



**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. 18/16

Date to Members: 06/05/16

Member's Deadline: 12/05/2016 (5.00 pm)

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

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

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

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

NOTES FOR COUNCILLORS - FORMAL ARRANGEMENTS

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

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

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

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

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

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

GUIDANCE FOR 'REFERRING' APPLICATIONS

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

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

Dates and Deadlines for Circulated Schedule
During the May Bank Holidays 2016

Schedule Number	Date to Members 9am on	Members Deadline
17/16	Wednesday 27 April 2016	Thursday 05 May 2016 5pm
21/16	Wednesday 25 May 2016	Thursday 02 June 2016 5pm

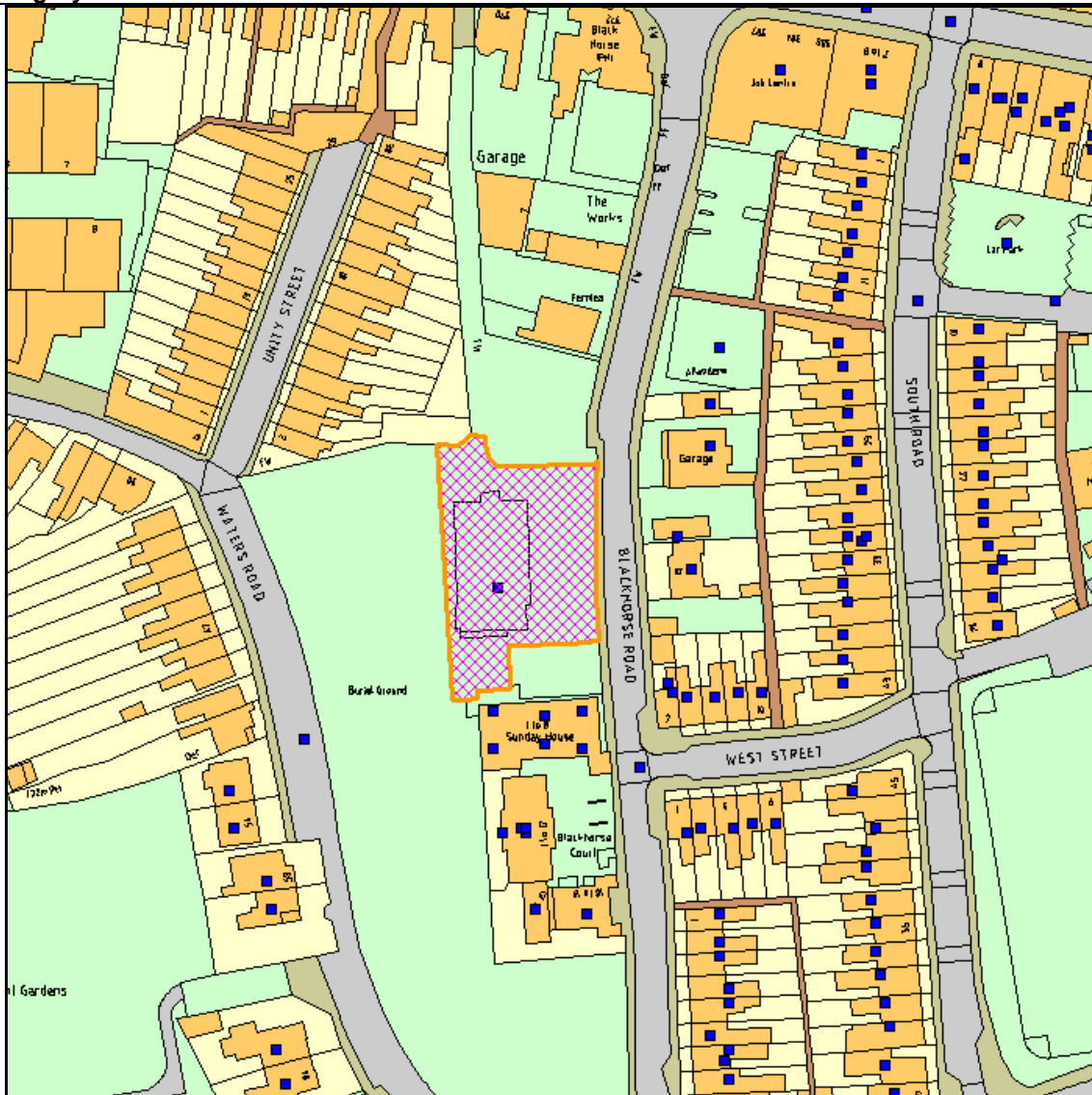
For clarity I have highlighted changed deadlines in **RED**.
All other dates remain as usual.

CIRCULATED SCHEDULE - 6 MAY 2016

ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
1	PK15/4995/F	Approved - Subject to 106 agreement	Wesleyan Chapel Blackhorse Road Kingswood South Gloucestershire BS15 8EA	Woodstock	None
2	PK15/4996/LB	Approve with Conditions	Wesleyan Chapel Blackhorse Road Kingswood South Gloucestershire BS15 8EA	Woodstock	None
3	PK15/5073/F	Approve with Conditions	Port Avon Marina Keynsham Road Keynsham South Gloucestershire BS31 2DD	Bitton	Bitton Parish Council
4	PK16/0147/F	Approve with Conditions	Land Off Old Chapel Lane Old Sodbury South Gloucestershire BS37 6SQ	Cotswold Edge	Sodbury Town Council
5	PK16/0640/CLE	Approve	Well House at The Chestnuts High Street Cold Ashton South Gloucestershire	Boyd Valley	Cold Ashton Parish Council
6	PK16/0710/F	Approve with Conditions	10 Mallard Close Chipping Sodbury South Gloucestershire BS37 6JA	Chipping	Dodington Parish Council
7	PK16/1348/F	Approve with Conditions	9 Buckingham Gardens Downend South Gloucestershire BS16 5TW	Downend	Downend And Bromley Heath Parish Council
8	PK16/1377/F	Approve with Conditions	36 Stockwell Drive Mangotsfield South Gloucestershire BS16 9DW	Rodway	Emersons Green Town Council
9	PT15/4348/F	Split decision See D/N	Hill House Farm Station Road Charfield Wotton Under Edge South Gloucestershire GL12 8SY	Charfield	Charfield Parish Council
10	PT15/4972/F	Approve with Conditions	1 And 2 Green Lane, Corbetts And Adjoining Land Milbury Heath Wotton Under Edge South Gloucestershire GL12 8QW	Ladden Brook	Tytherington Parish Council
11	PT16/0341/F	Approve with Conditions	Land adjacent to Over Court Farm House Over Lane Almondsbury South Gloucestershire BS32 4DF	Almondsbury	Almondsbury Parish Council
12	PT16/0823/F	Approve with Conditions	1 West View The Common Patchway South Gloucestershire BS34 6AW	Bradley Stoke Central And Stoke Lodge	Stoke Lodge And The Common
13	PT16/1245/F	Approve with Conditions	3 Thomas Way Stoke Gifford South Gloucestershire	Frenchay And Stoke Park	Stoke Gifford Parish Council
14	PT16/1576/F	Approve with Conditions	41 Medway Drive Frampton Cotterell South Gloucestershire BS36 2HF	Frampton Cotterell	Frampton Cotterell Parish Council

CIRCULATED SCHEDULE NO. 18/16 – 6 MAY 2016

App No.:	PK15/4995/F	Applicant:	Inspace Design Ltd
Site:	Wesleyan Chapel Blackhorse Road Kingswood South Gloucestershire BS15 8EA	Date Reg:	23rd November 2015
Proposal:	Change of use of former chapel from Ballet School (Class D2) to Residential (Class C3) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended) to facilitate the conversion to 15no. self-contained flats with new access, parking landscaping and associated works. Erection of bin and cycle stores. Creation of a memorial garden.	Parish:	None
Map Ref:	364533 173711	Ward:	Woodstock
Application Category:	Major	Target Date:	19th February 2016



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 100023410, 2008. N.T.S. PK15/4995/F

REASON FOR SUBMITTING TO THE CIRCULATED SCHEDULE

This application appears on the Council's Circulated Schedule list, following a number of objections from local residents and members of the public from outside of South Gloucestershire, which is contrary to the officer recommendation in this report.

1. THE PROPOSAL

- 1.1 This application relates to the derelict and fire damaged former Wesleyan Chapel on Blackhorse Road, Kingswood. The property is grade II listed, as are the buildings to the south including the former Sunday school, and two of the tombs within the graveyard of the chapel are locally listed structures. The chapel was last used as a dance school in the 1980s but became derelict by the late 1990s. A major fire in 2004 further damaged the structure and only the external walls remain.
- 1.2 The proposal is to bring the chapel back into use as 15 no. residential units, with parking, landscaping and associated works, with bin and cycle stores to be erected within the site. Some of the gravestones which are intact will be moved to the south of the site within the proposed memorial garden.
- 1.3 Amendments have been received during the course of the application to clarify design details and alterations to the layout of the parking area and the bin store. A period of re-consultation was undertaken for 14 days.
- 1.4 Some of the requested amendments, including the submission of an Arboricultural Method Statement and a drainage plan were not received during the course of the application.
- 1.5 An associated listed building consent application (PK15/4996/LB) which proposes internal changes also is currently pending consideration by the Council.

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
- L5 Open Space within Urban Areas
- L9 Protection Species
- L11 Archaeology
- L13 Listed Buildings
- L15 Locally Listed Buildings
- EP2 Flood Risk
- EP4 Noise Sensitive Development
- T7 Cycle Parking
- T12 Transportation

- H5 Re-use of Buildings for Residential Purposes
- S4 Burial Facilities

South Gloucestershire Local Plan Core Strategy Adopted December 2013

- CS1 High Quality Design
- CS2 Green Infrastructure
- CS4a Presumption in Favour of Sustainable Development
- CS5 Location of Development
- CS8 Improving Accessibility
- CS9 Managing the Environment and Heritage
- CS15 Distribution of Housing
- CS16 Housing Density
- CS17 Housing Diversity
- CS18 Affordable Housing
- CS23 Community Infrastructure
- CS24 Green Infrastructure, Sport and Recreation Standards
- CS29 Communities of the East Fringe of the Bristol Urban Area

2.3 Supplementary Planning Guidance

- Residential Parking Standards SPD (Adopted) December 2013
- South Gloucestershire Design Checklist (Adopted)
- Waste SPD (Adopted) 2015
- South Gloucestershire Local List
- Affordable Housing and Extra Care Housing Supplementary Planning Document (SPD)

3. RELEVANT PLANNING HISTORY

- 3.1 PK15/4996/LB Pending Consideration
Internal and external alterations to facilitate the conversion of former chapel to 15no. self-contained flats.
- 3.2 PK07/3382/LB & PK07/2951/F Withdraw 12/12/2007
Change of use of former chapel from Ballet School (Class D2) to Residential (Class C3) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended) to facilitate the conversion to 14 no. flats with parking landscaping and associated works. Erection of canopy to eastern elevation. Erection of bin and cycle stores. Creation of a memorial garden.
- 3.3 PK01/2093/LB & PK01/2092/F Refusal 24/08/2001
Conversion of building to form 16no. self-contained flats with associated works.

Reasons for refusal:

1- The proposed works would be detrimental to the character, quality and appearance of this property, which is included in the Statutory List of Buildings of Architectural and Historic Interest, by reason of the loss of important internal features. The proposal would also be contrary to policy KLP52 of the adopted Kingswood Local Plan, policy BE2 of the approved Avon County Structure Plan and policy L14 of the South Gloucestershire Local Plan (deposit draft).

2- The details submitted for the proposed alterations are of insufficient quality to allow for a considered response to the application. Large scale drawings of all joinery, showing mouldings doors, staircases, glazing bars etc are lacking, along with clear descriptions of the proposed changes and alterations to each floor.

- 3.4 PK99/0030/LB & PK99/0020/F Refused 27/11/2000
Conversion of building to form 2 no houses and 16 no flats

Reason for refusal:

1- The proposed development would be detrimental to the character, quality and appearance of this property, which is included in the Statutory List of Buildings of Architectural and Historic Interest, by reason of the removal of important internal features. The proposal would also be contrary to KLP52 of the Kingswood Local Plan, policy BE2 of the Avon County Structure Plan and policy L14 of the South Gloucestershire Local Plan (Deposit Draft).

4. CONSULTATION RESPONSES

- 4.1 Parish/Town Council
Un-parished area.

- 4.2 Other Consultees

Housing Enabling

No objection subject to viability being reassessed in 3 years time.

Listed Building Officer

No objection to amendments, subject to conditions.

Lead Local Flood Authority

Clarification of how surface water is to be dealt with to prevent contamination.

Urban Design

Defers to Council's Landscape, Transport and Heritage officers.

Landscape Officer

Defers to recommendations of Council's Tree officers.

Tree Officer

Arboricultural watching brief and method statement is required.

Highway Structures

No comment.

Arts and Development

No comment.

The Coal Authority

Coal Authority's Standing Advice should be included on the decision notice. The application site does not fall with the defined Development High Risk Area and is located instead within the defined Development Low Risk Area.

Avon and Somerset Police

No objection, however some changes recommended to prevent crime and disorder.

Ecology

No objection subject to conditions.

Sustainable Transport

Adjustments required to cycle and bin stores. Once done, no objection subject to standard conditions and additional condition to retain at least 7 of the parking spaces for unallocated use.

Public Open Space

Off-site public open space must be provided.

Environmental Protection

No objections subject to informative on the decision notice.

Avon Fire and Rescue

No comment.

Wessex Water

No comment.

Bristol City Council

No comment.

Waste Engineer

Minimum requirements are detailed within the Waste Collection SPD. Recommendations with regards to the bin store location.

Archaeology Officer

No comment.

Community Services

No comment.

Avon Wildlife Trust

No comment.

Children and Young People

No comment.

Other Representations

4.3 Local Residents

Twenty letters of objection have been received stating the following:

Gravestone removal and paving over graveyard

- Very upsetting, greedy, disgusting and disrespectful that relatives will be paved over
- Site should be cleaned up and turned back into previous use so that people can pay their respects
- Saddened at current neglect
- Queries made regarding plans for specific graves
- Everyone should be exhumed and laid to rest elsewhere
- Site not an eyesore – it is a graveyard!
- How long before the rest of the graveyard becomes a car park too
- Suggestions made for a voluntary action group to maintain the graveyard
- Shouldn't have been sold to private hands in the first place
- Home Office needs to be consulted as the Disused Burial Grounds (Amendment) Act 1981, 1884 and 1857 will apply
- Grave list applicant submitted is inaccurate
- Next people will bulldoze war memorials
- Relatives of deceased are still alive and living locally

Visual Appearance and Heritage

- Not in keeping with the historic significance of Kingswood

Other Issues

- Suggestion that church should be replaced with a garden of remembrance
- Graveyard used by wildlife and could be a nature haven if restored

Five letters of support have been received stating the following:

- Long overdue that something was done to restore this great building
- Planting of commemorative garden is a good idea
- Site is currently an eyesore
- Will provide much needed housing
- Issues with people living in the site will be resolved
- Dumping ground for rubbish
- Trees will be kept and this is important

Three general letters have been received stating:

- Provision should be made in the future that people must be held responsible for the maintenance of graves
- Letters querying plans for specific graves

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policy CS1 of the South Gloucestershire Core Strategy (Adopted) 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 H5 of the Local Plan allows for the conversion of non-residential properties for residential use provided that they:

- Would not prejudice the character of the surrounding area
- Would not prejudice the amenities of nearby occupiers
- Would identify an acceptable level of off-street parking
- Would provide adequate amenity space
- Are located within the existing urban areas and the boundaries of settlements, as defined on the proposals map

5.2 Policy CS9 seeks to protect and manage South Gloucestershire's environment and its resources in a sustainable way and new development will be expected to, among others, ensure that heritage assets are conserved, respected and enhanced in a manner appropriate to their significance; conserve and enhance the natural environment and conserve and enhance the character, quality, distinctiveness and amenity of the landscape. Policy L13 of the Local Plan seeks to preserve and enhance the setting and the special character of the listed building.

5.3 The site is located within the East Bristol urban fringe area, where residential development is acceptable in principle.

5.4 The site last provided a community use as a ballet school, however given the number of years that the building has been unoccupied this use is considered to have ceased by the Local Planning Authority, and therefore the justification for the loss of a community building under policy CS23 is not required.

5.5 Design and Impact on Listed Building

Due to the amount of fire and weather damage that has occurred over time, it is considered that it would be counter-productive to carry out any internal restorations at the grade II listed Chapel, as much of the internal historic fabric has been lost. The focus is therefore on the high quality restoration of the external elevations of the building, which is in a prominent position along Blackhorse Road, Kingswood.

5.6 The scheme is to introduce two additional floors, one replacing a previous floor which had since been lost and a second cutting across the windows. This new floor will be visible from the external elevations and the intensity of the subdivision does cause further loss of historic fabric, as the building is currently open and historically had an open galleried plan form. The intensity of the conversion has been justified within a viability statement.

- 5.7 The structural works proposed to the building are unclear at this stage, due to the difficulties in assessing the condition of the upper levels of the elevations which remain. As it is unknown to what extent the necessary repairs will affect the surviving historic fabric, clarification will be sought requiring structural works and the specification for repairs to be agreed with the Local Planning Authority prior to the commencement of development, and this will be conditioned on the decision notice in the event the application is approved. Large scale details of joinery, vents, flues, windows, doors and fenestration and samples of stonework, render and the artificial slate proposed shall be agreed with the Local Planning Authority prior to the relevant part of the development commencing. It is considered more appropriate that these conditions will appear on the decision notice of the associated listed building consent (PK15/4996/LB) as they relate to primarily to the conversion of the main chapel.
- 5.8 Externally, the adjacent graveyard to the east is proposed to be cleared of monuments and grave stones, many of which are curtilage listed in association with the chapel, with those in good condition to be relocated to the Memorial Garden proposed to the south end of the site. Whilst a Grave Survey has been submitted to support the application, not all of the grave stones are confirmed as being removed or retained and, given their curtilage listed status, it is necessary to impose a condition requiring a detailed schedule and specification for the recording of the surviving grave stones and memorials, a detailed method statement for their relocation and a detailed schedule and specification for their repair in the event the application is recommended for approval. Furthermore, in accordance with policy L11 of the Local Plan, all ground disturbance should be subject to an archaeological watching brief to ensure that a process is agreed and in place should anything of archaeological interest be discovered. It should include provision for the re-interment of any human remains that are discovered during the works, and this will be conditioned on the decision notice. A large number of objections have been received relating to the removal of the gravestones and the provision of areas of hardstanding over the remains, however these comments relate primarily to concerns about relatives and from a moral standpoint rather than the impacts on the heritage assets, and so will be discussed elsewhere in this report. It is worth noting that the large graveyard to the west is not affected by this proposal, as this graveyard appears to be the subject of some of the objections received.
- 5.9 The cycle shed and bin store are large single storey structures which will be highly visible from Blackhorse Road. During the course of the application, it was recommended that the size and/or location of the cycle shed and bin store were reconsidered, because as submitted they were considered to result in substantial harm to the setting of the listed building, particularly the bin store at the front of the site, and combined with the extent of the hardstanding and car parking proposed. Amendments were received to move the bin store to the north of the chapel, which is less dominating. Whilst the amount of hardstanding proposed is excessive, and in normal circumstances would be considered harmful to the setting of the listed building, the viability assessment did indicate that the subdivision to a residential use of 15 units is required for the building to be kept in a viable use.

Any reduction in the amount of hardstanding for parking would be insufficient for the number of units, and this would lead to the application raising highway safety concerns, and would prevent the chapel from being brought back into use. It is therefore considered that the amount of hardstanding proposed is acceptable from a heritage perspective.

- 5.10 Avon and Somerset Police were consulted as part of the application, and made some comments with regards to preventing crime and disorder within the development by designing it out. The car parking area is shielded from the main highway by landscaping, and therefore lighting within the site is required. There are no boundaries proposed to the lane to the north, which would be a dangerous and dark access if utilised, or to the west to the rest of the graveyard which is currently overgrown and out of the applicant's ownership. These will be conditioned on the decision notice in the event the application is approved, as part of a landscaping condition which will ensure the visual amenity of the site as a whole, and the details of the Memorial Garden. CCTV has been requested by the police also to overlook the two entrances to the rear, however given that the Memorial Garden is to be locked at night, the rear of the site is unlikely to attract people who do not reside in the building, and is not considered to be necessary, particularly as the aforementioned conditions will ensure it is well lit.
- 5.11 Overall, the development is considered to be acceptable from a design and heritage perspective, and is in accordance with policy CS1 and CS9 of the Core Strategy (Adopted) December 2013, and policies L1, L5, L11 and L13 of the Local Plan (Adopted) January 2006.
- 5.12 Residential Amenity
Fifteen residential units are proposed within the converted building, with an area of communal amenity space to share between them of approximately 60 square metres. This does not meet the Private Amenity Space standards within the emerging Policies Sites and Places Development Plan Document, however this policy is not yet adopted and can be given very little weight in planning decisions. As the flats are not family sized (one or two bedrooms) and are located within the urban area, it is considered acceptable for the units to not have access to any private amenity space and instead share access to the communal space. The site is also a ten minute walk to Public Open Space to the east of the site on the High Street, Kingswood, and very close to the Waters Road Allotments to the south-west.
- 5.13 Unit 4, a one bedroom unit, does not have windows facing outside in the bedroom, and instead a large high level internal window is proposed, leading out onto the entrance hall. The entrance hall is lit by floor to ceiling glazing consisting of windows and double doors, and given the close proximity from the external window to the internal window it is considered that adequate day light could reach the room without the need to create a new external window, which would not be acceptable due to the grade II listing of the chapel. A condition will ensure that details of the size of this internal window are submitted for approval.

- 5.14 Development should preserve the amenities of the neighbouring occupiers, the closest of which are the converted buildings to the south along Blackhorse Road. The facing windows span several floors of which the lower half appears to be obscured, and approximately 12 metres away. The windows which are directly south are very small and do not appear to be principle windows, and all will be shielded by the landscaping scheme along the boundary and within the Memorial Garden. The closest residential property to the north east is also 12 metres away to the edge of their residential curtilage, and this point relates to the end of the garden which is some distance from the dwelling itself and is not considered to overlook the property. Overall, the development is considered to preserve the amenities of the site and its surroundings and is in accordance with policy H4 of the Local Plan (Adopted) January 2006 and CS1 of the Core Strategy (Adopted) December 2013.
- 5.15 Transport and Waste
The access is existing, but is currently not accessible as the site is overgrown and fenced shut. It is sufficiently wide enough to provide both pedestrian and vehicular access simultaneously, and there is adequate visibility to the right when egressing onto the one way classified highway, Blackhorse Road.
- 5.16 The proposal is for 9 no. one bedroom flats and 6 no. two bedroom flats, which according to the Council's Residential Parking Standards SPD would generate a need of 18 car parking spaces. Notwithstanding this, car ownership and availability in Kingswood was surveyed in the 2011 census, and it was found that there were 0.59 cars per flat with one occupant (over the age of 17) and 1.59 cars per flat in units with two or more occupants (over the ages of 17). With this in mind, the parking requirement for this site would be 12 spaces. Three additional spaces have been shown, allowing three of the flats to have an extra car, and on this basis officers consider there to be adequate parking proposed. In order to allow for some of the units to have access to an additional parking space, it is recommended that at least seven of the spaces are unallocated to provide parking on a first come first serve basis, and this would also enable visitors to use empty spaces. Additional visitors parking is available in the nearby public car parks serving Kingswood High Street.
- 5.17 Additional space for the 15 cycle parking spaces was requested by the Transport officer to provide a width of 50 cm per cycle. The developer has proposed a semi vertical style of cycle parking manufactured by Odoni-Elwell, whereby the bikes are staggered in order that the spacing can be closer, only 30.5 cm per cycle. This method of close spacing is considered to be acceptable in this instance, particularly as to space the cycles 50cm apart would increase the length of the cycle store by approximately 1.5 metres, which would be harmful to the setting of the listed building.
- 5.18 During the course of the application, the bin store was upgraded in order to meet the minimum requirements in the South Gloucestershire Waste Collection SPD for 15 units of this size. It has also been relocated in a more accessible location, although still in excess of the 15 metre carry distance for refuse collectors. The NPPF states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe, and the slight reduction in cycle space and the

distance between the access and the bin store is not considered to be tantamount to this. Subject to conditions ensuring the vehicular, cycle parking and bin store are implemented prior to first occupation, there is no transportation objection and the development is considered to accord with policies T7 and T12 of the Local Plan (Adopted) January 2006 and policy CS8 of the Core Strategy (Adopted) December 2013.

5.19 Trees and Landscaping

The Tree Officer has been consulted with regards to this application, and they have no in principle objections to the removal of the trees shown to be removed on the plan. An Arboricultural Method Statement and Arboricultural Watching Brief for removal of debris within the root protection areas of trees which are to remain has been identified as a requirement, and this will be conditioned in the event the application is approved. As previously mentioned in the design section of this report, a landscaping scheme to secure the type of planting and boundary treatments is considered necessary to offset the amount of hard standing, and to ensure the Memorial Garden is of the highest quality in accordance with policy L5 of the Local Plan and policy CS1 of the Core Strategy.

5.20 Drainage

Concerns were raised by the Council's Drainage Officer with regards to the location of the soakaways, and the potential for contamination given the proximity to the surrounding graves. The applicant has confirmed that soakaway crates will be located in the car park area to the north of the chapel where there are no graves. The exact location and details will be confirmed via a condition requiring details of a Sustainable Urban Drainage System to be submitted prior to the commencement of development.

5.21 Affordable Housing and Viability Issues

Due to the complexities of converting the fire and weather damaged grade II listed chapel, the developer has claimed that a policy compliant scheme would render the proposed scheme undeliverable. To respond to the viability concerns raised, a financial appraisal of the costs and values of the site was undertaken and independently scrutinised by the District Valuer on behalf of South Gloucestershire Council. In their final report, they confirmed a policy compliant scheme would not be viable and due to the costs involved there would be no surplus generated by the site to meet any on or off-site affordable housing contributions. Options relating to different tenure mixes and unit types were not explored, as the report revealed that only a fully private scheme could bring the site forward for redevelopment. If affordable housing units were insisted upon, with the costs for remediation and construction taken off of the land value, this site would not be deliverable and then there would still be a zero contribution to affordable housing, and a loss of potential market value units as well. It is acknowledged that a nil affordable housing provision is unusual, but the justification behind recommending a zero contribution considered to be sufficient robust and can be considered to accord with Policy CS18 and the guidance within the Council's Affordable Housing and Extra Care SPD.

5.22 As suggested by the Council's Enabling Officer, a clause is to be attached to a Section 106 agreement to require a review of the viability situation if the development has not been completed within five years after the S106 agreement is completed. Any proportion of Net Development Value (NDV) at completion which is over above a 10% increase on NDV as assessed by the District Valuer on 31st March 2016 is to be shared equally between the developer and the council as a financial contribution.

5.23 Public Open Space

As per the situation with affordable housing, due to the viability situation with the development not generating the usual profit margins expected for residential development, there is no funding available to meet the off site contributions that have been sought. The development is therefore considered policy non-compliant and in most cases, planning permission would be withheld. However the need to see this site within a sustainable location redeveloped, with the grade II listed chapel restored and brought back into use, and all other benefits the development will bring is considered to a material consideration that outweighs the policy requirement in this instance. The on-site memorial garden will provide communal open space for both residents and the general public during daylight hours, and this will be managed by a private management company. A condition on the decision notice will require details of how it will be managed and the opening hours to be submitted and approved prior to first occupation of the converted chapel.

5.24 Ecology

As the chapel is derelict and currently unused, the grave yard is particularly overgrown. In order to assess the potential for protected species within the site, an Extended Phase 1 Habitat Survey has been provided, dated October 2015 and compiled by Clarke Webb Ecology. An internal and external building inspection found no signs of bats, however there is potential for nesting birds within the ruined chapel and in the scrub. An informative on the decision notice will remind the applicant of their responsibilities towards nesting birds and bats. Badger trails were evident at several places at the site and a condition requiring that a badger survey is carried out on the site 4-6 weeks prior to commencement shall be attached to any recommendation for approval.

5.25 The scope of the ecological survey did not include hedgehogs or reptiles. In the previous application in 2007, a reptile survey was recommended as there is potential for slow-worms at the site. A condition will ensure that the site is surveyed for slow-worms and hedgehogs and a mitigation strategy agreed if present. The Ecology officer suggested that biodiversity enhancements are sought, however given the aforementioned viability issues, it is not considered reasonable in this instance. Subject to the conditions, the application is in accordance with policy L9 of the Local Plan (Adopted) January 2006.

5.26 Graveyard

The majority of the objections received relate to the removal or relocation of various monuments and grave stones within the site and the laying of hardstanding across the site with the remains left in situ, and in summary raise the issue that laying hardstanding over human remains is morally wrong, particularly as some of the graves are as recent as the 1970s.

Whilst the heritage and archaeological impacts of the proposed changes to the graveyard have been considered in the earlier sections of this report, the moral issues raised and the fate of the individual persons buried does not fall to be determined under the remit of a planning application as it is not a planning matter, and instead falls to be determined under the Disused Burial Grounds (Amendment) Act 1981 and other relevant legislation. This is a separate process and does not affect the determination of this planning application. It is recommended that the developer contact the Diocese with regards to the procedure and to enquire what licenses are required, and this would most likely involve advertising to the public to find and discuss with the owner and/or relatives of each individual grave. An informative on the decision notice will remind the developer that the granting of planning permission does not give authorisation for the removal or relocation of grave stones, monuments or human remains and that the advice of the Diocese should be sought to confirm what legislation and licenses are applicable to this site.

5.27 Other Issues

Letters have been received suggesting alternative proposals for the site, including demolishing the building and turning it into a large memorial garden, getting the community involved to restore the site, or allowing the site to become a haven for wildlife. These comments are noted, however the Local Planning Authority can only consider the scheme put forward to them by the applicant and whether it complies with local and national planning policy.

5.28 The Planning Balance

South Gloucestershire Council's 2015 Authority's Monitoring Report published the five year housing land supply figure for the district as being 4.28 years, concluding that the Council does not currently have a five year housing land supply and therefore paragraph 49 of the NPPF is currently engaged. Housing applications should be considered in the context of the presumption in favour of sustainable development, and that the Local Planning Authority should grant planning permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. This proposal will add 15 no. units of one or two bedrooms to the housing supply in a sustainable location within an urban area of South Gloucestershire, whilst bringing back into use a grade II listed building and considerably improving the visual amenity of the area. Only limited weight can be afforded to the harm caused by the lack of affordable units and public open space contributions at the site and off site, as the provision of a policy compliant scheme in this regard would render it unviable and therefore the provision of affordable housing would still be zero as the scheme would not be deliverable.

5.29 Other issues identified in the previous paragraphs, such as a lack of private amenity space and a secondary window in the bedroom of unit 4 are not considered to represent significant and demonstrable harm as described in paragraph 14 of the NPPF, as well as paragraph 32 of the NPPF which only allows refusal on highways grounds if the impact is severe. The highway issues identified in paragraphs 5.17 and 5.18 are not considered by officers to have a severe impact on highway safety.

5.30 The intensity of the sub-division of the building, the provision of hardstanding and the erection of the bin and cycle stores is considered to be necessary to serve this viable use and is overall considered to be a heritage gain, despite the significant changes to the site. Overall, and subject to the conditions listed on the decision notice and the signing of the Section 106 agreement, it is recommended that the application is approved.

6. CONCLUSION

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

6.2 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 authority be delegated to the Director of Environment and Community Services to grant permission, subject to the conditions set out on the decision notice and the applicant first voluntarily entering into an agreement under section 106 of the Town and Country Planning Act 1990 (as amended) to secure the following:

- 1) Practical completion of development to be achieved within 3 years from the date of the decision notice. If this is not achieved the developer shall:
 - i. Provide the Council with actual and projected sale values to assess the Net Development Value (NDV) on completion of all permitted dwellings
 - ii. Any proportion of NDV at completion which is over above a 10% increase on NDV as assessed by the DVS on 31st March 2016 to be shared equally between the developer and the council as a financial contribution.

The reason for the above obligations is to ensure that the affordable housing position is reviewed if the development does not proceed within what is considered to be a reasonable time period.

7.2 That the Head of Legal and Democratic Services be authorised to prepare and seal the agreement.

7.3 Should the agreement not be completed within 12 months of the date of the Committee resolution that delegated authority be given to the Director of Environment and Community Services to refuse the application.

Contact Officer: Trudy Gallagher
Tel. No. 01454 862217

CONDITIONS

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

Reason

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

2. The development shall proceed in accordance with the following drawings, received on 19th November 2015 unless otherwise indicated below:
Landscaping/Drainage Proposals CMR3339.PL06B (received 25/1/16)
Proposed Floor Plans CMR3339.PL01 C (received 25/1/16)
Bin and Bicycle Stores CMR3339.PL05 A (received 25/1/16)
Detailed Section CMR3339.PL04
Proposed Sections CMR3339.PL03
Proposed Elevations CMR3339.PL02A
Grave Survey CMR3339.EX05
Existing Elevations CMR3339.EX04
Existing Internal Elevations and Roof Plan CMR3339.EX03
Existing Floor Plans CMR3339.EX02
Existing Site Plans and Elevations CMR3339.EX01

Reason

In the interests of clarity and to ensure that the development is carried out in accordance with the approved plans in order to comply with the policies set out within the South Gloucestershire Local Plan Core Strategy (Adopted December 2013) and the saved policies within the South Gloucestershire Local Plan (Adopted 2006).

3. Prior to the commencement of development drainage detail proposals incorporating Sustainable Drainage Systems (SUDS) and confirmation of hydrological conditions e.g. soil permeability, watercourses, mining culverts within the development shall be submitted for approval in writing to the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason

To ensure that a satisfactory means of drainage is provided to prevent contamination and flooding and to accord with policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework. This information is required prior to commencement to prevent the need for remedial works later on.

4. Prior to the commencement of development, an Arboricultural Method Statement and Arboricultural Watching Brief shall be submitted for written approval to the Local Planning Authority. The development shall then proceed in accordance with the agreed details.

Reason

To protect trees on the site during the course of development in the interests of visual amenity, and to accord with policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework. This information is required prior to commencement to prevent the need for remedial works later on.

5. Prior to the commencement of development, the site must be surveyed for hedgehogs and slow-worms at an appropriate time of year and, if they are present, a mitigation strategy, or, if apparently not present, a precautionary approach, be drawn up and agreed in writing with the Local Planning Authority. The development shall then proceed in accordance with the agreed strategy.

Reason

In order to prevent harm to protected species, namely slow-worms and hedgehogs, in accordance with policy L9 of the South Gloucestershire Local Plan (Adopted) January 2006 and policy CS9 of the Core Strategy (Adopted) December 2013. This information is required prior to commencement of development to prevent harm being caused to the protected species.

6. Prior to the commencement of the works hereby permitted a detailed schedule and specification for the recording of the surviving gravestones, and memorials within the site and a detailed method statement for their relocation and a detailed schedule and specification for their repair shall be submitted to the Council in writing for approval. No works shall be undertaken until the Council has given written approval for the submitted schedules, specifications and method statements and the recording and relocation and repair shall be carried out exactly in accordance with the details so agreed.

Reason

To ensure that the curtilage listed structures are repaired, recorded and retained where possible to prevent further loss of historic fabric, in accordance with policy CS9 of the South Gloucestershire Core Strategy (Adopted) December 2013, policy L13 of the South Gloucestershire Local Plan (Adopted) January 2006 and the National Planning Policy Framework. This information is required prior to commencement to prevent unnecessary damage to the heritage assets during construction.

7. Prior to any ground disturbance taking place at the site, a method statement (Written Scheme of Investigation) for the watching brief (which should include the provision for re-interment of any human remains that are discovered during the works) should be submitted to the Council for written approval. The works shall then proceed in accordance with the agreed Written Scheme of Investigation.

Reason

To ensure that any historic fabric discovered within the site during the works is adequately recorded and protected, in accordance with policy L11 of the South Gloucestershire Local Plan (adopted) January 2006 and policy CS9 of the South Gloucestershire Core Strategy (Adopted) December 2013.

8. Prior to first occupation of the development hereby approved, details of adequate lighting within the site to BS 5489:2013 standards shall be submitted for written approval to the Local Planning Authority. The agreed scheme of lighting shall be implemented prior to first occupation of the development hereby approved, and thereafter maintained to a satisfactory standard.

Reason

In the interests of the safety and security of the site, and to accord with policy CS1 of the South Gloucestershire Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

9. Prior to the commencement of development, a badger mitigation strategy shall be drawn up and agreed in writing with the Council. It should include details of any work subject to the licensing provisions of the Protection of Badgers Act 1992. The development shall proceed in accordance with the agreed strategy.

Reason

In order to prevent harm to protected species, namely slow-worms and hedgehogs, in accordance with policy L9 of the South Gloucestershire Local Plan (Adopted) January 2006 and policy CS9 of the Core Strategy (Adopted) December 2013. This information is required prior to commencement of development to prevent harm being caused to the protected species.

10. 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, gates and areas of hardsurfacing shall be submitted to the Local Planning Authority for approval. Details of the opening hours the Memorial Garden will be open to the public and the method of management shall be included. Development shall be carried out in accordance with the agreed details and satisfactorily maintained thereafter.

Reason

In the interests of the visual amenity of the site, and to ensure that adequate communal amenity space is provided for the application site in accordance with policies L1, L5 and H5 of the South Gloucestershire Local Plan (Adopted) January 2006 and policy CS1 of the Core Strategy (Adopted) December 2013. The information is required prior to commencement to prevent remedial works later on.

11. Prior to first occupation of the development hereby approved, the access, vehicular and cycle parking and bin store shall be implemented in accordance with the approved plans, and maintained satisfactorily thereafter.

Reason

To ensure adequate parking, to encourage sustainable transport and to minimise clutter within the site, in accordance with policies T7 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006, policy CS1 and CS8 of the Core Strategy (Adopted) December 2013, the South Gloucestershire Waste Collection SPD, the Residential Parking Standards SPD, and the National Planning Policy Framework.

12. Seven of the fifteen proposed parking spaces shown on the approved drawing PL06 B shall be unallocated to specific units.

Reason

To allow for a flexible parking arrangement depending on the car ownership of the occupants, and to allow visitors parking, in accordance with policy T12 of the Local Plan (Adopted) January 2006, policy CS8 of the Core Strategy (Adopted) December 2013 and the Residential Parking Standards SPD.

13. The hours of working on site during the period of construction shall be restricted to 0800 to 1800 hours Monday to Friday and 0800 to 1300 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 surrounding occupiers, in accordance with policy H5 of the South Gloucestershire Local Plan (Adopted) January 2006.

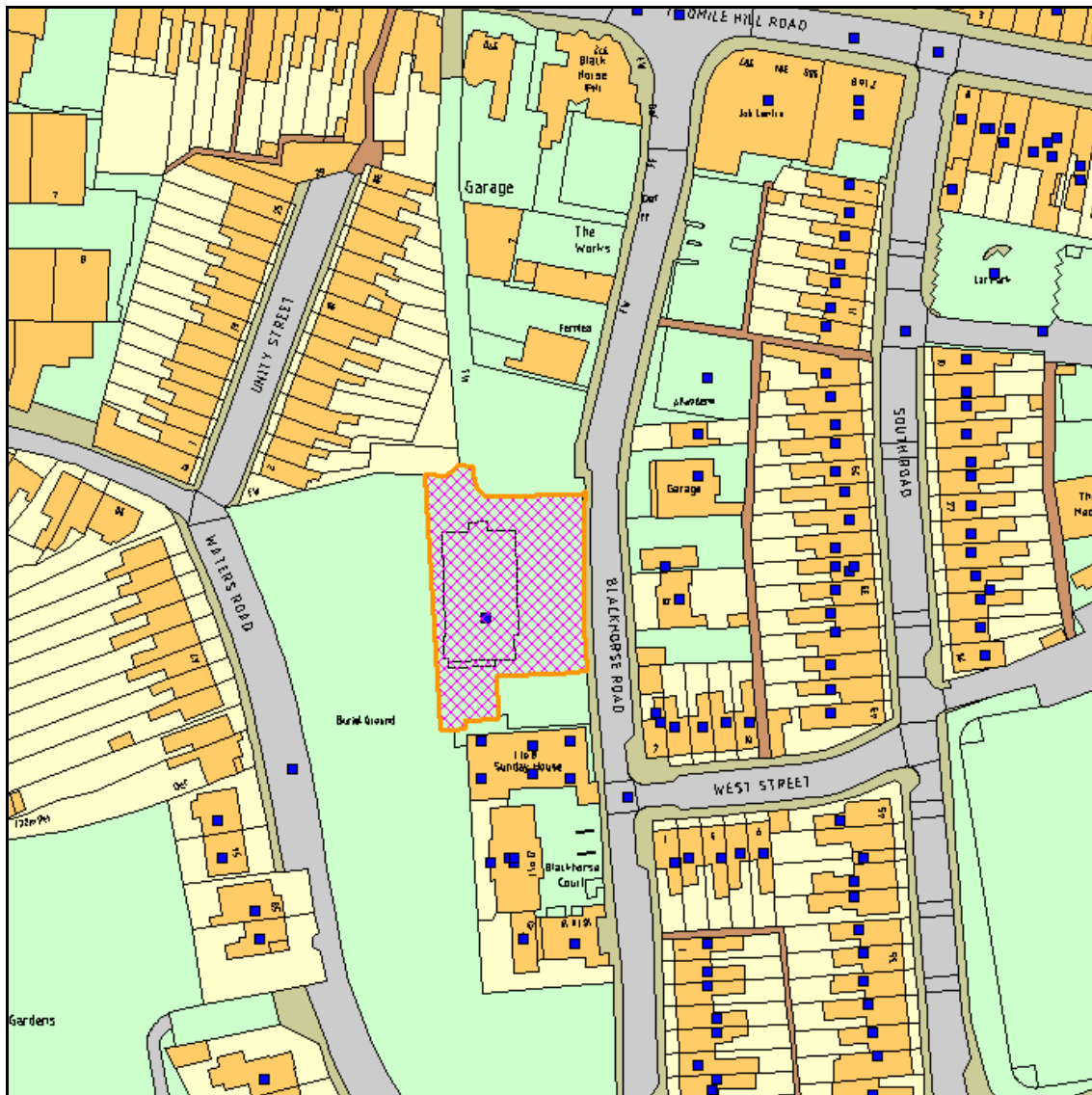
14. Prior to commencement of development, details of the internal window serving the bedroom of unit no. 4 shall be submitted to and agreed in writing by the Local Planning Authority. Development shall then proceed in accordance with these details, and be maintained as agreed thereafter.

Reason

To ensure adequate lighting within the bedroom of unit 4, in accordance with policy H5 of the South Gloucestershire Local Plan (Adopted) January 2006. This information is required prior to commencement in order to prevent remedial works later on.

CIRCULATED SCHEDULE NO. 18/16 – 6 MAY 2016

App No.:	PK15/4996/LB	Applicant:	Inspace Design Ltd
Site:	Wesleyan Chapel Blackhorse Road Kingswood South Gloucestershire BS15 8EA	Date Reg:	23rd November 2015
Proposal:	Internal and external alterations to facilitate the conversion of former chapel to 15no. self-contained flats.	Parish:	None
Map Ref:	364533 173711	Ward:	Woodstock
Application Category:	Minor	Target Date:	15th January 2016



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REASON FOR SUBMITTING TO THE CIRCULATED SCHEDULE

This application appears on the Council's Circulated Schedule list, following an objection from a local resident which is contrary to the officer recommendation in this report.

1. THE PROPOSAL

- 1.1 This application relates to the derelict and fire damaged former Wesleyan Chapel on Blackhorse Road, Kingswood. The property is grade II listed, as are the buildings to the south including the former Sunday school, and two of the tombs within the graveyard of the chapel are locally listed structures. The chapel was last used as a dance school in the 1980s but became derelict by the late 1990s. A major fire in 2004 further damaged the structure and only the external walls remain.
- 1.2 The proposal is to bring the chapel back into use as 15 no. residential units. Some of the gravestones which are intact will be moved to the south of the site within the proposed memorial garden.
- 1.3 An associated full planning application (PK15/4995/F) is currently pending consideration by the Council.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework March 2012
Planning (Listed Buildings and Conservation Areas) Act 1990
- 2.2 Development Plan

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

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

3. RELEVANT PLANNING HISTORY

- 3.1 PK15/4995/F Pending Consideration
Internal and external alterations to facilitate the conversion of former chapel to 15no. self-contained flats.
- 3.2 PK07/3382/LB & PK07/2951/F Withdraw 12/12/2007
Change of use of former chapel from Ballet School (Class D2) to Residential (Class C3) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended) to facilitate the conversion to 14 no. flats with parking landscaping and associated works. Erection of canopy to eastern elevation. Erection of bin and cycle stores. Creation of a memorial garden.

- 3.3 PK01/2093/LB & PK01/2092/F Refusal 24/08/2001
Conversion of building to form 16no. self-contained flats with associated works.

Reasons for refusal:

1- *The proposed works would be detrimental to the character, quality and appearance of this property, which is included in the Statutory List of Buildings of Architectural and Historic Interest, by reason of the loss of important internal features. The proposal would also be contrary to policy KLP52 of the adopted Kingswood Local Plan, policy BE2 of the approved Avon County Structure Plan and policy L14 of the South Gloucestershire Local Plan (deposit draft).*

2- *The details submitted for the proposed alterations are of insufficient quality to allow for a considered response to the application. Large scale drawings of all joinery, showing mouldings doors, staircases, glazing bars etc are lacking, along with clear descriptions of the proposed changes and alterations to each floor.*

- 3.4 PK99/0030/LB & PK99/0020/F Refused 27/11/2000
Conversion of building to form 2 no houses and 16 no flats

Reason for refusal:

1- *The proposed development would be detrimental to the character, quality and appearance of this property, which is included in the Statutory List of Buildings of Architectural and Historic Interest, by reason of the removal of important internal features. The proposal would also be contrary to KLP52 of the Kingswood Local Plan, policy BE2 of the Avon County Structure Plan and policy L14 of the South Gloucestershire Local Plan (Deposit Draft).*

4. CONSULTATION RESPONSES

4.1 Parish/Town Council

Un-parished area.

4.2 Other Consultees

Listed Building Officer

No objection subject to conditions.

Council for British Archaeology

No comment received.

Georgian Group

No comment received.

Twentieth Century Society

No comment received.

Society for the Protection of Ancient Buildings

No comment received.

Victorian Society
No comment received.

Ancient Monuments Society
No comment received.

Bristol City Council
No comment received.

Other Representations

4.3 Local Residents

One letter of objection has been received stating:

- Relatives buried in the cemetery and not happy about graves being covered over for car parking

Two letters of support have been received stating the following:

- Lovely to see historic building brought back
- Memorial garden will enable history to live on and give access to families
- Essential housing for the community
- Life breathed into forgotten corner just off of the High Street

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

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

5.2 Consideration of Proposals

Due to the amount of fire and weather damage that has occurred over time, it is considered that it would be counter-productive to carry out any internal restorations at the grade II listed Chapel, as much of the internal historic fabric has been lost. The focus is therefore on the high quality restoration of the external elevations of the building, which is in a prominent position along Blackhorse Road, Kingswood.

5.3 The scheme is to introduce two additional floors, one replacing a previous floor which had since been lost and a second cutting across the windows. This new floor will be visible from the external elevations and the intensity of the subdivision does cause further loss of historic fabric, as the building is currently open and historically had an open galleried plan form. The intensity of the conversion has been justified within a viability statement.

5.4 The structural works proposed to the building are unclear at this stage, due to the difficulties in assessing the condition of the upper levels of the elevations which remain. As it is unknown to what extent the necessary repairs will affect the surviving historic fabric, clarification will be sought requiring structural works and the specification for repairs to be agreed with the Local Planning Authority prior to the commencement of development, and this will be conditioned on the decision notice in the event the application is approved.

Large scale details of joinery, vents, flues, windows, doors and fenestration and samples of stonework, render and the artificial slate proposed shall be agreed with the Local Planning Authority prior to the relevant part of the development commencing.

- 5.5 Externally, the adjacent graveyard to the east is proposed to be cleared of monuments and grave stones, many of which are curtilage listed in association with the chapel, with those in good condition to be relocated to the Memorial Garden proposed to the south end of the site. Whilst a Grave Survey has been submitted to support the application, not all of the grave stones are confirmed as being removed or retained and, given their curtilage listed status, it is necessary to impose a condition requiring a detailed schedule and specification for the recording of the surviving grave stones and memorials, a detailed method statement for their relocation and a detailed schedule and specification for their repair in the event the application is recommended for approval. This will be attached to the associated full planning application decision notice.
- 5.6 Overall, the development is considered to be acceptable from a design and heritage perspective, and is in accordance with policy CS1 and CS9 of the Core Strategy (Adopted) December 2013, and policy L13 of the Local Plan (Adopted) January 2006, as well as the National Planning Policy Framework.

6. CONCLUSION

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

7. RECOMMENDATION

- 7.1 That listed building consent is **GRANTED**.

Contact Officer: Trudy Gallagher

Tel. No. 01454 862217

CONDITIONS

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

Reason

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

2. Prior to the commencement of the works hereby approved, full details of the proposed structural works (including repairs) shall be submitted to the Council for approval in writing. No works shall be commenced until the Council has given written approval for the submitted details and the works of alteration and repair shall be undertaken exactly in accordance with the details so approved.

Reason

To safeguard the special architectural and historic character of the building, and to accord with Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990

3. Prior to the commencement of the relevant part of the works hereby approved, full details of the proposed vents and flues) shall be submitted to the Council for approval in writing. No works shall be commenced until the Council has given written approval for the submitted details and the vents and flues shall exactly accord with the details so approved.

Reason

To safeguard the special architectural and historic character of the building, and to accord with Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990

4. Prior to the commencement of the relevant part of the works hereby approved, sample panels of the proposed new facing stonework and render shall be prepared on site for the approval of the Council. No works shall be commenced until the Council has given written approval, for the sample panels and the new stonework and render shall exactly match the details so approved. For the avoidance of doubt the stonework shall be dressed stone matching the historic dressed stonework and natural rubblestone set in lime mortar to match surviving historic rubblestone, and the render shall be a traditional roughcast lime render finished with a limewash or similar paint finish.

Reason

To safeguard the special architectural and historic character of the building, and to accord with Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

5. Prior to the commencement of the relevant part of the works hereby approved, a sample of the proposed roofing slate shall be submitted to the Council for approval. No slates shall be laid until the Council has given written approval for the slate sample and the new slates shall exactly match the agreed sample.

Reason

To safeguard the special architectural and historic character of the building, and to accord with Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

6. Prior to the commencement of the relevant part of the works hereby approved, large scale details (in respect of which approval is expressly reserved) of the proposed fenestration, and the external doors and doorcases shall be submitted to the Council for approval. No works shall be commenced until the Council has given written approval, for the submitted details and the works shall be constructed exactly in accordance with the details so approved.

Reason

To safeguard the special architectural and historic character of the building, and to accord with Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

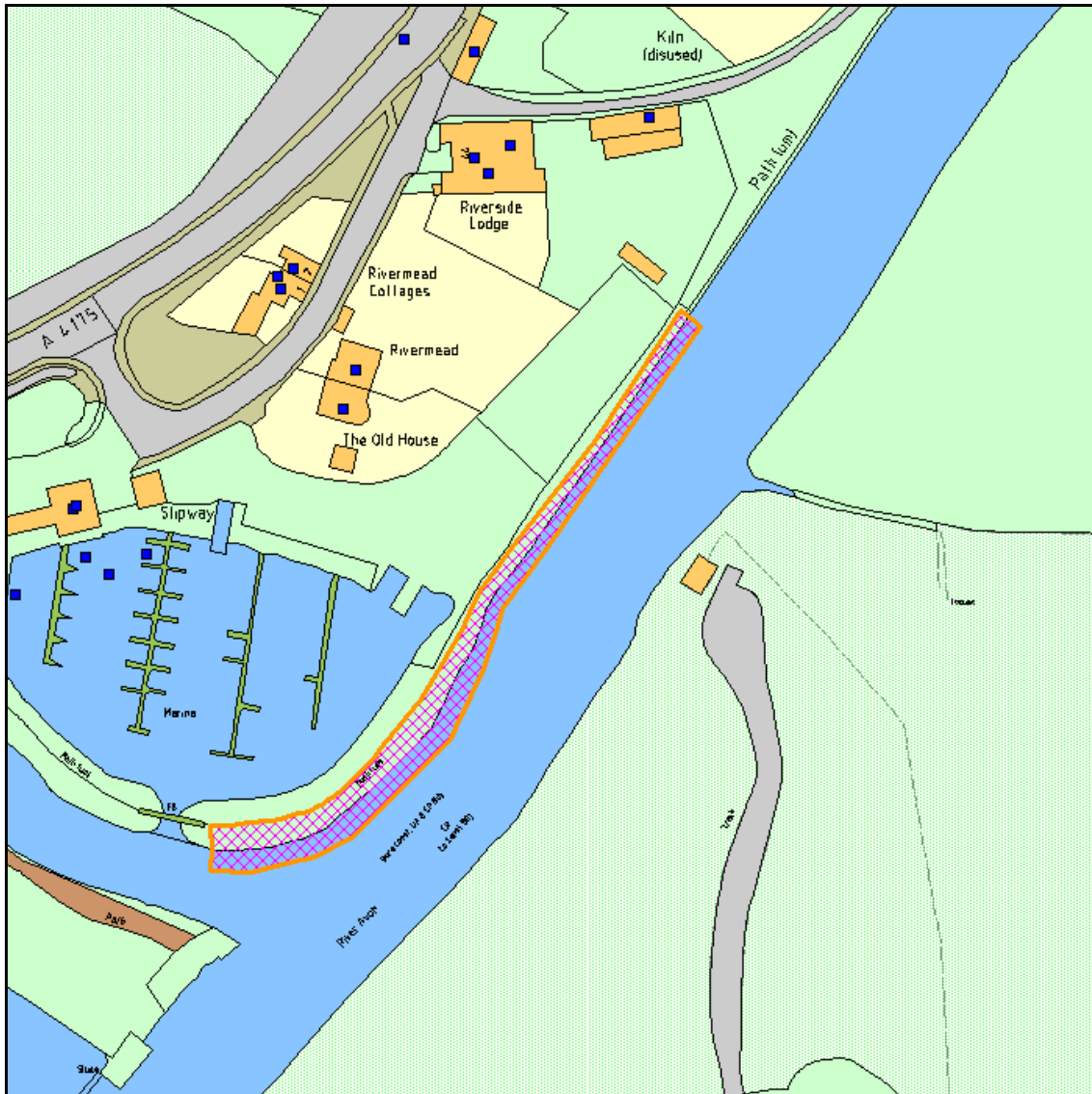
7. Prior to the commencement of the relevant part of the works hereby approved, details of the proposed external joinery finishes shall be submitted to the Council for approval. No works shall commence until the Council has given written approval. The finish of the joinery shall comply exactly with the details so approved. No alteration of the approved finish shall take place without written approval of the Council.

Reason

To safeguard the special architectural and historic character of the building, and to accord with Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

CIRCULATED SCHEDULE NO. 18/16 – 6 MAY 2016

App No.:	PK15/5073/F	Applicant:	British Waterways Marinas Ltd
Site:	Port Avon Marina Keynsham Road Keynsham South Gloucestershire BS31 2DD	Date Reg:	30th November 2015
Proposal:	Installation of 7no. moorings with associated pontoons and infrastructure at Port Avon Marina, Keynsham	Parish:	Bitton Parish Council
Map Ref:	366012 169009	Ward:	Bitton
Application Category:	Minor	Target Date:	22nd January 2016



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REASON FOR REPORTING TO THE CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 This application seeks planning permission for the installation of 7 moorings at Port Avon Marina on the outskirts of Keynsham. The moorings would be situated on the west bank River Avon to the northeast of the marina entrance. The site is linear in nature following the course of the river bank as it bounds the existing marina. At present, the site contains a number of trees and a public right of way runs along the top of the bank.
- 1.2 Access is provided from the A4175 Keynsham Road. In terms of other constraints the site is located outside of any defined settlement boundary within the Bristol and Bath Green Belt and is within an area of high flood risk (zone 3b). The area is also of archaeological interest as the land to the north and west is purported to be the site of the Battle of Keynsham and the Avon Navigation flows to the west of the marina entrance.
- 1.3 Planning permission has previously been granted (PK12/0784/F) in August 2012 for a similar development. That consent has now expired as there is no evidence it was implemented within the necessary time period. This application seeks to re-establish that consent.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework March 2012

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design
CS4a Presumption in Favour of Sustainable Development
CS5 Location of Development
CS8 Improving Accessibility
CS9 Managing the Environment and Heritage
CS23 Community Infrastructure and Cultural Activity
CS34 Rural Areas

South Gloucestershire Local Plan Adopted January 2006 (Saved Policies)

L1 Landscape
L9 Species Protection
L11 Archaeology
EP2 Flood Risk and Development
T12 Transportation
E11 Tourism
LC5 Provision for Outdoor Sports and Recreation
LC12 Recreational Routes

- 2.3 Supplementary Planning Guidance
Development in the Green Belt SPD (Adopted) August 2007
Landscape Character Assessment SPD (Adopted) November 2014

3. **RELEVANT PLANNING HISTORY**

- 3.1 PK12/0784/F Approve with Conditions 08/08/2012
Installation of 7 no. moorings with associated pontoons and infrastructure at Portavon Marina, Keynsham
- 3.2 PK12/2961/F Refused (Appeal Dismissed) 18/10/2012
Change of use from 18 no. Grade 1 moorings to full residential status with associated bin and cycle stores and parking.
- 3.3 PK15/3827/RVC Withdrawn 07/10/2015
Removal of condition 4 attached to planning permission PK12/0784/F to allow boats/crafts to be moored between 6th January and 5th February.
- 3.4 N.B: the local planning authority holds further planning history on this site; it is not considered to be relevant to the application to be determined.

4. **CONSULTATION RESPONSES**

- 4.1 Bitton Parish Council
All conditions from the previous consent should be included plus any additional ones deemed appropriate
- 4.2 Bath and North East Somerset Council
No in principle objection; however, BANES Council is preparing (in association with the Canal and Rivers Trust, the Environment Agency, and Wessex Water) a *Water Space Study* to provide evidence for the need for moorings. Therefore it is requested that a temporary consent is granted to avoid prejudice to this study.
- 4.3 Canal and Rivers Trust
No objection
- 4.4 Ecology Officer
No objection subject to condition
- 4.5 Environment Agency
Earlier objection withdrawn. The development is now above the 1:200 year flood level. Informatives should be attached to the decision notice.
- 4.6 Heritage Consultation (Conservation and Archaeology)
The site is immediately adjacent to the canal with its listed causeway and bridge and the Grade II listed Lock Keeper Public House. The canal itself is of archaeological interest. The proposal is relatively modest in scale and from the construction details it appears there will be minimal direct archaeological impacts.

Proposed information board is a good means of heritage mitigation and should be secured by condition.

- 4.7 Highway Structures
No comment
- 4.8 Landscape Officer
No objection
- 4.9 Lead Local Flood Authority
No objection
- 4.10 Public Rights of Way
No objection
- 4.11 Transportation
No objection

Other Representations

- 4.12 Local Residents
One letter of objection has been received from a local resident which raises the following points:
 - site is an unspoilt river bank used for leisure and recreation
 - object to removal of condition 4: evidence of 15 boats being used as permanent residential moorings
 - use of main address can be falsified
 - occupiers remain even in times of flood and need rescue by emergency services
 - no objection if access is secured by an electronic entry device

5. ANALYSIS OF PROPOSAL

- 5.1 This application seeks planning permission for the installation of 7 moorings on the River Avon adjacent to Port Avon Marina on the outskirts of Keynsham.
- 5.2 Principle of Development
Policy LC5 of the Local Plan considers proposals for outdoor sport and recreation outside of the existing urban areas and defined settlements, including water related recreation. This policy is broadly supportive of development subject to an assessment of sustainability, impact on the character of the area and landscape, transportation impacts, and residential amenity. This policy is considered to be broadly consistent with the NPPF, particularly section 3 (rural economy) and section 8 (healthy communities) subject to an identified need. Therefore it can be afforded full weight in decision taking.

- 5.3 Whilst policy LC5 addresses recreational development, the constraints of the site have their own policy considerations. The site is located in the green belt and close to heritage assets. It is also in an area at severe risk of flooding. To be acceptable in principle, the development must address these policy considerations in addition to those in policy LC5.

Green Belt

- 5.4 The government attaches great importance to green belts with the fundamental aim of keeping land permanently open in nature and to accord with the purposes of the green belt. In order to achieve this, development in the green belt is strictly controlled and is assumed to be inappropriate unless it falls into one of the predefined exception categories listed in paragraphs 89 and 90 of the NPPF (or very special circumstances are demonstrated which indicate that the presumption against development should be overridden).
- 5.5 Paragraph 89 refers explicitly to buildings. Although it may appear be a strained interpretation of 'building' to include the proposed moorings, the definition of a building in section 336 of the Town and Country Planning Act 1990 reads: "*building*" includes any structure or erection, and any part of a building, as so defined, but does not include plant or machinery comprised in a building. Therefore, for the purposes of green belt assessment the proposed moorings shall be considered as a building.
- 5.6 Paragraph 89 includes within the categories of development excluded from the presumption against development the *provision of appropriate facilities for outdoor sport, outdoor recreation [...] as long as it preserves the openness of the green belt and does not conflict with the purposes of including land within in*. Given the leisure and recreation purpose of the proposed moorings they are considered to be appropriate facilities for outdoor water based sports and recreation. Provided that they preserve the openness and purposes of the green belt, the proposal may amount to appropriate development in the green belt.
- 5.7 The green belt serves 5 purposes. These are: 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; and, to assist in urban regeneration by encouraging the recycling of derelict and other urban land.
- 5.8 Whilst the mooring of craft would have a limited impact on openness, the use of the proposed moorings for permanent accommodation would impact on openness. Indeed, a permanent residential mooring would be harmful to the openness of the green belt and would comprise inappropriate development within the green belt. This has been confirmed by the Planning Inspectorate in their decision on the appeal against refusal of PK12/2961/F (PINS ref: 2188078) for the use of 18 moorings within the marina for permanent residential accommodation. Here the Inspector concluded that the use of moorings for permanent residential accommodation – with the associated domestic paraphernalia – would lead to a reduction in openness.

- 5.9 As part of this application, the operator seeks to remove condition 4 attached to planning permission PK12/0784/F on the basis that the wording of the condition makes the development unviable as there is no market interest for moorings subject to such constraint. For clarity, condition 4 of PK12/0784/F reads as follows:

No boat or craft shall be moored at the development hereby approved from the Sixth January until the Fifth February inclusive in each year.

Reason:

To ensure the moorings are not used for permanent residential occupation to preserve the Green Belt and the countryside in general in accord with Policies H3 and GB1 of the adopted South Gloucestershire Local Plan (2006).

- 5.10 Based on the Inspectors decision, officers consider that some means of preventing the use of the proposed moorings as permanent residential accommodation is required. This is to ensure that the development complies with the exception categories listed in paragraph 89 of the NPPF and to ensure that the proposal preserves the openness of the green belt.
- 5.11 On reviewing the conditions attached to PK12/0784/F, officers are mindful of wording the conditions in such a way that the local planning authority is given some certainty that the condition would function as intended whilst being enforceable, reasonable, and meeting the operating restrictions of the proposed moorings.
- 5.12 To do this, it is proposed to merge the existing conditions 2, 3, and 4 into one condition. This condition would clearly state the permitted use for leisure and recreation purposes. It would also require the operator to maintain a register of the names of the owners/occupiers of moored craft, the address of their principal abode, dates of mooring, and dates of use/occupation. This information is required to provide evidence as to the occupation rate of the proposed moorings in order to provide evidence to make a fact and degree assessment as to whether the moorings were being used for purposes other than those considered leisure or recreation.
- 5.13 Therefore, subject to the conditions proposed, officers conclude that the development would not have an adverse impact on the openness or purposes of the green belt and subject to compliance with the conditions would not form an inappropriate form of development within the green belt.

Flood Risk

- 5.14 Located within an area at high risk of flooding, officers consider it necessary to apply the sequential and (if necessary) the exception tests. Guidance in the NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere.

- 5.15 Given that the proposed development consists of leisure moorings, it is accepted that there is no sequentially preferential sites at lower risk of flooding – the very nature of development requires a riverside location. As such, the sequential test is passed. It is therefore appropriate to apply the exception test.
- 5.16 For the exception test to be passed it must be demonstrated that the development provides wider sustainability benefits that outweigh flood risk and that the development will be safe for its lifetime. An important strand of planning policy is promoting sustainable development and improving public health. This development would provide additional facilities for sport and recreation with both a physical (exercise) and mental (relaxation) benefit. Whilst it is noted that the moorings would be subject to the operators procedures – including rent/sales – it is considered that such development does have a wider public benefit if it enables greater numbers of people to partake in water based sport or recreation.
- 5.17 Amendments have been made to the scheme to ensure that it is appropriately flood resistant and resilient. To this end the Environment Agency has removed its objection.
- 5.18 It is therefore concluded that the development has a wider sustainability public benefit which outweighs flood risk and that the development would be safe for its lifetime. No objection is raised to the proposal on the basis of flood risk.

Heritage

- 5.19 The development is adjacent to the River Avon Navigation, its causeway and bridge are listed, and the grade II listed Lock Keeper public house. It is also in the area reported to be the site of a civil war battle. Limited archaeological investigation has been undertaken prior to the application being considered for assessment.
- 5.20 Notwithstanding that, the development is modest in scale and is likely to have minimal impacts on any surviving archaeology. It is also unlikely to have a significant impact on the setting of the aforementioned listed structures. The applicant does, however, propose mitigation in the form of an information board erected adjacent to the development to address the historical and ecological importance of the locality. Officers consider this to be a clear public benefit. Officers further consider that requiring the provision and maintenance of the information by condition would pass the test of a planning condition and therefore recommend that such a condition is imposed on any consent given.

Ecology

- 5.21 The final site specific consideration to be made before moving to address the particular considerations of policy LC5 is ecology. The application site forms part of the River Avon Site of Nature Conservation Interest (SNCI). The SNCI has been designated for its open flowing water and bankside vegetation.
- 5.22 In the earlier application for this development, it was concluded that the proposal would not have a significant or adverse impact on the SNCI. This was partly as the development would take place in existing gaps in the vegetation and the removal of any vegetation would be mitigated.

- 5.23 On the proviso that the development is carried out in accordance with the Landscape and Ecological Management Plan, the current development is not materially different to that previously found to be acceptable. Therefore no objection is raised on ecological matters subject to compliance with the conditions listed at the end of this report.

Summary

- 5.24 It has been concluded from the above analysis that the proposed development is acceptable with regard to green belt, flood risk, heritage and ecology. Therefore, the proposed development is acceptable in principle. The remainder of this report shall consider the specific considerations listed in policy LC5 and all other material considerations.

5.25 Need

Under planning permission PK12/0784/F, details were submitted which demonstrated that the current marina facilities were too small and there was an unmet demand for additional moorings at this site. Whilst no new data has been submitted and need is not an express consideration of policy LC5 (although need is relevant within policy E11 Tourism), officers do not consider that the previously established statistics would have materially altered since the earlier application was determined. It is noted that the previous consent expired without being implemented; however, this is stated to be because the previous conditions made the development unviable rather than the need having subsided.

5.26 Transportation

Under policy LC5, 'major' travel generators should be located on highly accessible sites. Whilst it is not considered that the proposal would result in significant trip generation, the site is broadly considered to be sustainably located. It is in close proximity to the settlement of Keynsham (located within Bath and North East Somerset Council) which is served by a railway station and buses to both Bath and Bristol.

- 5.27 Given the small scale of the development (being limited to 7 leisure moorings) it is not considered that the development would have a significant impact on the highway network. Indeed it is recognised that a certain amount of trips to the site would be undertaken by watercraft. On this basis, no transportation objection is raised to the proposal.

5.28 Landscape

There are two main areas for consideration under the topic of landscape. These are the landscape setting and the impact on trees which form part of that landscape setting. The location of the proposed moorings would not lead to a significant impact on the landscape setting of the locality. They are well related to existing buildings and other man-made river structures such as the canal and weir.

- 5.29 A tree constraints and protection measures plan has been provided as part of this application. This plan demonstrates that the existing trees can be retained as part of the development and therefore the proposal would not have a significant harm on trees.
- 5.30 Environmental Impacts
Users of craft on the water are subject to regulations by the Navigation Authority, in this instance the Canal and Rivers Trust. These regulations prevent the disposal of certain waste types into the water course. Facilities at the marina enable the appropriate disposal of sewage and general waste. Although grey water may be discharged into the water course, given the facilities at the marina (such as showers, toilets, etc.) it is likely that the amount of grey water disposed from moored boats would be lower than when boats are moored at facilities with lower levels of amenities.
- 5.31 It is also not considered that the proposal would result in significant noise generation such that it would become an environmental nuisance. Should noise be an issue, there is adequate statutory protection outside of the Planning Act and therefore no objection to the development is raised on that basis.
- 5.32 Residential Amenity
Whilst there are a number of residential properties in the area, most are separated from the application site by other land uses – most prominently the marina itself. Boats moored on the proposed pontoons would be a water level. Apart from at times of flood, this is usually below the level of the river bank.
- 5.33 Given this factors, it is not considered that the proposal would have a significant adverse impact on residential amenity.
- 5.34 Design
All development within the district is required to meet the highest possible standards of site planning and design to accord with policy CS1. The proposed development would see the installation of pontoons on the river with bankside infrastructure to connect these to the land. The pontoons themselves are of a typical design: wooden decking contained within a steel frame. Pontoons such as those proposed here are a standard feature for such facilities.
- 5.35 It is not considered that the pontoons or the associated infrastructure represent a poor standard of design. Over time as the materials weather, the pontoons will merge into the existing character and appearance of the area. As such, the design has been assessed and has been found to be acceptable.
- 5.36 Other Matters
It has been raised in the consultation responses that some moorings within the marina are being used as permanent residential accommodation. The marina itself is beyond the scope of the current application. Therefore, concerns of the type raised do not fall into the consideration of this application over and above those already addressed in this report. Should members of the public be concerned that there is a breach in planning control, it should be reported to the council's planning enforcement team for investigation.

5.37 The neighbouring authority, Bath and North East Somerset Council have raised concern that the development would prejudice their forthcoming Water Space Study. Given that the proposal seeks to re-establish an expired permanent consent for such moorings, it is considered that the previous planning permission would have been a material consideration in any strategy. It is therefore not considered that the proposal would prejudice the strategy or that a temporary permission is required. Furthermore, the council has yet to receive any notification under the duty to cooperate that such a document is under preparation.

6. CONCLUSION

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

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

7. RECOMMENDATION

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

Contact Officer: Griff Bunce
Tel. No. 01454 863438

CONDITIONS

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

Reason

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

2. The development hereby approved shall be used solely for leisure and recreational purposes, and as such it shall not be occupied as a principal abode. The operator of the site shall maintain an up-to-date register of: the names of all owners/occupiers of craft moored with the site edged red on the approved plan; the address of their principal abode; the dates the mooring commenced and ceased; and, times and dates of access to and egress from the site by owners/occupiers of the moored craft. The register shall be made available to the Local Planning Authority on request.

Reason

To provide evidence that the site is used solely for leisure and recreational purposes and not used as a principal abode. The use of development for permanent residential accommodation would require further assessment, to prevent inappropriate development in the green belt, and to accord with policies CS5 and CS4 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 and the provisions of the National Planning Policy Framework.

3. The development hereby approved shall be carried out in accordance with the submitted landscaping scheme as shown on plans NPA-108-500, NPA-108-501, NPA-10829-550, and the Pre-Development Tree Survey and Constraints report prepared by Tree Maintenance Limited dated July 2015. Any trees or plants shown on the approved landscaping scheme to be planted or retained which die, are removed, are damaged or become diseased, or grassed areas which become eroded or damaged, within 5 years of the completion of the landscaping scheme, shall be replaced by the end of the next planting season. Replacement trees and plants shall be of the same size and species as those lost.

Reason

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

4. Prior to the commencement of development or any site or vegetation clearance, the tree protection measures as identified on plan NPA-108-500 shall be implemented and full and retained in place until the development is complete.

Reason

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

5. The development hereby approved shall be carried out in accordance with the Landscape and Ecological Management Plan, prepared by Engain (reference eg15712) dated November 2015.

Reason

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

6. The development hereby approved shall be carried out in accordance with the BWML Hazard Management Plan, dated July 2015.

Reason

To protect the character and appearance of the area and Public Right of Way PBN/67 to accord with policy CS1 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 and policy LC5 and LC12 of the South Gloucestershire Local Plan (Adopted) January 2006 (Saved Policies).

7. The development hereby approved shall be carried out in accordance with the Construction Management Plan, prepared by Nash Partnerships, received 24 November 2015.

Reason

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

8. The development hereby approved shall be carried out in accordance with the Materials Schedule, prepared by Nash Partnerships, received 24 November 2015.

Reason

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

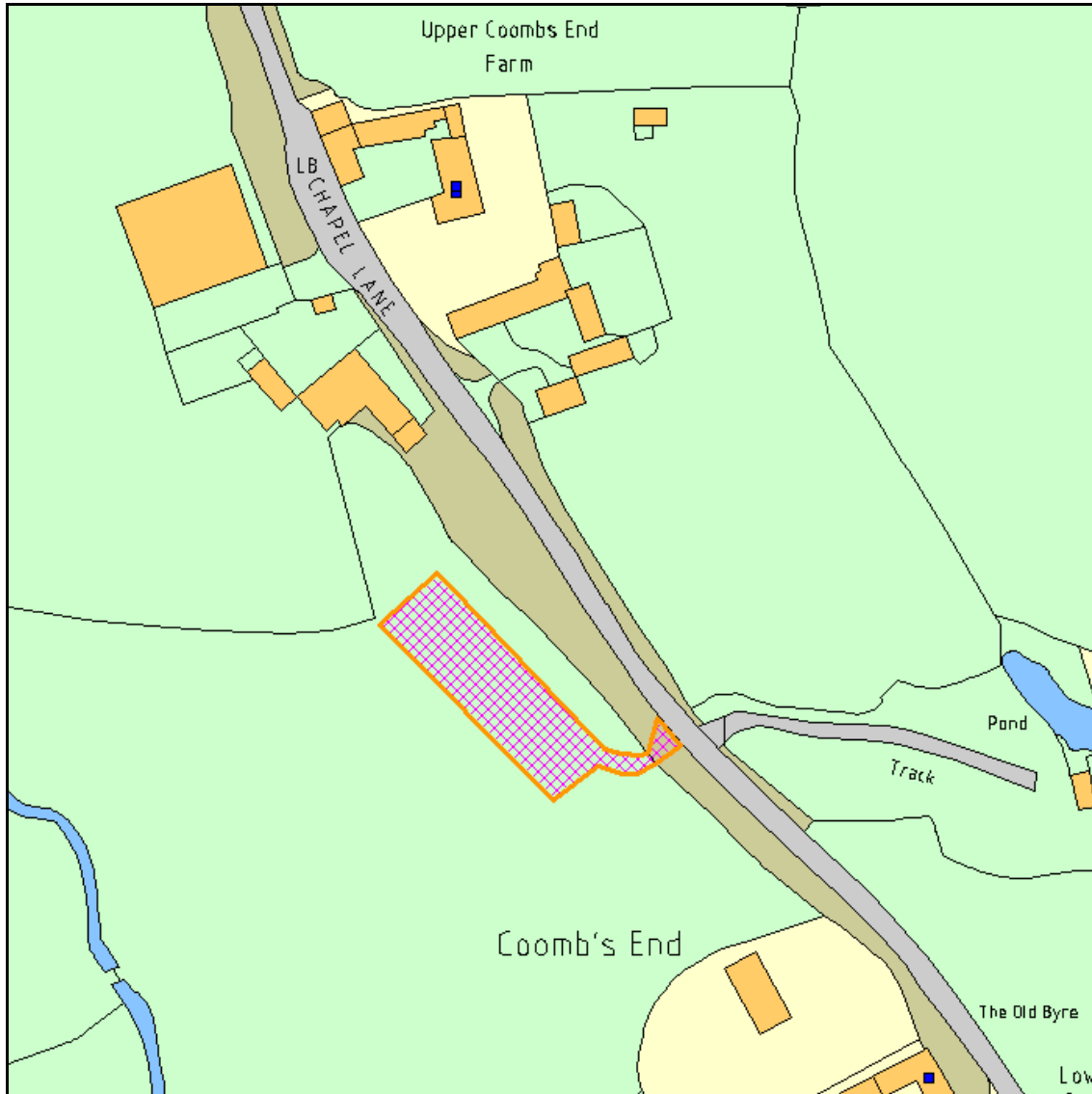
9. Prior to the first use of the moorings hereby approved, details of an archaeological and ecological interpretation information board shall be submitted to and approved in writing by the local planning authority. The approved information board shall be erected within 6 months of the first use of the development and thereafter maintained for a period of 5 years.

Reason

In the interests of archaeological and ecological information and to accord with policy CS1 and CS9 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013.

CIRCULATED SCHEDULE NO. 18/16 – 6 MAY 2016

App No.:	PK16/0147/F	Applicant:	Mr P Boulton
Site:	Land Off Old Chapel Lane Old Sodbury South Gloucestershire BS37 6SQ	Date Reg:	26th January 2016
Proposal:	Erection of an agricultural building for the housing of livestock.	Parish:	Sodbury Town Council
Map Ref:	375320 181601	Ward:	Cotswold Edge
Application Category:	Minor	Target Date:	18th March 2016



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 100023410, 2008. **N.T.S.** **PK16/0147/F**

REASON FOR REPORTING TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 The applicant seeks full planning permission for the erection of an agricultural building for the housing of livestock. The application site is a field off Chapel Lane, Old Sodbury. It lies in open countryside within the Bristol/Bath Green Belt and the Cotswolds Area of Outstanding Natural Beauty. The River Frome SNCI is at the southern end of the field.
- 1.2 It is noted that a prior notification application in 2012 was refused due to among other things its siting, design, impact on neighbours. This full application proposes a change in the location of the building on the site away from the river and residential properties, better materials, more in-keeping with the character of rural buildings and the AONB. The new site location is closer to existing farm buildings of the adjoining farm and closer to the field entrance, but still in an exposed location.
- 1.3 During the course of the application and following comments from the Landscape Officer, revised plans were received to indicate a landscape/planting scheme. Details were also submitted in the form of an Ecological Appraisal as requested by the Council's Ecologist.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework March 2012

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design
CS4A Presumption in Favour of Sustainable Development
CS5 Location of Development
CS9 Managing the Environment and Heritage
CS34 Rural Areas

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

E9 Agricultural Development
L1 Landscape Protection and Enhancement
L2 Cotswolds AONB
L7 Sites of Regional and Local Nature Conservation Interest
L8 River Frome Site of Nature Conservation Interest
L9 Species Protection
L13 Listed Buildings
EP1 Environmental Pollution
EP2 Flood Risk
T12 Transportation Development Control Policy for New Development

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

3. **RELEVANT PLANNING HISTORY**

- 3.1 PK12/0781/PNA Prior notification of the intention to erect a building for the storage of hay and fodder.
Refused 30.3.012

Reason:

The siting of a building of the scale and appearance proposed, in such a prominent and isolated location, would fail to preserve the natural beauty of the Cotswolds AONB; would adversely affect the visual amenity of the Green Belt and landscape in general and would adversely affect the amenity and setting of nearby residential properties and a Grade II listed building alike; contrary to Policies L1, GB1, L2, L13 and E9 respectively.

4. **CONSULTATION RESPONSES**

- 4.1 Sodbury Town Council
No objections

- 4.2 Other Consultees

Landscape Architect

No objection subject to a landscape condition being attached, this should provide details of how the existing hedgerow on the boundary with Chapel Lane will be maintained and enhanced and also show details for additional planting to the south of the building.

Updated comments:

No objection subject to a condition for a five year maintenance plan for the existing hedge:

Ecologist

The proposed building is located close to the eastern (and northern) hedgerows and there are three ponds to the north-east/east of the site according to maps, which may have potential to support great crested newts. The application needs to have an ecological assessment provided with it.

Updated comments:

No objection following the submission of an ecological assessment which is considered acceptable

Highway Drainage

No objection

Highway Officer

No objection

Other Representations

4.3 Local Residents

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

- No mention of where the feed for the cattle will be stored – there could be additional visual impact from any external storage of fodder. Note the 2012 application for a 345sqm barn solely for feed
- No mention of waste management. No estimate of the amount of waste and how this is to be stored/treated
- No details of landscaping, just that applicant is willing to take advice from landscape officer

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The proposal stands to be assessed against the above listed policies and all material considerations. A previously refused scheme on the site is noted and the points raised are considered material. This is discussed in more detail in the below report. Saved Policy E9 establishes the principle of agricultural development. In general such development is acceptable subject to a thorough assessment which includes such matters as there being no existing suitable underused buildings, adequate manoeuvring on site and the avoidance of adverse impact on the highway, no unacceptable environmental impacts or adverse impacts on amenities of local residents. The site lies within the Green Belt and therefore the development needs to accord with this land use designation. A good standard of site planning and design also must be achieved, and the proximity of a listed building is noted. Given its open countryside location, landscape and ecology matters must be fully assessed. The proposed development is acceptable in principle but should be determined against the analysis set out below.

Green Belt

5.2 The application site is located within open countryside which is part of the green belt. In general, new buildings with the green belt are inappropriate and will not be permitted. However, the NPPF sets out certain exceptions to this, one of which is buildings for agriculture and forestry. Nevertheless, the overall design and scale and impact on the openness of the Green Belt remains relevant and must be fully assessed with regards to the appropriateness of the building.

5.3 The proposed building is quite large. It is larger than that refused under the prior notification application in 2012 which was criticised at that time for its scale. In this application the building would measure 37 metres in length, 11 metres wide, eaves of 4.3 metres and an overall height of 6 metres. It must be acknowledged that by its very presence within what is currently an open field, the proposed building would impact on the openness of the Green Belt. Comments from local residents in the previous application suggested that the siting of the new build be moved closer to the buildings belonging to Coombe Farm. Nevertheless the stretch of the whole large building would be seen from views from the south and this impact is given some weight.

The siting away from residential properties weighs in its favour but its size still causes concern and more weight is given to this negative factor. As justification the supporting statement declares that *the scale of the proposed new building is not felt to be excessive and is necessary for the farming operations*. Other details state the applicant occupies the land off Chapel Lane which extends to 17.88 ha (44.18 acres) and uses the pasture land for the grazing of livestock and conservation of fodder. The applicant also farms additional land elsewhere totalling to approximately 55 ha (135 acres) of land. The applicant runs a commercial beef enterprise which includes approximately 90 cattle as part of a sucker herd. It is proposed that the new agricultural livestock building will house young stock.

- 5.4 Agricultural buildings are appropriate within the Green Belt. The existing and successful business is accepted as justification for the presence and size of this new barn and this is regarded as sufficient weight to outweigh the perceived harm to the openness of the Green Belt. The proposal is therefore acceptable in Green Belt terms.

Design, Visual Amenity and Siting and proximity to a Listed Building

- 5.5 It is noted that there are no existing suitable underused buildings on the site. The submitted information states that the proposed agricultural building would be positioned to the northeast of the field, parallel and close to the field boundary with Chapel Lane a few metres beyond. Farm buildings belonging to Coombe Farm are located further to the north west. One criticism of the previously refused scheme was the siting of the building on the eastern boundary close to existing residential dwellings. The building in this new position would be more readily seen as part of this grouping of agricultural structures and this is considered more appropriate, nevertheless, it would be a large structure in a highly visible location when viewed from the south west. A scheme of planting as discussed in the landscape section below, is considered to mitigate against this particular harm. It would also, be further away from the listed building at a distance of approximately 95 metres. It is therefore considered that the new building would not have an adverse impact on this heritage asset given the presence of other residential dwellings and the intervening fields between it and the application site

- 5.6 The design details were previously similarly criticised and this application has seen some changes with the application declaring that the building would be erected on hard standing with precast concrete panels and timber Yorkshire boarding above as walls. The south west elevation would comprise feed barriers to enable the livestock to easily access the fodder. The roof would be of corrugated fibre cement sheets with twelve GRP rooflights. Metal doors measuring approximately 5 metres in width would be in the southeast and northeast elevations. Eaves height of 4.2 metres is proposed with an overall height of approximately 6 metres. The approximate footprint of the building would be 400 m² with a volume of 753m³. These measurements would provide sufficient access for machinery to enter the building and for livestock to be housed in the building throughout the year. A comment from a local resident has queried where the feed store would be located. Plans indicate this would be within the building and this is considered acceptable.

The neighbour has also expressed concern regarding waste management but again details received from the applicant state that the cattle will be housed during the winter months only and will be deep littered. In addition farmyard manure will be spread in the spring over the agricultural pasture in accordance with DEFRA regulations. These arrangements are acceptable.

- 5.7 As mentioned above the size of the building is quite large but the justification is accepted and on this basis there is no objection. However, the site is within the Cotswolds Area of Outstanding Natural Beauty and its impact on the landscape is an important consideration.

AONB and landscaping

- 5.8 The site is located within the Cotswold AONB in an area with an intact and attractive rural landscape character. The surrounding area has a well maintained and robust network of hedgerows. In addition there is riparian vegetation along the River Frome which runs along the western boundary of the field in which the building is proposed to be located. The riparian vegetation will help to screen the building in views from the west, which include views from a public right of way. There are agricultural buildings to the north and residential buildings to the south. There is a wide grass verge and shrub and trees along Chapel Lane to the east, this vegetation will help to screen the building in views from Chapel Lane.

- 5.9 The additional information submitted to support the application for the agricultural building shows a hedge and new trees planted to the south west which will help screen the new building. It also shows new trees planted to the east which will help to enhance the landscape character of the area. With regards to limiting the landscape impact of the new building it is the existing hedge along Chapel Lane that will help to screen the building from the most public vantage point, from Chapel Lane. In order to improve the screening effect of the hedge now and into the future it will need additional native shrubs planted within it and may need to be coppiced or layered in order to lower the level of the branches and prevent the hedge becoming over grown and gappy. A five year maintenance plan for the existing hedge should therefore be submitted describing how the effectiveness of the screening effect of the hedge will be maintained. Subject to this being included as a condition, there are no landscape objections to the scheme. This will be conditioned.

Transport

- 5.10 No new access is proposed for the building – the existing access off Chapel Lane would be used. The level of additional traffic generated by the proposal is not considered to be significant given that the business is already established. It is therefore not considered that the development would have a detrimental impact on the local highway network or lead to a reduction in highway safety. There is no objection to the development on the grounds of transport.

Residential Amenity

- 5.11 Given the location of the proposed new building approximately 60 metres from properties to the southeast and over 30 metres from residential properties on the other side of Chapel Lane to the northeast, the development should not prejudice residential amenity of these neighbours and as such is acceptable in these terms.

Ecological and Environmental Impacts

- 5.12 The 0.06ha site lies to the south of Old Sodbury and consists of a parcel of land supporting grassland, bounded by hedgerows, with a section of the River Frome along the south-western boundary. Chapel Lane runs along the eastern boundary. The site is surrounded by farmland with mature hedgerows.
- 5.13 The site itself is not subject to any nature conservation designations, and there are no statutory sites within 1km, but part of the River Frome Site of Nature Conservation Interest (SNCI) lies along the south-western boundary. Unfortunately the Ecological Survey Report did not consider non-statutory sites. It is considered that none of the statutory sites will be adversely affected by the proposal, but without precautions there is potential for the River Frome SNCI to be negatively impacted.
- 5.14 The findings of the Ecological Survey Report indicated that the hedgerows and mature trees will be unaffected by the proposal and this includes potential bat roosts. The grassland habitat affected by the proposal was considered sub-optimal for great crested newts and as having no hibernation potential for reptiles. No evidence was found of dormice, badgers or hedgehogs.
- 5.15 Given the above there are no ecological constraints to granting permission subject to conditions relating to work being carried out in line with the recommendations in the Ecological Survey Report and the need for enhancement proposals for reptile and amphibian hibernacula and suitable bat and bird boxes.

6. CONCLUSION

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

7. RECOMMENDATION

- 7.1 That the application be **APPROVED** subject to conditions attached to 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. Prior to the use of the building a schedule of landscape maintenance for the existing hedge for a minimum period of 5 years shall be submitted to the Local Planning Authority for approval. The schedule shall include details of the arrangements for its implementation and describe how the effectiveness of the screening effect of the hedge will be maintained. Development shall be carried out in accordance with the approved schedule.

Reason

To protect the character and appearance of the area to accord with Policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013, Policies L1 and L2 of the South Gloucestershire Local Plan (Adopted) 2006 and the National Planning Policy Framework.

3. Development will be carried out in strict accordance with the recommendations in Section 7 of the Ecological Survey Report (TREcS, dated March 2016), i.e. works will be timed if possible to commence between the end of October and February, and an experienced ecologist will search the entire perimeter of the proposed development prior to commencement of works. The advice of the ecologist will be acted on (L9). In addition, the ecologist will advise the applicant and the contractors to ensure that no materials or run-off will be allowed to enter the River Frome Site of Nature Conservation Interest (L8).

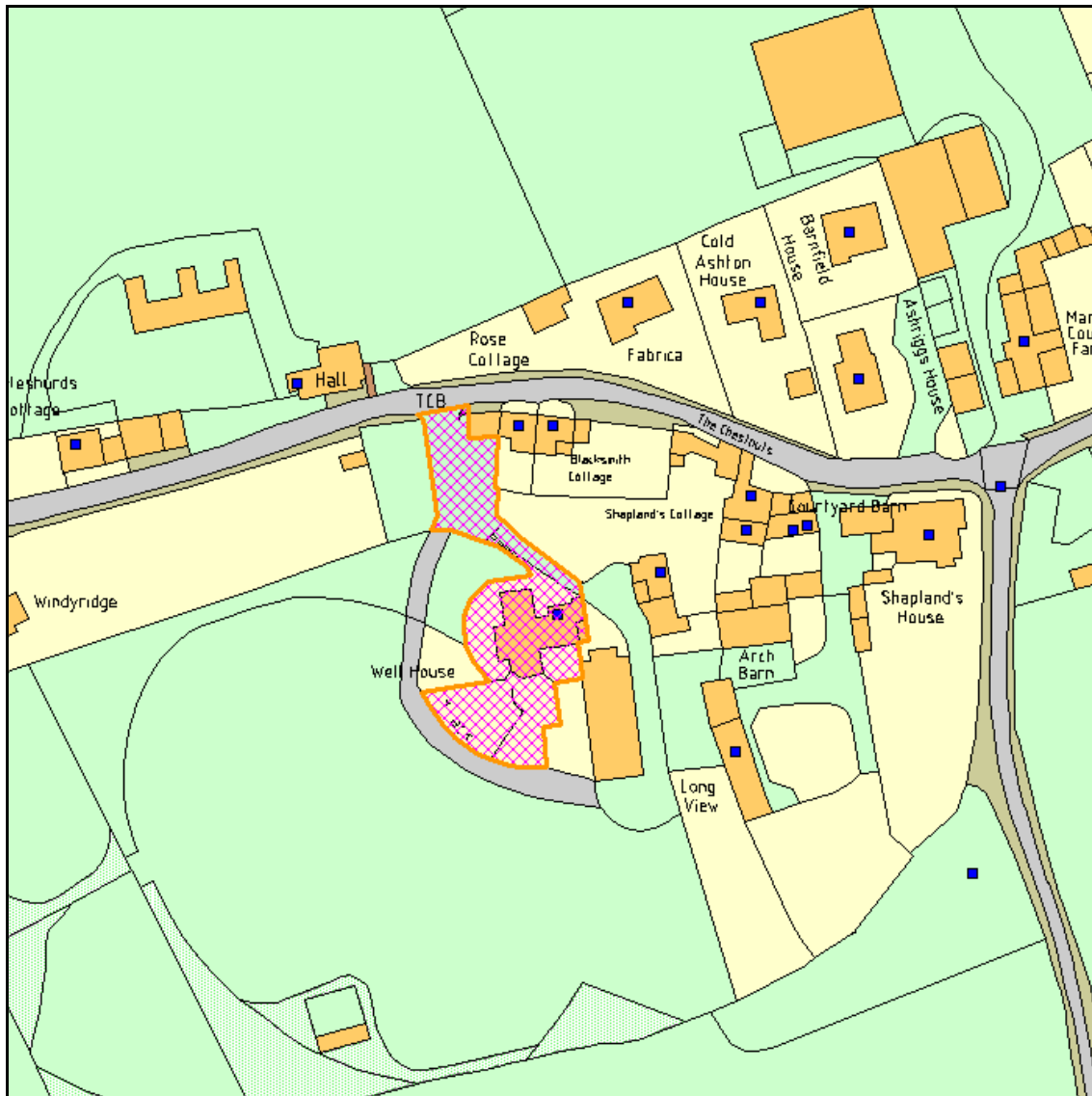
Enhancement proposals, to include details of reptile and amphibian hibernacula, and suitable bat and bird boxes (selected from house sparrow, starling, swift and house martin) will be submitted to the LPA for approval in writing, and the approved proposals will be carried out (L9).

Reason

To protect the character and appearance of the area to accord with Policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; Policies L8 and L9 of the South Gloucestershire Local Plan (Adopted) 2006 and the National Planning Policy Framework.

CIRCULATED SCHEDULE NO. 18/16 – 6 MAY 2016

App No.:	PK16/0640/CLE	Applicant:	Mrs Carol Watts
Site:	'Well House' at the Chestnuts High Street Cold Ashton Chippenham South Gloucestershire SN14 8JT	Date Reg:	17th February 2016
Proposal:	Application for a certificate of lawfulness for the existing erection of a detached dwelling.	Parish:	Cold Ashton Parish Council
Map Ref:	374872 172554	Ward:	Boyd Valley
Application Category:	Certificate of Lawfulness	Target Date:	11th April 2016



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 100023410, 2008. **N.T.S.** **PK16/0640/CLE**

REASON FOR REPORTING TO CIRCULATED SCHEDULE

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

By way of information, Members should be aware, that the test to be applied to this application for a Certificate of Lawful Use or Development, is that the applicant has to demonstrate on the **balance of probability**, that the building as described, has been present and occupied as a dwelling house for a period of 4 years consecutively, prior to the receipt of the application on the 10th Feb. 2016.

1. THE PROPOSAL

- 1.1 The application comprises a Certificate of Lawfulness submitted under Section 191 (1) of the Town and Country Planning Act 1990 as amended by S.10 of the Planning and Compensation Act 1991 in respect of a building at 'The Chestnuts', High Street, Cold Ashton, South Gloucestershire.
- 1.2 The application relates to a building (now known as Well House) that the applicant states was constructed in Jan-July 2011 and now occupied as a residential dwelling house. The building was originally intended to be a residential annexe approved under planning permission P99/4887.
- 1.3 The applicant submits that the building that has been constructed is not in fact that shown on the approved plans listed on the decision notice for planning permission P99/4887 and is therefore unauthorised. The building has now been occupied as a separate residential dwelling, in breach of planning control, for a continuous period in excess of 4 years. In order therefore to regularise the breach of planning control, the applicant seeks a Certificate of Lawful Development for the building as a separate dwelling. The submitted red edge plan also shows the curtilage associated with the dwelling.

2. POLICY CONTEXT

- 2.1 National Guidance
Town and Country Planning Act 1990: Section 191
Town and Country Planning (Development Management Procedure) (England) Order 2015
Town and Country Planning (Use Classes) Order 1987 (as amended).
The Planning Practice Guidance March 2014
- 2.2 Development Plans
As the application is for a Certificate of Lawfulness, the policy context is not directly relevant, as the land use merits are not under consideration. The applicant need only demonstrate that on the balance of probability, the building has been present and occupied as a separate dwelling house for 4 years consecutively, prior to the receipt of the application on the 10th Feb. 2016.

3. **RELEVANT PLANNING HISTORY**

- 3.1 P99/4887 - Erection of detached dependant relative annexe.
Approved 17th Sept. 2001 subject to a S106 Agreement to ensure that the building was occupied only as a dependant relative annexe by Michael John Smith.

4. **SUMMARY OF EVIDENCE SUBMITTED IN SUPPORT OF THE APPLICATION**

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

- 4.1 Statutory Declaration of Carol Watts of The Chestnuts, Cold Ashton, Chippenham, Wiltshire SN14 8JT signed 16th December 2015. Mrs Watts submits the following evidence:
- In 1999 Mrs Watts and her husband applied for planning permission (Ref: P99/4887) for "*Erection of a detached dependant relative annexe*". The submitted drawings as prepared by a Mr. P Chatty are attached at Appendix One of this Statutory Declaration.
 - Following concerns raised by the Council's Conservation Officer (Dave Sutton) about the design proposed and concerns that the scheme would not meet Building Regulations, revised plans were drawn up by a Richard Anthony Squire Johnson and submitted to the Council in 2000 prior to planning permission being granted in September 2001.
 - In 2004 when seeking to discharge relevant planning conditions attached to the approval, it came to light that the drawings attached to the planning permission P99/4887 were in fact those at Appendix One and not the revised plans as at Appendix Two of this Statutory Declaration. The Council subsequently acknowledged this mistake. The Council having initially indicated that they would correct the error by way of a minor amendment, subsequently decided that as the two schemes were so different, a new planning application would be required. As a result, Mr & Mrs Watts in 2006 started an Ombudsman complaint against the Council.
 - In December 2008 application was made by Mr Chris Dance to discharge the relevant conditions attached to P99/4887 and the Council subsequently confirmed the discharge of Conditions (see Appendix Three of this SD).
 - The Ombudsman complaint of 2006 was concluded in January 2008 (See Appendix Four of this SD). The Ombudsman concluded that "*there is no dispute that there was fault by the Council in that correct plans were not attached to the planning permission*". In addition the Ombudsman stated that should Mr & Mrs Watts make a further planning application, the Council should waive the application fee.
 - In December 2009 Mr Dance sought confirmation that the drawings at Appendix Two were the "correct" drawings for P99/4887 but the Council did not agree and considered that a new planning application was needed. (see Appendix Five of this SD)
 - In August 2010 Mr Dance again sought confirmation from the Council that the plans at Appendix Two were the "correct" plans but again the Council did not agree (see Appendix Six of this SD).

- In 2011 Mr & Mrs Watts commenced constructing the property in accordance with the revised plans shown at Appendix Two. A Mark Harris (HMH Building Services) was engaged and the period of construction was from 24th January 2011 to 23rd July 2011. Mr Dance visited the property on the 19th July 2011 and confirmed in writing that the building was “substantially complete” (see Appendix Seven of this SD).
- On the 15th August 2011 Mrs Watts’ son Louis and his sister Asher took up residence in the new property.
- A Building Regulations application (Ref: BK04/2671/FP) was submitted to the Council on the 8th December 2010. The drawings included with the application were those at Appendix Two. A final Building Regulations visit to inspect the finished property took place on the 25th August 2011.
- Included at Appendix Eight of this SD are eleven photographs of the works to construct the building taken during the period March - July 2011.
- Four years have now lapsed since the property was constructed. The property was not built in accordance with the plans listed on the Decision Notice for P99/4887. Accordingly this application is for a Certificate of Lawfulness to verify that the property is a lawful separate dwelling and is immune from enforcement action.
- Mr David Watts died on 29th August 2015.

4.2 Statutory Declaration of Richard Anthony Squire Johnson of Berkeley Lodge, Berkeley Place, Combe Down, Bath BA2 5EZ. Mr Johnson submits the following evidence:

- Mr Johnson is by profession a Chartered Architect and Town Planner and knew David Watts for 29 years.
- In 2000 Mr Johnson was asked by David Watts to review drawings that had been prepared by others in relation to planning application P99/4887 for “*Erection of a detached dependant relative annexe*”. The drawings are included at Appendix One of this Statutory Declaration.
- Mr Johnson states that the reason for his involvement was that the proposed building was visually unacceptable and that there were difficulties with the scale of the drawings. The building if constructed with these drawings could not have complied with Building Regulations. Mr Watts wanted to regularise the situation with the Local Planning Authority before permission was granted.
- Mr Johnson prepared revised drawings (see Appendix Two of this SD) for Mr Watts to submit in 2000 to the LPA. Later Mr Johnson was informed by Mr Watts that an administrative error had led to the original plans (see Appendix One) being stamped as the approved plans.
- Mr Johnson is aware that Mr Watts made considerable efforts over a long period of time to get matters corrected.
- Mr Johnson saw the building during construction and after completion in July 2011. Mr Johnson confirms that the building was constructed in accordance with the drawings that he prepared and shown at Appendix Two of this SD.

4.3 Statutory Declaration of Mark Harris of HMH Building Services, Partridge House, Pinkney, Malmesbury, Wiltshire SN16 0NZ. Mr Harris submits the following evidence:

- Mr Harris' company HMM Building Services was engaged by Mr David Watts during the period 24th January 2011 until 23rd July 2011 to construct a property at The Chestnuts, Cold Ashton.
- Mr Watts supplied Mr Harris with a copy of the drawings shown at Appendix One of this Statutory Declaration and the building was constructed in accordance with these drawings.
- Final snagging works were undertaken in late July/early August and on the 15th August Louis Watts and Asher Watts moved into the property.

4.4 In addition to the above Statutory Declarations, the agent Chris Dance has submitted a covering letter together with a written legal 'opinion' on this case by Peter Wadsley, a Barrister of St John's Chambers, Bristol. The letter from Mr Dance basically gives a chronology of events as given in Carol Watts' Statutory Declaration so will not be repeated here. Mr Wadsley has given his legal opinion and concludes that "*I can see no reason therefore why a certificate of lawful use should not be granted recording that the dwelling is now lawfully constructed and that the conditions in the planning permission of 17th September 2001 (P99/4887) do not apply to this dwelling.*" Officers consider that this submission is merely an opinion of an independent observer and does not constitute evidence and can therefore be afforded no weight when assessing this application.

5. **SUMMARY OF CONTRARY EVIDENCE**

5.1 There is no contrary evidence other than an aerial photograph from 2009 that suggests the footings for the dwelling were in place then.

6. **OTHER CONSULTATIONS**

6.1 Ward Councillors
No response

6.2 Cold Ashton Parish Council
No response

6.3 Transportation Officer
No comment

6.4 Listed Building and Conservation Officer
No comment

Other Representations

6.5 Local Residents

1 response was received from the occupant of 'Windyridge'. The concerns raised are summarised as follows:

- The situation should have been sorted out prior to this stage.
- There was almost universal objection to any planning application for this site.

- Permission was only granted on compassionate grounds and subject to conditions and a S106 Agreement.

7. ASSESSMENT

7.1 S191(1) of the Town and Country Planning Act 1990 (TCPA) provides that a person may make an application to ascertain whether:

2.1.1 Any existing use of buildings or other land is lawful.

2.1.2 Any operations which have been carried out in, on over or under land are lawful.

2.1.3 Any failure to comply with any condition or other limitation subject to which planning permission was granted is lawful.

7.2 Is the building unauthorised development?

Planning permission P99/4887 was granted in Sept. 2001 for a detached dependant relative annexe at 'The Chestnuts'. The permission was granted subject to a S106 Agreement and conditions. The approved plans were listed on the Decision Notice. It has since been established that in issuing the decision, an error was made by the Council and the 'wrong' plans stamped as approved and listed on the Decision Notice i.e. not the revised plans as agreed with Dave Sutton – Conservation Officer.

7.3 It is important to note here that no subsequent planning permission was issued in respect of the building now the subject of this CLEUD application and the building that has been constructed is clearly not that shown on the plans attached to P99/4887. Notwithstanding the fact that some of the conditions attached to P99/4887 were discharged and the S106 signed, they relate only to the development approved under P99/4887 as defined by the approved plans (albeit that they were the wrong plans) and not the building that has been constructed (see *Handoll v Warner Goodman & Streat and others* [1995] 1 PLR 40). The fact that the Ombudsman found in favour of Mr & Mrs Watts also does not change matters and the Ombudsman made it clear in his concluding letter that a fresh planning application using the 'revised plans' was required if that was the scheme that Mr & Mrs Watts wanted to build, stating:

"Of course it was always possible for you to apply as soon as it became apparent that there was a difference of view between you and the Council as to the form of development that had been approved. And that was always going to be the only way that it would be decided whether you could proceed with your preferred scheme."

Furthermore it was not within the remit of the Ombudsman to substitute the 'correct' plans for those wrongly approved under P99/4887.

- 7.4 Irrespective of the merits or otherwise of Mr & Mrs Watts' actions in deciding to go ahead and construct their preferred scheme, the fact of the matter is that the building that has been constructed and apparently used as a separate detached dwelling house, did not benefit from planning permission and is clearly unauthorised. Officers are satisfied that neither the conditions nor the S106 Agreement attached to P99/4887 can be imposed on the unauthorised property that has been constructed and is the subject of this current CLEUD application.
- 7.5 As there was no planning permission for the building that has been erected and used as a separate dwelling the most relevant question is 2.1.2 as set out above. S191(2) TCPA sets out the grounds on which the development to be considered would be deemed lawful, including that no enforcement action could be taken either because the operation did not involve development or require planning permission or because the time for taking enforcement action had expired.
- 7.6 The time limits for taking enforcement action are set out in s171B TCPA. The period for the development of a dwelling house is 4 years (s171B(2)). There is an exception to this, set out in s171BA-BC. This applies where the breach of planning control has been concealed such that the LPA could not have been aware of the breach and taken enforcement action within the prescribed period. In such cases the LPA has six months, beginning on the date when it had sufficient evidence to apply to the Magistrates' Court for a planning enforcement order enabling it to take enforcement action against the breach.
- 7.7 Dealing with the latter point, there are no enforcement notices relating to this property. Having regard to the comments of the local resident (see para. 6.5 above) it is not within the remit of this current CLEUD application to determine why an enforcement notice has never been served in this case but merely to establish whether or not one was served which in this case it was not.
- 7.8 The issues to be considered in this case are therefore:
- a. Were the works to construct the building of a self-contained separate unit of accommodation completed 4 years or more before 10th February 2016 i.e. receipt of the application?
 - b. Has the building been occupied continuously as a separate dwelling house since that time to the present?
 - c. Was there any attempt to conceal any aspect of the use in this case such that the LPA could apply for a planning enforcement notice?
- 7.9 The relevant test of the submitted evidence
- The onus of proof is firmly on the applicant and the relevant test of the evidence on such matters is "on the balance of probability". Advice contained in Planning Practice Guidance states that a certificate should not be refused because an applicant has failed to discharge the stricter criminal burden of proof, i.e. "beyond reasonable doubt." Furthermore, the applicant's own evidence need not be corroborated by independent evidence in order to be

accepted. If the Council has no evidence of their own, or from others, to contradict or otherwise make the applicant's version of events less than probable, there is no good reason to refuse the application, provided the applicant's evidence alone is sufficiently precise and unambiguous. The planning merits of the development are not relevant to the consideration of the purely legal issues, which are involved in determining an application. Any contradictory evidence, which makes the applicant's version of events less than probable, should be taken into account.

7.10 Hierarchy of Evidence

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

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

7.11 When were the works to construct the building of a separate dwelling completed?

Mrs Watts states that the period of construction of the building was 24th January 2011 to 23rd July 2011 and this is confirmed by Mr Harris the builder. Both Mr Johnson the architect and Mr Dance the planning agent confirm that the building was completed by the end of July 2011. Whilst the Council's 2009 aerial photograph suggests that some footings were put in earlier, that doesn't change matters, the key date is when the building was substantially completed. The photographs of the building works submitted by Mrs Watts are not dated so carry little weight as evidence.

- 7.12 Mrs Watts states that a Building Regulations application Ref: BK04/2671/FP was submitted to the Council on the 8th December 2010 with a final visit by the Building Regs. officer on the 25th August 2011. The plans submitted with this application were the so called 'correct' plans and not those approved under P99/4887. The case officer for this current CLEUD application has visited the site and can confirm that the building constructed is that shown on the 'correct' plans. Furthermore, the Building Regulation Officers have confirmed Mrs Watts' version of events.

- 7.13 On the balance of the evidence submitted, officers are satisfied that the building the subject of this CLEUD application has been in existence since the end of July 2011 which is comfortably 4 years prior to the receipt of this application on the 10th Feb. 2016.
- 7.14 On the ground, the area of curtilage associated with the building is as shown on the plan attached to the application. From the Council's archives, aerial photograph of the site, taken in 2015 clearly shows the building with its access although the associated curtilage is somewhat masked by adjacent trees. Given however the lack of any evidence to the contrary officers are satisfied that the curtilage associated with the building is as shown on the submitted plan.
- 7.15 Period of occupation.
Mrs Watts has stated that the building the subject of this CLEUD application was first occupied as a separate dwelling house on the 15th August 2011 by Mrs Watts' son Louis and his sister Asher and this is confirmed by Mr Harris.
- 7.16 From an internal enquiry of the Council Tax records this date of first occupation for 'Well House' is confirmed as are the occupants. Furthermore, Council Tax has been paid continuously on the property as a separate residential dwelling house from 15th August 2011 to the present day. On the basis of the evidence officers are satisfied that the period of occupation has been continuous for a period of 4 years prior to the receipt of this CLEUD application on 10th Feb. 2016.
- 7.17 Was there Deliberate Concealment?
Although the site is reasonably concealed from view by other buildings and vegetation, there is nothing to suggest that there was any attempt to deliberately conceal the use of the building as a separate dwelling. Council Tax has been paid since August 2011 and the planning history clearly indicates the intention to occupy the building for residential accommodation.

8. CONCLUSION

- 8.1 The submitted evidence covers the relevant 4-year period prior to receipt of the application and beyond.
- 8.2 The submitted evidence is conclusive and is in the form of sworn Statutory Declarations, which carries significant weight. There is no contradictory evidence from third parties or from the Council's own aerial photographs to make the applicant's version of events less than probable. Furthermore there is sufficient evidence to suggest that the building has been used as a separate dwelling for more than 4 years prior to the receipt of this application and has been continuously occupied as a residential dwelling during that time and to the present.
- 8.3 In the absence of any contrary evidence, it is the considered view therefore that on the balance of probability the applicants have provided the evidence to support the claim.

9. RECOMMENDATION

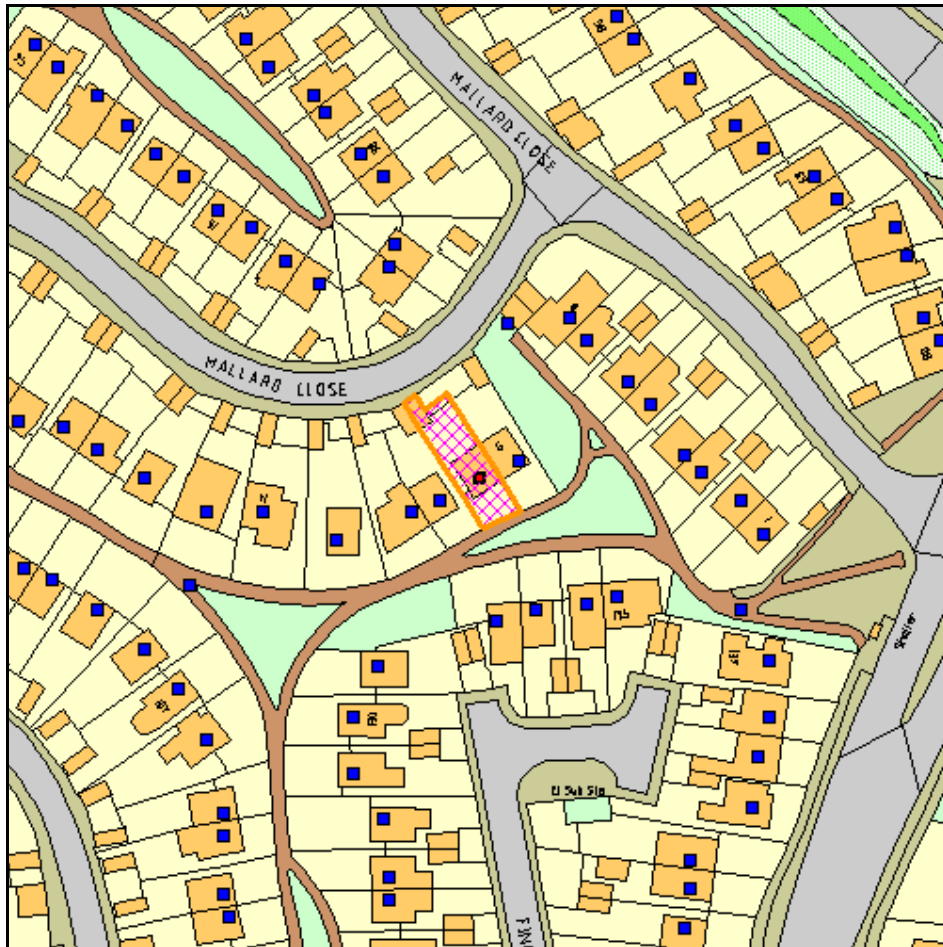
- 9.1 That a Certificate of Existing Lawful Development be GRANTED for the erection of the building and continued use of the building for residential (C3) purposes as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended) for the following reason:

Sufficient information has been submitted to demonstrate that, on the balance of probability, the building shown enclosed in red on the submitted plan has been present and occupied as a separate residential dwelling house (Use Class C3) for a continuous period of 4 years or more immediately prior to the submission of the application.

Contact Officer: Roger Hemming
Tel. No. 01454 863537

CIRCULATED SCHEDULE NO. 18/16 – 6 MAY 2016

App No.:	PK16/0710/F	Applicant:	Mr Stephen Freeman
Site:	10 Mallard Close Chipping Sodbury Bristol South Gloucestershire BS37 6JA	Date Reg:	24th February 2016
Proposal:	Erection of single storey front/rear/side extension to form additional living accommodation.	Parish:	Dodington Parish Council
Map Ref:	372095 181845	Ward:	Chipping Sodbury
Application Category:	Householder	Target Date:	14th April 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. These are contrary to the officer recommendation for approval.

1. THE PROPOSAL

- 1.1 This application seeks planning permission for the erection of a single storey extension to wrap around the front, side, and rear of the existing dwelling. At present there is a narrow pedestrian footway to the side of the dwelling; this would, in effect, be developed and joined into a porch to the front and a rear extension.
- 1.2 The application site is a semi-detached 'Radburn' style dwelling on Mallard Close in Chipping Sodbury. Vehicular access is provided to the rear whilst the front is dedicated to an open-plan pedestrian orientated environment.
- 1.3 In terms of land use constraints, the site is located within the defined settlement of Yate/Chipping Sodbury. No further land use classifications cover this site.

2. POLICY CONTEXT

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

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

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

3. RELEVANT PLANNING HISTORY

- 3.1 P89/2210 Approval of Full Planning 26/07/1989
Erection of 6ft (1.83M) high boundary fence

4. CONSULTATION RESPONSES

- 4.1 Dodington Parish Council
No comment

Other Representations

4.2 Local Residents

4 comments from local residents have been received against this application which raises the following matters:

- seek assurance that the proposal would not result in encroachment
- development would result in a loss of light and outlook
- neighbours subject to disruption and inconvenience during construction works
- concern over the parking of trade vehicles
- vehicles for the construction of the extension should not park in the close
- development would reduce property value
- development would lead to damp

5. ANALYSIS OF PROPOSAL

5.1 This application seeks planning permission for the erection of a wrap-around single storey extension at a semi-detached property in Chipping Sodbury.

5.2 Principle of Development

Extensions and alterations to existing dwellings are broadly supported by policy H4 of the Local Plan subject to an assessment of design, amenity and transport. Therefore the proposed development is acceptable in principle but should be determined against the analysis set out below.

5.3 Design

To the front of the property, the proposed extension would result in the erection of a porch. The porch would be slightly off-centre of the existing front door as it would extend over the footway down the side of the property (which would be included within the proposed side extension).

5.4 Within the 'porch' a downstairs toilet would be created with access to the side, linking into the original hallway. Although the area to the front of the dwelling has an open plan character, there are examples in the immediate vicinity of the application site of front extensions. The depth of the proposed front extension is not dissimilar to those examples and therefore it is not considered that the proposal would lead to a harmful impact on the visual amenity of the locality or fail to respect the character and appearance of the existing dwelling or its immediate vicinity.

5.5 At the rear, a simple hipped roof extension is proposed. Again, this extends beyond the side elevation. The proposed extension is of a fairly common design for such extensions and is not considered to have an adverse impact on the character and appearance of the dwelling.

5.6 Along the side, the proposed extension would in-fill the existing walkway. This would result in a long, blank elevation facing no.11. However, it is not considered that this would have an adverse impact (in terms of design) and is therefore acceptable.

- 5.7 Residential Amenity
Development should not be permitted that has an adverse impact on the residential amenities of nearby occupiers or which would lead to substandard living conditions at the application site itself.
- 5.8 In terms of the impact on the planning unit, it is not considered that the development would have a significant impact on the amenities enjoyed by the occupiers of the dwelling. The rear garden is relatively small, however, the open plan nature of the front is considered to assist in providing amenity space. The retained garden would be large enough to provide some private amenity space and it is not considered that the resulting garden size would be sufficient reason to resist the development.
- 5.9 Turning to the impact of the development on nearby occupiers, it was noted from the site visit that the conservatory attached to no.9 includes some high level windows right on the boundary between the two properties. As a result of this development light to these windows would be significantly reduced. However, sufficient windows are provided on the other elevations and roof and therefore the development in the neighbouring planning unit should not be considered an obstacle to the proposed development. It is not considered that the impact of the proposal on no.9 would be prejudicial to the amenities of that dwelling.
- 5.10 The long, blank wall facing no.11 is not ideal. However, given that the majority of this wall runs alongside the flank elevation of no.11, its impact is significantly reduced to the areas of the extension to the front and rear. These are considered to be acceptable and would not have a prejudicial impact on residential amenity. Whilst it would bring the building closer to the boundary, given that it would be adjacent to a footway between the front and rear of the buildings, it is not considered to have a significant impact on amenity.
- 5.11 The impact of the development on properties to the front and to the rear is considered to be minimal.
- 5.12 Parking
With development of this nature, the most significant transport consideration is the provision of suitable parking. This is tested against the Residential Parking Standard. However, in this instance, the proposed development would not result in any additional bedrooms and, as such, would not make a material difference to the parking demands arising from the dwelling. Notwithstanding this, it is considered likely that two small vehicles could park on the driveway to the rear of the property and the property benefits from a garage. It is therefore considered that there is adequate parking at the site to meet the needs arising from the planning unit and no objection is raised on this basis.
- 5.13 Plans
This assessment has been made on the plans received by the council on 15 March 2016. These plans differ from those originally submitted as they include a hipped roof on the rear extension on the boundary with no.9. Given the scale of development, it is not considered necessary to condition the plans.

An informative shall be included on the decision notice to make it clear that the decision is based on the amended plans.

5.14 Other Matters

A number of matters have been raised from the public consultation that not have been addressed above.

5.15 The submitted plans and certificate of ownership do not indicate any encroachment. Building work may lead to disruption and inconvenience but this would be temporary and nature and is not cause to resist development. Vehicles parking on the public highway is beyond the scope and control of the local planning authority for development of this scale. Building regulations may apply to this development in which case matters with regard to the build quality (such as dampness) would be address through this process. Whilst development finance is a material planning consideration, the impact of development on the value of individual homes is given little weight in making a recommendation on this proposal.

6. CONCLUSION

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

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

7. RECOMMENDATION

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

Contact Officer: Griff Bunce
Tel. No. 01454 863438

CONDITIONS

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

Reason

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

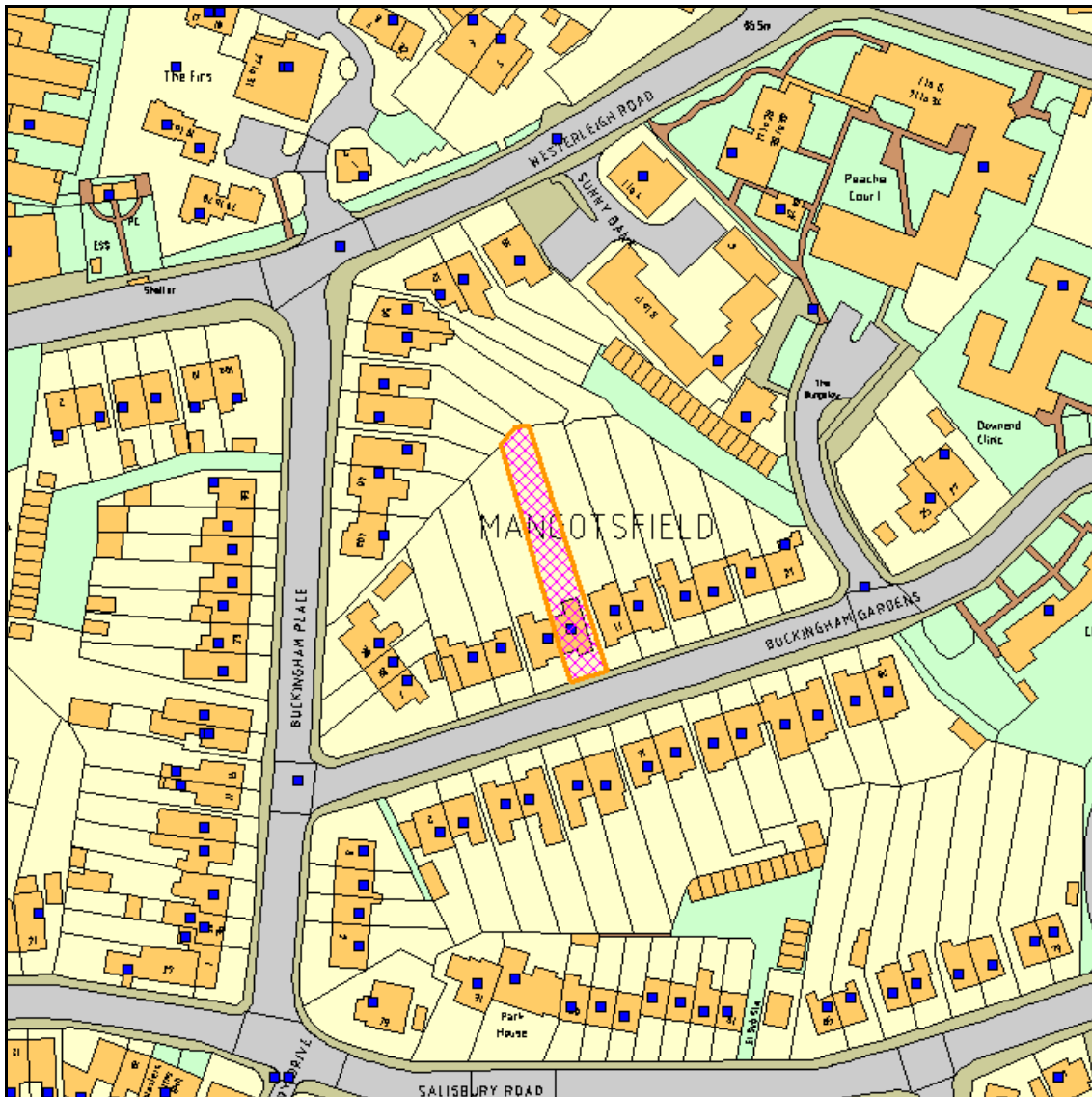
2. The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.

Reason

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

CIRCULATED SCHEDULE NO. 18/16 – 6 MAY 2016

App No.:	PK16/1348/F	Applicant:	Mrs Victoria Miller
Site:	9 Buckingham Gardens Downend South Gloucestershire BS16 5TW	Date Reg:	1st April 2016
Proposal:	Erection of single storey rear extension to form additional living accommodation. Construction of raised decking area	Parish:	Downend And Bromley Heath Parish Council
Map Ref:	365307 176669	Ward:	Downend
Application Category:	Householder	Target Date:	25th May 2016



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application appears on the circulated schedule as a result of a consultation response received, contrary to Officer recommendation.

THE PROPOSAL

- 1.1 The application is for the erection of a single storey rear extension to form additional living accommodation plus the erection of a raised platform.
- 1.2 The property is a linked semi detached bungalow dwelling, located within the residential area of Downend.

2. POLICY CONTEXT

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

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

3. RELEVANT PLANNING HISTORY

- 3.1 None relevant

4. CONSULTATION RESPONSES

- 4.1 Downend and Bromley Heath Parish Council
No objection

Other Representations

- 4.2 Local Residents
One letter of objection has been received, raising the following points:
 - will box in the rear of the adjoin property, making it feel very confined
 - decrease the amount of light to the lounge considerably
 - restrict and interfere with views out of the window
 - there are no measurements on the plans?
 - the raised decking will look over their garden and infringe on privacy of patio area
 - plans do no show the wall between the properties which belongs to us, this is not to be touched

- we have a large fish pond and are concerned about any cement dust and debris which may affect the fish
- house may lose value as a result of proposals

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

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

5.2 Design

The proposals are considered to be of an appropriate standard in design and are not out of keeping with the character of the main dwelling house and surrounding properties. The extension is of an acceptable size in comparison to the existing dwelling and the site and surroundings. Similar developments exist on other properties in the immediate vicinity. Materials would match that of the existing dwelling.

5.3 Residential Amenity

Whilst the concerns raised above are noted, the plans are adequately scaled to allow accurate measurements to be established for the purposes of assessing the application. The extension protrudes to 2.6 metres, the same length as the existing rear extension on the property, and essentially infills the gap between this extension up to the extent of the side curtilage, to a width of 3.3 metres. It is not considered that its size is unreasonable or would give rise to unreasonable impact upon the surrounding area. Steps would then lean down to a raised decking area, raised approximately 0.8 metres off ground level, and extend for a further 2.5 metres. A wall exists between the two properties, although this is not particularly high such as one cannot see to the neighbouring garden. The relationship and existing boundary treatments between the adjoining dwellings, and others in the immediate vicinity, is not one that is fully screened, and neighbouring properties and curtilages can be seen. Higher additional boundary treatment could be added if required without the need for planning permission, by either party. Given the length, size, location and orientation of the extension itself it is not considered that it would give rise to any significant or material overbearing impact on nearby properties such as to sustain an objection and warrant refusal of the application. Further to this the addition of the raised area would not significantly or materially increase upon any amenity impact such as to sustain a refusal of warrant refusal of the application. In addition sufficient garden space remains to serve the property. No parking will be affected by the proposals.

- 5.4 Any planning permission would not given rights or consent for development or access onto land or property not within the applicants control, or without owners permission, the Party Wall Act would also apply to any walls on shared boundaries. If dust or debris was deposited on land other than the applicants, this would be a civil matter between the two parties.

6. CONCLUSION

- 6.1 In accordance with Article 35 of the Town and Country Planning Development Management Order 2015, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 The proposals are of an appropriate standard in design and is not out of keeping with the main dwelling house and surrounding properties. Furthermore the proposal would not harm the amenities of the neighbouring properties by reason of loss of privacy or overbearing impact. As such the proposal accords with Policies H4 of the South Gloucestershire Local Plan (Adopted) 2006 and CS1 of the South Gloucestershire Local Plan Core Strategy Adopted December 2013.
- 6.3 The recommendation to grant permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

- 7.1 That planning permission is granted.

Contact Officer: Simon Ford
Tel. No. 01454 863714

CONDITIONS

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

Reason

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

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

Reason

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

3. No new windows shall be inserted at any time in the west elevation of the extension.

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.

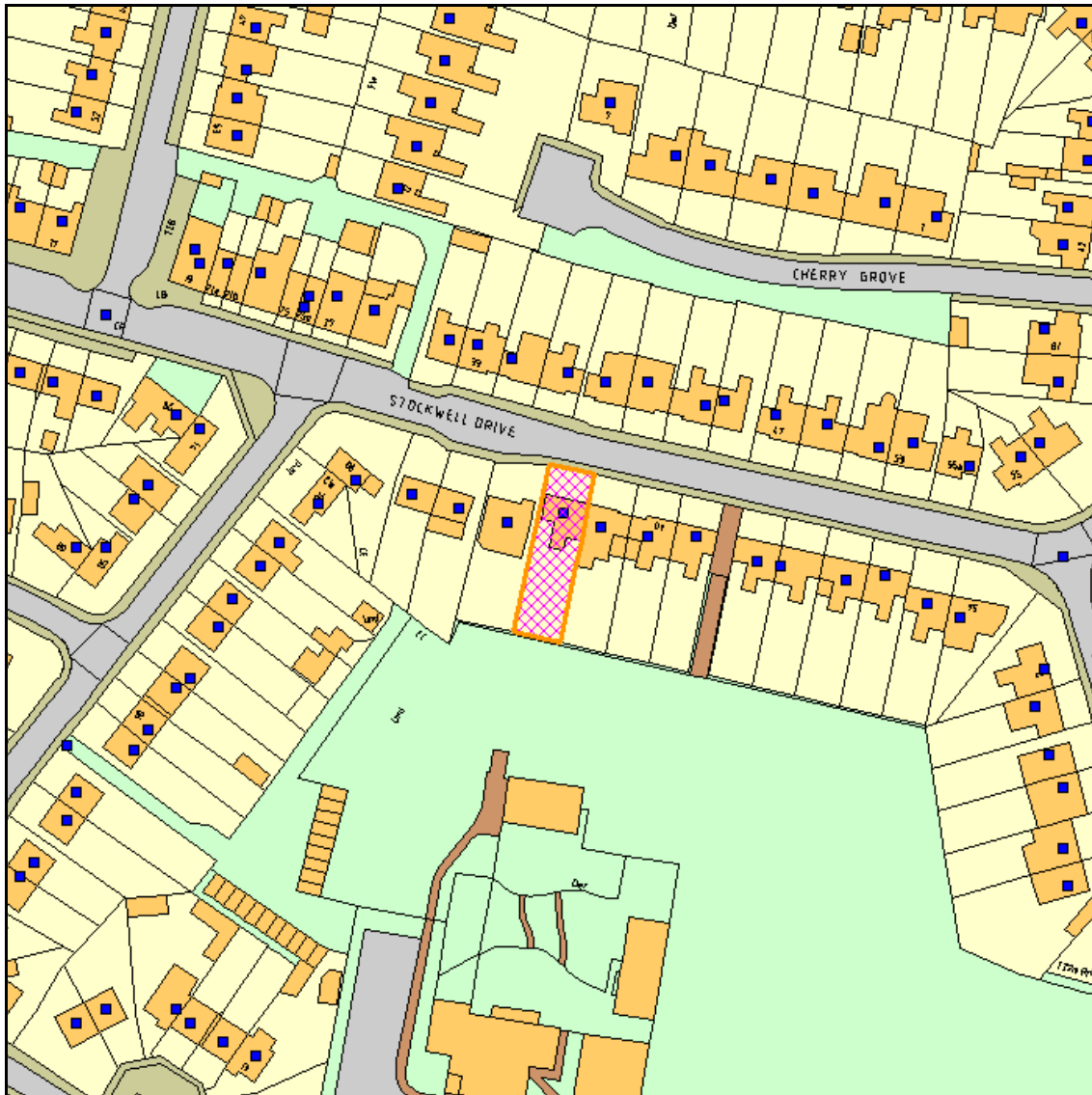
4. The hours of working on site during the period of construction shall be restricted to 08.00 - 18.00 Mondays to Fridays; 08.00 - 13.00 Saturdays and no working shall take place on Sundays or Public Holidays. The term 'working' shall, for the purpose of clarification of this condition include: the use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

Reason

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

CIRCULATED SCHEDULE NO. 18/16 – 6 MAY 2016

App No.:	PK16/1377/F	Applicant:	Mr Ian Smith
Site:	36 Stockwell Drive Mangotsfield Bristol South Gloucestershire BS16 9DW	Date Reg:	31st March 2016
Proposal:	Erection of single storey front, side and rear extensions to provide additional living accommodation.	Parish:	Emersons Green Town Council
Map Ref:	366162 176884	Ward:	Rodway
Application Category:	Householder	Target Date:	24th May 2016



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 The applicant seeks full planning permission for the erection of single storey front, side and rear extensions to provide additional living accommodation. The application site relates to a two-storey semi-detached property situated within the established settlement boundary of Mangotsfield.

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

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

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

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted 2007)

South Gloucestershire SPD: Residential Parking Standards (adopted) 2013

3. RELEVANT PLANNING HISTORY

- | | | |
|-----|---------------|---|
| 3.1 | PK13/2763/NMA | NMA to PK130762/F to change rear window to French doors |
| | Approved | 2.9.13 |
| 3.2 | PK13/0762/F | Erection of two storey side and single storey rear extension to provide additional living accommodation |
| | Approved | 26.4.13 |

4. CONSULTATION RESPONSES

- 4.1 Emersons Green Town Council
No objection

4.2 Other Consultees

Highway Engineer

No detail on the proposed vehicular access and parking arrangements for the site, after development, are submitted with this planning application.

For information a dwelling with up to four bedrooms would require a minimum of two parking spaces, each measuring at least 2.4m wide by 5m deep. This parking needs to be provided within the site boundary.

Before further comment can be made a revised block plan which clearly shows the details as set out above needs to be provided.

Other Representations

4.3 Local Residents

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

- The proposed front extension would be forward of the line of the existing garage and will severely restrict the view of the road and make my house look even further set back
- In a previous application the applicant was told to move the front back to the footprint of the existing garage. Surely this must also apply here?
- Proximity to the side of my house. It will be 20cm closer to my boundary leaving a distance of just 50cm which will not be wide enough for a viable access for No. 36. Main concern is the short distance to the foundations of my gable end wall and could cause movement or slippage

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

The application stands to be assessed against the above listed policies and all material considerations. Of particular importance would be the resulting appearance and its impact on the host property and the characters of the area in general (CS1); any impact on the amenity of the application site or that of its neighbours must be taken into consideration (H4) as must the impact on highway safety and parking standards (CS8, T12; SPD: residential parking).

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

Design and visual amenity

5.2 The application site relates to a two-storey semi-detached post WWII dwellinghouse. It is situated within an area of properties of similar style and appearance. The application site benefits from an attached single garage to the west and a small single storey rear extension to the south.

5.3 The proposal would essentially result in a single storey extension which would wrap around the two sides of the property. To facilitate this the single storey garage and existing rear addition would be removed.

The proposed extension would extend along the full length of the dwelling, out to the rear of the existing dwelling by an additional 3 metres and out to the front by an extra 0.70m. The total length would amount to just under 12 metres. It would then continue around the rear for a length of approximately 9.4 metres. This wrap around extension would have a height to eaves of about 2.6 metres and an overall height of 3.8 metres. Openings would be located in the front elevation as a window serving the proposed office, to the rear in the form of windows and large bi-folding doors serving the new kitchen dining room and in the side elevation as part of the proposed utility room.

5.4 It is noted that the neighbour has expressed concerns regarding the proposed front building line being moved forward. At the moment the garage is set back by about 0.65 metres and the proposal would see the new building line being 0.70 metres in front of the existing front elevation. The roofline of this front projection would in the first instance be hipped and would secondly extend over the front door creating an open porch-like area. The neighbour has expressed concern that under a previous application the applicant was requested to set the side extension back. Each application is assessed on its own merits. It is noted that the previous application was for a two-storey side extension and at the time Officers requested that the two-storey extension be both set down and set back so as not to unbalance the pair of semis. In this instance the proposal is for a single storey addition. The situation is therefore different as the height of the roof line would already be subservient to the main property and would thereby not be an overly dominant addition to the street scene. Although it is acknowledged that the proposal would result in an extension forward of the main building line, given that the degree is relatively small at 0.70m and the proposal would assist in functioning as a porch to the main house, there would be no adverse impact on either the house nor the character of the area sufficient to warrant a refusal of the scheme. The neighbour has expressed concern that the proposal by virtue of it being forward would make his property seem even further away from the road. The neighbouring property and those beyond to the west form their own building line, different to that of the application site and properties beyond it and to the east. The difference in building line is perhaps unfortunate but it is not a sufficient reason to refuse the application as it is considered that the new addition would not have a significantly negative impact on the general visual amenity.

5.5 Good quality materials to match the existing property would be used in the construction to assist a successful integration into the street scene. In terms of the overall design, scale and massing the proposed single storey extension is considered appropriate to the main house and to the character of the area in general and can therefore be recommended for approval.

Residential amenity

5.6 The garage is set back from the main front building line by about 0.65 metres. Under this proposal the resulting front building line of this part of the property would be forward of the current situation by about 1.35metres. The neighbour at No. 34a has expressed concerns that this situation would severely restrict the view of the road and also make the neighbouring property appear even more set back than it already is.

Taking the concern over restrictions to a view of the road; the neighbouring property at No. 34a Stockwell Drive is a detached house which benefits from a substantial porch to the east side of its front elevation, closest to the application site. The proposed extension would therefore be furthest away from any ground floor primary habitable rooms within this property. As such although it is acknowledged that the proposed front extension would create changes for this neighbour the negative degree of impact created by a single storey addition is limited and not unacceptable in this urban situation.

- 5.7 The neighbour has commented that a distance of only 50cm would remain alongside the western side of the application site and has expressed concern that this is not sufficient for a viable access. It must however be recognised that building up to the boundary and within residential curtilages is acceptable and that the pathway alongside the house would be enough for access to the rear of the property. The neighbour has also stated that this small distance between the two could impact on his foundations causing potential slippage. This is not a planning consideration but one that could be dealt with by Building Control or as a civil matter between the two parties.

Sustainable Transport

- 5.8 The front of the property comprises a large paving area. Comments received from Highway Engineers have requested additional details regarding the off-street parking provision. Following Officer's site visit it is clear that the existing parking would not be adversely impacted upon by the development and sufficient parking would remain to accommodate two vehicles on the large driveway. As such it has not been considered necessary to request additional or revised plans as the development has not changed the number of bedrooms within the property. The proposal accords with adopted parking standards and it is therefore considered acceptable in these terms.

6. CONCLUSION

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

7. RECOMMENDATION

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

Contact Officer: Anne Joseph
Tel. No. 01454 863788

CONDITIONS

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

Reason

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

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

Reason

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with saved 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.

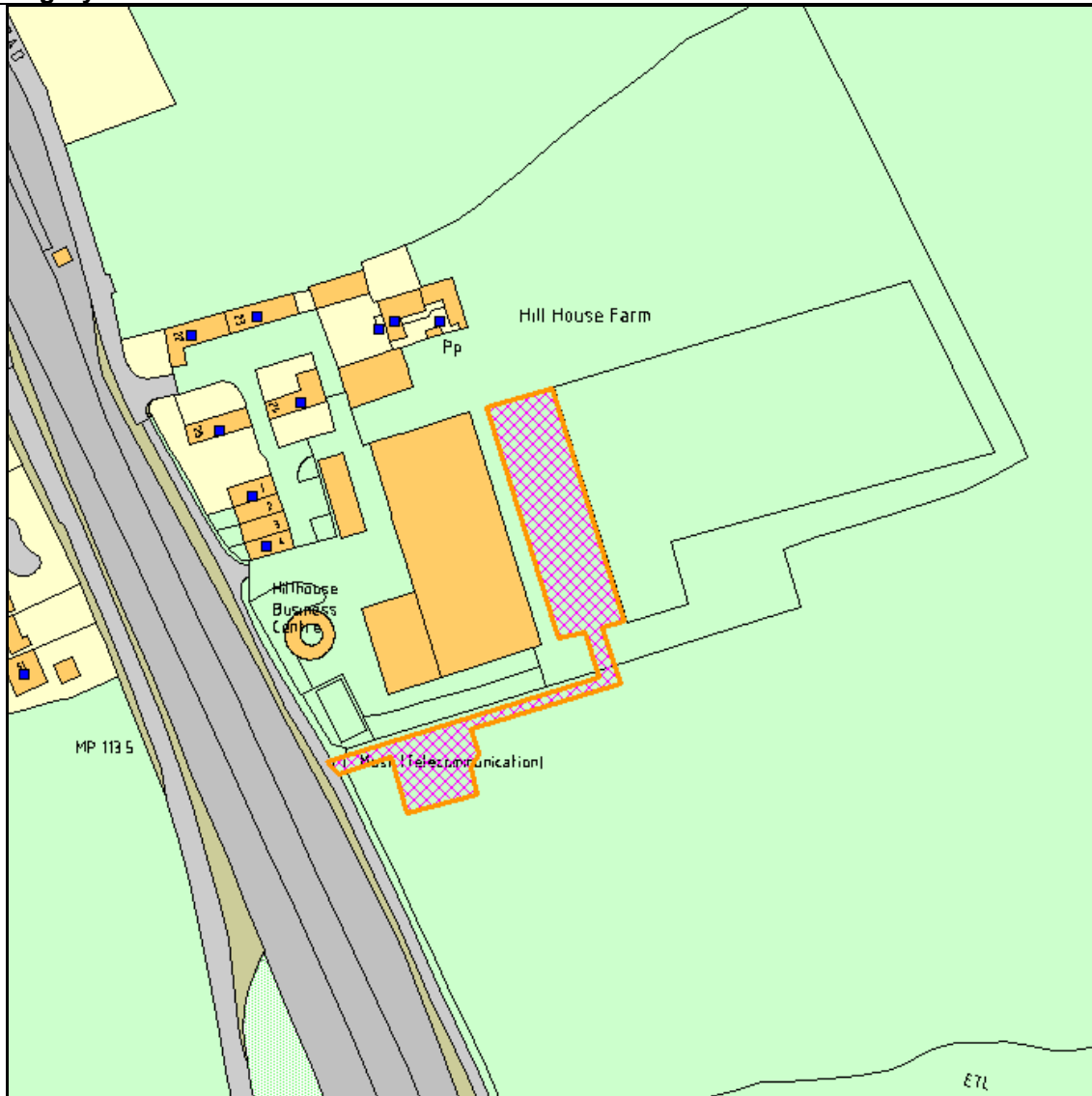
3. Prior to the use or occupation of the extension hereby permitted, and at all times thereafter, the proposed ground floor window on the west elevation shall be glazed with obscure glass to level 3 standard or above with any opening part of the window being above 1.7m above the floor of the room in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

Reason

To protect the residential amenity of the neighbouring occupiers and to accord with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; and the National Planning Policy Framework.

CIRCULATED SCHEDULE NO. 18/16 – 6 MAY 2016

App No.:	PT15/4348/F	Applicant:	Mr A Baker
Site:	Hill House Farm Station Road Charfield Wotton Under Edge South Gloucestershire GL12 8SY	Date Reg:	19th November 2015
Proposal:	Change of use of land from agricultural to land for keeping of horses and construction of all weather riding arena. Erection of 1no detached dwelling ancillary to equestrian use and erection of stable block with associated works.	Parish:	Charfield Parish Council
Map Ref:	372717 191860	Ward:	Charfield
Application Category:	Householder	Target Date:	11th January 2016



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REASON FOR REPORTING TO THE CIRCULATED SCHEDULE

This application is referred to the circulated schedule for determination to take into account the comments of objection received. These comments are contrary to the officer recommendation for approval.

1. THE PROPOSAL

- 1.1 This application seeks planning permission for three different elements: construction of a riding arena, erection of a stable block, and erection of a dwelling ancillary to the equestrian use of the site.
- 1.2 Although the description of development includes reference to the change of use of land, the land in question is in fact indivisible from the operational development (i.e. the arena, stable block, and dwelling) that constitutes the proposal.
- 1.3 The application site is connected to Hill House Farm on Station Road in Charfield. At present, the site is used for equestrian purposes for the stabling and training of dressage horses. The proposed development seeks consent for the erection of a new stable block as a stud for the breeding of horses for dressage purposes.
- 1.4 The application site is located outside of any defined settlement in the open countryside. Access is provided from a track which runs from the end of Station Road. The land falls away to the east towards the Little Avon River. To the north of the site stands the existing farm buildings and to the west the Bristol to Gloucester Railway. To the south the land is open and used extensively for agriculture.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework March 2012

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

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

South Gloucestershire Local Plan Adopted January 2006 (Saved Policies)

L1 Landscape
L11 Archaeology
L16 Agricultural Land
T12 Transportation

E10 Horse Related Development
H9 Agricultural Workers Dwellings in the Countryside
LC12 Recreational Routes

- 2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist SPD (Adopted) August 2007
Residential Parking Standard SPD (Adopted) December 2013
Landscape Character Assessment SPD (Adopted) November 2014
CIL and S106 SPD (Adopted) March 2015

3. RELEVANT PLANNING HISTORY

- 3.1 PT07/3422/F Approve with Conditions 28/03/2008
Conversion of existing barn to form indoor riding arena. Construction of stables to facilitate change of use of land from agriculture to the keeping of horses. (Resubmission of keeping of horses. (Resubmission of PT07/2546/F).
- 3.2 PT07/2546/F Withdrawn 02/10/2007
Conversion of existing barn to provide indoor riding arena and construction of stables and menage to facilitate change of use of land from agriculture to keeping of horses.
- 3.3 N5647 Approve with Conditions 02/08/1979
Erection of general purpose agricultural building of 14,500 sq. ft. (approximately 1,300 sq. m.).
- 3.4 There is other planning history which relates to the existing equestrian use of the site which is available to view online.

4. CONSULTATION RESPONSES

- 4.1 Charfield Parish Council
Objection: Public concern and an ongoing enforcement complaint
- 4.2 Archaeology Officer
Roman medieval and prehistoric remains are known within the wider surrounding area. An archaeological watching brief should be undertaken during the ground disturbance associated with the development.
- 4.3 Public Rights of Way
Development would affect public right of way OCH21/10. Increased operation from the site would have an adverse impact on the safety of users of the route. An increase in the use of the route for vehicular traffic would not be in the public interest. Use for equestrian activities would have a greater need for access than the extant agricultural use. Planning officer should give weight to Circular 1/09.
- 4.4 Sustainable Transport
No objection subject to conditions

Other Representations

4.5 Local Residents

Five comments of objection have been received which raise the following matters:

- Conditions on previous planning application still apply
- Allowing permission would be a reversal of the previous decisions
- Insufficient land for the grazing of horses
- Site is used as a business
- Increase in vehicular movements
- Parking problems along Station Road
- Potential for a DIY livery or school
- There is already a consent for a dwelling on the site
- Development is not 'minor'
- Too little public consultation
- Website does not provide notifications
- Original conditions are not adhered to
- Local residents should be considered

5. ANALYSIS OF PROPOSAL

5.1 Planning permission is sought for the erection of a stable block, a riding arena, and a stud manager's dwelling at Hill House Farm in Charfield.

5.2 There are two distinct elements to establishing the principle of development. The first relates to the stable block and the riding arena as, in the words of policy E10, 'horse related development'. Following on from whether the horse related development is acceptable or not, a further assessment can be made as to whether there is justification for a dwelling to house a rural worker. In order to address this report in a succinct manner, the stable and riding arena will be assessed in full first before continuing to consider the residential element of the proposal.

Horse related development

5.3 As part of the planning application, permission is sought to erect a 10 box stable block with feed store and an outdoor riding arena.

5.4 Principle of Horse Related Development

Policy E10 allows for horse related development subject to considerations of the environmental effects, residential amenity, access and highway safety, provision of bridleways, and horse welfare. In addition to this consideration should also be given to the landscape impact of the development and the impact on the amenity of the public right of way which passes the site.

5.5 Environmental Effects

At present the land on which the stables are proposed is lawfully used for the keeping of horses. The land where the proposed riding arena is located is currently lawfully in a default agricultural use.

- 5.6 The environmental effect of the proposed development is low. The installation of the riding arena would need to be surfaced in an appropriate material and there would be little change to the rest of the land. The proposed stable block would produce manure and other waste. These would need to be appropriately managed and a condition can be used to identify the position and construction of a manure storage area and waste management plan.
- 5.7 Subject to the use of appropriately worded conditions it is not considered that the application would have a significant environmental impact and would not be reason to resist the proposed development.
- 5.8 Residential Amenity
Development should not have a prejudicial impact on residential amenity. Although close to the village of Charfield, there are actually few residential properties that would be directly affected by the development. Within Hill House Farm itself there are 2 residential properties; the farmhouse and an equestrian worker's dwelling permitted under PT14/4675/F although at the time of the officer's site visit, this permission was unimplemented. A number of residential dwellings are located to the north of the existing equestrian operations in converted farm buildings.
- 5.9 The proposed stable buildings are some distance from the nearest dwellings and the operation of them would be unlikely to result in disturbance to residential amenity. Whilst the riding arena is closer to the farmhouse, given that the farmhouse is an integral part of the site it is unlikely that the operation of the arena would cause undue harm to residential amenity. It is considered unlikely that either development would have a significant impact on the amenities of the occupiers of the converted farm buildings or other occupiers in the wider vicinity.
- 5.10 Access and Public Right of Way
Concern has been expressed in the consultation responses over the access to the site and the traffic and vehicular movements generated by the use of the site.
- 5.11 Access to the site is provided from Station Road. This road is single track for much of the last section of it which leads to the farm. Beyond the entrance to the historic farm buildings and the modern equestrian buildings to the south, the road becomes an agricultural track. It is proposed to access the stable building (which in turn would lead to the riding arena within the site) from an existing field access along the agricultural track.
- 5.12 This field access leads onto land which is already within an equestrian use. As stated earlier, the application does not necessarily involve the change of use of land other than that on which operational development (in the form of the riding arena) is proposed. It should therefore be assumed that a certain degree of horse related traffic would use the tracked part of the access.

- 5.13 Residents have expressed concern over the size of vehicles that service the site and the localised on-street parking. The highways officer notes that the access is narrow and that there are few passing places. However, the officer also notes that there is existing accommodation on site and that breeding mares would not often leave the facility. These two factors mean that it is unlikely to result in a significant increase in traffic to the extent that it would pose a severe impact to highway safety. Should the proposed dwelling not be permitted, then the trips to the site of one additional worker are also considered unlikely to amount to a severe impact.
- 5.14 In order to manage the traffic associated with the site and retain a certain degree of control, a number of conditions are required. Should the use as a stud cease, the stable building would be able to be used as a DIY livery or riding school unless prevented by condition. A condition to achieve this is recommended.
- 5.15 On a separate but related note, the access may require a licence from the public rights of way team which would be considered outside of the planning system.

Public Right of Way

- 5.16 A public right of way runs along Station Road and the access track. Policy LC12 manages development that affects a public right of way and it should be noted that the council's public rights of way officer has raised an objection to the proposal.
- 5.17 Policy LC12 seeks to safeguard the amenity and utility of public rights of way from development. The development itself would not impinge upon the right of way or prevent access. The development would, however, lead to an increase in vehicular traffic along the unpaved part of the access route. It has been stated that the difference between traffic associated with agricultural activities and equestrian would have a significant impact on the amenity of the route.
- 5.18 The first thing to note is that the proposed access gate already provides a route onto land lawfully used for the keeping of horses. As such, it is reasonable to expect that there is a certain degree of equestrian traffic that should form the baseline of the assessment. Whilst it is not contended that the development would lead to an increase in the use of the route by vehicular traffic the question is whether this increase would have such a notable impact that development should be refused.
- 5.19 It is proposed to use the stable building as a stud. Conditions would be used to prevent the use for livery or riding school purposes. It can therefore be assumed that the horses would not leave the site often, as for certain periods of the year they would be in foal; the gestation period for which extends to 11 months.

- 5.20 While there would be an increase in traffic, it would be over a relatively short distance of the track. In terms of the impact on the utility of the right of way, this is considered to be relatively minor. However, it is acknowledged that there may be a more significant impact on the amenity of the route.
- 5.21 The access track would retain its rural character. The distance subject to increased vehicular movements is short and only the section beyond the end of the designated public highway and the existing access that should be considered (as that designated as part of the highway is beyond the control of this application and the existing access is not under consideration). It is not considered that the increase in traffic, when considered alongside the proposed conditions, would be so significant that it would be deemed to be harmful to the amenity of the right of way.

Access to Bridleways

- 5.22 Policy E10 includes consideration as to whether equestrian development is well connected to riding routes and bridleways. Given that the proposed use is as a stud facility in association with the dressage horse training facility on the rest of the site, the likelihood of recreational rides from the site is lower than for other forms of horse related development.
- 5.23 However, should the stud use cease, then it would be reasonable to expect that the site generated a demand for recreational riding. Horse related development has already been accepted as being appropriate in this location. It is not considered that access to bridleways and riding routes have significantly changed since the use of Hill House Farm for horse related activities was first granted planning permission. Therefore, it is the opinion of officers that the site is suitably located with reasonable access to the countryside for horse riding and no objection is raised on this basis.

5.24 Alternative Buildings

Part of the considerations of policy E10 is that preference be given to the re-use of existing buildings. The existing stables on the site are used for dressage horses and would appear to be at capacity. The proposed stables would have a different use as a stud facility.

- 5.25 There are no further existing buildings which could provide the required accommodation and therefore the case for a new equestrian building is found sound.

5.26 Welfare of Horses

Consideration should be given to the welfare of horses and weight should be applied to the *Code of Practice for the Welfare of Horses, Ponies, Donkeys and their Hybrids* (Defra, 2009).

- 5.27 This guidance states that foaling boxes should have a minimum size of 4.25 metres by 4.25 metres but that a standard horse stable should be 3.65 metres by 3.65 metres. The stables proposed within this application are of varying size. Boxes 1 and 7-10 are smaller than boxes 2-6 but would be broadly (although marginally below) the recommended size for a stable box.

Boxes 2-6 are larger, and again as with boxes 1 and 7-10, would be broadly (although marginally below) the recommended size for a foaling box. Although the proposed stables fall slightly below that stated in the Defra guidance, it is not considered that the size of the stables are so significantly below the recommended size to suggest that the stabled horses would be subjected to inadequate conditions.

5.28 Riding Arena

The proposed riding arena would be situated to the east of the existing indoor arena and would cover an area of approximately 20 metres by 58 metres; this is a similar size to the existing indoor arena. The proposed arena is considered to be well related to the existing built form of the farm and therefore would not be considered out of character with the area.

5.29 It is, however, noted that the site is sloping and that a retaining bank is likely to be required. In order to mitigate the landscape impact, a full programme of screen planting should be secured through a landscaping plan. This can be achieved by condition.

5.30 Design

Both the stable building and the proposed arena would have an equestrian appearance. This application does not include any further horse related paraphernalia (such as horse walkers) and separate planning permission would be required to erect such items. The stable building would be completed with a timber finish which is considered to be appropriate.

5.31 It is not considered that the stable building would have a significant impact on the landscape character of the area. Stables are an appropriate form of development in rural areas. However, in order to ensure that the building does not look out of place within a larger field system, landscaping around the proposed entrance and stable yard would be required by condition.

5.32 Summary

Having considered in full the proposed stable block and riding arena, officers are satisfied that the proposed development would not have a harmful impact, subject to the proposed conditions discussed above. It is therefore concluded that planning permission should be granted for the stable block and riding arena subject to the conditions listed at the end of this report.

Residential development

5.33 Part of the proposed application includes the erection of a 2-bedroom 'stud managers' dwelling. This would be located adjacent to the proposed stable block.

5.34 Principle of Residential Development

The council's strategic approach to development is set out in policies CS5 and CS34 of the Core Strategy. Policy CS5 is strategic in nature and seeks to direct most development to the existing urban areas or defined settlements. Policy CS34 addresses development that falls outside of the defined settlements, also promoting development to the defined rural settlements.

Policy CS34 is silent on development to house rural workers. When the Core Strategy was adopted, it was considered that policy H3 of the Local Plan would be used to address such proposals. However, this policy is considered to be out-of-date and therefore is afforded limited weight in determining planning applications.

- 5.35 More critically is that following an Inspectors decision last year, it was found that the council could not at present demonstrate a 5-year supply of deliverable housing land. The implication of this appeal decision is that paragraph 49 of the NPPF is engaged. This paragraph states that when a local planning authority is unable to demonstrate a 5-year supply of deliverable housing land, the policies in the development plan (insofar as they relate to housing) are out of date and applications for residential development should be determined in the context of the presumption in favour of sustainable development.

Presumption in Favour of Sustainable Development

- 5.36 The presumption in favour of sustainable development is set out in paragraph 14 of the NPPF. It states that where the development plan is out of date, planning permission should be granted unless the adverse impacts of doing so significantly and demonstrably outweigh the benefits or guidance in the NPPF dictates that planning permission should be refused.
- 5.37 The test therefore with regard to the residential element of the scheme is, firstly, does it accord with the provisions of the NPPF and, secondly, would any resulting harm from the development (if permitted) be of such a scale that it significantly and demonstrably outweighed the benefit of the proposal.
- 5.38 In terms of reaching a recommendation on the residential aspect of the proposal, the application should be determined against the analysis set out below.

Housing in Rural Areas

- 5.39 Paragraph 55 of the NPPF specifically addresses housing in rural areas. This paragraph states 'local planning authorities should avoid isolated new homes in the countryside unless there are special circumstances'. The paragraph goes on to provide examples of what may be considered a special circumstance. Included within these examples is the 'essential need for a rural worker to live permanently at or near their place of work in the countryside'.
- 5.40 Although the application site is close to the settlement of Charfield, it is considered that the positioning of the proposed dwelling is such that it could be considered to be the encroachment into the countryside leading to an isolated new home. This conclusion would render the development 'unsustainable' unless it could be demonstrated that there was an essential and permanent need for a dwelling on the site.

- 5.41 To find a permanent need for a dwelling it would need to be demonstrated that it was to serve a financially viable business. In order to demonstrate an essential need, it would need to be shown that there was a functional need for a worker to be on site and that there was no alternative available accommodation. It is the local planning authority's usual practice to instruct a specialist rural surveyor to review the case presented by applicants in order to provide an independent evaluation of the case for a rural worker's dwelling. It is also standard practice for a temporary permission to be granted initially in order to allow time for applicants to demonstrate the permanent case; this is typically limited to 3 years.
- 5.42 In this instance, a full business case setting out the permanent need has not been submitted as the applicant seeks to create a stud as a wider part of their hobby of dressage. Following on from this, in considering whether there is an essential need, it is first necessary to look at the level of residential accommodation already provided. Within the land contained within the blue edge of the application are 2 residential dwellings; that of Hill House Farm itself and the partial conversion of an existing barn permitted under PT14/4675/F. The latter is subject to a condition restricting the occupation to someone employed in equestrian work in the locality.
- 5.43 The applicant has provided information as to why they consider a dwelling to be essential, which mainly relates to animal welfare and husbandry. However, the justification fails to provide evidence as to why this accommodation cannot be provided within the 2 residential units within in the site.
- 5.44 Given that no case has been made for a permanent need and officers are unconvinced that there is a functional need (given the existing residential accommodation across the wider site), a referral to the independent specialist has not been made. This is because the case submitted to the local planning authority lacks sufficient detail at present.
- 5.45 As stated, officers consider that the proposal, without demonstrating a justified permanent or essential need, would result in an isolated new home in the countryside. Therefore the proposal would fail to accord with the presumption in favour of sustainable development, as it would not accord with specific guidance in the NPPF. Therefore, this element of the proposal should be resisted at the current time.
- 5.46 Other Residential Considerations
Although it has not been demonstrated that there is a permanent or essential need for a rural worker to live on the site, in the interests of a comprehensive decision, other factors in relation to the residential element of the scheme should be given due consideration. This section of the report will undertake such considerations in light of the presumption in favour of sustainable development (although it has already been concluded the proposed residential unit would not amount to sustainable development).

Design

- 5.47 The design of the proposed dwelling would have a similar appearance to that of the stable block. It would be a simple building finished externally in timber cladding with a slate roof. Whilst not of a traditional construction, the design of the proposed dwelling would be unlikely to result in a significant or demonstrable harm to the visual amenity of the locality.

Residential Amenity

- 5.48 Development should not be permitted that has a prejudicial impact on residential amenity or which fails to provide sufficient living conditions for future occupiers.
- 5.49 Given the location of the proposed dwelling, it is not considered that the development would have an impact on the amenities of any nearby residential property. However, it is considered that the proposed dwelling would provide substandard living conditions for future occupiers.
- 5.50 At 38 square metres gross internal floor area, the proposed dwelling is undoubtedly small. Guidance in the form of the *Technical Housing Standards – Nationally Described Space Standard* (Department for Communities and Local Government, March 2015) states that for a 2-bedroom/3-person dwelling (such as that proposed here) a minimum of 61 square metres gross internal floor area should be provided. Furthermore, the submitted plans fail to identify any outdoor private amenity space provided for the occupants.
- 5.51 It is therefore considered that the proposal as permanent residential accommodation would fail to provide an adequate or acceptable level of living conditions for future occupiers. This is considered to be a significant and demonstrable harm which would outweigh the benefit of the dwelling; however, it is noted that such accommodation may be found acceptable on a temporary basis whilst a permanent and essential need for the dwelling was being established. Therefore, in addition to the proposal amounting to an isolated new home in the countryside, planning permission should also be refused on the basis that the development fails to provide future occupiers with an acceptable standard of living.

Transport and Parking

- 5.52 It is not considered that the proposal would result in a severe impact to highway safety, although the limitations of the site access are noted. Under the *Residential Parking Standard SPD* a dwelling of this size would be expected to provide 1 parking space. There is sufficient space within the site to provide this level of parking provision. It is therefore considered that, in terms of transportation, no significant or demonstrable harm would arise from this development.

5.53 Summary

It has been concluded that the proposed development would, if permitted, result in an isolated new home in the countryside. It has not been demonstrated that there are special circumstances, such as the essential need for a rural worker to reside on the site that would overcome the presumption against such development. It is also considered that the proposed accommodation would fail to provide satisfactory living conditions for future occupiers given the size of the dwelling and the lack of private outdoor amenity space. Officers therefore are of the opinion that the proposed residential development would not amount to being sustainable development, as defined in paragraph 7 of the NPPF, and in addition, the harm resulting from the proposal would be significant and demonstrable to the extent that it outweighed any benefit.

Other matters

5.54 In order to draw this report to a close, it is necessary to consider any other matters (including those raised from the consultation responses) which do not fit into the preceding sections.

5.55 Whilst the majority of matters raised have been considered, the following should also be noted. The definition of minor development is set in statute; this proposal is considered to fall into the definition of minor development.

5.56 Officers are content that this application has been publicised in accordance with the council's *Statement for Community Involvement*, including publication on the website.

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 issue a split decision has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

7.1 It is recommended that a SPLIT DECISION is issued, **refusing** planning permission for the erection of the dwelling and **approving (subject to conditions)** the proposed stable block and riding arena, in accordance with the reasons and conditions as set out below.

Contact Officer: Griff Bunce
Tel. No. 01454 863438

PART APPROVAL (STABLES AND RIDING ARENA)

CONDITIONS

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

Reason

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

2. Prior to the commencement of development a 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; a schedule of landscape maintenance for a minimum period of 5 years (the schedule shall include details of the arrangements for its implementation), shall be submitted to the Local Planning Authority for approval. Development shall be carried out in accordance with the agreed details. The approved landscaping scheme shall be carried out in full during the first planting season following the first use of the development hereby approved. For the avoidance of doubt, the proposed landscaping should act to screen the riding arena and stables from views to the east and act to separate the stable building from the remainder of the field.

Reason

To protect the character and appearance of the area to accord with Policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework. This is required prior to commencement to ensure the landscape impacts can be satisfactorily and timely mitigated.

3. Prior to the first occupation of the stables hereby permitted, details of the manure storage and disposal shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason

To protect the environment and avoid pollution and to accord with policy E10 of the South Gloucestershire Local Plan (Adopted) January 2006 (Saved Policies).

4. At no time shall the stables or riding arena hereby permitted and the associated land be used for as a DIY livery or riding school.

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.

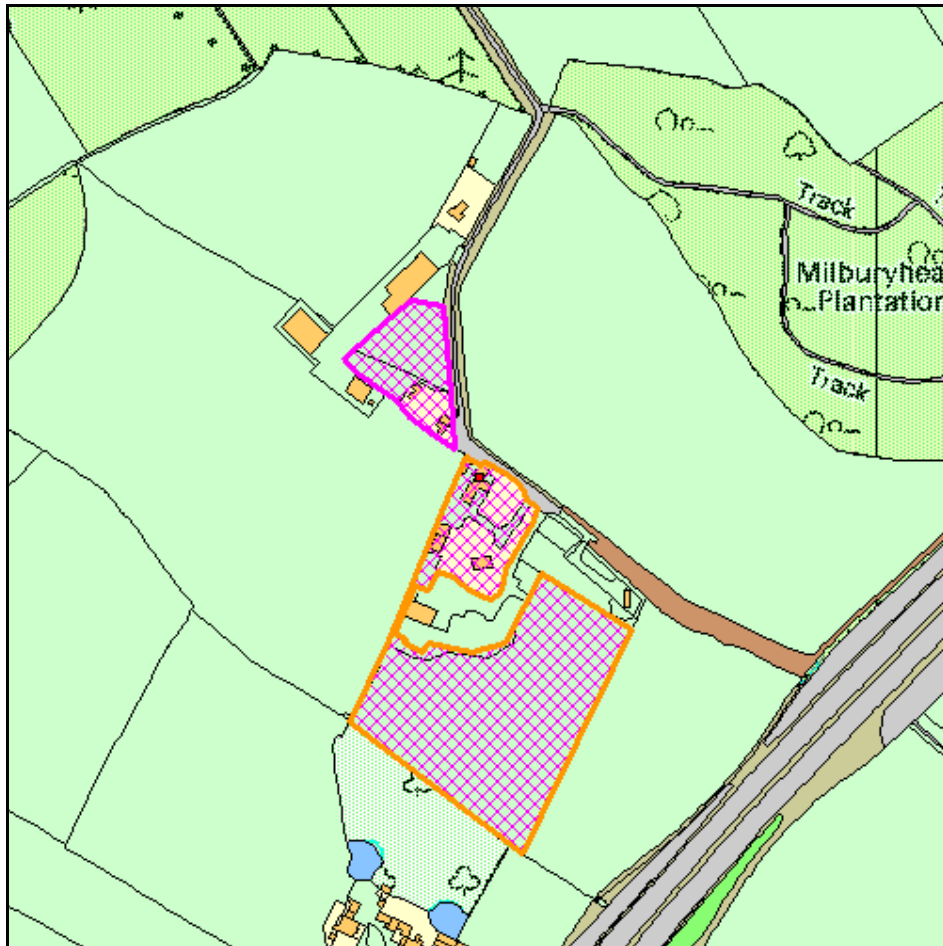
PART REFUSAL (DWELLING)

REASONS

1. The erection of a dwelling, as included within this application, would result in an isolated new home in the countryside. The case of special circumstances submitted to support the erection of the dwelling fails to demonstrate that there is a permanent and essential need for a rural worker's dwelling at this location in connection with the proposed rural enterprise. Therefore, the proposed dwelling is considered an unsustainable form of development contrary to paragraphs 7, 14 and 55 of the National Planning Policy Framework and policy CS5 and CS34 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013.
2. As a permanent place of residence, the proposed dwelling included within this application would fail to provide an acceptable standard of living conditions for future occupiers. This is due to the unacceptably small size of the dwelling (in terms of its floor space) as a two-bedroom dwelling and the lack of private outdoor amenity space. The proposed development is therefore considered to be an unsustainable form of development and contrary to paragraphs 7, 14, and 17 of the National Planning Policy Framework, and policy CS1 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013.

CIRCULATED SCHEDULE NO. 18/16 – 6 MAY 2016

App No.:	PT15/4972/F	Applicant:	Mr And Mrs K. Berkely
Site:	1 And 2 Green Lane, Corbetts And Adjoining Land Milbury Heath Wotton Under Edge South Gloucestershire GL12 8QW	Date Reg:	7th December 2015
Proposal:	Construction of a new dwelling and associated district heating centre, Alterations at 1 and 2 Green Lane. Engineering works and landscape improvements.	Parish:	Tytherington Parish Council
Map Ref:	366720 189561	Ward:	Ladden Brook
Application Category:	Major	Target Date:	4th March 2016



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 100023410, 2008. **N.T.S.** **PT15/4972/F**

REASON FOR REPORTING TO CIRCULATED SCHEDULE

The application is circulated because of the unusual justification for the development in that it is considered to be an NPPF “paragraph 55” house and as a result of a neutral comment received as a result of the site notice.

1. THE PROPOSAL

1.1 This application sets out two closely related red lined areas and seeks to construct a new dwelling and associated District Heating System on one site and on the other to provide landscape enhancement. Each of the two sites already contain two dwellings. These are to remain and be served by the District Heating System. The proposed house would include 5 bedrooms, garaging for three cars and a swimming pool. The district heating system would be located in a separate building close to the house.

The proposal is made under para 55 of the NPPF which states:

Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as:

- *the exceptional quality or innovative nature of the design of the dwelling.*

1.2 The main site, where the house is proposed is located some 800m from the settlement of Tytherington settlement and 1.5km from Thornbury (both measured as the crow flies). It is triangular in shape with the eastern side being bounded by Green Lane and open countryside beyond, the southern side being half bounded by open countryside and the rest together with the northwest side is bounded by a small commercial estate, located within modern agricultural sheds and telecommunication masts. A children’s indoor play venue is also located next to the proposed site. The site is not Green Belt and there are no particular nature or visual amenity designations on the land.

1.3 This scheme follows a previous application for the house which was withdrawn for further work to be carried out.

1.4 During the course of this application a large earth mound initially proposed in the landscape enhancement field has been withdrawn and as such is no longer part of the proposal. Earth works immediately surrounding the new house remain included in this application. The application has been further amended during the course of the application as a result of timing issues with regard to ecology and as such the extension works proposed initially to the two cottages have been removed from the scheme. These cottages remain within the site as they are relevant to design and layout of the site and will benefit from the district heating system.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework 2012

Specifically Core principles Section 6 Delivering a wide choice of high quality homes

Section 11 Conserving and enhancing the natural environment Planning Practice Guidance

2.2 Development Plans

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

- L1 Landscape Protection and Enhancement
- L4 Forest of Avon
- L9 Species Protection
- H3 Residential Development in the Countryside
- EP2 Flood Risk and Development
- EP4 Noise Sensitive Development
- T7 Cycle Parking
- T12 Transportation Development Control Policy for New Development

South Gloucestershire Minerals and Waste Local Plan (May 2002) (Saved Policies)

- Policy 45 Environmental Bunds

Joint Waste Core Strategy (March 2011)

- Policy 8 Landfill, land-raise, engineering or other operations (Principles)
- Policy 9 Landfilling, land-raising and engineering or other operations (Details)

South Gloucestershire Local Plan Core Strategy Adopted December 2013

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

2.3 Supplementary Planning Guidance

- South Gloucestershire Residential Parking Standard SPD (Adopted) December 2013
- South Gloucestershire Design Checklist (Adopted 2007)
- South Gloucestershire Landscape Character Assessment (Adopted 2014) (Local Character Area 17 Rudgeway Ridge and Tytherington Ridge)
- Waste Collection Guidance for New Development SPD (January 2015)

3. RELEVANT PLANNING HISTORY

- 3.1 PT14/2462/F Demolition of existing dwellings and erection of 2no. detached dwellings with access, parking, landscaping and associated works. Withdrawn 01.05.2015
- 3.2 PT15/3599/CLE Certificate of lawfulness for existing use of building as dwellinghouse (garage in rear garden at Corbetts) approved 20.11.2015

- 3.3 PT15/3600/CLE Certificate of lawfulness for existing use of the land to be used as a business for general storage and distribution (use Class B8).
06.11.2015
- 3.4 PT15/3598/CLE Certificate of Lawfulness Existing for operational development comprising track, tarmac area and construction of cabin.
Approved 09.10.2015
- 3.5 PT14/0900/F Construction of earth bund (Retrospective) with associated landscaping
Approved 30.05.14

4. CONSULTATION RESPONSES

4.1 Tytherington Parish Council
No comment received

4.2 Other Consultees

4.3 Thornbury Town Council (adjoining parish)
No comment received

4.4 Urban Design

The original scheme PT14/2462/F clearly provided an interesting architectural proposition and improved the appearance of the existing site. However, it was questionable as to whether it met the para 55 tests. However, for the following reasons it is considered that it now indeed does meet these tests:

1. The cottages are now proposed to be retained and renovated so maintaining existing housing stock. The respect for and incorporation of these dwellings into the scheme is a more sensitive response to the site and enhances significantly the schemes social and environmental benefits. The retention and reuse of existing buildings is most probably innovative in terms of 'para 55' schemes and sets a precedent locally for any future parallels.
2. The 'eco' credentials are now much more thoroughly considered and worked up, including the improvement to existing building stock and export of heat. This combined with use of new solar and energy storage technology again significantly enhances the schemes credentials, credibility and innovation of the proposals.
3. The applicant has now provided much more information in terms of materials and detailing. The scheme combines pennant stone, copper roofs, corten steel and yellow brick detailing into sweeping organic forms, with contemporary stylised flues punctuating the skyline resulting in a sumptuous building that will no doubt intrigue, delight and inspire locally. Furthermore, the combination of the use of locally distinct materials and detailing into such forms and delivery of a zero carbon dwelling (incorporating new PV and energy storage technology), that also exports heat to adjoining

dwelling is certainly truly innovative in South Gloucestershire if not wider, and

4. The new recognition and desire to improve the landscape setting, incorporating woodland planting will provide a significant enhancement to the immediate setting (although the landscape officers views should be sought).

There is therefore have no further objection subject to conditions that:

- i. Require submission of details pertaining to a communication strategy. i.e. it is important that the local and wider industry benefits from the experience of the construction process and innovations that are being proposed.
- ii. The cottages are renovated and Corbett House fabric improvements are made prior to commencement of development of the main dwelling house, and
- iii. The biomass CHP engine is operational and exporting heat to the other buildings prior to occupation of the main dwelling house.

4.5 Landscape officer

More work was initially requested by the landscape officer in order to better understand the scale and relationship of the proposed house in its setting and for justification for the bund on the landscape enhancement area.

Further to amended plans which removed the bund and showed further views of the house in its setting project landscape architect has confirmed that the "Evergreen Hedgerow" (drg. no. SD 206 rev F) will be a mix of plants listed in the plant schedule in the garden. This is considered to be satisfactory.

The project landscape architect also confirmed that the existing hedgerow running along the SW boundary footpath is to be retained and the Tree Protection will be amended to avoid the contradiction.

Now that the high earth bund has been omitted the planting plan (drg. no. SD 207 rev A) for the other garden area is considered to be suitable.

- 4.6 Ecology Officer – no objection subject to conditions regarding the submission of two further documents; A Construction Management Plan and an Ecological and Enhancement Plan. – detail set out in the body of the report.

4.7 Environmental Protection - Air Quality

On the basis of the information provided, and taking into consideration the rural location, low background air quality concentrations, relatively small size of the proposed biomass boiler and that it is replacing an oil-fired system, the proposed biomass boiler/district heating system is unlikely to significantly impact on local air quality. However, full details of the boiler have been requested but it is understood that the final boiler has not yet been confirmed. As such it is considered necessary to have these details by condition prior to installation.

4.8 Sustainable transport

Although there was a previous application on this site which was withdrawn (PT14/2462/F) the transportation issues were agreed and subject to a number of conditions considered acceptable. However, there is a fundamental difference between the two applications in the previous application was for 2 replacement dwellings, whereas this application essentially is for a new dwelling in the open countryside.

Whilst the previous application was essentially a like for like replacement in terms of the number of dwellings and hence the development if approved would have had a neutral impact in terms of sustainability, this application if approved would increase the number of dwellings in an unsustainable location contrary to both local and national guidance.

If the Council is however minded to approve this development then a condition required the parking shown is required together with an informative regarding the new access under Section 184 of the Highways Act 1980 and need for further consent from the South Gloucestershire Council (Developments Implementation Team) .

4.9 Lead local flood officer – no objection but Sustainable Urban Drainage System (SUDS) and the Package Treatment Plant (PTP) details required by condition.

4.10 Public rights of way

With regard to the proposed development at 1 & 2 Green Lane:- the legal line of public footpath OTY/1 runs adjacent to the hedgeline on the south west side of the site, directly alongside the cottages, and when it reaches the corner it goes into the industrial site to the north west. In practice the kissing gate into the industrial site is slightly around the corner – the gap in the fence filled by the gate has been there for many years and although not on the legal line it is within reasonable parameters. There was a permissive path across the paddock when the cottages were occupied by the previous owners, hence the roadside stile, but this no longer appears to be required. Therefore, provided that a minimum 2m width is allowed for the footpath from the side of the hedge and it remains unobstructed I have no objection to the proposals for this site.

4.11 Strategic Economic Development

No objection

4.12 Arts and development

No comment

4.13 Highway Structures

No comment

4.14 Tree Officer

No comment received

4.15 Open Spaces society

No comment received

- 4.16 Wessex water
No comment received
- 4.17 Police
No comment received
- 4.18 Avon Fire Brigade
No comment received
- 4.19 Tree Officer
No comment received
- 4.20 Avon Wildlife trust
No comment received
- 4.21 Community services
No comment received

Other Representations

- 4.22 Local Residents
One neutral comment was received – as follows
no objection as long as existing public rights of way to the south and west (UM path as shown on site location) of the proposed development are maintained as they provide crucial walking access from the direction of the A38 and from Tytherington. I have no problem if these are redirected around the proposed development with good signage

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development
This application is for the erection of a dwelling outside of any settlement and not within the Green Belt. The NPPF sets a presumption in favour of sustainable development. This means that development proposals that accord with the development plan should be approved without delay and where relevant policies are absent, silent or out-of-date, permission should be granted unless – any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies within the NPPF taken as a whole. This site is located in open countryside albeit close to a small cluster of other dwellings. As such the location is not considered to be sustainable and the presumption in favour of development stands to be tested further in relation to the policies of the development plan, which includes the NPPF. The Councils development plan includes the saved policies of the Local Plan listed above and the Core Strategy (adopted December 2013) together with the waste plans listed above.

- 5.2 Housing Land Supply

Para 47 of the National Planning Policy Framework (NPPF) states:

Local Planning Authorities should identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements...

Para 49 of the NPPF states:

Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites

- 5.3 In June 2015 In considering the appeal against the refusal of 106 dwellings on land to the South of Wotton Road Charfield, having examined in detail the Council's Housing supply, the appeal inspector concluded that there was a shortfall. The Inspector concluded that this shortfall was 750 homes and the supply figure was 4.63 years not the 5 years as set out in para 49 above.
- 5.4 The latest five year housing supply figures are set out in the 2015 Authority's Monitoring Report (AMR). Table 2.3, on page 31 of the AMR sets out the 5 year supply position.

The five year supply deficit: 1,451

Five year supply figure: 4.28

At the time of these comments, this position is not considered to have changed.

- 5.5 The Council therefore acknowledges that Paragraph 49 as set out above is engaged and accordingly all policies that relate to the supply of housing cannot be given weight in the determination of this application. This relates principally to the application of Policies CS5 and CS34 of the Core Strategy. CS5, (the key locational policy in relation to development states that development on land such as the application site which is located in the open countryside outside a settlement boundary (but outside the Green Belt) should be strictly limited. Furthermore CS34 focusing on Rural Areas states that settlement boundaries around rural settlements should be maintained and that development outside those boundaries should be strictly controlled. Therefore historically there would have been an "in principle" objection to the development.
- 5.6 Given the Council cannot demonstrate a five year housing supply and given that the above policies are thus out of date significant weight must be afforded to the erection of additional dwellings. However, it is necessary for decision makers to follow the requirement set out in Para 14 of the NPPF which states:

*At the heart of the National Planning Policy Framework is a **presumption in favour of sustainable development** which should be seen as a golden thread running through both plan-making and decision taking. For decision taking where the development plan is absent, silent or relevant policies are out of date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this framework.*

- 5.7 In this case the proposal is for only one house and it is considered that one house, whilst adding to the housing supply would contribute very little to that supply and the harm afforded by the proposal must be weighted against the limited additional supply.
- 5.8 Notwithstanding the above, very relevant to this application is paragraph 55 of the NPPF which states:
To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby. Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as:
- the essential need for a rural worker to live permanently at or near their place of work in the countryside; or*
 - where such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets; or*
 - where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting; or*
 - the exceptional quality or innovative nature of the design of the dwelling. Such a design should:***
- be truly outstanding or innovative, helping to raise standards of design more generally in rural areas;***
 - reflect the highest standards in architecture;***
 - significantly enhance its immediate setting; and***
 - be sensitive to the defining characteristics of the local area.***
- 5.9 The applicant seeks permission for this house, outside of the settlement boundary, on the basis that it is compliant with paragraph 55 of the NPPF.
- It worth noting the dictionary definitions of ‘outstanding’ and ‘innovative’:
Outstanding - That stands out from the rest; noteworthy. Also: remarkable, exceptionally good.
Innovative - To bring in or introduce novelties; to make changes *in* something established; to introduce innovations.
- 5.10 The application has been assessed by the Councils urban designer and the conclusions are integrated below in Design. If it is accepted that the scheme is truly outstanding or innovative then this principle outweighs the more conventional approach to resist new housing in such locations.

- 5.11 Design – Does this meet the tests of a paragraph 55 dwelling
The site is clearly located in an area, outside of settlement, where it would be visible in particular from Green Lane and a footpath skirting the southern boundary of the site as well as from further afield from across fields. Given that the case is submitted on the basis of its *exceptional quality or innovative nature of the design of the dwelling the design should meet the criterion set out in paragraph 5.8 above.*
- 5.12 The D&A Statement provides a context, site description and opportunities and constraints plan and explanation of the design response. This is appropriate (subject to the comments below) and logical. The supporting statement demonstrates that this is a well-considered and high quality building.
- 5.13 The tests though are:
- 5.14 **1) be truly outstanding or innovative, helping to raise the standards of design more generally in rural areas.** Must it therefore raise the standard of design in itself or by definition be relevant to other / future development in rural areas. Paragraphs in the D&A statement and the further justification allude to the latter.
- 5.15 The applicant states, that this house takes its inspiration from Swinhay House near Charfield. Indeed the organic form is remarkably similar. Swinhay House, however arguably meets the test in part due its scale, and thereby impact on the wider setting, thus being in the tradition of the large country house. This house is however on an entirely different (smaller / domestic) scale. The applicant thus argues that it therefore continues the tradition of domestic architecture taking inspiration from grander 'country' houses. The organic forms in themselves are inevitably more difficult and thereby expensive to form and replicate. The architectural style thus would be difficult to provide a useful model to raise design standards (in terms of form and style) more generally in rural areas. It is also not easy to understand which elements are likely to filter down to 'conventional house builders' as suggested at para 2.1.4 of the further justification.
- 5.16 If the argument is on the other hand, that it raises the standard of design in itself in the locality, then the very fact that it so obviously seeks to replicate Swinhay House undermines the 'outstanding or innovative' test. In terms of appearance alone it is thus unremarkable.
- 5.17 The applicant however places great weight on the sustainability credentials of the dwelling. The Design and Access Statement advises that it has become a stereotype of passivhouse designs that a buildings form, materials and positioning and layout are so led by the requirements of this standards that aspects of context and spirit play lesser roles. Fundamental to this scheme however is that this scheme must also meet the highest standards in landscape and architectural design. This is laudable, but only innovative in the context of the immediate local area. This application seeks to retain the two houses on site (where the previous scheme did not) and integrate them into the design. It is unfortunate that the extension works which were proposed at the start of this application have been withdrawn from the scheme as a result of inability to get

an ecology survey carried out before determination of the application. Whilst a separate planning application would be required for the extensions proposed and indicated in some of the plans, certain works of improvement and extension to the buildings can be carried out under permitted development. Notwithstanding this the two houses remain on site and consideration has been given to how they relate to the wider scheme. This retention of the two houses is welcomed and could be conditioned as they form part of the justification for the scheme.

- 5.18 The Passivhaus approach arguably 'stands out from the rest' (locally), but again, for it to be relevant requires further explanation. House building will soon be expected to step up to Zero Carbon standards (including allowable solutions). Passivhaus will no doubt meet these standards, but for example, one of the allowable solutions is likely to be to retrofit / improve the energy performance of existing stock. A more useful exercise for the local industry would be to work with Zero Carbon Hub and or local LABC to understand if there is any more useful actions that would improve knowledge and skills of how Zero Carbon is emerging through the building regs and is likely to be translated into the mass house building market.
- 5.19 Plan SD210 rev A demonstrates how 90KW of wood chip fired District Heating System would be distributed to the new house, swimming pool and the two retained cottages within the main site. It is also proposed to be supplied to the applicants mothers house at Corbetts and to the brothers house located within the other red lined site. This combined with the solar metal and solar cloth roofs add to the inventiveness of the scheme in the local context. This is particularly helpful for energy conservation in this rural location given the use of oil fired central heating at the properties.
- 5.20 The 'eco' credentials are now much more clearly articulated, comprising the use of a biomass CHP unit, including the export of heat to the cottages and Corbetts House, solar 'cloth' and new battery and smart energy management system. This is welcome.
- 5.21 Passivhaus and Zero Carbon require extremely high build quality and thereby innovation in the build process itself. If the learning (for local builders) is to be truly exploited opportunities for interested parties to see / try new build techniques during the construction process could also be exploited. It is welcome therefore that solar cloth is also used on the building an alternative new technology. Details of how this leaning /communication would be achieved needs to be agreed by a condition requiring a communication strategy.
- 5.22 **2) Reflect the highest standards in architecture.**
High quality architecture responds sensitively to its site and setting, the needs of its occupants and those impacted by the building. It also intrigues and delights viewers. It must also be executed 'exquisitely'.
- 5.23 Whilst the full details of the extensions and alteration of the cottages have had to be withdrawn from the scheme as a result of a need for an ecology (bat emergence survey) the intent of the applicant with regards to integration of the old cottages and curtilages into the scheme can be seen and adds weight to

the scheme from a design perspective and whilst the actual extension works to the cottages cannot be guaranteed, the works outside to integrate the landscape can. A condition would be required to ensure that the domestic curtilage is integrated in the manner proposed and that a scheme of renovation is submitted to retain the existing cottages in current or extended form once the bat survey is carried out. (The reasoning behind the bat survey requirement is set out below in Ecology)

- 5.24 The building is bespoke and clearly been designed with the needs of the family in mind, so no doubt will work well for its users. Consideration of views, and orientation etc has also been made. The building also has a particularly interesting form and roofscape that will no doubt intrigue passers-by. A full pallet of materials has been submitted which includes Forest of Dean pennant stone, local Cattybrook bricks (Ibstock Severn Buff colour), A bronze coated copper (KME Tecu Bronze) and the exposed structural steel elements(including balconies and roof edges) will be in Corten Steel.
- 5.25 It is accepted that that this is a high standard of architectural design subject to the retention of the existing cottages.
- 5.26 **3) Significantly enhance its immediate setting.** The scheme proposes new landscaping / gardens etc on the site and a significant planting scheme on the associated site has been added to the scheme since the last application. Effort has been made to understand and articulate the landscape setting and benefits of the scheme. It will be shown in 'landscape' below that no objection is raised from a landscape perspective.
- 5.27 **4) Be sensitive to the defining characteristics of the area.** The D&A statement demonstrates the reasoning for the choice of materials and sets out its view about landscape integration. It uses local stone and brick and the metal roofing is considered a modern version of the colour and tone of the locally prevailing clay pantile roofing. Overall it is found that the application is sensitive to local characteristics without cramping its modern approach to the site's form.
- 5.28 In weighing up the merits of the scheme the use of the district heating system weighs in favour of the scheme. The modern and local materials together with the smart energy management system also weigh in favour of the scheme. Significant weight is given to the connection of the District Heating System to the proposed house, swimming pool and to the two cottages. More weight would be given to the scheme if the two dwellings within the landscape enhancement area where to be connected and it is understood that the system becomes more efficient the more outlets are connected. The agent has advised that the intention is to bury a pre-insulated pipe underground within a short portion of the adopted highway/grass verge, subject to relevant licences. This would enable the District Heating System to provide energy to the other two dwellings in the landscape improvement area. This would be supported by planning officers but is within the remit of Streetcare team who oversea roads and the gap between the red lines of this application prevents officers from insisting that the houses in the landscape area are connected to the District Heating System.

5.29 Affordable Housing

The site size of the main site where the new house is proposed measures 0.43Ha and as such is on a site larger than the threshold for affordable housing which stands at 0.2Ha or five or more houses. This would ordinarily bite and 35% affordable housing would be sought at the site. However, the site would ordinarily be unacceptable as a location for new housing, given its remote location and notwithstanding the small benefit which could be achieved in relation to the housing land supply figures. The site is only being considered favourably because it seeks weight in its favour on the basis that it seeks to be a Paragraph 55 compliant house. As such no affordable housing is required from this site for the proposed scheme.

5.30 Drainage

The Proposed SuDs Plan SD211 indicates the means for achieving sustainable drainage across the site and illustrates that by various measures (grey water recycling, attenuation using the pool, permeable surfaces and soakaways etc), all surface water run-off will be disposed of within the curtilage of the site to the natural water table. A Package Treatment Plant (PTP) is proposed to accommodate soil waste from the house and the cottages, together with changing rooms and gym facilities. This drainage solution is generally acceptable but fuller details of details of the SUDS and the PTP will be required as a condition.

5.31 Transportation

The site is located in the open countryside and is proposing an additional house at the end of a country lane some 800m from Tytherington and 1.5km from Thornbury. As such the additional house would be considered to be in an unsustainable location. This weighs against the proposal. However given the other factors involved in this particular application consideration has been given to the fact that a road already serves the site and the existing scenario of parking for the retained cottages is maintained. Further the scheme provides ample parking within three garages for the new house. This is not considered to cause material harm to the use of the lane and as such if permission were to be granted then the parking situation set out on the proposed site plan SD205J and the garaging shown on plan SD204 D would need to be provided. This can be achieved by a condition.

Given that a new access would be made to the lane an informative is also proposed to facilitate information about other responsibilities of the developer.

5.32 Ecology

The 0.43ha site lies between Thornbury and Tytherington, north of the M5. The wider area consists of fields with hedgerows. The 2.78ha Corbetts site lies to the south. The site itself is not subject to any nature conservation designations. The proposal has been assessed by a council ecologist in the knowledge that the cottages are not being altered or extended as part of the this application save for the installation of the district heating system.

5.33 An Ecological Appraisal has been provided by the applicant (Keystone, dated October 2015). The findings are as follows:-

Habitats

The existing cottages have bat roost potential. Hedgerows and trees are present and are understood to be for retention.

Species protected under the Conservation Regulations 2012 (as amended), known as European Protected Species, and Wildlife & Countryside Act 1981 (as amended)

- Bats – the cottages have moderate summer roosting potential and low hibernation potential.
- Great crested newts (gcns) – the ecologists consider the site to have low potential for this species – there are ponds in the area but these have not been subject to Habitat Suitability Indices.
- Hazel dormouse – suitable habitat but no further surveys required as habitats are to be retained.

Species protected under the Wildlife & Countryside Act 1981 (as amended)

- Reptiles.
- Breeding birds.

European Hedgehog (not currently protected but a UK and South Gloucestershire Priority Species).

- The site would appear to have suitable habitat for this species.

- 5.34 Overall there is no ecological objection to the application subject to conditions requiring that:-

A Construction Environmental Management Plan and an Ecological Mitigation and Enhancement Plan, both based upon Section 6 of the Ecological Appraisal (Keystone, dated October 2015) will be submitted to the LPA for approval.

5.35 Planning balance

Overall it has been shown that the house meets the tests of paragraph 55 and that part of the justification is related to the retention and improvement in energy efficiency and integration in the design of the two cottages. Whilst a separate planning application would be required for the extensions to the cottages in due course as proposed and indicated in some of the plans, certain works of improvement and extension to the buildings can be carried out under permitted development. Added to this is the weight attributed to the erection of an additional dwelling as a result of the Council's current lack of a five year housing supply. A little weight would also accrue from the amount of new landscaping proposed within both sites.

Weighing against the proposal is the unsustainable location of the site some 800m from the nearest settlement and that the proposal would be a change to the landscape but this alone would not significantly and demonstrably outweigh the factors in favour of 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 planning permission is granted subject to the conditions set out below.

Contact Officer: Karen Hayes
Tel. No. 01454 863472

CONDITIONS

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

Reason

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

2. Prior to the installation of the biomass boiler, full details of the final boiler selected and evidence that the combination of the boiler, flue approved and proposed fuel will ensure the adequate dispersion of any emissions, shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter the scheme agreed shall be implemented in accordance with the details agreed and maintained as such thereafter.

Reason

To prevent pollution and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

3. Prior to the commencement of development drainage detail proposals incorporating details of the Package Treatment Plant (to serve the proposed house and the two cottages known as 1 and 2 Green Lane), the Sustainable Drainage Systems SUDS and confirmation of hydrological conditions (e.g. soil permeability, watercourses, mining culverts) within the development shall be submitted for approval in writing to the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason 1

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

Reason 2

This is a pre-commencement condition because clearance work prior to agreement of details could undermine the reason for the condition.

4. Prior to any works on either site a Construction Environmental Management Plan based on Section 6 of the Ecological Appraisal (Keystone, dated October 2015) shall be submitted to and agreed in writing by the Local Planning Authority. Works will be carried out in strict accordance with this approved plan.

Reason 1

To prevent harm to the ecological value of the site and to accord with Policy L9 of the South Gloucestershire Local Plan Adopted 2006, Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

Reason 2

This is a pre-commencement condition because clearance work prior to agreement of details could undermine the reason for the condition.

5. Prior to any works on either site an Ecological Mitigation and Enhancement Plan based on Section 6 of the Ecological Appraisal (Keystone, dated October 2015) shall be submitted to and agreed in writing by the Local Planning Authority. This plan will also include recommendations for avoidance of harm to European hedgehog. Works will be carried out in strict accordance with this approved plan.

Reason 1

To prevent harm to the ecological value of the site and to accord with Policy L9 of the South Gloucestershire Local Plan Adopted 2006, Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

Reason 2

This is a pre-commencement condition because clearance work prior to agreement of details could undermine the reason for the condition.

6. Prior to first occupation of the proposed new dwelling details pertaining to a communication strategy, which details how the local builders and the wider development industry will benefit from the experience of the construction process and innovations that are being proposed, shall be submitted to and agreed in writing by the Local Planning Authority. The communication Strategy shall then be carried out in strict accordance with this approved document.

Reason

The development has been allowed as a result of its particular outstanding quality and innovative nature of design using new materials /technologies and the District Heating System. In order to help raise standards of design and to learn from this development the project needs to be accessible to others who can learn from the scheme and to comply with paragraph 55 of the National Planning Policy Framework.

7. The development shall not be occupied until the access, car parking and turning arrangements are completed in accordance with the above submitted drawings.

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.

8. The new house hereby permitted shall not be occupied until such time as the District Heating System detailed in drawing SD210 A (renewable Energy Plan) received 04/04/2016 and as detailed in condition 2 above, is fully functional and exporting heat to the new dwelling hereby permitted, the swimming pool, and the two cottages known as 1 and 2 Green Lane, as a minimum. The system shall thereafter be maintained and operated in accordance with the agreed details.

Reason

The development has been allowed as a result of its particular exceptional quality and innovative nature of design and the District Heating System is a major factor in that decision. Failure to complete and install a working District Heating System as agreed would undermine the decision and further consideration would be required about the remaining proposal and to comply with paragraph 55 of the National Planning Policy Framework.

9. This decision relates only to the plans identified below and the scheme shall be implemented in accordance with them.

EX001	Location plan
EX100 A	Existing site plan
EX102 B	Tree Quality and RPA plan
EX101	Site Survey Plan
EX103 C	Tree protection Plan2 and Trees for removal
EX110 A	Plan and Elevations Existing Cottages
SD200 C	Wider site plan as proposed
SD203 C	Roof plan as proposed
SD204 D	Ground and first floor plans as proposed
SD205 J	Site plan as proposed
SD206 G	Landscape detail planting plan as proposed
SD207 A	Wider setting detailed planting plan as proposed
SD212	Topographical setting
SD220 C	Sections as proposed
SD140 D	Elevations as proposed
SD241 G	Landscape sections and elevations as proposed
SD242 B	Sections and elevations and retained cottages as proposed
SD211	SUDS plan as proposed

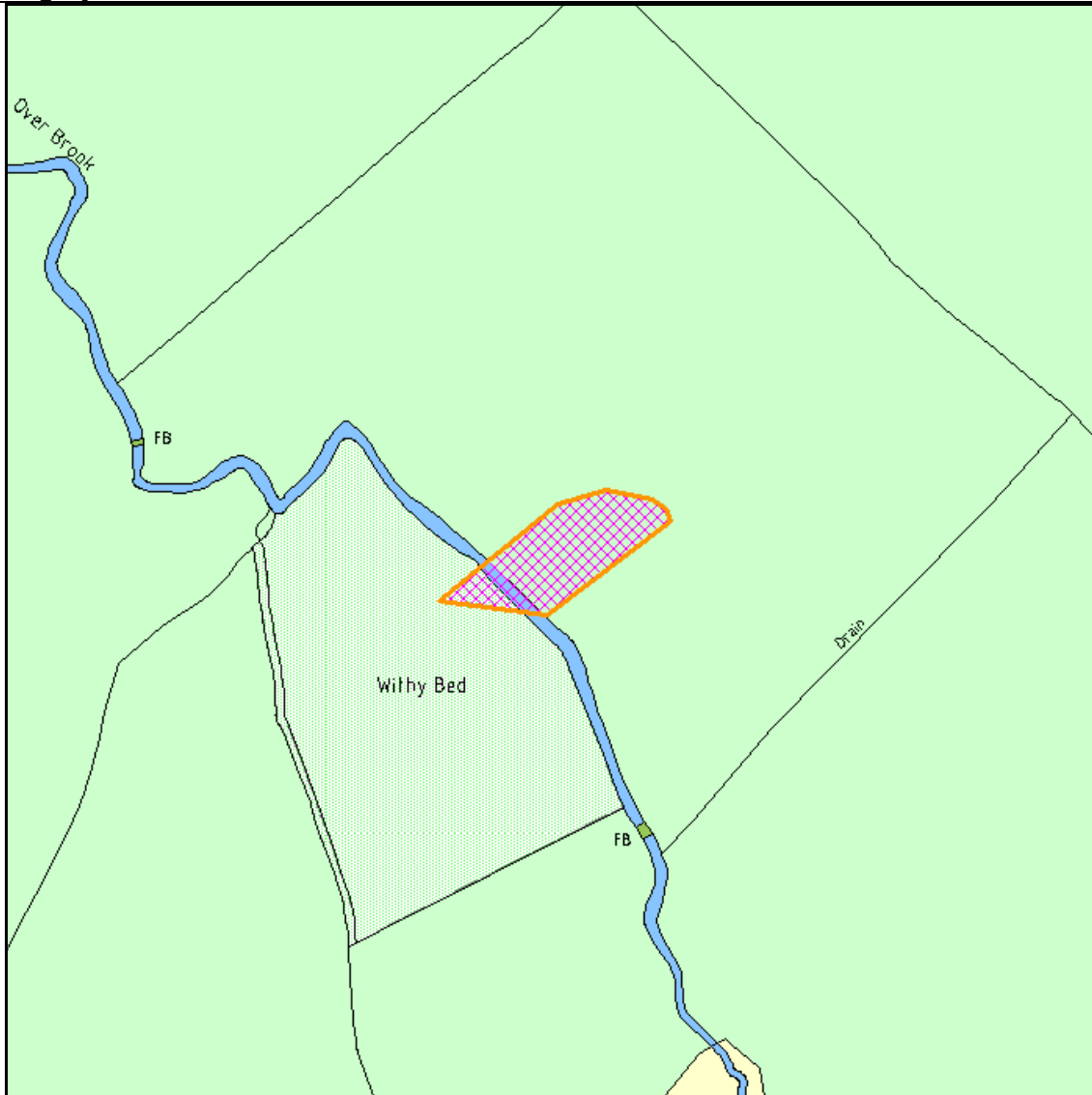
SD210 A Renewable energy plan
SD243 Elevations with materials palette
SD244 Photomontage from south

All received 4 April 2016

Reason
For the avoidance of doubt.

CIRCULATED SCHEDULE NO. 18/16 – 6 MAY 2016

App No.:	PT16/0341/F	Applicant:	Mojo Active Ltd
Site:	Land Adjacent To Over Court Farm House Over Lane Almondsbury Bristol South Gloucestershire BS32 4DF	Date Reg:	1st February 2016
Proposal:	Change of use of land from agricultural to high ropes (sui-generis) and erection of 4no. structures forming part of the approved high ropes course. (Retrospective).	Parish:	Almondsbury Parish Council
Map Ref:	358650 182409	Ward:	Almondsbury
Application Category:	Minor	Target Date:	24th March 2016



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 100023410, 2008. N.T.S. PT16/0341/F

REASON FOR REORTING TO CIRCULATED SCHEDULE

This application has been referred to the Circulated Schedule as the proposal would be contrary to the National Planning Policy Framework and the receipt of an objection from Almondsbury Parish Council.

1. THE PROPOSAL

- 1.1 The application seeks a retrospective planning permission for the change of use of land from agricultural land to land for the high ropes and the erection of 4 no. structures forming part of the approved high ropes course. The structures include a 'zip-wire', 'swinging ropes', 'trapeze wire' and an 'islands in the sky'.
- 1.2 The application site covers approximately 522 square metres and it links to the existing high ropes course in Withy Bed, Over Lane, Almondsbury. The site is set back from the main road and thus is devoid of a road frontage. The application site is not located within any settlement boundary or a high risk flood area, however it is within the Bristol / Bath Green Belt. The site is also situated within the setting of the grade II Overcourt Farmhouse and grade II* Archway to Overcourt Farm.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework March 2012

National Planning Practice Guidance

Planning (Listed Buildings and Conservation Areas) Act 1990

Historic England (GPA 2) Managing Significance in Decision-Taking in the Historic Environment

Historic England (GPA 3) The Setting of Heritage Assests

2.2 Development Plans

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

CS1 High Quality Design

CS2 Green Infrastructure

CS4A Presumption in Favour of Sustainable Development

CS5 Location of Development

CS8 Improving Accessibility

CS9 Management of Environment and Heritage

CS23 Community Infrastructure and cultural activity

CS24 Green Infrastructure, Sport and Recreation Standards

CS34 Rural Areas

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

L1 Landscape Protection and Enhancement

L9 Species Protection

L13 Listed Buildings

LC5 Proposals for Sport and Outdoor Recreation beyond the Urban Area/
Settlement Boundaries

L16 Protecting the Best Agricultural Land

- T7 Cycle Parking
- T8 Parking Standards
- T12 Development Control Policy for New Development

- 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**

Although there is no planning history relating to the application site, it should be noted that there are a number of relevant planning applications relating to the adjacent sites:

- Mojo Active
- 3.1 PT15/4710/RVC 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 Sunday. Approved 12 February 2016.
 - 3.2 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 Sunday. EIA not required. 3 February 2016
 - 3.3 PT14/1136/RVC Variation of condition 3 and removal of condition 4 attached to planning permission PT11/3174/F to allow the outdoor fitness facility to be utilised from 0800 to 2200 within April to September inclusive and 0800 to 1800 within October to March inclusive and no restriction on persons using the facility at any one time. Approved 4 November 2014 and expired on 24 November 2015.
 - 3.4 PT14/1128/F Change of use of land from agriculture to agriculture and footpath links from existing assault course to Withered Bed ropes course (sui generis). (Retrospective). Approved 24.11.2014
 - 3.5 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

Condition 3: The outdoor fitness facility hereby shall not be utilised before 6.30pm on weekdays (excluding Bank Holidays)

Condition 4: The outdoor fitness facility hereby approved shall be used by no more than 20 persons at any one time.

- 3.6 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
- The Wave and the Withy Bed
- 3.7 PT16/0828/NMA Non material amendment to PT15/4853/RVC to remove the "lake structure" (ref 855-103A) and substitute the high ropes amendment drawing (Rev C) for the layout and drawing (Rev E). No objection, 15 March 2016
- 3.8 PT15/4853/RVC Variation of condition 38 attached to planning permission PT15/3532/RVC to amend drawings and documents. Approved 5 February 2016
- 3.9 PT16/009/SCR Variation of Condition 38 attached to planning permission PT15/3532/RVC to amend drawings and documents. Screening Opinion for PT15/4853/RVC. EIA is not required 28 January 2016.
- 3.10 PT15/3532/RVC Variation of conditions 3, 6, 8, 14, 18, 27, 28, 29, 30, 31, 32, 33, 40, 41 and 43 attached to PT13/4756/F to allow the development and use of the 'Ropes and Tunnels Course' phase (Partially Retrospective) prior to the development of the larger scheme. Approved 24 November 2015
- 3.11 PT13/4756/F Construction of surfing lake with associated landscaping, ancillary buildings, campsite, ropes and tunnels course, parking and access (sui generis use class). Approved 22.07.2014
- 3.12 PT13/028/SCR Provision of surfing and swimming lake with associated access, landscaping and infrastructure. EIA is not required 19 September 2013

4. CONSULTATION RESPONSES

- 4.1 Almondsbury Parish Council
Objection due to the change of use on green belt area.
- 4.2 Other Consultees
- | | |
|---------------------------|---------------|
| Landscape Officer: | No objection. |
| Highway Structure: | No comment. |
| Highway Officer: | No objection. |
| Drainage Engineer: | No objection. |
| Archaeology Officer: | No objection. |
| Conservation Officer: | No objection. |
| Environmental Protection: | No objection. |

Other Representations

- 4.3 Local Residents Comments
No comments received.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The first matter to consider is whether this proposal constitutes appropriate or inappropriate development in the Green Belt. National advice preceding the NPPF (March 2012) always expressly indicated that change of use of land in the Green Belt that did not materially harm openness or conflict with the purposes of including land within it, was appropriate. However, this express advice cannot be found in the NPPF and has led to some confusion, and consequently some case law at the Court of Appeal. The Court findings have overall concluded that because changes of use are not included in the list of appropriate development set out at paragraph 90, they are on the face of it inappropriate development. This is the case even though this conclusion does not sit comfortably with other advice in the NPPF.

5.2 This proposal is to change the use of the existing agricultural land to a land for high ropes, which would link to the existing Ropes and Tunnels courses, and to retain 4 no. structures. It is considered that the proposed change of use would not fall within one of the 'Exceptions' or 'Other form of development' defined by Paragraph 90 of the NPPF. Therefore the proposal would be inappropriate development and by definition, would be harmful to the Green Belt. By contrast new buildings providing appropriate facilities for outdoor sport (such as the timber shelter) would be appropriate so long as it preserves the openness of the Green Belt.

5.3 The NPPF also advises that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. When considering any planning application, the local planning authority should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. On the other hand paragraph 81 of the NPPF encourages the positive use of Green Belt land to provide opportunities for outdoor sport and recreation.

5.4 It should be highlighted the fundamental aim of Green Belt is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. The proposed use would involve some timber pole structures, ropes and wires on the land and as such the actual harm caused to openness in this instance would be negligible. Weight is given to this, and the benefits of the sporting opportunity which is a positive use of Green Belt land. In these circumstances it is considered that this is sufficient to amount to very special circumstances that clearly outweigh any harm caused to the Green Belt, or by any other harm. .

5.5 Due to the nature and scale of the proposal, it is considered that the proposed high ropes would not compromise the openness of the Green Belt. Nevertheless this does constitute a departure from normal Green Belt policy, and has been advertised as such. This is however not of a scale which would require the reference to the Secretary of State under the 2009 Departure Direction.

- 5.6 Regarding the proposed timber poles, ropes and wires, it is considered that it would not fall within one of the 'Exceptions' defined by Paragraph 89 of the NPPF. However, given that the slim design and modest scale of the structures, officers consider that the harm caused by the proposal upon the Green Belt would be minimal and the associated human activities would not cause any harm to affect the openness of the Green Belt. As such the proposed structures would not be contrary to the fundamental aim of Green Belt policy.
- 5.7 Policy CS34 of the adopted Core Strategy and Policy L17 seek to protect the best and most versatile agricultural land. The applicant confirmed that the Agricultural Classification Map classifies the land within Grade 3. As the land has not been surveyed since 1988, the land has not been graded between 3a and 3b. Given that the size of the land for the proposed use and the proposed timber structure would be very modest in size and scale, in addition, the change of use of the land to outdoor facilities would not necessarily cause any harm to the soil quality of the land, therefore it is considered that the proposal would not result in a significant loss of the agricultural land. Furthermore, paragraph 28 of the NPPF and saved Policy L5 of the adopted Local Plan supports leisure developments that benefit business in rural areas and development of local services and community facilities, such as sports venues, therefore the benefit from economic development weighs in favour of the proposal.
- 5.8 Landscape issues
Officers acknowledge that the structures are located outside Withy Bed, given that the nature and slim design of the proposed structures it is considered that the proposal would not cause a significant harm to the surrounding rural landscape, therefore there is no landscape objection to the proposal.
- 5.9 Ecology
The site is not covered by any statutory or non-statutory nature conservation designations. The application site consists of an existing agricultural field which is considered to be of low ecological interest and utilises the existing access for the over Courts Barn complex off Over Lane near Almondsbury. As the proposal would not affect the existing hedgerow, and there is no ecological objection to the proposal.
- 5.10 Heritage issues
The application site is located within the setting of the grade II Overcourt Farmhouse and the grade II* Archway to Overcourt. The open fields can also be considered to make an important contribution to the rural setting of the hamlet of Over and the locally registered Over Court park and garden. The Council Archaeology Officer and Conservation Officer have no objection to the proposed structures. It is considered that the proposed structures and the change of use would not significantly affect the existing setting of the adjacent heritage assets as existing buildings and landscape features would interrupt views to and from the respective sites. Therefore, there is no heritage objection to the proposal.

5.11 Highway Issues

The Council Highway Officer has considered the proposal. The principle of this development has already been accepted and approved, this relates to the detail of what was previously approved albeit under a slightly different red line, hence the need for a full application. From a transportation perspective this proposal as part of the previously approved details would lead to a situation where a transportation objection could not be raised or sustained. As such there is no transportation objection to this proposal. Officers have also considered if it would be necessary to impose a condition regarding the requirement of travel plan. Given the modest scale of the proposal, and it is linked to the existing ropes and tunnel course, it is considered that it would not be necessary to impose such condition.

5.12 Residential Amenity

The proposed timber structures would be situated on an agricultural land and it would not be immediately adjacent to residential properties.

The Council Environmental Protection Officer has considered the proposal and raised no adverse comments to this proposal. Officers however acknowledge that there were previous concerns from local residents regarding the noise and disturbance to the adjacent site, which is an existing assault course, and officers are also mindful that this proposal may result in a degree of disturbance on its own or cumulative form. In this instance, in order to safeguard the amenity of the local residents, officers consider that it would be necessary to impose a condition to ensure that the proposed use would utilise the same operational hours with the existing ropes and tunnel course, which was approved under PT15/4853/RVC, i.e. The proposed high ropes courses hereby approved shall not be open for use by members of public outside the hours of 08.00 to 18.00 Mondays to Saturdays and 08.00 to 17.00 Sundays and Public Holidays.

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: 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 The application has been advertised as a departure from the Development Plan, and no material issues have been raised.

7.2 That planning permission be granted subject to the following conditions

Contact Officer: Olivia Tresise
Tel. No. 01454 863761

CONDITIONS

1. Notwithstanding the provisions of the Town & Country Planning (Use Classes) Order 1987 (as amended) and the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) the land and the proposed high ropes and timber structures hereby approved shall only be used in association with the adjacent approved high ropes course and shall not be used for other purposes.

Reason

In the interest of residential amenity and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013) and saved Policy T12 and LC5 of the South Gloucestershire Local Plan (Adopted) January 2006.

2. The proposed assault courses and high ropes structures hereby approved shall not be open for use by members of public outside the hours of 08.00 to 18.00 Mondays to Saturdays and 08.00 to 17.00 Sundays and Public Holidays.

Reason

In the interest of residential amenity and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013) and saved Policy T12 and LC5 of the South Gloucestershire Local Plan (Adopted) January 2006, and in line with the extant planning permission of the existing ropes and tunnels course approved under PT15/4853/RVC.

3. 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 LC5 of the South Gloucestershire Local Plan (Adopted) January 2006.

4. 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 LC5 of the South Gloucestershire Local Plan (Adopted) January 2006, and Policies CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013).

REASON FOR REPORTING TO THE CIRCULATED SCHEDULE

This application has been referred to the circulated schedule for determination as comments which could be read as an objection have been received. These are contrary to the officer recommendation for approval.

1. THE PROPOSAL

- 1.1 This application seeks planning permission for the erection of a new dwelling attached to an existing terrace of cottages on The Common in Patchway.
- 1.2 The application site is located within the existing urban area of the north fringe of Bristol. A previous planning application has granted consent for a similar development in 2012.

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 Managing the Environment and Heritage
CS15 Distribution of Housing
CS16 Housing Density
CS17 Housing Diversity

South Gloucestershire Local Plan Adopted January 2006 (Saved Policies)

T12 Transportation
H4 Development within Existing Residential Curtilages

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

3. RELEVANT PLANNING HISTORY

- 3.1 PT12/3167/F Approve with Conditions 30/11/2012
Erection of 1 no end terrace dwelling and associated works

4. CONSULTATION RESPONSES

- 4.1 Stoke Lodge and the Common Parish Council
None received
- 4.2 Archaeology Officer
No objection

- 4.3 Highway Structures
“If the application includes a boundary wall alongside the public highway or open space land then the responsibility for maintenance for this structure will fall to the property owner”

N.B. This information is consider suitable to form an informative note

- 4.4 Lead Local Flood Authority
No objection

- 4.5 Sustainable Transport
Concern over emergency access to the site; parking provided in accordance with SPD; access although poor acceptable as The Common and the minor lane from which access to the site is gained are lightly trafficked.

Other Representations

- 4.6 Local Residents
One comment from a neighbour to the site has been received. This comment suggests that the access lane is not solely owned by the applicant. It also raises concern about access for emergency vehicles.

5. ANALYSIS OF PROPOSAL

- 5.1 This application seeks planning permission for the erection of a new end-of-terrace dwelling adjoining no.1 West View, The Common, Patchway.
- 5.2 Principle of Development
The application site lies within the existing urban area of the north fringe of Bristol. Under policy CS5 which establishes the strategic locational strategy for development, the site is considered to be a suitable site for development subject to site specific considerations. In addition, policy CS17 would also allow for development within existing residential gardens subject to an assessment on the impact of the development on the character of the area, transportation, and residential amenity.
- 5.3 It should also be noted that development on this site has previously been deemed to be acceptable in principle under the grant of planning permission PT12/3167/F. This permission has now expired as it was not implemented within 3 years of the date it was granted and there is no evidence that the development has commenced.
- 5.4 However, at present, the council is unable to demonstrate a 5-year supply of deliverable housing land and therefore, in accordance with paragraph 49 of the NPPF, the policies within the development plan – insofar as they relate to housing – are out of date. Proposals for residential development should therefore be assessed in light of the presumption in favour of sustainable development as set out in paragraph 14 of the NPPF.

- 5.5 The presumption in favour of sustainable development states that when the development plan is out of date, planning permission should be granted unless the adverse impacts of doing so *significantly and demonstrably* outweigh the benefits or when specific guidance in the NPPF or non-housing policies in the development plan indicate that planning permission should be refused.
- 5.6 Therefore, despite the site being located in an area deemed suitable for development, this application must be assessed against the presumption in favour of sustainable development as set out in the remainder of this report.
- 5.7 Design
It is proposed to erect a dwelling that mimics the appearance of no.1 West View. In essence, the proposal will just extend the existing terrace of 3 houses to a terrace of 4 houses. Externally, the proposed materials will match those used throughout the terrace and the fenestration on both the front and rear elevations will also match that on other properties in the terrace.
- 5.8 In terms of layout, the proposed building would be located at the southern end of the terrace on land that currently forms the side garden of no.1. It is noted that this is the furthest distance from the access along a minor land from The Common. However, the layout has previously been found to be acceptable.
- 5.9 It is not considered that the proposal represents a poor standard of design. In fact, it is accepted that it respects the character and appearance of the existing terrace. Should the development proceed it is not considered that it would have a harmful impact on the visual amenity of the locality.
- 5.10 Residential Amenity
Development should not be permitted that has a prejudicial impact on the residential amenities of nearby occupiers, the application site, or which would fail to provide future occupiers of the dwelling with an acceptable standard of living conditions.
- 5.11 The proposed new dwelling would benefit from a reasonably sized garden and would therefore enjoy adequate outdoor private amenity space. The garden retained for no.1 would be similar in size to that at no.2 and therefore this property would also retain adequate outdoor private amenity space. Given that the proposal would extend the existing terrace it is not considered that the form of the building would have an adverse impact with regard to being overbearing or oppressive.
- 5.12 There is sufficient space between the proposed dwelling and the nearest properties on Standish Avenue and Rudford Close to protect the residential amenities of these properties.
- 5.13 The fenestration of the new dwelling would not introduce views into hitherto private areas and therefore the proposal would not result in any additional overlooking or a loss of privacy.

5.14 Transport and Parking

With regard to highway considerations there are 2 main aspects to consider. The first is highway safety and the second, parking provision. Access to the site is provided by a minor lane leading off The Common and weaving through the existing built form to the cottages. The lane is narrow with few opportunities to pass. Indeed, its winding nature also leads to poor visibility in places. However, this lane is historic in nature and serves only a handful of residential properties. As it only serves a small number of dwellings, it is considered to be very lightly trafficked.

5.15 The intensified use of this access lane is not considered to result in a severe impact on highway safety, as per the terms of paragraph 32 of the NPPF. Whilst the junction of the minor lane with The Common would be likely to be considered substandard, this is a historic access and there is little scope to improve it. The Common is also considered a lightly trafficked road being a cul-de-sac in nature serving primarily residential accommodation. The intensified use of the junction serving the dwellings and the additional traffic on The Common would not be considered to amount to a severe impact on highway safety.

5.16 Concern has been raised in regard to the ability of emergency services to access the site. Officers note that the nature of the lane may prevent its use by emergency vehicles. There is little scope to make improvements to the lane to ensure it is suitable for emergency vehicles. Whilst the local planning authority would not wish to compound an existing problem, it must be noted that emergency services face similar problems routinely. Furthermore, under PT12/3167/F the situation was the same and it was not considered to be sufficient reason to resist development at that time. The question to be answered is whether it would amount to a significant and demonstrable harm that outweighed the benefit of the proposal. Officers have concluded that it would not and therefore the recommendation is that planning permission is granted.

5.17 Turning to the provision of adequate off-street parking, the proposal includes sufficient parking spaces to meet the requirements of the Residential Parking Standard. It is also considered that there is sufficient space within the site to enable vehicular movements to and from the site to be undertaken in a forward gear.

5.18 Land Ownership

Comments have been received which suggest that there is some concern that the land included within this application is not in the sole ownership or control of the applicant.

5.19 The applicant has completed Certificate A to indicate that the land included within the red edge of the application is solely within the applicant's ownership. The applicant was requested to verify that the correct ownership certificate was served. The applicant has confirmed that the entirety of the land within the red edge is solely within their control.

5.20 Overall Planning Balance

As previously stated, the local planning authority cannot demonstrate a 5-year supply of deliverable housing land and therefore applications for residential development must be determined against the presumption in favour of sustainable development.

5.21 The proposal before the authority has the benefit of the provision of 1 additional dwelling. Whilst this is a limited contribution towards the housing needs of the district, it is still considered a benefit. Furthermore, given the location of the site within the existing urban area with good access to existing services and sustainable travel options, and the increased housing density that would result from the proposal, this development is considered sustainable development when considered against the NPPF definition of sustainable development as set out in paragraph 7.

5.22 The harm identified in the above analysis is that the site may prove difficult to access by emergency services. Building regulations require certain additional features when it is unlikely that emergency services can access the site. It is therefore considered that the harm identified is neither significant nor demonstrable and would not outweigh the previously identified benefit.

5.23 Therefore, in accordance with the presumption in favour of sustainable development, officers recommend that planning permission is granted.

6. CONCLUSION

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

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

7. RECOMMENDATION

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

Contact Officer: Griff Bunce
Tel. No. 01454 863438

CONDITIONS

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

Reason

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

2. The materials to be used in the construction of the external surfaces of the dwellinghouse hereby permitted shall match those used in the existing building known as 1 West View, The Common.

Reason

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

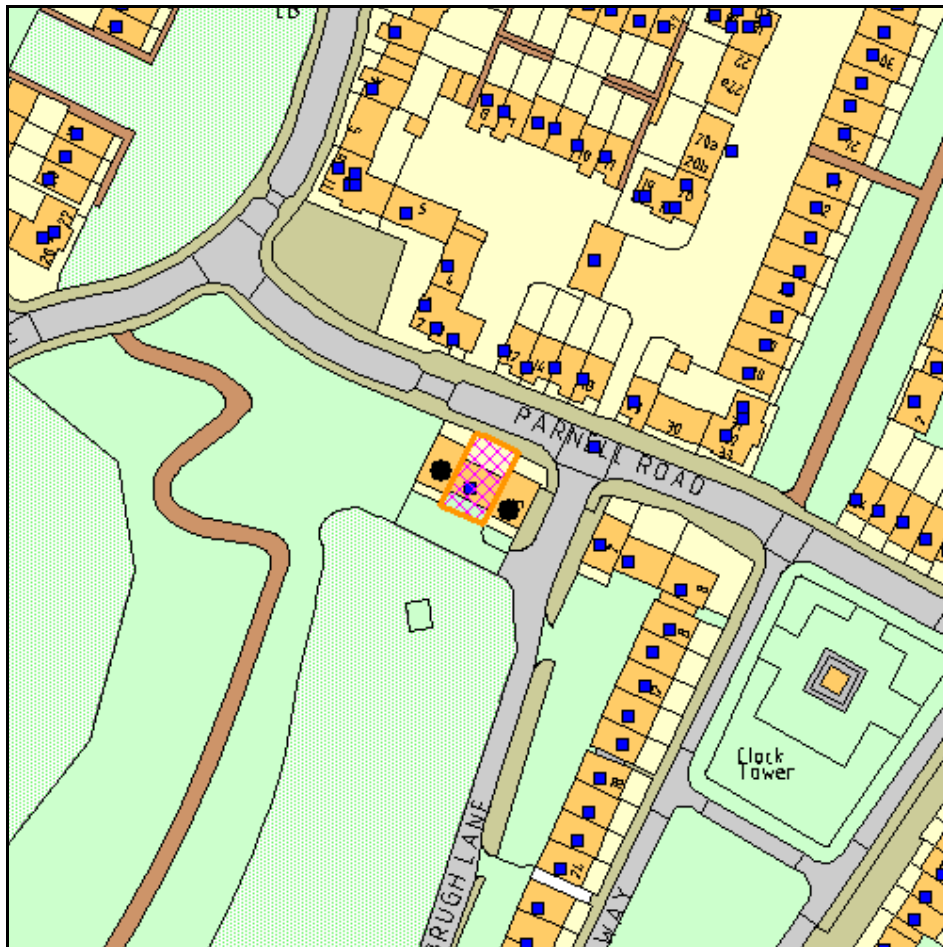
3. The off-street parking facilities as shown on plan 4061/300 shall be provided before the dwelling is first occupied, and thereafter retained for that purpose.

Reason

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

CIRCULATED SCHEDULE NO. 18/16 – 6 MAY 2016

App No.:	PT16/1245/F	Applicant:	Mr And Mrs S Edwards
Site:	3 Thomas Way Stoke Gifford Bristol South Gloucestershire BS16 1WT	Date Reg:	18th March 2016
Proposal:	Removal of existing juliet balcony. Construction of balcony to the rear.	Parish:	Stoke Gifford Parish Council
Map Ref:	362254 177441	Ward:	Frenchay And Stoke Park
Application Category:	Householder	Target Date:	10th May 2016



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REASON FOR REPORTING TO CIRCUALTED SCHEDULE

The application has been referred to circulated schedule following an objection from a neighbour that is contrary to the findings of the following report.

1. THE PROPOSAL

- 1.1 The proposal seeks to erect a balcony to the rear of 3 Thomas Way in order to provide a small amount of outdoor space.
- 1.2 The subject property is a modern mid-terrace property with a mock-Georgian appearance. The property has rendered elevations with Bath stone features and a parapet wall concealing a gabled roof with slate tiles. Below and to the rear of the dwelling are 3 integral garage spaces serving the host dwelling and neighbouring occupiers (located effectively in the basement of the subject property). Currently there is a cast iron Juliette balcony styled to appear like that of a Georgian townhouse.
- 1.3 The site is situated on relatively level ground but with a steep incline on the other side of the boundary to the rear. There is no outdoor space serving the dwelling but it has access to Stoke Park which is located immediately to the rear.
- 1.4 The site is located in the built up residential area of Stoke Park, within a modern housing development.

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
T12 Transportation

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design
CS4a Sustainable Development
CS5 Location of Development
CS8 Improving Accessibility
CS9 Managing the Environment and Heritage

2.3 Supplementary Planning Guidance

Design Checklist SPD (adopted) August 2006
Residential Parking Standards SPD (adopted) December 2013

3. RELEVANT PLANNING HISTORY

- 3.1 P99/1769 – Approval – 30/09/1999 – Erection of 21 dwellings (approval of reserved matters)
- 3.2 P97/2145 – Approval of Outline – 03/03/1999 – Demolition of hospital buildings and redevelopment of the site for house (outline).

4. CONSULTATION RESPONSES

- 4.1 Stoke Gifford Parish Council
No Comments Received
- 4.2 Other Consultees
No Comments Received

Other Representations

- 4.3 Local Residents
Objection has been lodged by the neighbouring occupiers. This predominately was concerned with the impact on the parking arrangement and the introduction of supports below the host property obstructing vehicle manoeuvres. They were also concerned with the overlooking impact of the proposal. Lastly there were concerns over the design and appearance of the balcony and what impact it may have on the 'symmetry aesthetics if the whole development'.

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development
Policy CS1 'High Quality Design' of the South Gloucestershire Core Strategy (adopted December 2013) states development proposals will only be permitted where the highest possible standards of design and site planning are achieved. Proposals should demonstrate that they; enhance and respect the character, distinctiveness and amenity of both the site and its context; have an appropriate density and its overall layout is well integrated with the existing development. Saved Policy H4 of the South Gloucestershire Local Plan (adopted 2006) is supportive in principle of development within the residential curtilage of existing dwellings. This support is subject to the proposal respecting the existing design of the dwelling and that it does not prejudice the residential and visual amenity; adequate parking provision; and has no negative effects on transportation. The proposal accords with the principle of development subject to the consideration below.
- 5.2 Design and Visual Amenity
The proposal consists of the removal of an existing Juliette balcony and introduction of a balcony spanning the width of the rear of the property. The subject property is mid terrace and adjoins two other townhouses with balconies. The area has a relatively consistent style, even though many of the properties were constructed centuries apart, as the design of the new properties have taken design cues from the existing built form.

The adjoining properties both have balconies to the rear and the introduction of the balcony would therefore not be considered out of keeping with the character of the area or host dwelling.

- 5.3 Objection comments have been received from one of the neighbouring occupiers. These have indicated that they consider the development to detract from the character of the area. Arguably just the fact they have a balcony themselves would mean that the proposal is not out of keeping with the properties context. Further to this they indicate that the proposal would result in residents copying this idea and would result in spoiling the symmetry aesthetics of the whole development. The host property, as existing, has a Juliette balcony with a bay projection to the rear. The proposed balcony would be considered to be more symmetrical in appearance than the existing structure. The proposal will have rails to match the balconies of both adjoining premises and is considered acceptable with regard to design.
- 5.4 Overall, it is considered that the proposed balcony would not harm the character or appearance of the area and as such is considered acceptable in terms of visual amenity. Therefore, it is judged that the proposal has an acceptable standard of design and is considered to be 'in keeping' with policies CS1 and H4 and conforms to the criteria in the adopted Local Plan.
- 5.5 Residential Amenity
Policy H4 of the adopted Local Plan gives the Council's view on new development within existing residential curtilages. Proposals should not prejudice the residential amenity (through overbearing, loss of light and loss of privacy) of neighbouring occupiers as well as the private amenity space of the host dwelling.
- 5.6 Objection comments have been lodged with regard to the proposals impact on the neighbouring properties residential amenity. The subject properties rear elevation is set around 1 metre back from the rear elevation of the adjacent dwellings and the proposal would seek to extend by a further 50 cm past this point at its deepest. The objectors indicate that they will be overlooked and would have to put up with additional unwelcome noise. The balcony will project significantly less than balconies to both adjacent dwellings. Further to this the existing balconies already have a close and direct inter-visibility between them, the proposal would reduce this inter-visibility by introducing a structure at a higher level between them. In terms of noise the host dwelling has an existing Juliette balcony and a degree of noise could be expected from this. The proposal is not considered to materially impact the amount of noise expected. As the proposal would not protrude significantly past the rear elevations of the property it is not considered to result in an unacceptable overlooking impact and is considered acceptable with regard to residential amenity.
- 5.7 The development will take place to the rear of the dwelling; this is a discreet location and there are no properties to the rear of the curtilage. The proposal would not be seen to negatively impact the amenity of any dwellings bounding the rear of the curtilage.

- 5.8 The subject property is located within a built up residential area and given the scale and location of the proposed development will not result in an unacceptable detrimental impact on the residential amenity of its neighbouring occupiers, meaning the proposal is in accordance with saved policy H4 of the adopted Local Plan.
- 5.9 Sustainable Transport and Parking Provision
Currently the property has an area of hardstanding to the rear of the property and houses 3 integral garages for the host dwelling and its neighbours. The proposal will not impact on the number of available spaces, consequently there are no adverse highway concerns to address, meaning the proposal is in accordance with saved policy T12 of the Local Plan (2006). The council has no objection to the proposal in relation to highway safety or parking provision.
- 5.10 The objectors have commented that the proposed posts beneath the structure would obstruct the parking spaces and reduce manoeuvrability. The proposal would not result in the garage spaces being reduced in size and the farthest projecting section of the balcony will be 8 metres from the rear boundary, this is considered more than adequate for manoeuvring and would not prejudice the use of the spaces.
- 5.11 Other Matters
The objectors indicated that the management company would not accept any alterations to the exterior of the properties. This is not relevant to the planning consideration which is simply assessing the proposal against adopted policy.
- 5.12 Interruption of the garaging to the rear during construction is a civil matter and should be resolved between the relevant occupiers. The application cannot be refused on the basis of this short term interruption.

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: Hanni Osman
Tel. No. 01454 863787

CONDITIONS

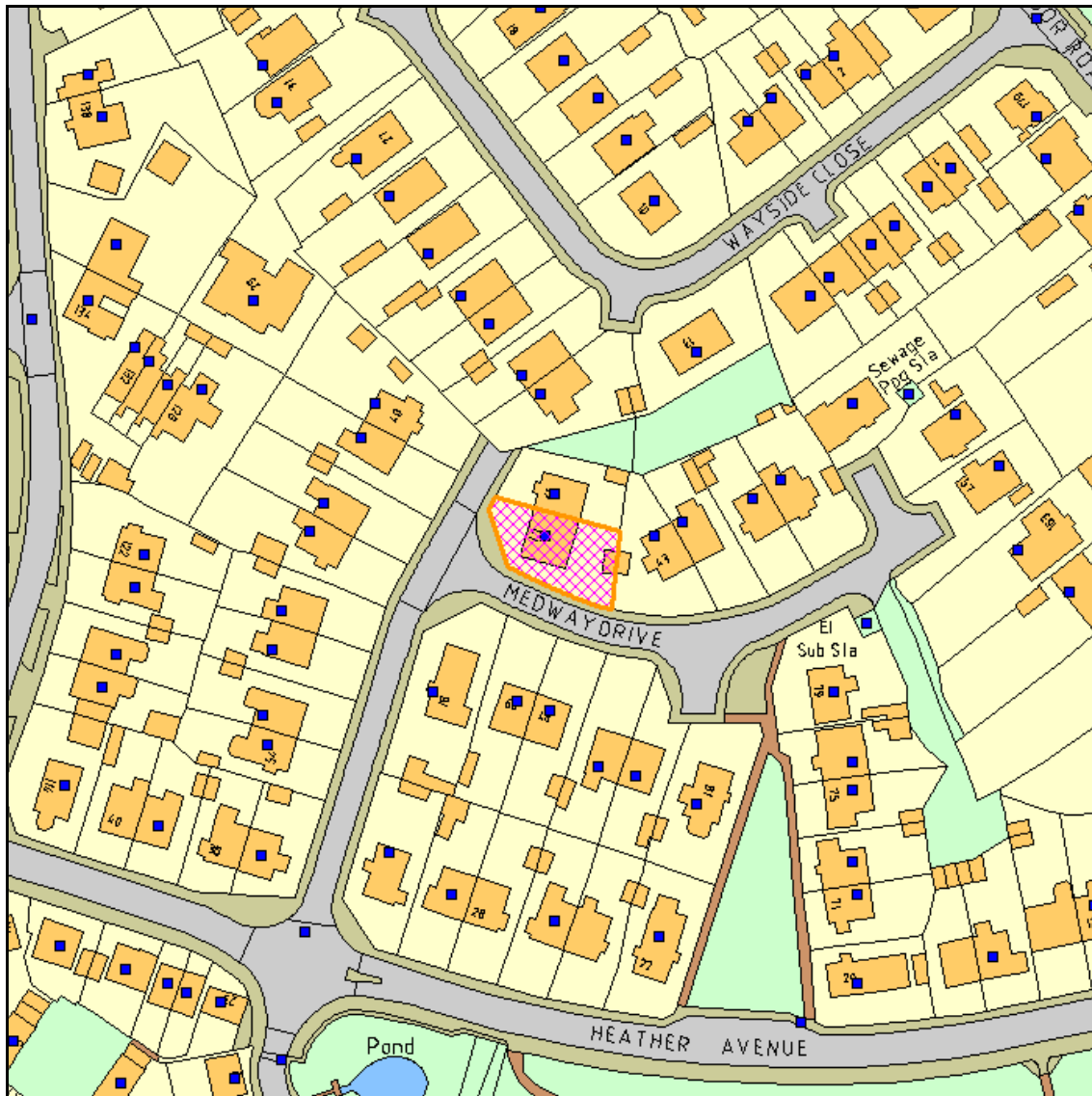
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason

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

CIRCULATED SCHEDULE NO. 18/16 – 6 MAY 2016

App No.:	PT16/1576/F	Applicant:	Mr M Starr
Site:	41 Medway Drive Frampton Cotterell South Gloucestershire BS36 2HF	Date Reg:	11th April 2016
Proposal:	Installation of rear dormer to facilitate loft conversion. Erection of front porch.	Parish:	Frampton Cotterell Parish Council
Map Ref:	366766 181071	Ward:	Frampton Cotterell
Application Category:	Householder	Target Date:	1st June 2016



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application appears on the Circulated Schedule as a result of concerns raised from the Parish Council, regarding off-street parking provision, contrary to Officer recommendation.

1. THE PROPOSAL

- 1.1 The application is for the installation of a rear dormer to facilitate loft conversion and the erection of a front porch.
- 1.2 The property is a semi detached rendered bungalow and is situated on a residential cul-de-sac within the residential area of Frampton Cotterell containing similar properties.

2. POLICY CONTEXT

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

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

3. RELEVANT PLANNING HISTORY

- 3.1 N6274 – Side entrance porch. Approved 24th January 1980.
- 3.2 P92/2206 – Single storey side extension. Approved 20th September 1992.

4. CONSULTATION RESPONSES

- 4.1 Frampton Cotterell Parish Council
The Parish Council objects, it has concerns over the inadequate parking provision for a 6 bedroom property.

Sustainable Transportation

The applicant seeks to create a loft conversion. SGC minimum parking standards state that a dwelling with 5 or more bedrooms requires 3 off street parking spaces. This level of parking is already provided in the form of a garage and driveway. As such there are no transportation objections.

Archaeological Officer
No archaeological objection

Other Representations

4.2 Local Residents
No comments received

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

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

5.2 Design / Visual Amenity

The proposals are of an acceptable standard in design and would not significantly affect any streetscene, the site or surroundings. Other similar rear dormers exist in the immediate vicinity. The porch is also an acceptable addition to the property.

5.3 Residential Amenity

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

5.4 Sustainable Transportation

The comments of the Parish are noted with regards to off-street parking provision, however there exists provision for at least three off-street parking spaces, and as the comments of the Transportation Officer highlight, this meets the Councils requirements for such a property. There are therefore no objections to the application on highways grounds and it is not considered and objection can be or warranted or sustained on this basis, such as to recommend refusal of the application.

6. CONCLUSION

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

6.2 The proposed extensions are of an appropriate standard in design and would not materially harm the site, streetscene or surrounding properties. Furthermore the proposal would not materially harm the amenities of the neighbouring properties by reason of loss of privacy or overbearing impact.

Sufficient off-street parking provision would remain. As such the proposals accord with Policies H4 and T12 of the South Gloucestershire Local Plan (Adopted) 2006 and CS1 of the South Gloucestershire Local Plan Core Strategy Adopted December 2013

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

7. RECOMMENDATION

- 7.1 That planning permission is granted.

Contact Officer: Simon Ford
Tel. No. 01454 863714

CONDITIONS

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

Reason

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

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

Reason

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

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

Reason

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