to 1830 Saturdays and Sundays within April to September inclusive and 0800 to 1830 within October to March inclusive. Screening Opinion for PT15/4710/RVC. EIA is not required 03 February 2016.

4. CONSULTATION RESPONSES

4.1 Almondsbury Parish Council

The Parish Council would like to extend this agreement for a further 6-9 months until the area is fully developed.

4.2 Other Consultees

Landscape Officer:

No comment to make.

Highway Drainage:

No comment

Highway DC:

No objection - Notwithstanding the comments raised by the parish in that they would like to see the requirements of condition 1 extended for another 6-9 months until the 'Wave' is completed. The Highway Officer is not aware of any safety issues that would prohibit the removal of condition 1 or the variance of condition 3 that have presented themselves during the operation of Mojo Active. Given the above there is no transportation objection to the removal and variance of conditions 1 and 3 on the understanding that it applies only to the Mojo Active facility and not the Wave.

Environmental Protection: No adverse comment

Other Representations

4.3 Summary of Local Residents Comments

24 no. letters of objection have been received from local residents and their concerns are summarised as follows::

- Increased noise/ disturbance, traffic noise, pollution, noise from activities, e.g. the Halloween party which went on until 1am on 1st November
- Intrude heavily on the neighbours only peace time at the weekends and evenings
- Affect neighbours' health and well being
- Unsuitable access increased traffic and public highway safety
- increase the traffic flow on a country lane
- B4055 is already very heavily trafficked for a B road, the increasing opening hours for this development will only exacerbate the situation
- Green Belt
- attempts to stealthily remove the very conditions imposed by SGC
- Can they have any booking on Sundays?

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The application site is located within the open Green Belt. In this regard, National Planning Policy Framework advises that planning permission will only be granted for the construction of new buildings, for a limited number of criteria; one such criteria relates to essential facilities for outdoor sport and recreation and for other uses which preserve the openness of the Green Belt and which do not conflict with the purposes of including land within the Green Belt.

Planning permissions PT13/11374/F and PT14/1136/RVC were granted for the existing use of the site, therefore there is no principle objection to the use as

the green belt issue has been considered under the previous planning applications.

This application is submitted under s73 of the Town and Country Planning Act for the approved development without complying with conditions subject to which a planning permission was granted. On this application, the local planning authority should primarily consider the question of the conditions, and it may decide that the permission shall be subject to the same conditions as were previously imposed, that the permission should be granted subject to different conditions, or that permission should be granted conditionally. Therefore it is limited in scope as the original permission still stands. The application under S73 does not offer an opportunity for the local planning authority to remove the original planning application, as such officers should primarily examine the reasons for the conditions.

In addition, Paragraph 206 of the NPPF states 'Planning conditions should only be imposed where they are:

1. Necessary;
2. Relevant to planning and;
3. To the development to be permitted;
4. Enforceable;
5. Precise and
6. Reasonable in all other respects.

Therefore the above six tests are the key elements for the assessment and the determination of this application and officers need to make sure that the proposed variation of condition will meet the tests.

Policy LC5 is permissive of proposals for outdoor sport and recreation facilities outside of the urban areas and the settlement boundaries again subject to a number of criteria. As considered significant in this case, this relate to consideration of the impact on visual / residential amenity, highway safety considerations and the control of outdoors lighting.

5.2 The Proposal

The application site comprises approximately 1.9 hectares and is located on a parcel of land to the southwest of the Over Court Barns development. It is noted that the immediate area comprises of a collection of residential properties fronting Over Lane with offices at Over Court Barns and with the surrounding land agricultural.

The proposal is to remove condition 3 and vary condition 4 to allow the site to be permanently utilized within the proposed hours, i.e. from 08.00am to 21.00pm Mondays to Fridays and 08.00am to 18.30pm Saturdays and Sundays within April to September inclusive and 08.00am to 18.30pm within October to March inclusive It should be noted that the original planning permission PT11/3174/F was granted for the change of use of the land for the existing outdoor fitness facility with a condition, which restricted such facility shall not be utilized before 6.30pm on weekdays (excluding Bank Holidays) in the interest of highway safety and residential amenity. The condition was imposed in order to

limit the hours of use so its use would not coincide with either the transportation network peak or operations of the adjacent units.

For the previous application PT14/1136/RVC, the Highway Officer and your case officer had a concern regarding the suitability of the access to take the additional traffic movements, therefore a temporary condition was imposed to test the situation. The applicant confirmed that the Mojo site has been operating under these opening hours for 10 months, and the Highway Officer and your case officer also have had an opportunity to review the submitted details. Officers have had a reasonable time to judge likely impact and are satisfied with the submitted details and have no transportation objection to the proposal as officers had a reasonable time to judge likely impact and it is therefore considered that the proposed permanent arrangement would be acceptable.

5.3 Residential Amenity

It should be noted that the Condition 3 of PT11/3174/F encourages the facilities to be used during late afternoon and evening due to the public highway safety reason. Prior to the grant of the previous temporary consent, the Environmental Health Officer received one complaint and had also visited the site five times during the day. Officers considered that it was more appropriate to impose a temporary consent to allow monitoring of any further complaints on this site.

Since the granted of the temporary consent, the Environmental Protection Team have had some complaints from residents. Although log sheets have been sent to complainants, only one log was returned. As there was insufficient information put forward, the complaint was not pursued further.

Officers acknowledge residents' concerns regarding the noise and nuisance caused by the activities on this site. The facility is located in a quiet rural area with low night-time background noise levels. Noise generated from the site is likely to be audible at certain times and this is more likely to be prominent later in the evening as traffic noise reduces. Officers however are mindful that the proposed hours will restrict the site not to be used after 2100 and 1830 (weekdays and weekends respectively) within April and September inclusive and after 1830 within October to March inclusive.

In this instance, given that the original permission remains in tact, and the proposed opening hours would prevent from late-night activities, officers consider that it would be unreasonable to refuse this application.

5.4 Other issues and considerations

Residents have raised concerns over how this current proposal would affect the development of the Wave including the Withy Bed, which has recently been granted planning permission. It should be noted that any future proposals for the Wave will be subject to a separate planning application and every planning application is considered and determined on its own merits.

There are a number of conditions attached to the previous planning permission PT14/1136/RVC, Officers have reviewed these conditions. The applicant has confirmed that the approved band stand will not be installed and the existing

hedgerows along the boundary will be retained and maintained at a height of 1.5 metres. There would be an uncut grass strip along the hedgerows for the use by barn owls, it is considered that the submitted details are acceptable and the relevant conditions can be amended or removed accordingly.

6. CONCLUSION

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

7. RECOMMENDATION

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

Contact Officer: Olivia Tresise
Tel. No. 01454 863761

CONDITIONS

1. The outdoor fitness facility hereby approved shall only be utilised from 08.00am to 21.00pm Mondays to Fridays and 08.00am to 18.30pm Saturdays and Sundays within April to September inclusive and 08.00am to 18.30pm within October to March inclusive.

Reason

In the interest of highway safety and residential amenity all to accord with Planning Policies T12 and LC15 of the South Gloucestershire Local Plan (Adopted) January 2006, and Policies CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013).

2. No floodlighting and external illuminations shall be installed on the land at any time.

Reason

In the interests of visual amenity and the openness of the Green Belt and to accord with National Planning Policy Framework, Policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013) and Planning Policies L1 and LC15 of the South Gloucestershire Local Plan (Adopted) January 2006.

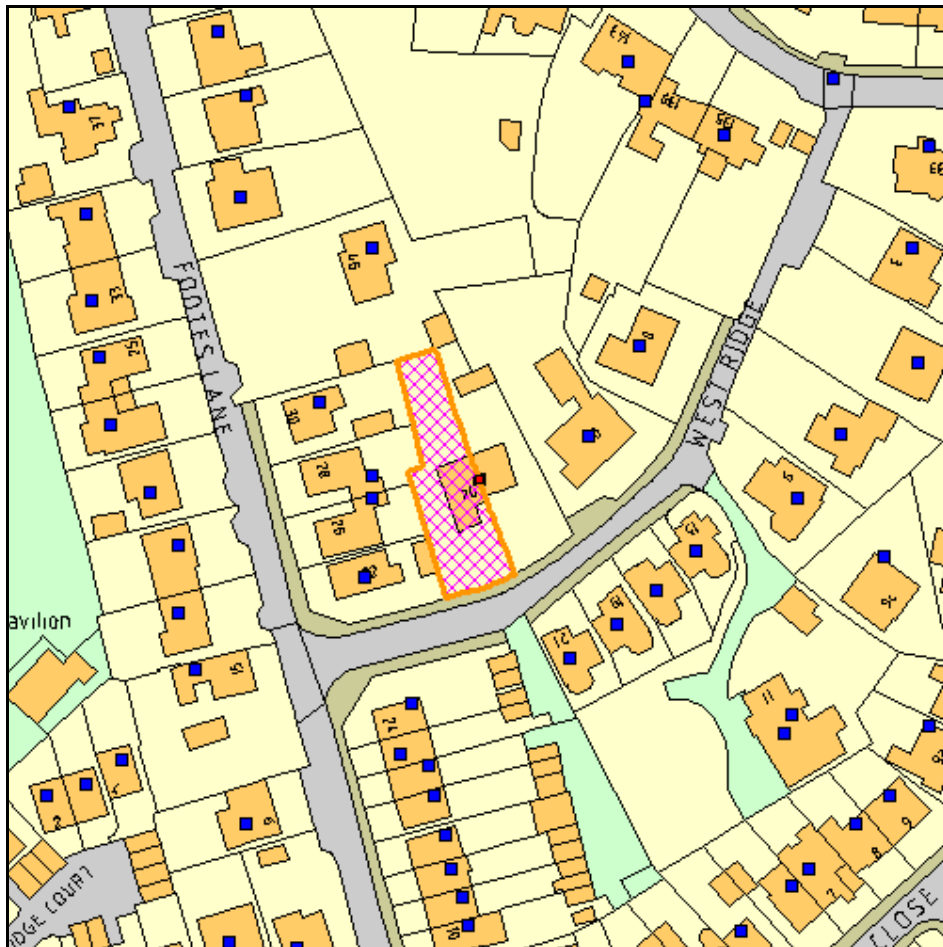
3. No amplified equipment, siren, or music shall be played on the land at any time.

Reason

In the interest of residential amenity of the neighbouring occupiers and to accord with Planning Policy LC15 of the South Gloucestershire Local Plan (Adopted) January 2006, and Policies CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013).

CIRCULATED SCHEDULE NO. 05/16 – 5 FEBRUARY 2016

App No.:	PT15/4881/F	Applicant:	Mr Scott Cameron
Site:	20 West Ridge Frampton Cotterell Bristol South Gloucestershire BS36 2JA	Date Reg:	14th December 2015
Proposal:	Amendment to previously approved scheme PT13/3923/F to erect raised rear patio and install glass screening (partially retrospective)	Parish:	Frampton Cotterell Parish Council
Map Ref:	366996 181241	Ward:	Frampton Cotterell
Application Category:	Householder	Target Date:	4th February 2016



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REASON FOR REPORTING TO THE CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 This planning application has been submitted to regulate development on this site. Planning permission PT13/3923/F granted consent to redevelop the site into two detached dwellings; 'plot 1' has not been constructed in accordance with the approved plans. This application seeks permission to retain the development as built.
- 1.2 The difference between the approved plans and the development as built is the erection of a raised platform to the rear with shed beneath (use of void under platform as storage). In order to protect privacy, a wooden screen was erected along the western boundary. Given the height of these structures above ground level, both require planning permission.
- 1.3 The site is located within the settlement of Frampton Cotterell. There is a significant change in land levels with a fall from east to west across the site. The new dwelling is virtually complete.

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
CS8 Improving Accessibility

South Gloucestershire Local Plan Adopted January 2006 (Saved Policies)
T12 Transportation
H4 Development within Existing Residential Curtilages

3. RELEVANT PLANNING HISTORY

- 3.1 PT14/4697/F Withdrawn 09/02/2015
Erection of front extension and alteration to roofline to facilitate the conversion of existing dwelling into 3 storey house. Erection of detached garage.
- 3.2 PT14/3441/F Withdrawn 24/10/2014
Conversion of existing dwelling to form 3no. flats with first floor and basement extensions.

- 3.3 PT13/3923/F Approve with Conditions 05/03/2014
Demolition of existing dwelling to facilitate erection of 2no. dwellings with access, garages, screening, landscaping and associated works. (Resubmission of PT13/2615/F)
- 3.4 PT13/2615/F Withdrawn 30/08/2013
Demolition of existing dwelling to facilitate erection of 2no. dwellings with access, garages, screening, landscaping and associated works.

4. CONSULTATION RESPONSES

- 4.1 Frampton Cotterell Parish Council
Objection. Plans do not reflect what has been built; parking is not addressed; overbearing impact on neighbouring occupiers; traffic flows would be unacceptable.
- 4.2 Archaeology Officer
No objection

Other Representations

- 4.3 Local Residents
Two comments of objection have been received which raise the following points:
- raised deck will lead to loss of privacy
 - conditions must be imposed to ensure that screening is retained
 - time for consultation responses would not allow the parish to consider the application
 - developer started without planning permission, thus gaining an advantage
 - should be considered as a roof terrace rather than elevated patio
 - original application was approved on the basis that the development would improve privacy, the proposal prejudices this
 - raised deck reduces the design quality of the proposal
 - application should be considered by planning committee

5. ANALYSIS OF PROPOSAL

- 5.1 This application seeks planning permission for the retention of a raised platform associated with 'plot 1' of 20 West Ridge and the erection of an obscure glazed screen.
- 5.2 Principle of Development
Given that the redevelopment of 20 West Ridge is substantially complete, officers consider that the building has become its own dwelling. Therefore, this application should be assessed in light of this conclusion. This application therefore primarily considers the changes between the planning permission as granted and the development as constructed, and would not consider the principle of a new dwelling at the site as this has been established. The starting point for determining this application is policy H4 of the Local Plan. This policy is generally supportive of the extension or alteration of existing dwellings

subject to an assessment of design, amenity and transport. Therefore the proposal is acceptable in principle but should be determined against the analysis set out below.

5.3 Residential Amenity

Concern has been raised by the parish council and local residents as to the impact of the raised platform on privacy. Comments have also been made to the extent that the redevelopment was permitted on the basis that it resulted in an improvement to privacy levels over the former building on the site and that the proposal is contrary to the previous considerations.

5.4 It is true that the improvements to privacy were an important factor in the determination of PT13/3923/F and it was considered that the removal of what where in effect first floor windows from the west elevation was beneficial. However, the plans permitted with PT13/3923/F did allow for an area immediately behind the property to be consistent with the floor level and the creation of steps to the west of the house. The width of this terraced area would have been around 1.8 metres. Although cramped, it is feasible that this area could have been used for seating and other recreational activities and therefore it cannot be assumed that under PT13/3923/F the potential of overlooking was eradicated.

5.5 Therefore, this application must consider the difference and scale of overlooking between what was previously approved and what permission is now sought for. The terrace permitted under PT13/3923/F was open to the western side allowing unrestricted views from the terrace into neighbouring residential curtilages and from these properties onto the terrace. This can be considered to result in a fairly significant level of overlooking. However, the overall potential level of overlooking was mitigated by the reduced width of the platform making it unsuitable for prolonged or larger scale recreational or social events. Therefore, despite the potential for overlooking to be high, in reality it was not considered that the level of actual overlooking would be significant.

5.6 Turning to the current development, permission is sought to regulate and retain the enlarged raised platform. This platform projects 4 metres from the rear elevation and runs the whole width of the dwellinghouse. This is a significant increase in the depth of the raised platform over that previously approved and the additional depth increases the likely use of the platform for recreational purposes.

5.7 On that basis, the development would be unacceptable. However, in recognition of the harm of the enlarged terrace/platform on privacy levels, the applicant is proposing to install an obscure glazed screen along the western edge of the platform to restrict views from the structure to neighbouring properties. A wooden fence has been erected without planning permission and this would be replaced should this application be approved.

5.8 The erection of a screen along the side of the platform would reduce the level of potential overlooking from the structure to a level considered to be not too dissimilar from that deemed to be acceptable under planning permission PT13/3923/F.

- 5.9 On the provision of a suitable screen along the western side of the platform, it is not considered that the proposal would have a prejudicial impact on residential amenity and therefore would not be contrary to policy H4. It is noted that residents consider that a 2 metre high screen would be more suitable however officers consider that a 1.8 metre high fence is satisfactory.
- 5.10 In order to accommodate the change of levels across the site, a set of steps has been erected. These steps enable views into other properties. Additional landscaping is proposed as part of this application to assist in segregating different areas of the garden. It is considered that is necessary and therefore shall be secured through a condition.
- 5.11 Design
Development must accord with the council's design policy to be acceptable and therefore any intervention should be consistent with the character and appearance of property. The proposed screen would be installed between metal upright supports. Elsewhere in the redevelopment similar style (albeit lower in height) balustrades have been used. The screen has a simple and modern appearance. Using obscure glazing gives the screen a more lightweight appearance and lower mass and bulk than other materials; this is considered to be important given the height of the screen above ground level.
- 5.12 A timber fence was erected without planning permission. This would be replaced by the proposed screen. The timber fence is not considered to be a suitable design solution as it is too bulky and therefore is overbearing on the adjacent properties.
- 5.13 It is considered that the design of the screen is acceptable and would not injure the visual amenity of the area or conflict with the character and appearance of the dwellinghouse.
- 5.14 Transport and Parking
The parish council has raised objection on the basis of traffic and parking. The proposal does not affect the access arrangements or parking provision at the site. It is therefore considered by officers that there would be no material change to highway safety between this application and the planning permission previously granted.
- 5.15 Other Matters
A number of points raised in the public consultation have not been covered in the body of the report and therefore will be addressed here.
- 5.16 The proposal is assessed against planning policy; undertaking development without planning permission would not give a developer an advantage when it comes to determining an application for planning permission. The application has been assessed on its own merits. However the fact that the application is made retrospectively is not in itself reason to object to the proposal on those merits; this factor then has been given neutral weight.

- 5.17 The application does not warrant a direct referral to the development control committee under the council's constitution. However, it is referred to the circulated schedule for determination in accordance with the council's procedure and therefore an elected member would be able to direct that the application be determined by committee should they see fit to do so.

6. CONCLUSION

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 The recommendation to grant permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan Core Strategy Adopted December 2013, and the saved policies of the South Gloucestershire Local Plan January 2006 as 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. Within 2 months of the date of this decision, the timber screen shall be removed and the glass screen hereby approved installed and thereafter retained.

Reason

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

2. The glass screen hereby approved shall be fitted with obscure glass to level 3 standard or above and thereafter retained as such.

Reason

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

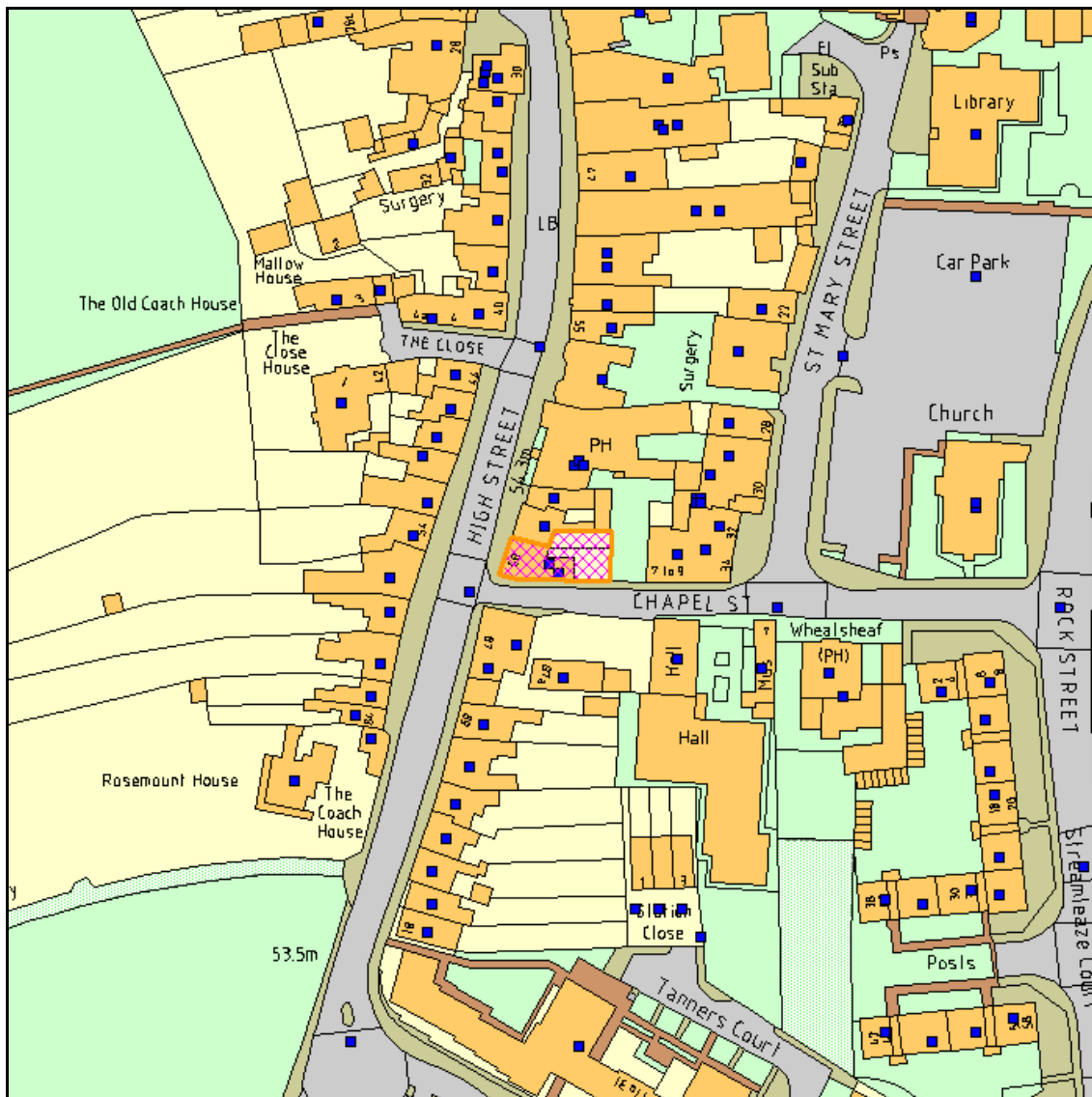
3. The landscaping as shown on plan PL01D Proposed shall be undertaken in full in the first planting season following the date of this decision.

Reason

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

CIRCULATED SCHEDULE NO. 05/16 – 5 FEBRUARY 2016

App No.:	PT15/5218/RVC	Applicant:	Mr John Westwood
Site:	65 High Street Thornbury South Gloucestershire BS35 2AP	Date Reg:	10th December 2015
Proposal:	Variation of condition listing approved plans added by PT15/4697/NMA to allow substitution of plans for proposed elevations and proposed floor plans	Parish:	Thornbury Town Council
Map Ref:	363669 189864	Ward:	Thornbury North
Application Category:	Minor	Target Date:	1st February 2016



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PT15/5218/RVC

REASON FOR REPORTING TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 The applicant seeks permission to vary the condition listing the approved plans added by PT15/4697/NMA to allow the substitution of plans for proposed elevations and proposed floor plans.
- 1.2 The application site relates to a two-storey end of terraced property located on the eastern side of Thornbury High Street. The southern side directly abuts Chapel Street and the site is located within Thornbury Conservation Area. The building is currently used as a hairdresser at ground floor level and is defined as a secondary shopping frontage in the High Street. The first floor above the hairdresser is residential, and permission was granted under PT15/1632/F for the erection of two self-contained flats attached to the existing building within the rear courtyard.
- 1.3 Initially submitted plans showed a change in materials which meant the front of the building would split using two different materials. This was considered inappropriate and revised plans were invited that addressed these concerns. Further revisions updated the materials key on the plans.

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
CS8	Improving Accessibility
CS9	Environmental Resources and Built Heritage
CS14	Town Centres and Retail
CS15	Distribution of Housing
CS16	Housing Density
CS17	Housing Diversity
CS18	Affordable Housing
CS23	Community Infrastructure and Cultural Activity
CS32	Thornbury

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

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

L12 Conservation Areas

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted 2007)

South Gloucestershire SPD: Residential Parking Standards (adopted) 2013

South Gloucestershire SPD: Shopfronts and Advertisements (Adopted) 2012

3. **RELEVANT PLANNING HISTORY**

- | | | |
|-----|-------------------------------|---|
| 3.1 | PT15/4697/NMA

Approved | Non material amendment to PT15/1632/F to include all approved plans of the planning permission as a condition.
25.11.15 |
| 3.2 | PT15/1632/F
Approved | Erection of 2 flats
26.6.15 |
| 3.3 | PT14/3634/RVC

Approved | Removal of condition 2 attached to planning permission PT13/4676/F to remove the need for a plan showing off street parking
17.11.14 |
| 3.4 | PT13/4676/F

Approved | Change of use of first floor from Office (Class A3) Residential (Class C3)), as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended) to form 1no.flat.
24.2.14 |
| 3.5 | PT09/0999/F

Approved | Change of use of first floor from office (Class B1) to cafe/restaurant (Class A3) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended). Hours of opening to be extended to include Sundays between the hours of 10.00am and 10.00pm. Erection of rear storage shed (Retrospective).
17.7.09 |
| 3.6 | PT08/2266/ADV

Approved | Display of 2 no. non illuminated fascia signs and 1 no. projecting sign
26.9.08 |
| 3.7 | PT08/0320/F

Approved | Change of use of ground floor from Office (Class A2) to Cafe (Class A3) as defined in the Town and Country Planning (Use Classes Order) 1987 (as amended 2005).
14.3.08 |
| 3.8 | PT06/2918/ADV | Display of 2 no. non illuminated fascia signs |

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		and 1 no. projecting sign (Resubmission of PT06/1781/ADV). 17.11.06
	Approved	
3.9	PT06/1781/ADV	Display of one non-illuminated projecting sign and one non-illuminated fascia sign. 18.7.06
	Refused	
3.10	P85/2088	Erection of single storey rear extension to form W.C.'S and kitchen. 11.9.85
	Approved	
3.11	P85/2089/L	Works of incidental demolition to facilitate alterations and extensions including formation of new window and demolition of existing outbuilding. 11.9.85
	Approved	
3.12	N216/LBC	Part demolition of existing boundary wall and widening of existing access. 26.4.79
	Approved	
3.13	N5433	Reduction of height of boundary wall and enlargement of existing vehicle access. Erection of two metre high timber gates. 26.4.79
	Approved	

4. **CONSULTATION RESPONSES**

4.1 Thornbury Town Council
No comment

4.2 Other Consultees

Conservation Officer

Concerns:

The application seeks to revert aspects of the approved design back to the original submission which received an objection from the conservation officer due to the inappropriate use of materials and other design-related concerns. The proposal is now to reintroduce the split of materials on the front of the building, with render to the first floor and stone to the ground floor. Whilst this allows the reuse of the stone in the existing wall, it is not a traditional treatment in the conservation area and it sets an unwelcome precedent for future developments. This aspect of the RVC application is unacceptable. A compromise may be to have render to the street-facing elevation and use the stone in the gable elevation - the junction between the two would need to be carefully detailed though to avoid it looking clumsy or overtly modern. As for the Virgin Media utility box, the applicant states that it is proving difficult to get agreement to relocate it and consequently the entrance door is moved in the elevation. Whilst this affects the arrangement of the

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elevation and creates an awkward internal layout to a bedroom, this change alone is not sufficiently harmful to the character or appearance of the conservation area to justify a refusal.

Recommendation - seek revisions to the use of materials in the front elevation and gable.

Updated comments:

The proposed change now includes render on the Chapel St elevation and random rubble stone on the gable end. This is acceptable but the materials key needs to be updated and all reference to stained timber should be removed – all joinery should be painted. No objection subject to conditions relating to materials.

Highway Officer

No objections

Archaeologist

No objection subject to a condition regarding an archaeological investigation programme to be submitted to and approved prior to commencement of development.

Other Representations

4.3 Local Residents

One letter of objection has been received from a local resident who makes the following point:

- any work undertaken must reduce existing penetrating damp situation caused by decking

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

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

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- 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 the proposal
The original application related to the erection of 2no. self contained flats to be attached to the existing building and located within the existing courtyard. The application site relates to a two-storey end of terraced property located on the eastern side of Thornbury High Street. The southern side directly abuts Chapel Street and the site is located within Thornbury Conservation Area. The building is currently used as a hairdresser at ground floor level and is defined as a secondary shopping frontage in the High Street. The first floor above the hairdresser is residential, granted permission under a previous application PT13/4676/F.
- 5.5 This s.73 application seeks consent to slightly alter the design of the approved scheme. The changes would include moving the position of the door facing Chapel Street slightly to the east to accommodate the existing Virgin Media utility box and to change the materials for this street facing south elevation and the north facing elevation from stone to render. The gable elevation would remain as originally planned in part stone and render. Although a number of the alterations could be agreed through the NMA process, in the interests of completeness, the changes are all being agreed comprehensively. In design terms, there is no objection to any of the proposed changes.
- 5.6 Other Relevant Conditions
In terms of all other conditions that were attached to application PT15/1632/F, these will now be attached to this decision notice.
- 5.7 Other matters
The comment from the neighbour is noted but as this is not a planning matter it cannot be covered under the remit of this planning report. It would be a civil matter to be discussed between the relevant parties. The agent has quite strenuously expressed his opinion that the neighbour has provided a neutral comment rather than an objection and as such the application should not be referred to the Circulated Schedule. Advice has been sought from the Democratic Services Office and it has been confirmed that if a member of the public takes the time, trouble and effort to comment on an application, Members want to be made aware of any and all such comments. Members are therefore notified of comments through the process of applications appearing on the Circulated Schedule where they have the opportunity to decide for themselves if the comments warrant the application being referred to a full planning committee.

6. CONCLUSION

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

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

7. RECOMMENDATION

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

Contact Officer: Anne Joseph
Tel. No. 01454 863788

CONDITIONS

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

Reason

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

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

Reason

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

3. Development is to be carried out in accordance with the following approved drawings unless otherwise agreed in writing:

As received by the Council on 12.4.15:

Existing ground floor plan - 13-1640-001

Existing roof plan - 13-1640-003

Existing elevations - 13-1640-005

Existing location plan, block plan and site plan -13-1640-006

Proposed ground floor plan - 13-1640-100 Rev E

Proposed first floor plan - 13-1640-101 Rev E

Proposed location plan, block plan and site plan - 13-1640-106

As received by the Council on 1.6.15:

Proposed roof plan - 13-1640-302 Rev A

As received by the Council on 2.2.16:
Proposed elevations - 13-1640-303 Rev E

Reason

For the avoidance of doubt and to ensure a satisfactory standard of external appearance in the Thornbury Conservation Area, and to accord with and Policy CS1 and Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; and the National Planning Policy Framework.

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

Reason 1:

This is a pre-commencement condition so as to avoid any unnecessary remedial action in the future.

Reason 2:

In order that the works serve to preserve or enhance the character and appearance of the conservation area, in accordance with section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990, national guidance set out at the NPPF and Historic Environment Planning Practice Guide and policy L12 of the adopted South Gloucestershire Local Plan.

5. The render to the rear elevation shall match that on the adjacent building which is being extended.

Reason

In order that the works serve to preserve or enhance the character and appearance of the conservation area, in accordance with section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990, national guidance set out at the NPPF and Historic Environment Planning Practice Guide and policy L12 of the adopted South Gloucestershire Local Plan.

6. Notwithstanding previously submitted details and prior to the commencement of relevant works details of the following items, including materials and finishes, shall be submitted and approved in writing by the local planning authority. The details shall be at a scale of 1:5 including sections. The works shall be completed strictly in accordance with the agreed details.
 - a. all new external doors, including frames and furniture. For the avoidance of doubt the front door shall be solid panelled as opposed to part glazed as indicated on the drawing)
 - b. all new windows (including cill, head and reveal details)
 - c. eaves, verges and ridges (including rainwater goods)
 - d. conservation rooflights

Reason

In order that the works serve to preserve or enhance the character and appearance of the conservation area, in accordance with section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990, national guidance set out at the NPPF

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and Historic Environment Planning Practice Guide and policy L12 of the adopted South Gloucestershire Local Plan.

7. Prior to the commencement of development a representative sample of the new clay roofing tiles shall be submitted and agreed in writing by the local planning authority. The works shall be completed strictly in accordance with the agreed details

Reason 1

This is a pre-commencement condition so as to avoid any unnecessary remedial action in the future.

Reason 2

In order that the works serve to preserve or enhance the character and appearance of the conservation area, in accordance with section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990, national guidance set out at the NPPF and Historic Environment Planning Practice Guide and policy L12 of the adopted South Gloucestershire Local Plan.

8. The roof light to the south elevation facing Chapel Street shown on revised Proposed Elevations plan 13-1640-303 Rev F is hereby NOT approved.

Reason

In order to preserve or enhance the character and appearance of the conservation area, in accordance with section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990, national guidance set out at the NPPF and Historic Environment Planning Practice Guide and policy L12 of the adopted South Gloucestershire Local Plan.

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

A detailed development layout showing surface water and SUDS proposals is required as part of this submission.

Reason 1

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

Reason 2

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

10. 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 1

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

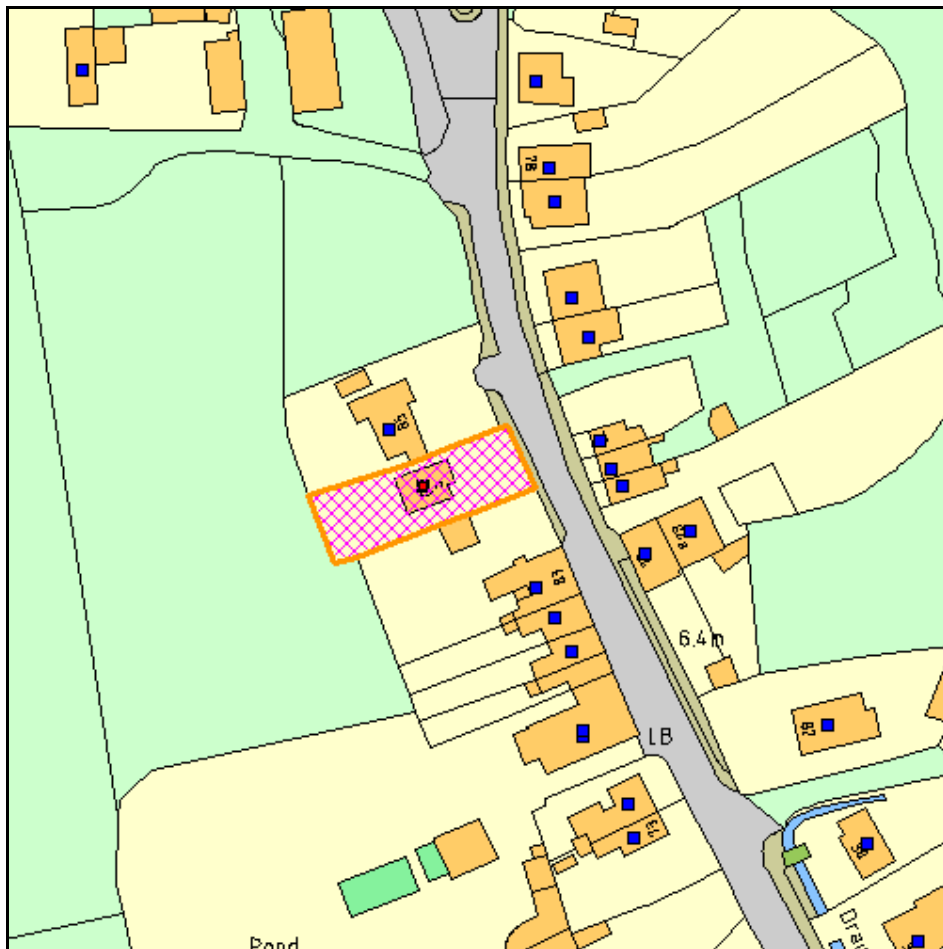
ITEM 11

Reason 2

To maintain and enhance the character and appearance of the Conservation Area, and to accord with saved Policy L12 of the South Gloucestershire Local Plan (Adopted) January 2006 and national guidance set out in the NPPF (2013).

CIRCULATED SCHEDULE NO. 05/16 – 5 FEBRUARY 2016

App No.:	PT15/5222/F	Applicant:	Mr Paul Williams
Site:	The Whitehouse 83A Redwick Road Pilning Bristol South Gloucestershire BS35 4LU	Date Reg:	15th December 2015
Proposal:	Erection of single storey rear extension to provide additional living accommodation.	Parish:	Pilning And Severn Beach Parish Council
Map Ref:	355049 185553	Ward:	Pilning And Severn Beach
Application Category:	Householder	Target Date:	5th February 2016



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REASON FOR SUBMISSION TO THE CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 The applicant is seeking full planning permission for the erection of a single storey rear extension at The Whitehouse, no. 83A Redwick Road, Pilning. The proposed extension measures 4.25 metres wide by 9 metres in depth and would have an overall height of 3.8 metres.
- 1.2 The application site relates to a two-storey detached dwelling within an established residential area. The site is also located 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 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

South Gloucestershire Local Plan Adopted January 2006 Saved Policies
T12 Transportation
EP2 Flood Risk and Development
H4 Development within Existing Residential Curtilages
- 2.3 Supplementary Planning Guidance
 - (a) South Gloucestershire Design Checklist (Adopted) August 2007
 - (b) Residential Parking Standard (Adopted) December 2013
 - (c) Development within the Green Belt SPD (Adopted) 2007

3. RELEVANT PLANNING HISTORY

- 3.1 None

4. CONSULTATION RESPONSES

- 4.1 Pilning and Severn Beach Parish Council
No Objection

4.2 Other Consultees
Archaeology Officer
No Objection

Sustainable Transport

No Objection, the level of parking available complies with the Council's residential parking standard.

Local Lead Flood Authority

No Objection. Flood mitigation form approved. Information required regarding flood evacuation plan.

Environmental Protection

No Objection

Lower Severn Drainage Board

No response received

Other Representations

4.3 Local Residents

One letter of objection has been received from a neighbouring resident raising the following concerns:

- Too high; a lower height would be less overbearing and intrusive to adjacent neighbours; suggests a flat roof or one with less pitch.
- High water table; use of a soakaway not helpful; prefer use of sewers to the main drainage system.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policy CS1 of the South Gloucestershire Local Plan Core Strategy (Adopted) 2013 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.

Policy H4 of the South Gloucestershire Local Plan (Adopted) 2006 allows the principle of extensions within residential curtilages, subject to considerations of visual amenity, residential amenity and highway safety.

The site falls within the adopted Bath/Bristol Green Belt. The extension of a building is listed under paragraph 89 of the NPPF as an 'exception' and as such the principle of the proposed development in the Green Belt is considered acceptable with the provision that the proposal would not result in disproportionate additions over and above the original building.

5.2 Impact on the Green Belt

The application site lies within the designated Green Belt, where proposals for extensions must not result in 'disproportionate additions' over and above the size of the original dwelling and would not compromise the 'openness' of the

Green Belt. In addition to the impact the proposed extensions would have on the openness of the Green Belt on their own, regard must also be had for other works that have taken place. In order to avoid the cumulative effect of several modest extensions resulting in a disproportionate enlargement of the dwelling, the presence of any existing extensions must be taken into account.

The Council's Green Belt Supplementary Planning Document specifically refers to the percentage increase over the original dwellinghouse which would represent a proportionate increase and states a volume increase of 30% as proportionate. Extensions over a 50% increase are not considered to fall within the definition of a 'limited extension' and as such are viewed as disproportionate and considered to be unacceptable.

The proposed extension subject to the application has a volume of approximately 120 cubic metres. Cumulatively therefore, it is calculated that should planning permission be granted, the volume of the dwelling house would be increased by 27.61%. Overall, the extension proposed is considered to be proportionate in both volume and appearance and as such the proposal is considered to comply with the guidance contained within the Council's Green Belt SPD and the National Planning Policy Framework.

5.3 Design / Visual Amenity

The proposal includes a rear extension which would form a bedroom, lounge/diner and a bathroom. Overall the proposed addition is of an appropriate standard in design and reflects the character of the main dwelling house and surrounding properties. The extension has a large depth of 9 metres, however given the permitted development order allows for additions of up to 8 metres in depth, it is not considered that an objection to the length of the proposal could be substantiated at appeal. Furthermore, concern has been raised by a neighbouring resident regarding the scale of the proposal, but it is considered that the extension is of a simple design and the resultant building would not appear disproportionate to the main dwelling. Furthermore, the proposed extension would incorporate materials to match those of the main dwelling which would help to assist the successful integration of the extension with the host dwelling.

The surrounding dwellings have been extended in various ways, furthermore the proposal is located to the rear of the dwelling and would not be visible from Redwick Road. Overall, it is considered that the proposal would not be harmful to the character and appearance of the principal dwelling and street scene.

5.4 Residential Amenity

The application property is bound to both sides by neighbouring residential properties and open fields are adjacent to the rear of the site.

The proposed extension would be situated adjacent to the boundary with the nearest neighbouring property, no. 85 Redwick Road. The proposed extension would project 9 metres in depth. Whilst it is accepted that the projection is deep, the extension is set away from the boundary with the neighbouring property and would have a reasonable height to eaves and a roof that slopes away from the neighbouring property. Given the existing boundary treatments

in place, combined with the location and height of the proposal, it is not considered that the rear extension would cause an unacceptable loss of light or an overbearing impact on the neighbouring dwelling.

One obscure glazed side elevation window and three side elevation doors are proposed to serve the new living spaces. Given the siting of these windows and doors, it is not considered that the proposal would result in any increase in overlooking or loss of privacy over and above the existing situation. It is considered that there are no issues of inter-visibility or loss of privacy. Further, sufficient garden space would remain to serve the property. Therefore the impact on residential amenity is subsequently deemed acceptable.

5.5 Parking and Highway Safety

The proposed extension will increase the bedrooms for the dwelling from four to five. The Council's parking standards state that a minimum of three parking spaces must be provided within the site boundary for a five bedroom dwelling as proposed. The submitted block plan shows that there is ample space for three parking spaces within the red edge, furthermore this was confirmed when the site visit was carried out, as such the proposal meets the Council's parking standards and the proposal is acceptable in terms of parking and highway safety.

5.6 Flood Prevention and Drainage

The site is situated within flood zones 2 and 3 as such the applicant needs to demonstrate that flood mitigation measures have been taken into consideration. Concern has been raised by a neighbouring resident with regard to the disposal of water from the extension. A flood mitigation strategy has been submitted which is considered acceptable, furthermore, the Council's Drainage Engineer has assessed the proposal and there are no objections to the proposed works. A condition will be attached to ensure works are carried out in accordance with the details specified on the submitted flood mitigation strategy. Furthermore, an informative will be attached to ensure that the applicant/agent is aware that they should compile a flood evacuation plan or update a current one to include the new rooms.

5.7 Environmental Protection

The Council's Environmental Protection Officer has assessed the proposal and there are no objections to the proposal subject to the attachment of a standard condition to restrict the hours for construction.

6. **CONCLUSION**

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

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

7. RECOMMENDATION

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

Contact Officer: Helen Braine
Tel. No. 01454 863133

CONDITIONS

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

Reason

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

2. The development hereby permitted shall be carried out in strict accordance with the flood protection measures as set out in the Flood Risk Assessment and Flood Mitigation Form as submitted with the application.

Reason

To protect the development from flooding, and to accord with Policy EP2 of the South Gloucestershire Local Plan (Adopted) January 2006 (Saved Policies), Policy CS9 of the South Gloucestershire Local Plan Core Strategy 2013 and the National Planning Policy Framework.

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

Reason

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

CIRCULATED SCHEDULE NO. 05/16 – 5 FEBRUARY 2016

App No.: PT15/5367/F

Applicant: Mr Dia Moodley

Site: 86 Durban Road Patchway Bristol
South Gloucestershire BS34 5HN

Date Reg: 21st December
2015

Proposal: Erection of single storey side and
single storey rear extensions to form
additional living accommodation.

Parish: Patchway Town
Council

Map Ref: 359758 181841

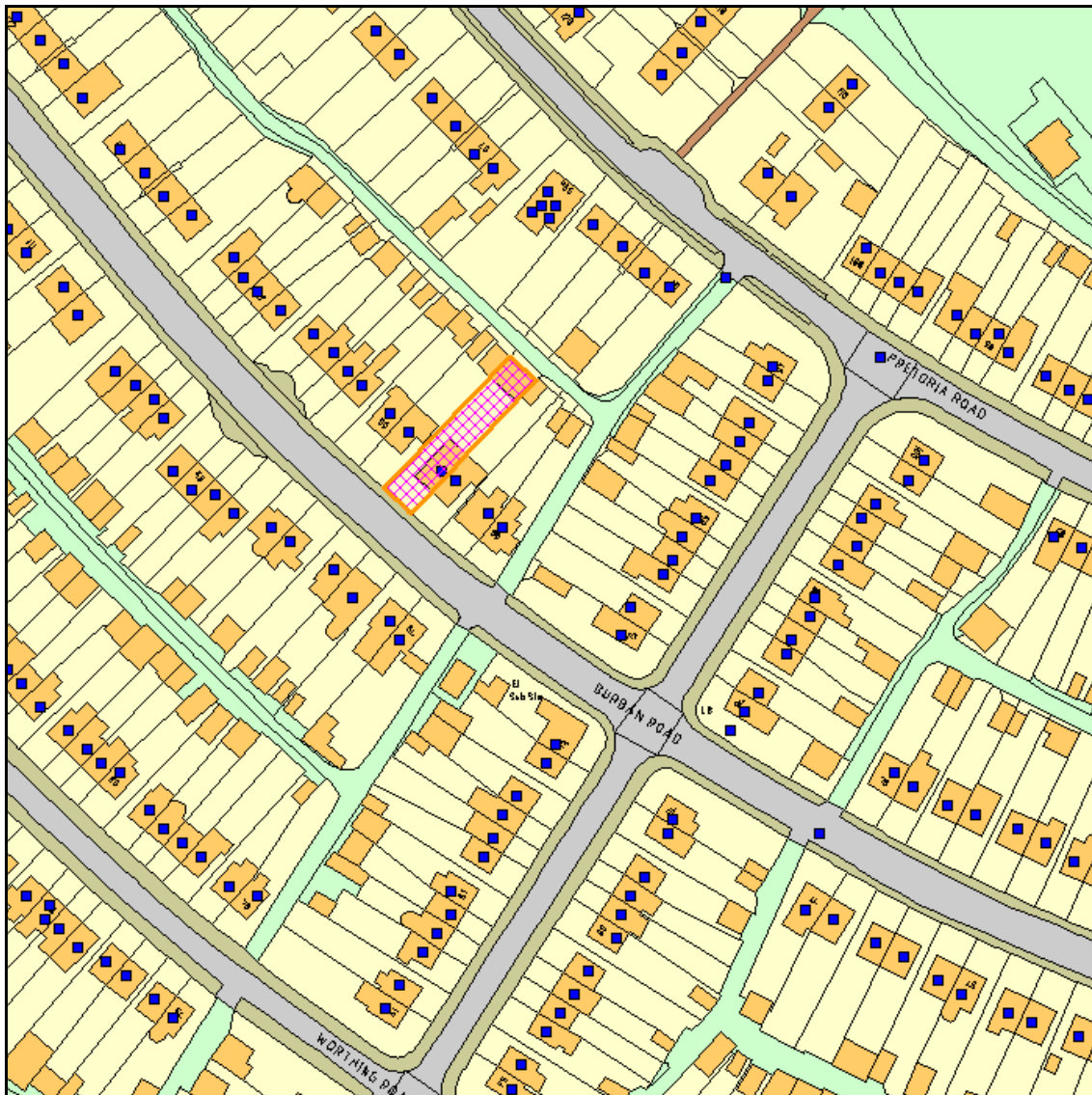
Ward: Patchway

Application Householder

Target 10th February

Category:

Date: 2016



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PT15/5367/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 local resident and objections from Patchway Town Council.

1. THE PROPOSAL

- 1.1 The application seeks planning permission for the erection of a single storey side and a single storey rear extension.
- 1.2 The proposed attic conversion is considered to be permitted development under the Town and Country Planning (General Permitted Development) (England) Order 2015.
- 1.3 The host dwelling is a semi-detached two storey dwelling situated within the settlement boundary of Patchway. The dwelling has a hipped roof and utilises a mixture of render at the front of the property and timber cladding to the rear.
- 1.4 The materials proposed are to match the existing dwelling including render, concrete tiles, and white UPVC windows and doors.
- 1.5 The surrounding area is made up of dwellings of a similar age, which are predominantly semi-detached with hipped roofs.

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
T8 Parking Standards

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 The application site does not have any relevant planning history.

4. CONSULTATION RESPONSES

4.1 Patchway Town Council

There is a possibility of encroachment on to the property of no.88 that may affect the enjoyment of their home.

4.2 Sustainable Transport

The number of bedrooms at the dwelling will increase to four as a result of the proposed development; for this a minimum of two parking spaces would be required. There have been no details submitted regarding vehicular access or parking arrangements to the site, thus Sustainable Transport cannot make final comments regarding the proposal. Revised plans were received 18th January 2016 showing two off street parking spaces, following re-consultation with sustainable transport no objection was raised to the proposed development.

Other Representations

4.3 Local Residents

An objection comment has been received from a neighbouring resident. The following objections have been raised by a neighbour with regards to the proposed erection of a single storey side and rear extension:

- The plans show that the side extension will be built on the objectors' side of the boundary, the boundary treatment between the applicant and objector is owned and maintained by the objector.
- The extension outer wall is on the boundary, thus the facials and guttering could overhang the objectors property, or potentially touch the objectors existing guttering. This point causes concern regarding fire safety.
- The objector would no longer be able to carry out maintenance to their property as they would not be able to erect a ladder.
- The fourth objection point is that this large extension will obscure the daylight and sunlight into the objectors' kitchen and garden.
- Furthermore it is felt by the objector that the proposed loft conversion with dormer window will overlook the objectors' rear garden and impact upon their privacy.
- Finally we have no objection in principle but we object to the plans.

5. ANALYSIS OF PROPOSAL

5.1 The application seeks planning permission for the erection of a single storey side and rear extension within the residential curtilage of 86 Durban Road.

5.2 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). 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. 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 dwelling within the settlement boundary of Patchway, it is situated within a row of dwellings which are all of similar proportion and style creating a character for the area.

5.3 The proposal is for a single storey side extension and single storey rear extension. The conversion of the attic which would see the hip-end roof change to a gable-end roof, the installation of a dormer window and rooflights is classed as permitted development under Schedule 2, Part 1, Classes B and C of the Town and Country Planning (General Permitted Development) (England) Order 2015.

5.4 The proposed single storey side extension will extend from the existing side wall by 2.4 metres and will span the depth of the property, the total height for the side extension would be 3.6 metres (2.5 metres to the eaves), and the extension will be approximately 0.1 metres from the boundary line. The single storey rear extension would extend beyond the rear wall by 3 metres and continue the height of the proposed side extension; the dwelling has an existing single storey rear extension the design of this will be changed and the materials will be render rather than timber. The roof style of the side and rear extensions would be hipped. This aspect of the proposal will see the insertion of rooflights.

5.5 The proposed side and rear extensions are considered to be acceptable in scale and form with the original dwelling and surrounding properties, thus, the proposed side and rear extension satisfies policy CS1 of the adopted Core Strategy. Whilst the attic conversion would unbalance the pair of dwellings it is permitted development under Schedule 2, Part 1, Classes B and C of the Town and Country Planning (General Permitted Development) (England) Order 2015.

5.6 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 occupier.

5.7 The applicant site is a semi-detached property located within the Patchway settlement boundary, the street is uniform in character. There are many issues and aspects to consider with regards to residential amenity.

Firstly there is the overbearing impact of the proposal, the host dwelling is a semi-detached dwelling which sits between no.88 and no.84, the dwelling is attached to no.84 on the eastern elevation. The proposed side and rear extensions are unlikely to appear overbearing to no.84 as the rear extension will extend the same distance as the existing rear elevation. The proposed extensions may however appear overbearing to no.88 as they are situated on a lower level than the host dwelling due to the topography of the site.

- 5.8 Objections have been received from no.88 as there is concern regarding the single storey side extension. There are concerns that the outer wall of the extension is on the boundary this would not only result in the potential of guttering overhanging no. 88 but also a concern regarding fire safety in both properties. The matter of overhanging is important however it should be noted that this permission does not grant permission to carry work on or over land not within the ownership or control of the applicant and that where there are concerns to consider the Access of Neighbouring Land Act 1992 and Party Wall Act 1996. The agent states that there will be no overhang, the air gap of 150mm will be enough for the gutters and fascias to be retained within the applicants land. Furthermore the concern regarding fire safety is covered by other legislation, the agent has also responded to this objection stating that the 300mm cavity wall offers sufficient fire protection.
- 5.9 Another issue raised by the objector is that the proposed large extension will impact the daylight and sunlight within their kitchen and garden. However the proposed single storey side and rear extensions do not extend further than the existing rear wall; furthermore the rear gardens are situated to the north of the host dwelling and objecting dwelling, it is unlikely that the proposal will significantly impact the objectors' right to light, it should also be noted that the window that could be affected is not the only window within the property.
- 5.10 The proposed side extension proposes for three rooflights, these reduce any overlooking and are considered to be permitted development. The proposed rear extension also proposes three rooflights, there is also a window and patio doors proposed within the rear extension, these are unlikely to result in overlooking as they would be on a single storey extension.
- 5.11 The proposed attic conversion which is shown on the plans is considered as permitted development, which is why the objectors' comment regarding the potential for overlooking is given less weight, whilst private residential amenity is important the loft conversion would be permitted development.
- 5.12 Overall the officer considers that the proposal would not result in adverse impacts on the residential amenity of neighbouring occupiers and future occupiers. The proposal is considered to accord with saved Policy H4 of the Local Plan (adopted) 2006.
- 5.13 Transport
The proposal shows that there will be an additional bedroom created by the proposed extension. The dwellinghouse currently has three bedrooms, for this a minimum of two spaces are required, the proposed development will increase the number of bedrooms to four, the minimum number of spaces required remains the same. The property currently has an area of hardstanding at the front of the property. Following car parking plans being submitted there is no objection from sustainable transport to the proposal, therefore the proposal is in accordance with saved policy T12 of the Local Plan (adopted) 2006 and the Residential Parking Standards Supplementary Planning Document (adopted) December 2013.

5.14 Other Issues

There has been another issue raised by an objector of the proposal, the objector states that the proposal would result in them not being able to carry out maintenance to their property, this is not a material consideration, and furthermore the agent has stated that they do not believe the neighbour's side access will be affected by the proposal.

6. **CONCLUSION**

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

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

7. **RECOMMENDATION**

7.1 That the application is **APPROVED** subject to the following 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 single storey side and rear extension is built, 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.