



**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.06/16

Date to Members: 12/02/16

Member's Deadline: 18/02/16 (5.00pm)

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

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

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

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

NOTES FOR COUNCILLORS - FORMAL ARRANGEMENTS

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

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

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

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

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

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

GUIDANCE FOR 'REFERRING' APPLICATIONS

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

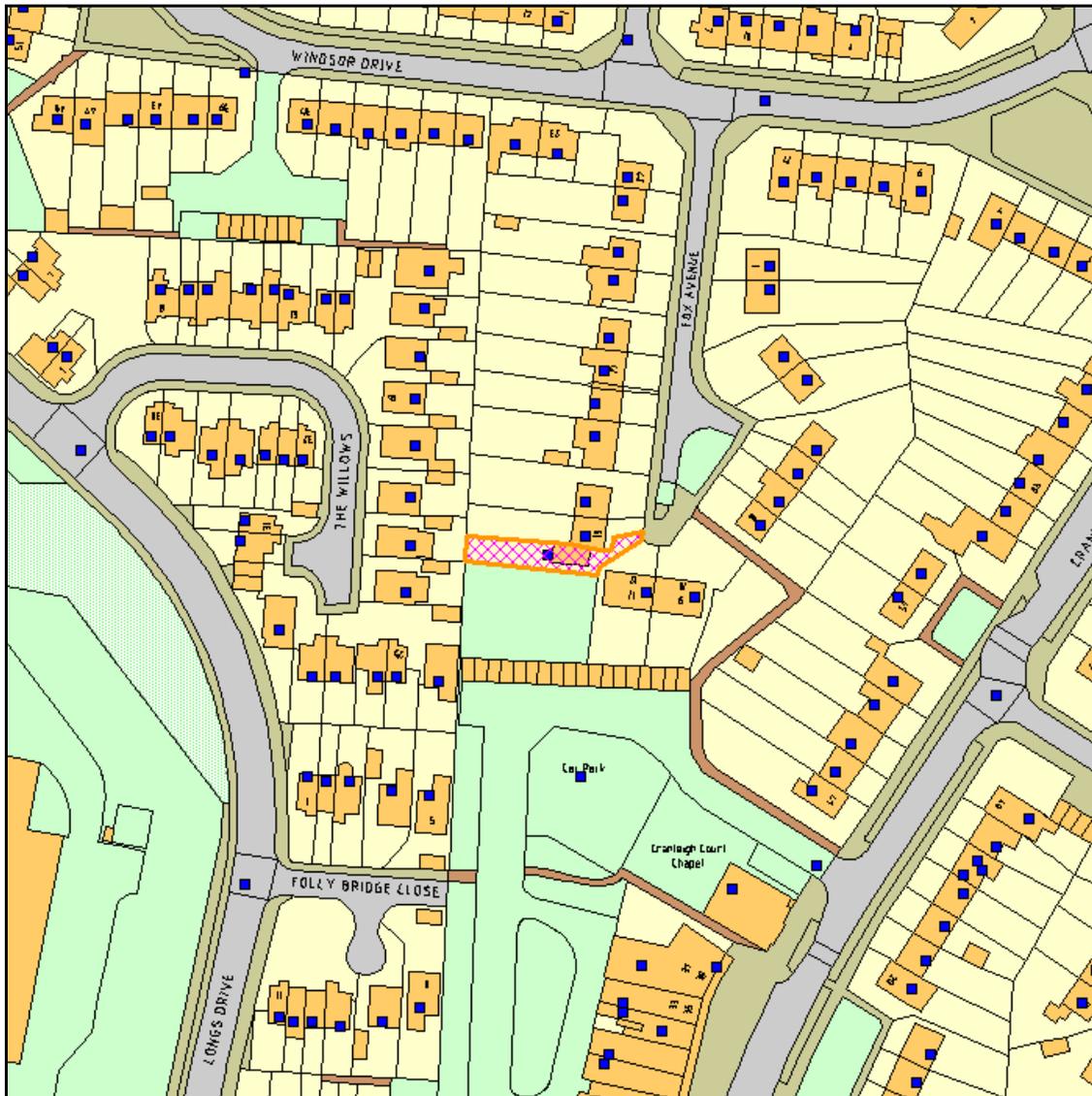
- Before referring an application always speak to the case officer or Area Planning Manager first to see if your concerns can be addressed without the application being referred.
- If you are considering referring in an application outside the ward you represent, as a courtesy, speak to the ward member(s)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

CIRCULATED SCHEDULE - 12 February 2016

ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
1	PK15/1789/CLE	Approve	13A Fox Avenue Yate South Gloucestershire BS37 5DR	Yate North	Yate Town
2	PK15/3835/F	Approve with Conditions	22 Cosham Street Mangotsfield South Gloucestershire BS16 9EN	Rodway	None
3	PK15/4094/F	Approve with Conditions	Close Farm Surgery 47 Victoria Road Warmley South Gloucestershire BS30 5JZ	Oldland	Bitton Parish Council
4	PK15/4282/F	Approve with Conditions	Paddock Barn Dunsdown Lane West Littleton South Gloucestershire SN14 8JA	Cotswold Edge	Tormarton Parish Council
5	PK15/4341/F	Approve with Conditions	58 St Davids Avenue Cadbury Heath South Gloucestershire BS30 8DF	Parkwall	Oldland Parish Council
6	PK15/4365/F	Approve with Conditions	288 Badminton Road Coalpit Heath South Gloucestershire BS36 2NN	Westerleigh	Westerleigh Parish Council
7	PK15/4879/F	Approve with Conditions	Ring O Bells Farm Pucklechurch Road Hinton South Gloucestershire SN14 8HJ	Boyd Valley	Dyrham And Hinton Parish Council
8	PK15/4918/F	Approve with Conditions	17 Cynder Way Emersons Green South Gloucestershire BS16 7BT	Emersons	Emersons Green Town Council
9	PK15/5124/F	Approve with Conditions	33 Courtney Road Kingswood South Gloucestershire BS15 9RQ	Woodstock	None
10	PK15/5160/F	Approve with Conditions	Land At 98/100 Cloverlea Road Oldland Common South Gloucestershire BS30 8TX	Oldland	Bitton Parish Council
11	PK15/5315/F	Approve with Conditions	45 South Road Kingswood South Gloucestershire BS15 8JQ	Woodstock	None
12	PK15/5416/F	Approve with Conditions	48 Portland Street Staple Hill South Gloucestershire	Staple Hill	None
13	PK15/5469/ADV	Approve with Conditions	77 High Street Hanham South Gloucestershire BS15 3DG	Hanham	Hanham Parish Council
14	PT15/3535/F	Approve with Conditions	Land Adjacent To Over Court Farm Over Lane Almondsbury South Gloucestershire	Almondsbury	Almondsbury Parish Council
15	PT15/5485/RVC	Approve with Conditions	Land Between M4 And The A4174 Ringroad South Of Moorend Hambrook South Gloucestershire BS16 1ST	Downend	Downend And Bromley Heath Parish Council

CIRCULATED SCHEDULE NO. 06/16 – 12 FEBRUARY 2016

App No.:	PK15/1789/CLE	Applicant:	Mrs Osiewicz
Site:	13A Fox Avenue Yate South Gloucestershire BS37 5DR	Date Reg:	29th May 2015
Proposal:	Application for a certificate of lawfulness for the existing use as a single dwelling.	Parish:	Yate Town Council
Map Ref:	370591 182736	Ward:	Yate North
Application Category:		Target Date:	16th July 2015



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 100023410, 2008. N.T.S. PK15/1789/CLE

REASON FOR REPORTING TO THE CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 This application seeks a certificate of lawfulness for the occupation of 13A Fox Avenue, Yate, as an independent dwellinghouse.
- 1.2 13A is attached to the main building of 13 Fox Avenue. A planning permission (PK06/1741/F) was granted (07 July 2006) for an extension to the existing dwelling. It is this development for which a certificate is sought to establish whether or not it now forms a dwelling in its own right.
- 1.3 The certificate of lawfulness is sought on the basis that the use of the building as an independent dwelling is immune from enforcement action under section 171B(2) of the Town and Country Planning Act 1990 ("the Act") and therefore, in accordance with section 191(2), the use is lawful.

2. POLICY CONTEXT

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

3. RELEVANT PLANNING HISTORY

- 3.1 PK06/1741/F Approve with Conditions 07/07/2006
Erection of two storey side and rear extension to provide additional living accommodation

4. SUMMARY OF EVIDENCE IN SUPPORT OF THE APPLICATION

- 4.1 The applicant has submitted the following items in support of the application:
 - Signed statement of Mrs Kalina Osiewicz dated 20 April 2015
 - Letter from Nicholas Morley Architects dated 24 April 2015
 - Letter from Nicholas Morley Architects dated 22 January 2016

5. SUMMARY OF CONTRARY EVIDENCE

- 5.1 The LPA does not have any contrary evidence

6. OTHER REPRESENTATIONS RECEIVED

- 6.1 Yate Town Council
Unable to comment - Yate Town Council have no direct knowledge or access to proof of separate residency

- 6.2 Local Residents
None received.

7. EVALUATION

7.1 An application for a certificate of lawfulness is not a planning application: it is purely an evidential test and therefore should not be determined against planning policy or on planning merit. The test to be applied is whether the application has demonstrated, through precise and unambiguous evidence, that (in this instance) the existing use of the building as an independent dwelling is lawful.

7.2 Breach of Planning Control

No planning permission has been granted for the use of the existing building as an independent dwelling. Therefore the use of the building in such a manner would form a breach of planning control. Section 171B of the Act introduces statutory time limits in which enforcement action against breaches of planning control should be taken. If the breach has occurred continuously for the period stated in this section it would become immune from enforcement action.

7.3 Grant of Certificates of Lawfulness

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

*For the purposes of this Act uses and operations are lawful at any time if -
(a) no enforcement action may then be taken in respect of them (whether because they did not involve development or require planning permission or because the time for enforcement action has expired or for any other reason); [...]*

7.4 Time Limit of Immunity and Lawfulness

The applicant is claiming that the extension permitted by planning permission PK06/1741/F was implemented and occupied as an extension to the main dwelling. At a later date, the extension was divided from the main dwelling and was occupied as a separate dwellinghouse. This is an important distinction to make. The erection of an extension which was occupied as such and then subsequently converted to a dwelling would constitute *the change of use of any building to use as a single dwellinghouse* and therefore in accordance with section 171B(2) of the Act, the development would become lawful at the end of a period of four years beginning with the date of the breach. However, should the extension have been built entirely as a separate dwelling it would not have been in accordance with the planning permission granted and there would have been no change of use. In such instances it is likely that a period of ten years would have to elapse for the development to be found lawful.

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

7.6 Assessment of Lawfulness

Three main pieces of evidence have been submitted. The first two were submitted at the time the application was made. These stated that 13A became a separate dwelling on 29 November 2010 and that the enforcement officer considered that it was likely the use was lawful. The evidence did not, however, give any indication as to whether this was a change of use or not and therefore the period over which to establish lawfulness was in doubt. Further evidence was sought to address this matter. The letter from Nicholas Morley Architects dated 22 January 2016 clearly sets out the dates on which development occurred at the site.

7.7 From this letter, the following dates are important:

- construction started May 2009
- construction completed 26 September 2009
- occupied as a part of 13 Fox Avenue between 1 October 2009 and 29 November 2010
- occupied as an independent dwelling since 29 November 2010.

7.8 Using this evidence, it can be said that it is demonstrated that a *change of use* has occurred and the four year enforcement limit applies. In the discussions with the applicant and agent, information was requested as to how the extension functioned - was there a door in between? was this ever created? when was this blocked up? The specific answer to those questions has not been provided.

7.9 However, the test is whether 'on the balance of probability' the purported use has occurred for a period in excess of the statutory time limits for enforcement and there has been no subsequent change of use.

7.10 The dates provided are very specific and relate to the use if not any associated operational development or internal alterations. Whilst this has only been provided in the form of a letter, the council holds no contrary evidence of its own to suggest a different course of events. This weighs favourably towards supporting the applicant's case for lawfulness.

7.11 Assessment Findings

It has been found that a breach of planning control is likely to have occurred as the submitted evidence suggests that the extension would have been occupied as an independent dwelling from 29 November 2010.

7.12 The LPA has no counter evidence that the building has not been occupied as an independent dwelling continuous for a period of four years since this date or that a subsequent change of use has occurred.

7.13 Paragraph 17c-006-20140306 of the National Planning Policy Guidance states:

In the case of applications for existing use, if a local planning authority has no evidence itself, nor any from others, to contradict or otherwise make the applicant's version of events less than probable, there is no good reason to refuse the application, provided the applicant's evidence alone is sufficiently

precise and unambiguous to justify the grant of a certificate on the balance of probability.

- 7.14 Given that the applicant's evidence is precise and unambiguous with regard to the use of the development, it is considered that the use of the extension as an independent dwelling would be immune from enforcement action by virtue of section 171B(2) of the Act and under section 191(2) a certificate of lawfulness should be granted.

8 RECOMMENDATION

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

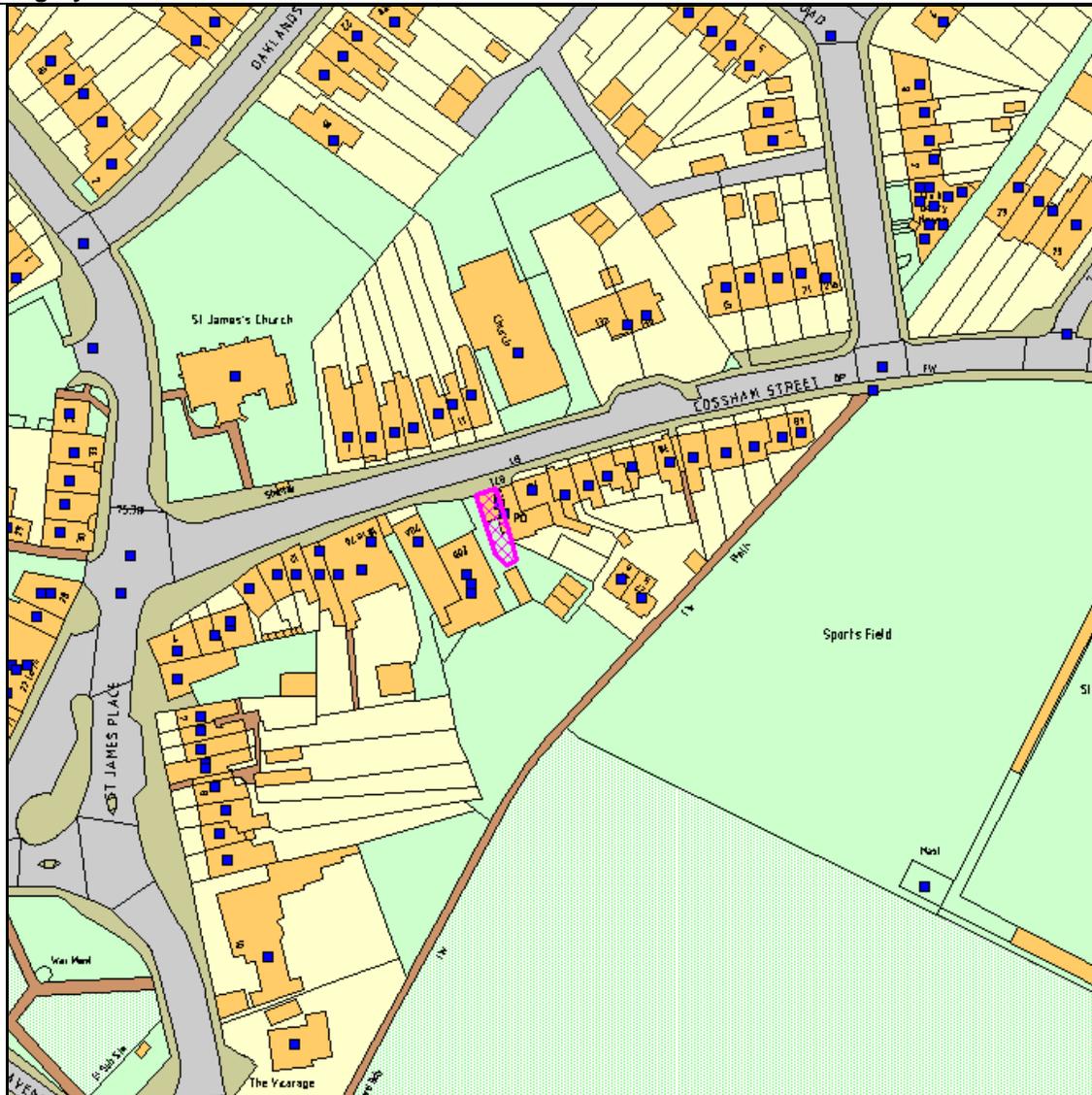
Contact Officer: Griff Bunce
Tel. No. 01454 863438

REASON

On the balance of probabilities, the building was been subject to a change of use and subsequently occupied as an independent dwelling for a period in excess of 4 years since November 2010 and there has been no subsequent change of use. It is therefore considered that the use of the use is lawful.

CIRCULATED SCHEDULE NO. 06/16 – 12 FEBRUARY 2016

App No.:	PK15/3835/F	Applicant:	Mr D Shah
Site:	22 Cossham Street Mangotsfield Bristol South Gloucestershire BS16 9EN	Date Reg:	10th September 2015
Proposal:	Change of use of part ground floor from Retail (Class A1) to Residential (Class C3) as defined in Town and Country Planning (Use Classes) Order 1987 (as amended) to facilitate the creation of a separate two-bedroom dwellinghouse.	Parish:	None
Map Ref:	366505 176149	Ward:	Rodway
Application Category:	Minor	Target Date:	5th November 2015



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 The application relates to no.22 Cossham Street, Mangotsfield, which is a two-storey, end of terrace property located on the southern side of Cossham Street. The ground floor of the property is in-part a shop, which is now vacant; the remainder of the ground floor of no.22, together with the first floor, provides 4 bedroom living accommodation. The shop used to include Mangotsfield Post Office but this has now moved. The former Royal Mail Sorting Offices were located to the rear of the property, adjacent to a pair of cottages nos. 22a and 22b. To the east of no.22 are other residential properties within the terrace including adjoining no.24. To the west of no.22 is a former Chapel building, which did have planning permission for a Day Nursery but was more recently in use as a Launderette and Bike Shop. Core Strategy Policy CS14 identifies the site as being within the Mangotsfield Village Local Centre (see Table 3).
- 1.2 Planning consent PK14/4624/F was granted to extend the living accommodation to no.22 over two-storeys. This development has been implemented and is now almost complete.
- 1.3 Outline and reserved matters consents PK13/0756/O & PK14/1052/RM were granted for the erection of 4no. two-storey dwelling houses on the site of the former Royal Mail Sorting Office and a formerly grassed area to the rear of the Chapel building. This development is also now nearing completion.
- 1.4 The four new houses and their parking areas, together with the parking areas for nos. 22, 22a, 22b and 24 are all accessed via an existing driveway off Cossham Street running between no.22 and the former Chapel building.
- 1.5 This current application proposes to change the use of part of the ground floor shop (A1) to residential accommodation (C3). By incorporating the extension approved under PK14/4624/F it is proposed to create a separate two bedroom dwelling on the end of the terrace.

2. POLICY CONTEXT

2.1 National Guidance

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

2.2 Development Plans

The South Gloucestershire Local Plan Core Strategy (Adopted) 11 Dec. 2013
CS1 - High Quality Design
CS4A – Presumption in Favour of Sustainable Development
CS5 - Location of Development

- CS6 - Infrastructure and Developer Contributions
- CS8 - Improving Accessibility
- CS9 - Managing the Environment and Heritage
- CS14 - Town Centres and Retail
- CS17 - Housing Diversity
- CS18 - Affordable Housing
- CS23 - Community Infrastructure and Cultural Activity
- CS24 - Green Infrastructure, Sport and Recreation Standards

South Gloucestershire Local Plan (Adopted) January 2006

- L1 - Landscape Protection and Enhancement
- L9 - Species Protection
- EP2 - Flood Risk and Development
- EP4 - Noise-sensitive development
- H5 - Residential Conversions
- T7 - Cycle Parking
- T8 - Parking Standards (Commercial)
- T12 - Transportation Development Control Policy for New Development
- RT11 - Retention of Local Shops
- LC1 - Provision for Built Sports, Leisure and Community Facilities (Site Allocations and Developer Contributions)
- LC2 - Provision for Education Facilities (Site Allocations and Developer Contributions)

2.3 Supplementary Planning Guidance

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

2.4 Emerging Plan

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

- PSP1 - Local Distinctiveness
- PSP2 - Landscape
- PSP6 - Onsite Renewable & Low Carbon Energy
- PSP8 - Settlement Boundaries
- PSP9 - Residential Amenity
- PSP12 - Development Related Transport Impact Management
- PSP17 - Parking Standards
- PSP20 - Wider Biodiversity
- PSP21 - Flood Risk, Surface Water and Watercourses
- PSP23 - Unstable Land
- PSP33 - Local Centres and Facilities
- PSP40 - Residential Conversions
- PSP44 - Private Amenity Space Standards

3. RELEVANT PLANNING HISTORY

- 3.1 PK06/0908/O - Erection of 12no. flats (Outline) with means of access to be determined. All other matters to be reserved.
Refused 30 June 2006 for reasons of:
- Inadequate access.
 - Inadequate visibility at access.
 - Overbearing impact and increased noise.
 - Not in-keeping.
 - Adverse impact on visual amenity of Green Belt.
 - Absence of S106 to secure contributions to education services.
 - Absence of S106 to secure contributions to community services.
- 3.2 PK11/0636/F - Erection of single-storey building to form replacement sorting office with associated works.
Approved 28th April 2011
- 3.3 PK13/0756/O - Demolition of existing sorting office buildings, and erection of 4no dwellings (outline) with access to be determined. All other matters reserved.
Approved 18 Sept. 2013
- 3.4 PK14/1052/RM - Demolition of existing sorting office buildings, and erection of 4no dwellings (Approval of Reserved Matters)(To be read in conjunction with outline planning permission PK13/0756/O)
Approved 25 July 2014
- 3.5 PK14/1085/F - Erection of two-storey rear and side extension to provide additional living accommodation.
Approved 14 May 2014
- 3.6 PK14/4624/F - Erection of two-storey rear extension to provide additional living accommodation.
Approved 21 Jan 2015
- 3.8 PK15/1340/PNOR - Prior notification of a change of use from Offices (Class B1a) to 1 no. dwelling (Class C3).
Withdrawn 28 April 2015
- 3.9 PK15/1152/NMA - Non-material amendment to PK14/1052/RM to revise parking layout to include 4no. additional parking spaces.
Objection 17 April 2015
- 3.10 PK15/1874/RVC - Variation of condition 4 attached to PK14/1052/RM to increase no. of parking spaces from 13 to 17.
Approved 15 June 2015.

4. CONSULTATION RESPONSES

4.1 Parish/Town Council Not a parished area

Adjoining Parish

Emersons Green Town Council

The Planning Committee have no objections to a change from commercial to residential use. However, the Committee strongly object to the forming of an additional separate dwelling, due to parking and severe traffic problems in this area.

4.2 Other Consultees

Transportation D.C No objection

Highway Structures No comment

Lead Local Flood Authority No comment

Other Representations

4.3 Local Residents

1 No e.mail of objection was received from the occupier of no.5 Cossham Street who raised the following concerns:

- Increased use of access onto Cossham Street which is regularly gridlocked.

1 No. e.mail of support was received from the occupier of no. 24 Cossham Street who raised the following in support:

- :More houses are required.
- Cossham Street is a quiet road.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

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

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

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

5-Year Land Supply

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

Loss of Local Store and Post Office

- 5.8 Policy RT11 does not permit the change of use of existing retail premises in Local Centres unless the following Criteria are met:
- A. The proposed use would not result in an over concentration of non-shop uses in a village centre or local centre or be detrimental to the vitality, viability, retail and social function of that centre; or
 - B. There are satisfactory alternative retail facilities available in the locality; or
 - C. It can be demonstrated that the premises would be incapable of supporting a retail use; and

- D. The proposed use would not result in unacceptable environmental or transportation effects and would not prejudice residential amenity.
- 5.9 The supporting text to Policy RT11 para. 9.107 states that the council acknowledges the valuable contribution Sub Post Offices make to all communities and will apply its planning policies sympathetically in order to ensure that these services are sustained locally.
- 5.10 The former Royal Mail Sorting Offices closed some time ago and the Post Office has since re-located to the convenience store located a short distance away in Northcote Road. The retail unit at no.22 has since lain dormant.
- 5.11 It is proposed to change the use of part (16sq.m.) of the retail unit only i.e. the areas formerly used as a store and office. What would remain would be a small (25sq.m.) shop fronting the street, with W.C. and staff area to the rear. Officers consider that this reduced floor area is likely to reduce the viability of the unit as a retail outlet. The existing shop is however right on the periphery of the Local Centre and alternative facilities such as the Tesco's Convenience Store lie only some 100m away to the west.
- 5.12 Having regard to the above, officers are satisfied that the proposal is unlikely to adversely affect the viability or vitality of the Local Centre and as such complies with criteria A and B attached to Policy RT11.
- 5.13 Local Plan Policy H5 permits the conversion of buildings within the existing urban areas, to residential dwellings, subject to criteria relating to visual amenity, residential amenity, parking and amenity space issues; these are discussed as follows.
- 5.14 Design Issues
Core Strategy Policy CS1 only permits new development where good standards of site planning and design are achieved. The Policy requires that siting, overall layout, density, form, scale, height, massing, detailing, colour and materials, are informed by, respect and enhance the character, distinctiveness and amenity of both the site and the locality.
- 5.15 The proposed scheme would supersede that approved under PK14/4624/F but would incorporate the extension, which has almost been completed. Only part of the existing shop would need to be converted so any additional works required to create the new dwelling would be mainly cosmetic or internal. The proposal has been designed within the various constraints of the site, not least the proximity of neighbouring property. The proposed density and scale is commensurate with that of the locality and is considered to make efficient use of the site in what is a sustainable location, close to the centre of Mangotsfield, within walking distance of shopping and community facilities and main bus routes. In this respect the proposal accords with government guidelines and the development is not considered to be an overdevelopment of the site which would be out of character with the local area. At officer request, the main side door to the proposed dwelling, that would have opened onto the driveway, has been moved from the side to the rear and the existing side door to the shop,

also opening onto the driveway, would be blocked up. As such the proposal would accord with the requirements of Policy CS1 of The South Gloucestershire Local Plan Core Strategy and The South Gloucestershire Design Check List.

5.16 Landscape

Policy L1 of the South Gloucestershire Local Plan (Adopted) 6th January 2006 seeks to conserve and enhance those attributes of the landscape, which make a significant contribution to the character of the landscape. In this case there is very little scope for further landscaping within the site. The parking areas to the rear would be landscaped in accordance with the comprehensive landscape scheme secured under the previous consent (PK14/1052/RM) for the new houses. On balance therefore the proposal accords with Local Plan Policy L1 and there are no objections on landscape grounds.

Impact Upon Residential Amenity

5.17 Officers consider that some loss of privacy from overlooking of neighbouring property is inevitable in a densely populated sub-urban location such as this; especially if, as required by the NPPF, the most efficient use of brown field sites for housing is to be made.

5.18 In this case however, there would be very little loss of residential amenity over and above that which already occurs or has already been consented.

5.19 In terms of private amenity space, only modest areas would be provided/retained for the proposed/existing properties. Whilst officers acknowledge that this level of amenity space provision is limited, it has always been the case that the residential elements of the property have had limited amenity space provision. The proposal in fact provides no more bedrooms than in the previously approved scheme PK14/4624/F.

5.20 Having regard to the above, officers are satisfied that on balance there would be no justification to refuse this application on the grounds of adverse impact on residential amenity.

5.22 Transportation Issues

Under the South Gloucestershire Council Residential Parking Standards SPD, a minimum of 1 car parking space is required for the new 2 bed house and 2 spaces for the separately retained 3 bed living accommodation associated with the shop. The parking areas to the rear remain within the applicant's control and the revised parking layout approved under PK15/1874/RVC in fact shows two spaces for no. 22 and two spaces each for the four new houses units 1-4 and the existing dwellings nos. 24, 22a and 22b; the former Chapel building no.20 has its own parking area to the front. In addition 3 visitor spaces were included within the additional parking secured under PK15/1874/RVC. The shared access secured under PK13/0756/O would serve the proposed new dwelling 22c.

5.23 In order to provide an allocated parking space for the proposed new dwelling (22c) it is proposed to utilise one of the aforementioned visitor spaces. Officers are satisfied that there would be sufficient parking space within the site to serve both the proposed and previously approved dwellings.

5.24 Given the above and subject to a condition to secure the allocated parking space 22c, the proposal is considered to accord with Policy T12 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 and Core Strategy Policy CS8.

5.25 Environmental and Drainage Issues

Any increase in noise levels or anti-social behaviour, would be the subject of normal environmental health controls. Whilst there would inevitably be some disturbance for neighbours during the development phase, this could be adequately mitigated by imposing a condition to restrict the hours of working. In terms of drainage, the means of foul disposal would be to the mains sewer. Surface water drainage would be to the existing system. The site lies in Flood Zone 1 and is not therefore at high risk of flooding. Any connections to the main sewers would need to be agreed with Wessex Water. The site does not lie within a Coal Referral Area and as such a Coal Mining Risk Assessment has not been provided.

5.26 Ecology

The site is not covered by any statutory or non-statutory nature conservation designations. There are no ecological constraints to developing the site.

5.27 Affordable Housing

The proposal is for 1no. dwellings only which is below the Council's threshold for affordable housing provision.

5.28 Community Services

The proposal is below the Council's threshold for contributions to Community Services.

CIL Matters

5.29 The South Gloucestershire Community Infrastructure Levy (CIL) & Section 106 Planning Obligations Guide SPD was adopted March 2015. CIL charging commenced on 1st August 2015.

6. CONCLUSION

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

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

7. RECOMMENDATION

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

Contact Officer: Roger Hemming
Tel. No. 01454 863537

CONDITIONS

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

Reason

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

2. The off-street parking space for the dwelling house hereby approved i.e. no. 22c, shown on the approved Proposed Site Plan No. 2528/307 Rev A, shall be provided and allocated as such before the building is first occupied as a separate dwelling. Thereafter the parking space shall be retained and used only for its intended 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; Policy H5 of The South Gloucestershire Local Plan (Adopted) 6th Jan. 2006 and the South Gloucestershire Residential Parking Standards SPD (Adopted) December 2013.

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

Reason

To protect the residential amenity of the neighbouring occupiers and to accord with Policy H5 of the South Gloucestershire Local Plan (Adopted) January 2006 and the requirements of the NPPF.

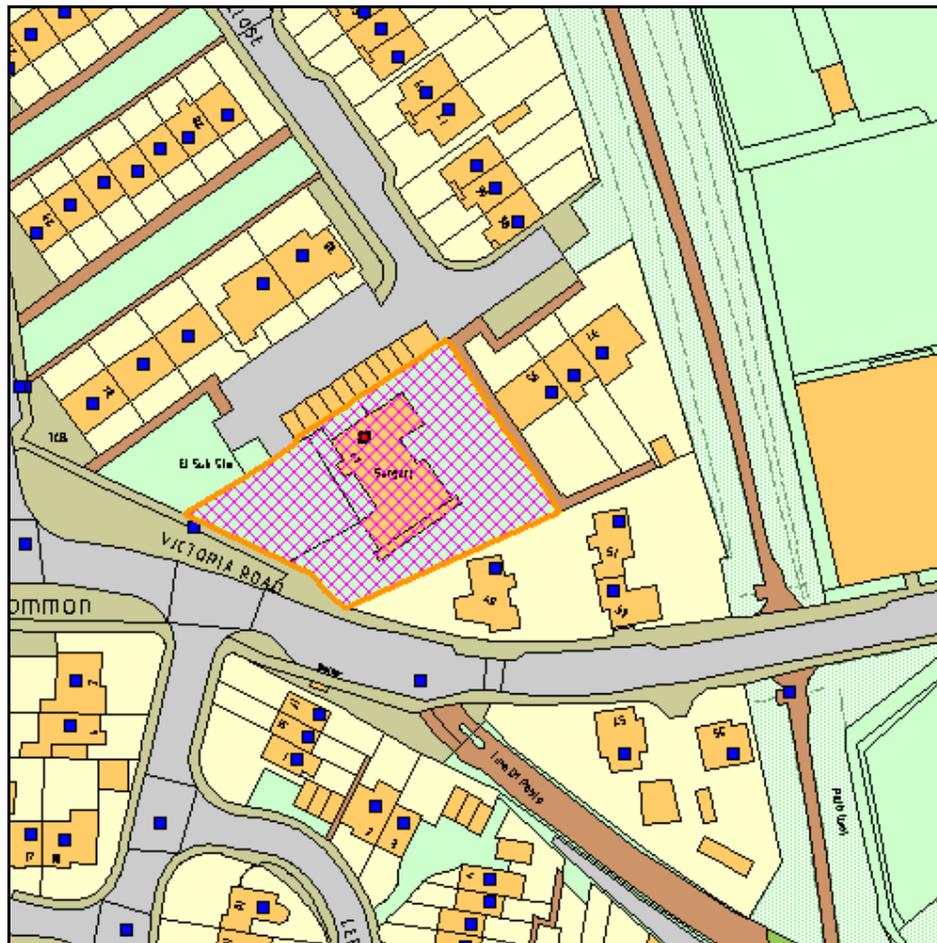
4. No windows other than those shown on the plans hereby approved shall be inserted at any time in the western side elevation of the property hereby approved.

Reason

To protect the residential amenity of future occupiers and to accord with Policy H5 of the South Gloucestershire Local Plan (Adopted) January 2006 and the requirements of the NPPF.

CIRCULATED SCHEDULE NO. 06/16 – 12 FEBRUARY 2016

App No.:	PK15/4094/F	Applicant:	Close Farm Surgery
Site:	Close Farm Surgery 47 Victoria Road Warmley South Gloucestershire BS30 5JZ	Date Reg:	25th September 2015
Proposal:	Erection of two storey and single storey extension to form additional consultation and meeting rooms.	Parish:	Bitton Parish Council
Map Ref:	367666 172441	Ward:	Oldland Common
Application Category:	Minor	Target Date:	18th November 2015



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 100023410, 2008. N.T.S. PK15/4094/F

REASON FOR REPORTING TO THE CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 This application seeks planning permission for the erection of a two-storey and single storey rear extension to a doctors' surgery in Warmley. The proposed extension would contain 2 additional consulting rooms and a 'multi purpose'/physiotherapy room on the ground floor and 3 offices and a seminar room on the first floor. The proposed extension would project the building into the existing car park at the rear of the surgery and would lead to the loss of 5 car parking spaces.
- 1.2 Originally, the building was a stone built detached Victorian dwelling. The building has been significantly extended in the past to facilitate the use as a doctors' surgery. The site is located within the existing urban area of the east fringe of Bristol. At the front of the building, 2 trees in the grounds are protected by a preservation order. The site is within the coal referral area due to past mining activity in the locality.

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
CS29 Communities of the East Fringe of Bristol

South Gloucestershire Local Plan Adopted January 2006 (Saved Policies)

L1 Landscape
T7 Cycle Parking
T8 Parking Standards
T12 Transportation
LC4 Community Facilities within the Existing Urban Area
LC12 Recreational Routes

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted) August 2007

3. **RELEVANT PLANNING HISTORY**

- 3.1 PK14/0345/PND No objection 22/05/2014
Prior notification of the intention to demolish 49 no. garages.

This application relates to a former garage block to the north of the site.

- 3.2 PK07/2506/F Approve with Conditions 10/09/2007
Erection of two storey rear extension to provide additional office space at first floor and additional Doctors surgery at ground floor. Alterations to existing front entrance with associated infill works. (Amendment to previously approved scheme PK06/1866/F to include 2no. windows at first floor level to north west elevation).
- 3.3 PK06/1866/F Approve with Conditions 07/03/2007
Erection of two storey rear extension to provide additional office space at first floor and additional Doctors surgery at ground floor. Alterations to existing front entrance with associated infill works.
- 3.4 K6422/1 Approval of Full Planning 08/10/1990
Extension and conversion of existing house for use as doctors surgery

4. **CONSULTATION RESPONSES**

- 4.1 Bitton Town Council.
No objection provided that there is sufficient parking
- 4.2 Coal Authority
Objection: development falls in a high risk area; no coal mining risk assessment has been submitted for assessment
- 4.3 Highway Structures
No comment
- 4.4 Lead Local Flood Authority
No comment
- 4.5 Sustainable Transport
Objection: there is insufficient parking at the development site to accommodate the needs arising from the development
- 4.6 Tree Officer
No objection

Other Representations

- 4.7 Local Residents
3 letters have been received from local residents in connection with this application which raise the following points:
- concern over access and egress of construction vehicles/workers
 - concern over windows in first floor of extension and privacy issues

- create additional traffic to and from the site
- double yellow lines should be required
- lead to increase in noise
- lead to increase in pollution
- may lead to a dangerous situation
- object to the loss of 5 parking spaces
- ongoing parking problems in the locality
- poor parking affects emergency vehicles and buses

5. ANALYSIS OF PROPOSAL

5.1 This application seeks planning permission for an extension to an existing doctors' surgery to provide additional consulting rooms, treatment spaces, training and meeting facilities, and back-office functions.

5.2 Principle of Development

The application site is situated in the existing urban area of the east fringe of Bristol. Under policy CS5, which establishes the council's locational strategy for development, growth is directed to the existing urban area and defined settlements. As such, it can be expected that services and facilities be provided for the existing (and increasing) population. Policy LC4 considers proposals for the expansion and improvement of community facilities (for the avoidance of doubt, a doctors' surgery is considered a community facility as it is referenced in policy CS23) and is supportive of development subject to an assessment of accessibility, residential amenity, transportation and highway safety impacts.

5.3 Therefore the proposed development is acceptable in principle but should be determined against the analysis set out below.

5.4 Location and Sustainability

The opening consideration of policy LC4 is whether the site of the community facility is in a sustainable location that would encourage and enable access by foot and bicycle. The most sustainable location for community facilities is within the communities that they serve in order to reduce the need to travel.

5.5 Given the site's location in a mainly residential suburb it is considered to be a suitable location for extended community health facilities. Furthermore the site is located in close proximity to the Bristol to Bath Railway Path cycle route and on a bus route. As a result, the site can be easily accessed by means other than the private car. It is considered that the site is a sustainable location for development.

5.6 Design

All development in the district must meet the council's design standards, set out in policy CS1. This policy requires all development in the district to meet the 'highest possible' standards of site planning and design. In this case, development is mainly restricted to the rear of the site and usually this may result in a more relaxed approach to design quality as the rear of a site tends to be less well visible.

This is not the case here; the site backs onto a residential cul-de-sac and therefore the rear of the building has a role to play in the street scene of the cul-de-sac.

- 5.7 The appearance of the proposed extension would look vastly similar to the existing extension. The dual pitched roof of the two-storey element would be extended and beyond that a single storey extension with a hipped roof would be situated. There is a slight abnormality between the two different roof shapes and a lean-to roof for the single storey element might have overcome this. However, the introduction of a lean-to would have made the insertion of windows on the first floor difficult. It is considered that, in terms of design, the windows are important as they break up an otherwise oppressive elevation and therefore the various roof shapes are considered acceptable.
- 5.8 Externally, plans indicate that the extension would be finished in materials to match those used on the existing extension (it should be noted that the original Victorian house is stone built). This can be secured by condition to ensure a satisfactory appearance. On the provision of the use of appropriate use of materials, the design is acceptable.
- 5.9 Impact on Nearby Occupiers
Concern has been raised about the potential of the development to have a negative impact on the living conditions of nearby occupiers. The single storey part of the proposal would be close to the existing residential properties to the rear; the rear elevation of the extension stands 1.5 metres from the boundary of the site. On the first floor, the proposed two-storey element sits a further 4 metres back from the boundary. This does equate to a close relationship as there is only 5.5 metres from the boundary to the wall of the extension.
- 5.10 However, the proposed extension and the residential properties at the rear sit perpendicular to each other. Given the angular relationship, the level of potential harm to the living conditions of nearby occupiers is reduced. The first floor windows in the rear elevation do cause some concern as these may result in a perceived overlooking and loss of privacy. In order to minimise such an impact, these windows should be obscure glazed with limited openings. This can be secured by condition. As there are other windows serving this room, such a condition is not considered to have a negative impact on the occupiers of the building.
- 5.11 Some first floor windows are also proposed in the North West elevation. These windows overlook an area of open hardstanding formed following the demolition of garages. However, there are existing windows in this elevation and the introduction of further windows is not considered to have a materially greater impact on living conditions than the existing situation.
- 5.12 Additional use of the building may result in additional noise disturbance. Whilst in principle this would normally be the case, in this instance it is considered that the layout of the proposed extension would actually act to reduce disturbance to nearby occupiers. The extension would reduce the number of car parking spaces and therefore in turn the number of vehicle movements.

Furthermore the position of the building would provide a screen between the on-site car park and the surrounding residential areas. Whilst the development will increase activity on the site, it is not considered that the increase in activity would be highly noticeable in terms of its impact on the living conditions of nearby occupiers.

- 5.13 Given the location of the site in close proximity to residential dwellings it is considered reasonable that in order to protect the amenities of nearby occupiers during construction works, the hours of working be controlled by condition.
- 5.14 Traffic and Transport
The proposed development has a two-fold impact on transportation matters. The first is that the increase in the size of the building can be expected to result in a potential increase in movements to and from the site. The second is that the development would lead to the loss of five of the existing parking spaces within the site.
- 5.15 While the development may increase movements to and from the site the level of traffic generation is not considered to be significant. Most concern has been raised with regard to the provision of adequate parking provision.
- 5.16 Policy T8 dictates the level of parking that may be permitted for different land/building uses. This policy is designed to promote sustainable transport movements and as such sets maximum parking provision. The policy does not require development to reach the maximum standard set by this policy and therefore for the undersupply of parking to be a reason to resist development it would need to be demonstrated that said undersupply would result in a severe highway safety issue.
- 5.17 Under policy T8, a 'health centre' of this size would generate a maximum permitted parking provision of 34 spaces. From the site visit, the Highways Officer has identified that the site currently provides between 14 and 15 parking spaces. It is noted that the applicant has included parking on the former garage site to the north of the surgery within the parking provision. As there is no legal agreement to secure these as parking spaces associated with the surgery and the land is not in the control of the applicant, these spaces cannot be considered within this application. The applicant has provided further evidence of a semi-formal but not legally binding agreement between the surgery and the village hall whereby the village hall car park can be used to meet the parking demands for the surgery in the event of an emergency. Again, whilst there is written evidence of this agreement it is not something that the council would be able to enforce and therefore the provision of parking at the village hall cannot be considered to attribute towards parking provision with regard to this application.
- 5.18 The issue therefore comes down to whether the development would result in additional parking on the public highway and whether such parking would be detrimental to highway safety to the extent that any impact was severe.

- 5.19 In response to the initial concerns raised by the Highways Officer the applicant has provided a transport summary. This included a snapshot parking survey; the Highways Officer has used the transport statement to make final comments on this application.
- 5.20 The Highways Officer concludes that the existing car park is well used and that, should the proposed extension be permitted, the reduced number of parking spaces would be insufficient to meet the demand for parking spaces. It is the concern of the Highways Officer that the development would lead to the displacement of parked cars from the surgery car park to the public highway. Located close to a number of junctions and intersections, there is concern over the impact of parked vehicles on the highway at this location. Of particular concern to the Highways Officer is that parking close to junctions or the site entrance could impair visibility to the detriment of highway safety and for that reason the Officer recommends refusal of the application.
- 5.21 The concerns of the Highway Officer are noted and are given due weight in reaching a recommendation on the application. However, the weight given to transport concerns would need to significantly outweigh the weight given to the benefits of the proposal for the application to be refused on highway grounds and the refusal be considered to be sustainable at appeal.
- 5.22 On the one hand is the concerns listed above. On the other hand are the benefits of the proposal. These include the provision of extended and improved patient services in a sustainable location. Indeed, the site is considered to be sustainable; it is located in walkable distance from a large number of residential properties; it is close to the Bristol and Bath Cycle Path for those travelling to the site on bike; and, it is located on a bus route.
- 5.23 Weight should also be given to other factors that relate to the development and the site. The applicant has suggested that should parking on the highway be of a significant concern to the council, the council has means at its disposal to control highway parking (such as double yellow lines). No request has been made for a financial contribution towards mitigation measures such as parking restrictions. Furthermore, the planning system is limited in what control it has over parking on the public highway; parking areas can be provided but the planning system cannot enforce their use. However, there is other statutory means under which parking on the highway is controlled. Rules 242 and 243 of the Highway Code control dangerous parking and the contravention of these rules is a matter for the Police. Rule 242 states that it is an offence to leave a vehicle or trailer in a dangerous position or where it causes any unnecessary obstruction of the road. Rule 243 lists specific circumstances which would be a parking offence. These include: stopping or parking opposite or within 10 metres of a junction (except in an authorised parking space); parking or stopping where the kerb has been lowered; and, parking or stopping in front of an entrance to a property. Given the above, if it is found that dangerous parking occurs at this location (i.e. parking that contravenes one of the above rules) it would be a matter for the Police - it is not for the planning system to enforce the Highway Code.

- 5.24 On the basis that dangerous parking is adequately managed outside of the planning system limited weight can be given to this as a reason for refusal. Furthermore it cannot be considered that the development would displace existing on street parking or result in harmful further on street parking. It is only possible to park on the highway where it is safe and legal to do so.
- 5.25 Planning Balance
Whilst the concern over highway safety is noted, on balance it is not considered that the impact of the development would be so significant that it would be considered to be severe. It is therefore concluded that in this instance any harmful impact on transport and the highway does not outweigh the benefits of the proposal.
- 5.26 Land Stability
The application site falls into an area a high risk of land instability from past coal mining activities. The Coal Authority has been consulted and have raised an objection because no coal mining risk assessment has been submitted with the application.
- 5.27 Any impact of the coal mining legacy needs to be addressed; what must be decided here is whether that needs to be prior to determination (i.e. the legacy may fundamentally affect the development) or whether this can be addressed through the use of appropriate planning conditions.
- 5.28 In recent years, development has occurred on the site. Planning permissions PK06/1866/F and PK07/2506/F were both approved subject to conditions. Neither application included a coal mining risk assessment nor was one required by condition. Given the relatively recent nature of these permissions and the development it consented has been completed and the location of the site within the built up area, the council is reasonably satisfied that any land stability issues could be satisfactorily addressed by condition and are unlikely to have a significant impact on the development proposal itself. Therefore a coal mining risk assessment shall be required by condition rather than prior to determination.
- 5.29 Other Matters
Some concerns raised by local residents have not been addressed in the main body of this report. Concern has been raised over the access and egress of the site by construction vehicles. Whilst this may cause some disturbance it would be temporary in nature. The scale of development does not warrant a construction management plan and therefore whilst this is noted it is given little weight in determining this application.
- 5.30 Poor parking can affect emergency vehicles. It is an offence under the highway code to park in a manner that would hinder emergency vehicles. This matter is given little weight in determining this 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 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 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. Prior to the use or occupation of the extension hereby permitted, and at all times thereafter, the proposed first floor window on the rear (north east) 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.
4. Prior to the commencement of development, a coal mining risk assessment 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 ensure that adequate measures have been taken to mitigate against land instability to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

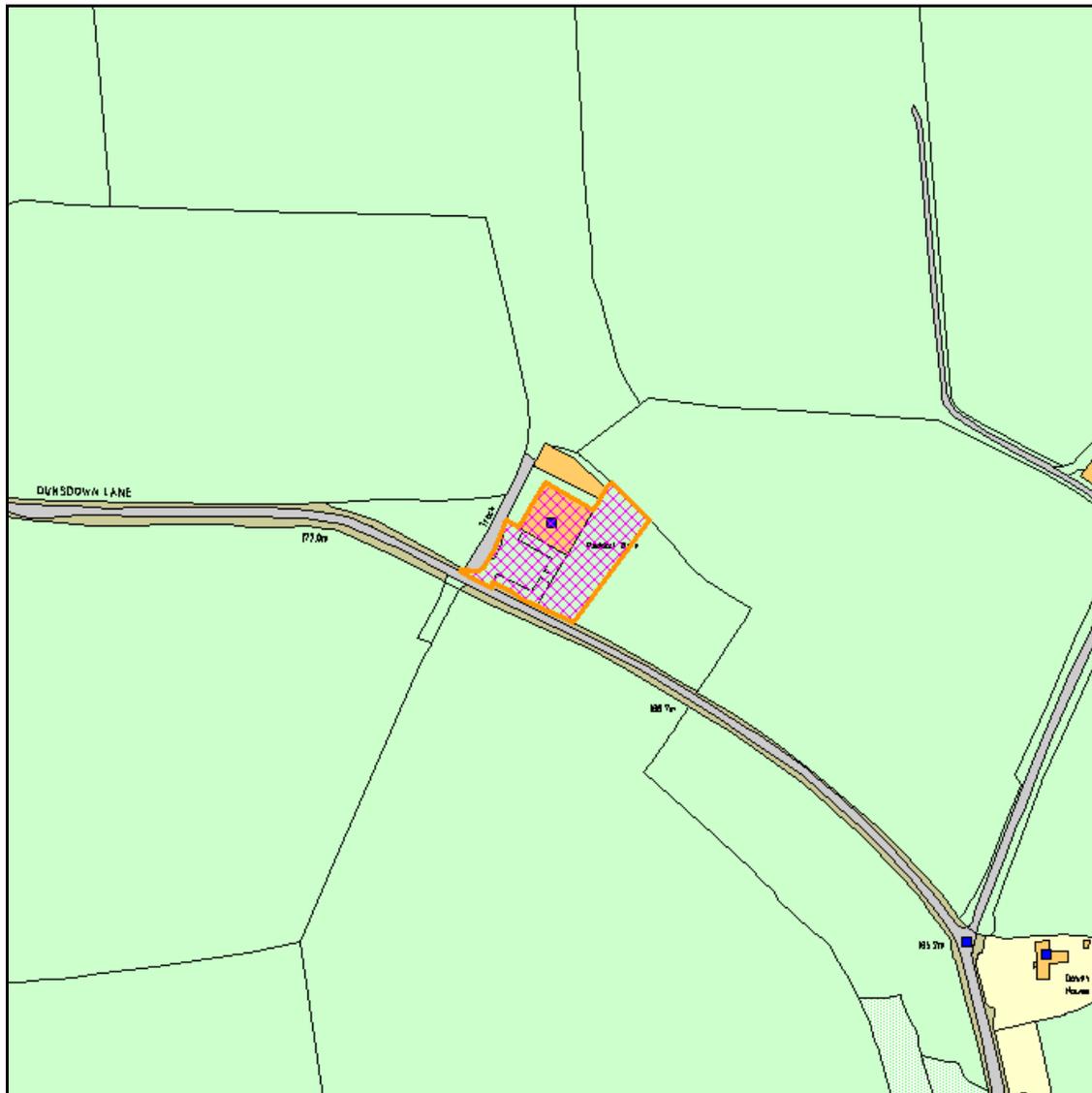
5. The hours of working on site during the period of construction shall be restricted to 07:30 to 18:00 Monday to Friday, 08:00 to 13:00 Saturdays and no working shall take place on Sundays or Public Holidays. The term 'working' shall, for the purpose of clarification of this condition include: the use 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

In the interests of minimising impact upon and protecting the amenities enjoyed by those living in the locality to accord with the provisions of the National Planning Policy Framework.

CIRCULATED SCHEDULE NO. 06/16 – 12 FEBRUARY 2016

App No.:	PK15/4282/F	Applicant:	Mr Simon Cockram
Site:	Paddock Barn Dunsdown Lane West Littleton South Gloucestershire SN14 8JA	Date Reg:	9th October 2015
Proposal:	Erection of single storey front and side extensions for Storage or Distribution purposes (Class B8) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended).	Parish:	Tormarton Parish Council
Map Ref:	375691 176250	Ward:	Cotswold Edge
Application Category:	Minor	Target Date:	2nd December 2015



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 100023410, 2008. **N.T.S.** **PK15/4282/F**

REASON FOR REPORTING TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 The application relates to an existing business located at Paddock Barn on the northern side of Dunsdown Lane, West Littleton. The land and buildings are currently occupied by Cameron Sports Cars Ltd. with vehicular access being directly off Dunsdown Lane. The site is located in the open countryside between West Littleton and Dyrham, it is just outside the Green Belt but within the Cotswolds AONB. There is a major recreational route along Dunsdown Lane to the south of the site and a public footpath on the western boundary of the site. A paddock in the applicant's ownership lies adjacent to the east of the site.
- 1.2 The majority of the site has a lawful B8 use with ancillary office accommodation granted under PK05/1805/F. A subsequent application PK10/3123/F to change the use of part of the agricultural building to the rear, to B8 storage use was also granted. It is now proposed to erect a front and side extension to the existing main building. The gross floor space area would increase from 509sq.m. to 887sq.m with a net increase of 378sq.m of B8 use of which approx. 103sq.m. would be ancillary office space.
- 1.3 The application was subject to Pre-Application enquiry and is supported by the following documents:
 - Landscape and Visual Appraisal
 - Transport Statement

2. POLICY CONTEXT

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

South Gloucestershire Local Plan (Adopted) January 2006
L1 - Landscape Protection and Enhancement
L2 - Cotswolds AONB
L9 - Species Protection
EP2 - Flood Risk and Development
T8 - Parking Standards
T12 - Transportation Development Control for New Development
E6 - Employment Development in the Countryside
LC12 - Recreational Routes

South Gloucestershire Local Plan Core Strategy (Adopted) 11th Dec. 2013
CS1 - High Quality Design
CS4A - Presumption in favour of Sustainable Development

- CS5 - Location of Development
- CS8 - Improving Accessibility
- CS9 - Managing the Environment & Heritage
- CS13 - Non-Safeguarded Economic Development Sites
- CS34 - Rural Areas

2.3 Emerging Plan

Proposed Submission : Policies, Sites & Places Plan March 2015

- PSP1 - Local Distinctiveness
- PSP2 - Landscape
- PSP11 - Active Travel Routes
- PSP16 - Parking Standards
- PSP12 - Development Related Transport Impact Management
- PSP18 - Heritage Assets and the Historic Environment
- PSP20 - Wider Bio-Diversity
- PSP21 - Flood Risk, Surface Water and Watercourse Management
- PSP22 - Environmental Pollution and Impacts
- PSP29 - Rural Economy

2.4 Supplementary Planning Guidance

Trees on Development Sites SPG Adopted No. 2005.

SG Landscape Character Assessment as adopted Aug 2005:-LCA2 – Marshfield Plateau.

3. **RELEVANT PLANNING HISTORY**

- 3.1 P95/1817 - Erection of Bull Pen Building.
Approved 25 Sept. 1995
- 3.2 P98/2447 - Erection of Bull Pen and machinery storage building (amendment to previously approved scheme P95/1817).
Approved 23 Oct. 1998
- 3.3 PK05/1805/F - Change of Use of agricultural building to Class B8 use (as defined in the Town and Country Planning (Use Classes) Order 2005) with ancillary office.
Approved 8 Nov. 2005
- 3.4 PK10/0305/CLE - Application for Certificate of Lawfulness for an existing use as Storage and Distribution (Class B8) as defined in the Town and Country Planning (Use Classes Order) 1987 (as amended).
Refused 12 Nov 2010
- 3.5 PK10/0522/F - Erection of building for use as storage and distribution (Class B8)) as defined in the Town and Country Planning (Use Classes Order) 1987 (as amended). (Retrospective).
Withdrawn 16 Nov. 2010
- 3.6 PK10/3123/F - Change of use from agricultural to Class B8 as defined in the Town and Country Planning (Use Classes Order) 1987 (as amended).

Installation of cladding and roller shutter door to south elevation.
(Retrospective).
Approved 27 Jan 2012

- 3.7 PK12/2235/F - Erection of single-storey extension to form agricultural building
(retrospective).
Approved 7th Sept. 2012

4. CONSULTATION RESPONSES

4.1 Tormarton Parish Council

No objection was raised by the residents of West Littleton with the proviso that the conditions attached to the approval given to the change of use in 2012 remain extant.

4.2 Other Consultees

Highway Structures

No comment

Economic Development Officer

No response

Lead Local Flood Authority

No objection

Transportation D.C.

No objection subject to conditions to secure parking and turning areas and to maintain visibility splay at access.

Landscape Officer

No objection subject to conditions to ensure that the existing and proposed hedges are maintained at a minimum height of 2m. The grass areas within the parking area should be planted with low native shrubs and a number of native trees.

PROW

The proposed development is unlikely to affect the adjacent public footpath LTO/24 that runs along the western boundary of the site.

Open Spaces Society

No response

Other Representations

4.3 Local Residents

Objections have been received from 3no. local residents. The concerns raised are summarised as follows:

- The extra vehicles will result in increased traffic on Dunsdown Lane making it more difficult to exit onto the A46.

- The proposal will lead to the future development of the third section of the field.
- The building is too large.
- The development is not in-keeping with the rural setting.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Planning permission was granted for the change of use to B8 storage with ancillary office use under PK05/1805/F; the existing development for B8 use is therefore established..

5.2 The proposal represents an extension of this use, which falls to be determined under Policy E6 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006. Policy E6 does not permit proposals for new B1/B2/B8 employment uses outside the settlement boundaries with three exceptions, one of which is: Criterion B. *“(on sites not in the Green Belt), extension or intensification of existing employment generating uses.”* The proposal is considered to fall within this criterion.

5.3 Furthermore the NPPF at paragraph 8 supports a prosperous rural economy, stating at bullet point one that local plans should support the sustainable growth and expansion of **all types** (my emphasis) of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings. Subject therefore to the scheme being acceptable in design, highway and landscape terms, officers consider the proposal to be acceptable in principle.

Landscape Issues

5.4 A Landscape and Visual Appraisal of the site by Nicholas Pearson Associates has been submitted, from which it is evident that the current appearance of the site is not entirely in-keeping with the rural landscape character, as the site now has a slightly commercial appearance. It is accepted however that the visual impact of the site is restricted to a limited area, principally along Dunsdown Lane. The laurel shrubs, planted either side of the gateway, detract from the rural character. The paddock to the east has not been maintained and is overgrown and unsightly. Cars parked on an area of hard-standing to the east and to the front of the existing building are currently detracting from the rural setting.

5.5 The proposed extension would significantly reduce the existing external parking areas and allow for more internal storage of cars. A revised comprehensive Landscape Scheme has now been submitted to address the original concerns of the Council’s Landscape Architect. The proposed planting would now mitigate any visual harm to result from the extension. The plan shows a management plan for the maintenance of the paddock to the east. The laurels would be replaced with native screening hedgerow.

- 5.6 Subject to a condition to ensure the implementation of the revised landscape scheme and a further condition to ensure that all screen planting is maintained at a minimum height of 2m, there are no landscape objections.

Transportation Issues

- 5.7 The proposal represents an extension of the existing business. The primary nature of the business is the storage of cars. Once a car has been taken to the facility for storage purposes, most vehicles remain there with low levels of usage, and some may be stored for investment purposes. There are some vehicle sales from the site but this operation takes place by appointment only. Information provided with the application suggests that on average, the number of daily movements generated by the existing operation ranges from 10 to 20 and this includes trips by two staff working on the site.
- 5.8 The application seeks permission for an extension of the existing facility to provide an additional 378sq.m. of storage floor-space. The proposed extension would not increase staff numbers and would have no impact on the appointment only car sales operation. Hence staff and car sales trips to and from the premises would not increase; the only increase would be related to the trips associated with the increase in cars stored at the facility. Officers are therefore satisfied that the existing business is a low traffic generator due to the low key nature of the operation. The proposed extension is small and would be used for long-term car storage and hence, the additional trips generated would be minimal. Officers estimate that the number of vehicular trips to result from the new extension to be in single figures and as such would not adversely impact upon highway safety or the operation of the highway network.
- 5.9 Access to the site is via an existing entrance onto Dunsdown Lane. Plans submitted with the application (see Transport Statement) show details of visibility splays to be 2.4m x 59m to both sides of the site access. Given the rural nature of Dunsdown Lane and actual vehicular speeds, it is considered that this visibility is acceptable. In parking terms, there is adequate space on site for parking purposes plus there is also sufficient space for manoeuvring and turning of the vehicles to ensure that these can access and exit the site in forward gear.
- 5.10 Subject therefore to conditions to ensure the retention of the parking and turning areas and maintenance of the visibility splay, there are no transportation objections.

Design Issues

- 5.11 The proposal is an extension of an existing building. The proposed extension would integrate well within the existing built form. It is proposed to use materials to match those of the existing building and this would be secured by condition. The scale and design are therefore considered to be acceptable.

Environmental Issues

- 5.12 The site does not lie within an area at risk of flooding and neither does it lie within a Coal Referral Area. Foul waste would be disposed of via an existing package treatment plant and surface water to soakaways.

Conditions to restrict outside storage and noisy operations would also be imposed should planning permission be granted. There are no objections on environmental grounds.

Ecology

- 5.13 The building would be extended into what are currently areas of hard-standing which have no ecological value. The site has no special ecological designation and there are no ecological constraints to the proposal. The additional screen planting secured under the landscaping condition would provide some additional habitat for wildlife.

CIL Matters

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

6. CONCLUSION

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 The proposal will enhance the viability of the existing rural business and is acceptable in both transportation and landscape terms. In addition to the conditions referred to above, officers consider that the development should be subject to any relevant conditions imposed under PK05/1805/F and PK10/3123/F.
- 6.3 The recommendation to grant/refuse permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

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

Contact Officer: Roger Hemming
Tel. No. 01454 863537

CONDITIONS

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

Reason

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

2. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 2005 and the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting these Orders with or without modification) the building shall be used for storage accommodation and for no other purposes (including any other purposes in Class B8 of the Town and Country Planning (Use Classes Order) 2005). The use of the building for any other purpose will require the benefit of further planning approval.

Reason

To ensure that the application is consistent with the requirements of application PK05/1805/F and in the interests of highway safety to allow the Council to consider the highway implications of any alternative uses on the surrounding highway network. Also to comply with the requirements of Policy CS8 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11 Dec. 2013 and Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

3. No machinery shall be operated, no process shall be carried out and no deliveries taken at or dispatched from the building hereby approved outside the hours of 0800 to 1800 on Monday to Friday and 0800 to 1300 on Saturday nor at any time on Sundays, Bank or Public Holidays.

Reason

To ensure that the application is consistent with the requirements of application PK05/1805/F and in order to protect the amenities of the occupiers of nearby dwelling houses to accord with Policy E6 of the South Gloucestershire Local Plan (Adopted) January 2006 and the requirements of the NPPF.

4. No outside storage of material, goods, waste or plant shall take place at the premises.

Reason

To protect the character and appearance of the area in accordance with the requirements of Policies L2 and E6 of the South Gloucestershire Local Plan and also to ensure adequate on site access, parking and turning areas are provided to accord with the requirements of Policy CS8 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11th Dec. 2013 and Policies T12 and E6 of the South Gloucestershire Local Plan (Adopted) January 2006.

5. The building shall not be occupied until the associated vehicle parking areas and manoeuvring areas have been provided in accordance with the details shown on the approved Proposed Landscaping Planting and Management Plan No. 10633 501 Rev P1. The facilities so provided shall thereafter be retained as such and not be used, for any purpose other than the parking and manoeuvring of vehicles.

Reason

To ensure adequate on-site parking and turning areas are provided to accord with the requirements of Policy CS8 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11th Dec. 2013 and Policies T8, T12 and E6 of the South Gloucestershire Local Plan (Adopted) January 2006.

6. The building hereby approved, shall not be occupied until the visibility splays at the access onto Dunsdown Lane have been provided in accordance with the approved Site Access Layout Plan Drawing No. 15151W_SK_01 Rev A (see Transport Statement). Thereafter the visibility splay so approved shall be maintained at all times with no obstruction to view over 0.9m high within the splayed areas.

Reason

To ensure adequate visibility splays are provided at the access onto Dunsdown Lane, to accord with the requirements of Policy CS8 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11th Dec. 2013 and Policies T12 and E6 of the South Gloucestershire Local Plan (Adopted) January 2006.

7. All hard and soft landscape works shall be carried out in accordance with the details shown on the approved Proposed Landscape Planting and Management Plan Drawing No. 10633 501 Rev P1 by Nicholas Pearson Associates. Notwithstanding the details shown on the approved Landscape Plan all existing and proposed hedgerows shall be maintained at a minimum height of 2m.

Reason

To protect the natural beauty of the Cotswolds AONB and the landscape character and appearance of the area in general, to accord with Policies CS1, CS9 and CS34 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and Policies L1, L2 and E6 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 and the requirements of the National Planning Policy Framework.

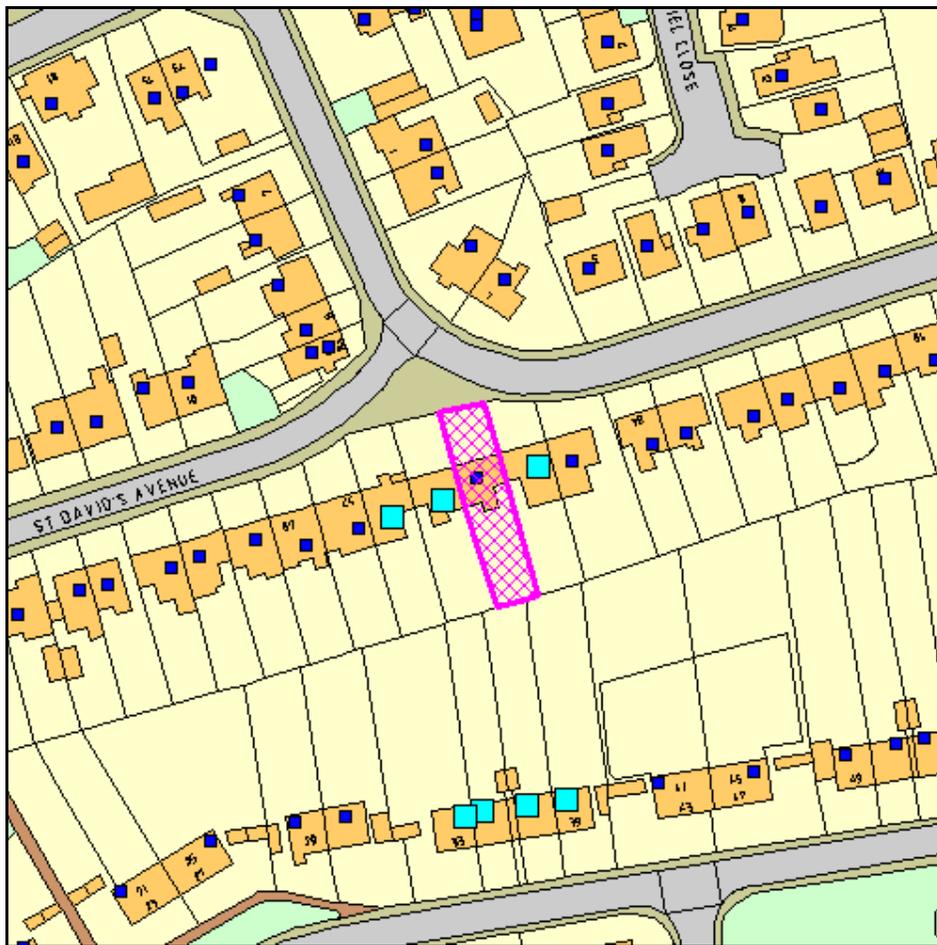
8. The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.

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. 06/16 – 12 FEBRUARY 2016

App No.:	PK15/4341/F	Applicant:	Mr Justin Brown
Site:	58 St Davids Avenue Cadbury Heath Bristol South Gloucestershire BS30 8DF	Date Reg:	9th October 2015
Proposal:	Erection of single storey rear extension to provide additional living accommodation and erection of rear decked area with 2.25 metre fence	Parish:	Oldland Parish Council
Map Ref:	366525 172324	Ward:	Parkwall
Application Category:	Householder	Target Date:	1st December 2015



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REASON FOR REPORTING TO THE CIRCULATED SCHEDULE

This application previously appeared on Circulated Schedule 01/16. Due to a mapping issue the decision was not issued and a period of re-consultation undertaken. This period has now expired; no further comments were received. The application is referred to take into account the objection of the Parish Council; the officer recommendation is for approval.

1. THE PROPOSAL

- 1.1 This application seeks planning permission for the erection of a single storey rear extension and raised area of decking at a semi-detached property on St Davids Avenue, Cadbury Heath. In order to mitigate the impact of the proposed development, a fence of 2.3 metres is required. This requires planning permission in its own right and forms part of the description of development.
- 1.2 A drop in land levels occur across the site with the highest land at the front and the lower land at the rear. At present there is an existing raised area immediately to the rear of the property. The proposed extension would be erected on this area and a new raised deck created beyond the proposed extension.
- 1.3 The site is located within the existing urban area. The site is also in the coal referral area but this does not act as a constraint for this type of application.

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
CS9 Managing the Environment and Heritage

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

3. RELEVANT PLANNING HISTORY

- 3.1 There is no planning history on this site

4. CONSULTATION RESPONSES

- 4.1 Oldland Parish Council
Request a site visit to assess the possible effects of the elevated decking on adjacent properties

Other Representations

- 4.2 Local Residents
None received

5. ANALYSIS OF PROPOSAL

- 5.1 This application seeks planning permission for a rear extension and raised decking area at a semi-detached property in Cadbury Heath.
- 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 proposal is acceptable in principle but should be determined against the analysis set out below.
- 5.3 Design
The proposed extension would project 3 metres from the rear elevation. The extension has a lean-to roof and the eaves would stand 3 metres from ground level. Externally, the extension will be finished in a render and tiles to match that on the main dwelling.
- 5.4 The proposed decking stands a maximum of 0.4 metres above ground level. Planning permission is required for the decking as a maximum raise above ground level of 0.3 metres is allowed as permitted development.
- 5.5 The design and appearance of both the extension and the decking are considered to respect the character and appearance of the existing dwelling. It is not considered that harm to the visual amenity of the locality would occur as a result of this development.
- 5.6 Residential Amenity
Development should not be permitted that would have a prejudicial impact on residential amenity. The amenity of the application site and all nearby occupiers should be considered.
- 5.7 It is not considered that the proposed extension would have a significant or demonstrable impact on the residential amenity of either the application site or nearby occupiers. The proposed extension is located on the southern elevation and although on the boundary with no.56 is separated from no.60 by a pair of single garages. The extension is not considered to result in a loss of outlook, light or privacy.
- 5.8 The area of raised decking has the potential to result in an impact on the amenities of neighbouring properties. It should be noted that the site is within a suburban residential area where there is a degree of overlooking between gardens from upper floor windows. However, the decking has the potential to allow more direct overlooking at ground level than would be reasonable to expect.

5.9 In order to address this, a revised plan was submitted which indicated that a fence of 1.8 metres in height (when measured from the finished surface of the raised deck) shall be installed. The proposed fence is adequate to protect privacy and its installation shall be secured through an appropriate planning condition.

5.10 Transport and Parking

The proposed development does not alter the existing level of parking provision or increase demand for parking at the property (as it does not increase the number of bedrooms). Therefore the proposed development is not considered to have a material impact on transport and parking and the existing provision is adequate.

5.11 Other Matters

The Parish have suggested that a site visit should be undertaken. The case officer visited the site on 22 October 2015 to assess the proposal in the context of the site. The recommendation below is formed following a full assessment of the site.

6. CONCLUSION

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

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

7. RECOMMENDATION

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

Contact Officer: Griff Bunce
Tel. No. 01454 863438

CONDITIONS

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

Reason

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

2. 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.

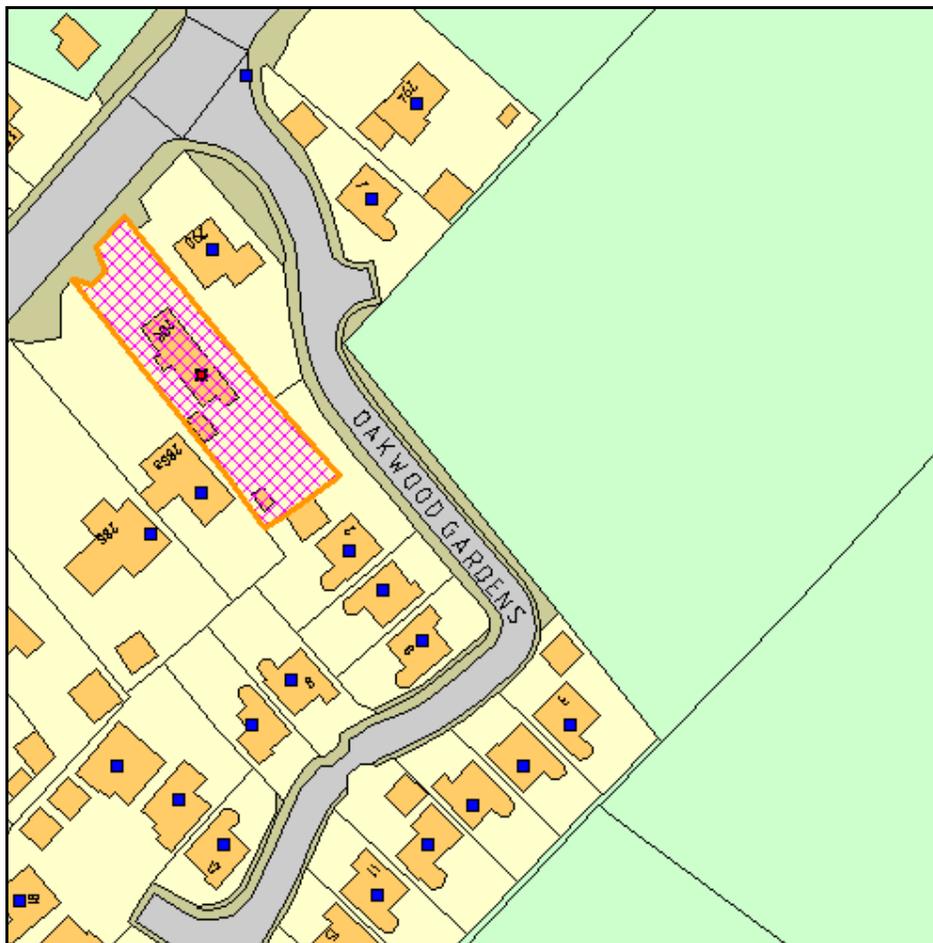
3. Prior to the first use of the raised decking hereby approved, the fence along the western boundary of the site as shown on plans 04A and 05A received by the Council 10 December 2015, shall be fully installed and thereafter retained.

Reason

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

CIRCULATED SCHEDULE NO. 06/16 – 12 FEBRUARY 2016

App No.:	PK15/4365/F	Applicant:	Leamark Developments Ltd
Site:	288 Badminton Road Coalpit Heath Bristol South Gloucestershire BS36 2NN	Date Reg:	28th October 2015
Proposal:	Demolition of existing bungalow and erection of 2no. detached dwellings with associated works. (Resubmission of PT14/3970/F).	Parish:	Westerleigh Parish Council
Map Ref:	368052 181467	Ward:	Westerleigh
Application Category:	Minor	Target Date:	22nd December 2015



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REASON FOR REPORTING TO THE CIRCULATED SCHEDULE

This application has been submitted to the Council's Circulated Schedule procedure following objection letters submitted by a local residents which are contrary to the recommendation detailed in this report.

1. THE PROPOSAL

- 1.1 This application seeks planning permission for the demolition of the existing bungalow and the erection of 2 no. detached dwellings with associated works at 288 Badminton Road, Coalpit Heath.
- 1.2 This application is a resubmission of PK14/3970/F, which was withdrawn in November 2014 following concerns raised by officers about the quality of the design and layout.
- 1.3 This application site is situated within an established residential area and within the settlement boundary of Coalpit Heath. The site is within an area known to have been used for coal mining in the past.
- 1.4 Amendments were received on 18th January 2016 to show a reduction in the height of and amendments to the design of plot 1, alterations to the access and the rotation of plot 2 so that it faces towards Badminton Road. Due to the extent of the changes proposed, a period of neighbour re-consultation was undertaken for 14 days and The Coal Authority were re-consulted.

2. POLICY CONTEXT

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

- 2.2 Development Plans

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

- H4 Development within Existing Residential Curtilages
- T7 Cycle Parking
- T12 Transportation
- EP7 Unstable Land

South Gloucestershire Local Plan Core Strategy Adopted December 2013

- CS1 High Quality Design
- CS4A Presumption in Favour of Sustainable Development
- CS5 Location of Development
- CS8 Improving Accessibility
- CS9 Environment and Heritage
- CS15 Distribution of Housing
- CS16 Housing Density
- CS17 Housing Diversity
- CS29 Communities of the East Fringe of Bristol Urban Area

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

3. RELEVANT PLANNING HISTORY

- 3.1 PT14/3970/F Withdrawn 27/11/2014
Demolition of existing bungalow, erection of 2no. detached dwellings and associated works

4. CONSULTATION RESPONSES

- 4.1 Westerleigh Parish Council
No comment received.

4.2 Other Consultees

Sustainable Transport

No objection subject to revised plans being submitted to show 2 no. parking spaces per dwelling, a turning area and a wider access to allow 2 vehicles to pass each other.

The Coal Authority

No objection subject to conditions.

Archaeology Officer

No objection.

Highway Structures

No comment.

Lead Local Flood Authority

No objection.

Tree Officer

No objections.

Other Representations

4.3 Local Residents

Three letters of objection have been received from two local residents stating the following comments:

- Proposal will overlook front garden/amenity land of 2 Oakwood Gardens
- Developers will try to convert land in front of plot 2 into a driveway in future and this will be a point of conflict with the new owners
- Fence to 2 Oakwood Gardens is to be lowered, reducing privacy. Also fence is shared ownership and therefore permission to lower fence will not be given
- Existing garage at site lies over a disused mine shaft – concerns about impact construction will have stability of site and adjacent bungalow (286a)

- Who will guarantee that no damage to the foundations of adjacent property will occur?

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

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

5.2 Design

The general locality is characterised by a variety of building styles and scales. The existing property is a single-storey bungalow in a linear form, with a gable roofline located at a perpendicular angle to the highway. In contrast, to the north of the site is a tall, two-storey stone and render cottage with a gable roofline running parallel to the highway and a large, flat-roof extension at first floor level. To the south is a bungalow which is sat far back within its plot, creating two very different building lines, and on the opposite side of the highway sits several terraces of four properties in a post-war style with a hipped roof and finished in render. This variety of style and materials can be seen all along this stretch of Badminton Road.

5.3 The proposed two dwellings, facilitated by the demolition of the existing bungalow, will utilise the differing building lines created by the adjacent properties to form a tandem development, with plot 1 being adjacent to the cottage to the north, and plot 2 positioned to the rear and associated with the bungalow to the south. When the proposal was submitted, plot 2 did originally face north across Oakwood Gardens, however as the applicant did not own the amenity verge that the principal elevation overlooked this created an awkward and contrived relationship. It was therefore recommended that plot 2 be rotated 90 degrees to face Badminton Road, and these amendments were received on 18th January 2016.

5.4 Plot 1, to the front of the site, was previously proposed to have a large feature gable protruding forward from the principal elevation, however this caused the new dwelling to appear rather large in comparison to the adjacent two-storey cottage to the north, despite being set further back from the highway. In light of this feedback, the height of the dwelling has been slightly reduced and the gable removed to create a structure of a more appropriate scale, and street scene drawings have been submitted to illustrate the improved relationship. The materials for both plots have not been confirmed on the submitted plans and so it is necessary to include a condition on the decision notice to ensure samples of materials are submitted and improved prior to the commencement of development, in the event the application is recommended for approval.

Subject to this, the development is considered acceptable in terms of policy CS1 of the Core Strategy.

5.5 Residential Amenity

Objections have been received from the property to the east on Oakwood Gardens relating to overlooking of their front garden, however as plot 2 has now been rotated by 90 degree to face Badminton Road, the overlooking is no longer possible. The rear of plot 2 will face towards the gardens to the east and, as plot 2 is a dormer bungalow, no first floor windows will face in this direction. A condition on the decision notice will ensure no first floor rear windows are inserted at any time in order to protect the long term privacy of the properties on Oakwood Gardens. The only first floor windows proposed to be installed on plot 2 will face west, towards plot 1 and Badminton Road. As there is 9 metres to the rear garden of plot 1 and 23 metres window to window it is not likely that there will be any inter-visibility which is harmful to the residential amenity of either plot. Some views into the garden of the cottage to the north (no. 290) will be possible from the proposed dormer windows on plot 2, as well as views into the front garden of the bungalow to the south (no. 286A) however indirect and long distance views into neighbouring properties are common in medium and high density residential areas such as Coalpit Heath, and are considered to be acceptable.

5.6 The windows on the principal elevation of plot 1 will face across Badminton Road and will not have an impact on the amenity of any surrounding properties. The rear windows will provide only indirect views into existing neighbouring gardens and long distance views towards plot 2, which are unlikely to be harmful.

5.7 Plot 1 may cause some overshadowing to the north, however given the size of the plot this is not significant and as there are no principal windows on the southern elevation of no. 290, the overshadowing will not be detrimental to residential amenity.

5.8 With regards to the amenities and living conditions of the occupiers of the new dwelling, it is noted that the third bedroom and the dressing room of plot 1 is served only by a rooflight to prevent overlooking to the east. As the property will benefit from two larger bedrooms to the front and served by dormer windows, this is not considered to be an issue. Furthermore, at ground floor level, the proposed dining room window is only three metres from the rear fence. Whilst ideally there would be more of a gap to allow for an open outlook and a greater level of light, this issue alone is not considered significant enough to warrant a refusal reason, particularly as the dining area is open and adjoined to the living room, which is served by a second window. Adequate private amenity space has been provided for both new dwellings, and the large garden proposed for plot 1 will act as a buffer, reducing the impact of any noise pollution caused by the access and parking at plot 2. It is therefore considered that the proposal is acceptable in terms of saved policy H4 of the Local Plan.

5.9 Transport

Access to the site is from an existing access onto Badminton Road, which is a busy, classified highway. The existing access is single width and not suitable for two cars to pass, and in light of the intensification of the access amendments have been sought to address this issue. Amended plans received on 18th January 2016 show a wider access which enables two vehicles to pass each other at the entrance. Subject to a turning space and two parking spaces per dwelling being achieved by condition, there is no transportation objection to the proposal.

5.10 Coal Mining

Concerns about the coal mining legacy at the site have been raised by a neighbour, as the construction of new dwellings at the site may cause subsidence due to the position of a coal mine shaft under the existing garage at the site. The Coal Authority have been consulted and they have confirmed that in addition to the mine shaft, the treatment of which they do not hold details of, there may also be other historic and unrecorded coal mine workings at a shallow depth in the immediate vicinity. Whilst a Coal Mining Risk Assessment has not been submitted to support the application, the report prepared previously for application reference PT14/3970/F by Bristol Coalmining Archives Ltd is still valid, as it was compiled in October 2014. The Coal Mining Risk Assessment submitted previously was informed by an appropriate range of sources of information including; historic maps, geological sheets, mine plans and a Coal Mining Report. The Coal Authority have no objection to the development subject to intrusive site investigations being carried out prior to commencement, as well as any necessary mitigating measure to ensure the land is stable. This will be conditioned on the decision notice in the event 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 planning permission is **GRANTED** subject to the conditions on the decision notice.

Contact Officer: Trudy Gallagher
Tel. No. 01454 862217

CONDITIONS

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

Reason

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

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

Reason

To ensure 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. Details are required prior to commencement to prevent remedial works later on.

3. Prior to the commencement of development, a plan shall be submitted to and approved by the Local Planning Authority to show turning area(s) within the site to allow vehicles to access and egress the site in a forward gear. The development shall then proceed in accordance with the agreed details, with the turning area(s) implemented prior to the first occupation of the dwellings hereby approved.

Reason

In the interest of highway safety in accordance with policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006. Details are required prior to commencement to prevent remedial works later on.

4. Prior to the commencement of any other development, the following shall be submitted to and approved by the Local Planning Authority, and then implemented in accordance with the approved details:
 - (a) The submission of a scheme of intrusive site investigations for approval;
 - (b) The undertaking of that scheme of intrusive site investigations;
 - (c) the submission of a report of findings arising from the intrusive site investigations;
 - (d) The submission of a scheme of remedial works for approval; and
 - (e) The implementation of those remedial works.

Reason

To accord with policy EP7 of the South Gloucestershire Local Plan (adopted) January 2006 and the National Planning Policy Framework. Information is required prior to commencement to prevent remedial works later on.

5. The off-street parking facilities, access and refuse area shown on the plan hereby approved shall be provided before either dwelling is first occupied, and thereafter retained for that purpose.

Reason

To ensure the satisfactory provision of parking and refuse 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.

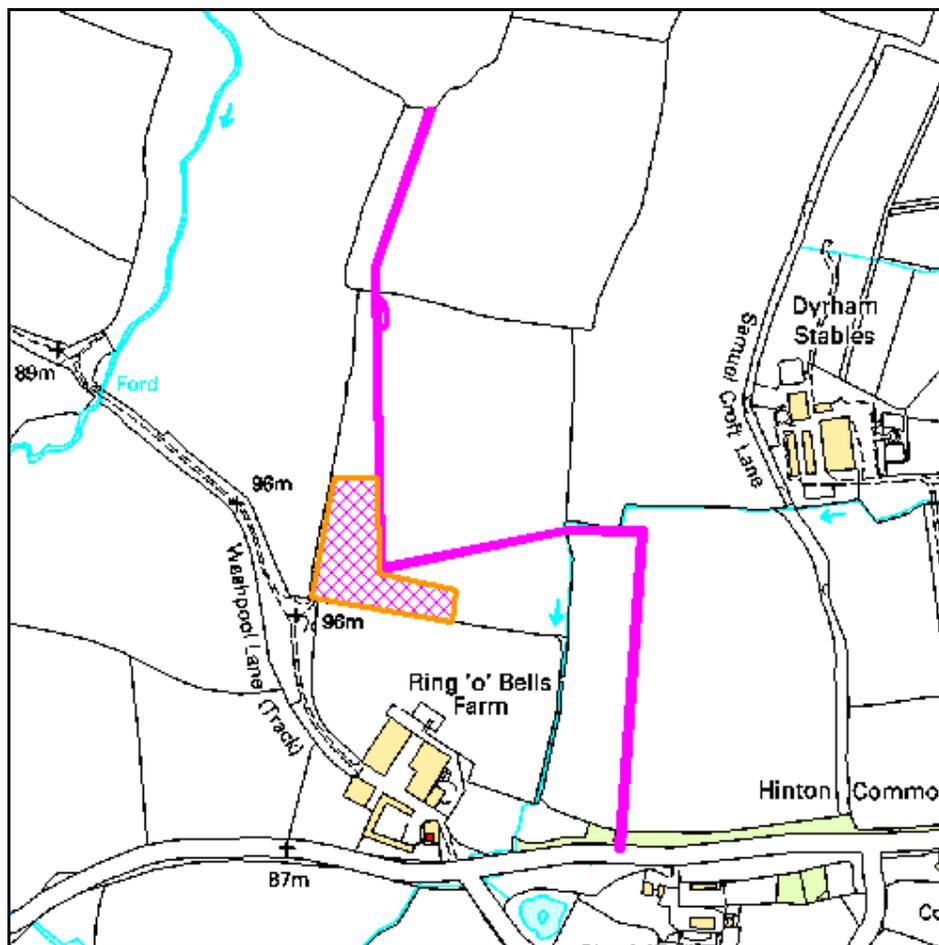
6. No windows other than those shown on the plans hereby approved shall be inserted at any time in the south-east elevation of plot 2.

Reason

In order to prevent overlooking and to accord with policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

CIRCULATED SCHEDULE NO. 06/16 – 12 FEBRUARY 2016

App No.:	PK15/4879/F	Applicant:	Green Energy UK Direct
Site:	Ring O Bells Farm Pucklechurch Road Hinton Chippenham South Gloucestershire SN14 8HJ	Date Reg:	17th November 2015
Proposal:	Construction of temporary vehicular access track and compound in relation to planning application PK14/2339/F	Parish:	Dyrham And Hinton Parish Council
Map Ref:	372598 176744	Ward:	Boyd Valley
Application Category:	Minor	Target Date:	11th January 2016



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 The applicant seeks full planning permission for the construction of a temporary vehicular access track and compound in relation to planning application PK14/2339/F. That application, approved in August 2015, gave permission for the installation of a 5MW Solar PV Park complete with inverters, CCTV, security fencing, soft landscaping, a new bridlepath, access routes, and all ancillary works. The temporary period is for four months.
- 1.2 The site is located to the east of the village of Hinton, to the west of Pucklechurch and directly to the south of the M4 motorway. The site lies in the open countryside, in the Green Belt and close to, but not within, the Cotswold Area of Outstanding Natural Beauty.
- 1.3 This application has been submitted on the basis that the development falls outside the red edge of the previously approved plans.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework (NPPF)
National Planning Policy Guidance (NPPG)

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

L1	Landscape Protection and Enhancement
L16	Protecting the Best Agricultural Land
EP2	Flood Risk and Development
T12	Transportation Development Control Policy for New Development

South Gloucestershire Core Strategy (Adopted) December 2013

CS1	High Quality Design
CS5	Location of Development
CS9	Environmental Resources and Built Heritage
CS34	Rural Areas

2.3 Supplementary Planning Guidance

Development in the Green Belt (Adopted)
South Gloucestershire Design Checklist (Adopted)
South Gloucestershire Landscape Character Assessment (Adopted)

3. RELEVANT PLANNING HISTORY

- 3.1 PK14/005/SCR Erection of 25MWp solar farm and associated works

Environmental Impact Assessment is not required.

- 3.2 Pk14/2339/F The installation of a 5MW Solar PV Park complete with inverters, CCTV, security fencing, soft landscaping, a new bridlepath, access routes, and all ancillary works.
Approved 7.8.15

4. CONSULTATION RESPONSES

- 4.1 Dyrham and Hinton Parish Council
The villagers are very worried about this extra large traffic through the villages

4.2 Other Consultees

Sustainable Transport

The application is seeking permission to form a temporary access on site for the construction of the solar park at Ring O' Bells Farm. The access track will be temporary in nature and after the 12-14 week construction period the access track will be removed and no evidence will remain in place.

There is no highway objection to this application.

It is noted that some local residents has expressed concerns about potential HGV traffic route to the site. Transportation Development Control would like to reiterate the route most suitable for HGVs traffic to this site as follows:

The A46 and/or the A4175 and use of Pucklechurch roundabout and the B4465, Shortwood Hill to Feltham Road to gain access and egress the site.

It would be helpful if the applicant confirms this in writing.

Updated details:

Following the above comment, the applicant has confirmed that the access route outlined in the original planning application still stands and the intention is to route the maintenance vehicles this way. The temporary access route is only to be used for this limited period.

Highway Structures

No objection

Highway Drainage

No objection in principle to this application subject to an informative relating to land drainage consent.

Listed Building Officer

No objection

Other Representations

- 4.3 Local Residents
One letter from a local resident has been received:

- Heard rumours that the 7.1/2 tonne limit on Westerleigh Road, Pucklechurch is to be lifted for the 3 months required for the construction of this project. This was unknown to many residents on this road. We as residents strongly object to the use of this road as access to the site. The correct access should be via the ring-road through the village Abson Road to Feltham Road. That's if the bridge will take the weight.

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

In the first instance the proposal must be considered in the light of current Green Belt Policy as the land lies within the Bristol/Bath Green Belt. The primary consideration is guidance contained within the NPPF. Design and siting will be covered by Policy CS1, location of the development in CS5 and impact on highway safety under saved policy T12 and CS8.

5.2 Green Belt

The protection of the Green Belt is of paramount importance and as such the NPPF limits development giving a specific list of categories of appropriate development. One of those is the engineering operations provided they preserve the openness of the Green Belt. The creation of an access route is considered to fall under this criteria but clearly the introduction of this track would have a greater impact on the openness of the Green Belt compared with the current situation. However, balanced in its favour is the small scale nature of this proposal, its temporary nature and the fact that a condition would ensure the land was returned to its former state after a specified period of time. Under these circumstances, the proposal is therefore acceptable in principle subject to matters of design and impact on highways which is discussed below.

5.3 Design

The proposal is for the construction of a temporary matted track and hardcore access point and storage compound to link the proposed Ring O' Bells Solar Park 9granted planning permission under PK14/2339/F) to the highway on Feltham Road.

5.4 The Design and Access Statement submitted with the application indicates that the access track would comprise around 955 metres with the total footprint of the access track and storage compound amounting to 5750 sq m. The track would be of metal or rubber matting allowing HGVs and maintenance vehicles to enter the site and a hardcore access point will be created to allow safe access onto the highway. The construction compound would be of stone which will be place to a depth of around 30cm. Top soil will be removed fro the areas where stone tracks are to be situated and placed to one side – after the temporary construction period the rubble will be removed and the topsoil replaced. The temporary period requested is four months.

5.5 Given the temporary nature of the proposal and its purpose to facilitate the development of the solar park, the proposed access track is considered acceptable and can be recommended for approval.

- 5.6 The change in the location of a temporary compound/staging area to be used during this initial instalment phase is noted. This would be further to the south than previously approved. It has been explained that to aid the erection of the solar panels and to also allow greater unimpeded movement during the construction phase, the location of this temporary area has been moved outside the main site. As a temporary measure to be controlled by condition, this is considered acceptable.
- 5.7 Residential Amenity
Given the location of the development with very few immediate neighbours, it is considered that the proposed access track would not have an adverse impact on amenity of these dwellings. The proposal is therefore considered acceptable.
- 5.8 Landscape
The site comprises one side of a shallow valley, to the immediate south of the M4 motorway, with the river Boyd flowing north-south along the side of the site. The site comprises 4 pasture fields, divided by a strong network of well connected hedgerows, and mature hedgerow trees. The previous report that granted permission for the solar park declared that the site had a network of hedges that would help screen the proposal from general view. Given this proposal is for a temporary ground level access track to facilitate the development of the park it is considered acceptable and there are no landscape objections to the scheme.
- 5.9 Sustainable Transport
The recently approved scheme stated that the site would be accessed by an existing field entrance from Washpool Lane accessed by Feltham Road. This was deemed acceptable by Highway Engineers. Concerns by local residents and the Parish Council are noted. The agent has explained that they inadvertently circulated the incorrect plans for this access route to local residents which have resulted in these comments. It has been confirmed however that the correct plans were attached to this application. The agent has therefore confirmed that the route to the site would be The A46 and/or the A4175 and use of Pucklechurch roundabout and the B4465, Shortwood Hill to Feltham Road to gain access and egress the site. The LPA is not aware of any proposed changes to the weight restrictions on the roads. It is therefore considered that the proposal would accord with the details approved in the full solar park application PK14/2339/F.

6. CONCLUSION

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

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

7. RECOMMENDATION

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

Contact Officer: Anne Joseph
Tel. No. 01454 863788

CONDITIONS

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

Reason

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

2. Within six months of the commencement of the first export to the grid, the temporary access track and compound shall be removed and the land shall be reinstated to its former condition.

Reason

Weight is given to the temporary nature of the proposal and the condition is necessary 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; South Gloucestershire SPD: Green Belt (adopted) 2007 and the National Planning Policy Framework.

3. The hours of working on site during the period of construction shall be restricted to 07:30 until 18:30 Monday to Friday, and 08:00 until 13:00 on Saturday; and no working shall take place on Sundays or Public Holidays. The term 'working' shall, for the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the curtilage of site.

Reason

To protect the residential amenity of the residents of surrounding residential properties and to accord with Policy CS3 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013)

CIRCULATED SCHEDULE NO. 06/16 – 12 FEBRUARY 2016

App No.:	PK15/4918/F	Applicant:	Mr Steve Webster
Site:	17 Cynder Way Emersons Green Bristol South Gloucestershire BS16 7BT	Date Reg:	10th December 2015
Proposal:	Demolition of existing garden wall to erect new garden wall to boundary.	Parish:	Emersons Green Town Council
Map Ref:	366373 178186	Ward:	Emersons Green
Application Category:	Householder	Target Date:	1st February 2016



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REASON FOR REFERRAL TO THE CIRCULATED SCHEDULE:

A neighbour comment has been received that is contrary to the Officer's opinion.

1. THE PROPOSAL

- 1.1 The application is for the demolition of an existing garden wall and to erect a new garden wall to the boundary.
- 1.2 The property is a detached, red brick property with a hipped roof with flat grey tiles. There is a double garage set back and to the side with room for two parking spaces to the front. To the front of the property is a large area of hardstanding with space for 12+ cars and a large communal green space to the side of the property.
- 1.3 The original proposal submitted on 16th November 2015 proposed to remove all the vegetation to the side. However, this vegetation was considered important as it formed part of the original landscaping design that was approved under application P96/4595, drawing no. 1322/15 Rev B. The vegetation was also considered to soften the boundary to the start of the estate from the large area of green space to the side. A revised scheme showing the wall set back by 1.3m from the pavement with a scheme of re-planting was submitted to the council on 25th January 2016 and a period of re-consultation was undertaken for two weeks.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework 2012
- 2.2 Development Plans
South Gloucestershire Local Plan (Adopted) January (saved policies) 2006
T8 Parking Standards
T12 Transportation Development Control Policy for New Development.
L1 Landscape Protection and Enhancement

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 December 2013

3. RELEVANT PLANNING HISTORY

- 3.1 K7578- Comprehensive development for residential, public house, commercial, school site, roads, footpaths, open space and other associated uses (Outline) (Prev ID K7578) Approval of Outline 07.05.1996

- 3.2 P96/4595– Erection of 116no. dwellings and associated works (reserved matters). Approval of Reserved Matters 02.04.1997
- 3.3 P96/4596- Erection of 116no. dwellings and associated works (reserved matters) (duplicate application). Approval of Reserved matters 02.04.1997

4. CONSULTATION RESPONSES

4.1 Emersons Green Town Council

Comments in relation to original application submitted on 16th November 2015;

- Objection
- This would have a negative effect on the street scene.
- The area was designed as a green space and should be kept as so.
- Bringing the wall to the boundary of the pavement will look unpleasant.

Comments in relation to the revised application submitted on 25th January 2016;

- No comments received.

Sustainable Transportation

Comments in relation to original application submitted on 16th November 2015;

- The land in question is not adopted highway and as such the proposal would not impact the highway land ownership.
- Plan submitted with this application shows the proposed new wall to be constructed tight against the public footway.
- Recommended that the new wall is set back a distance of 300mm from the back edging of the footway so that no part of the wall including its foundation affects the adopted highway.

Comments in relation to the revised application submitted on 25th January 2016;

- The Transport Officer is satisfied that there is adequate visibility from the access onto the public highway.
- Visibility splays are generally measured from either 2m or 2.4m set back from the edge of the carriageway.
- In this case there is a 2m wide footway to the front of no.19 Cynder Way. This together with the new wall being set back by 1 metre behind the footway, the Transport Officer is satisfied that there is more than adequate visibility from the neighbouring drive onto the public highway.
- There are no highway safety issues with the proposed wall and Transportation Development Control do not object to this application.

Other Representations

4.2 Local Residents

Neighbour objection from no.19 Cynder Way;

- The vegetation currently softens this area of the estate and contains a number of established trees and shrubs that are part of the estate wide initial planting scheme.

- The proposed wall will restrict the view along and around the corner and it will restrict the view when reversing off the drive of no.19.
- If the wall is built with a 90 degree angle as shown on the plan this causes a security issue, where people could potentially hide behind the wall.
- It will restrict the view where many children cross at the corner.
- If the wall is built no.19 will be able to look into the rear garden of no.17 and no.17 will be able to look up in to the front garden of no.19 and provide an enclosed space where the drive is situated.
- If the wall is approved we ask that each of the corners are softened by curves to improve the level of visibility and security, although this will not solve all of the issues stated above.
- The wall will restrict light into the windows of the living room, causing a loss of light.
- The construction of the wall will shade more front garden of no. 19 and provide an enclosed space where the drive is situated.
- The proposed replacement will take a considerable amount of years to gain coverage of the wall. The Portuguese Laurel does not thrive in windy, exposed positions. All planting would take six years to gain coverage.
- The existing trees are located only 1.3m from the pavement.
- If approved we ask that a condition is issued so that each of the corners are softened by curves to improve visibility and security.
- TP1 contains restrictive covenants.
- There will be party wall issues should these works proceed.
- There is a consultation for restricting parking on Blackhorse Lane and neighbouring streets by the school main entrance. This will exacerbate the issue on Cynder Way by cars looking for alternative places to park and will increase on-street congestion.

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

Policy H4 of the South Gloucestershire Local Plan (Adopted) 2006 allows the principle of development within residential curtilages, subject to considerations of visual amenity, residential amenity and highway safety. Policy CS1 of the Core Strategy explains that development will only be permitted where the highest possible standards of design and site planning are achieved. Policy CS1 explains that proposals should demonstrate that existing features of landscape, nature conservation, and heritage or amenity value are safeguarded and enhanced through incorporation into development. Furthermore, Policy L1 of the Local Plan explains that those attributes of the landscape which make a significant contribution to the character of the landscape are to be conserved and enhanced. Such attributes that are considered to make a significant contribution to the character of the locality should be retained, protected and managed in a manner which ensures their long term viability. Policy L1 also explains that the amenity of the landscape should be conserved and enhanced where possible.

The proposal accords with the principle of development subject to the consideration below.

5.2 Design / Visual Amenity

A revised scheme was submitted on 25th January 2016 which shows the 1.8m wall moved back from the pavement by 1.3m and a scheme of re-planting has been incorporated. The proposed planting includes Portuguese Laurel, Midland Hawthorn and Pyracantha which are to be planted at approximately 1m intervals to eventually form a hedge. The revised scheme and the planting is considered to be in-keeping with the wider landscaping scheme for the estate and is now in accordance with Policy CS1 of the Core Strategy (2013). The second objection comment received by no.19 states that the proposed replacement will take a considerable amount of years to gain coverage of the wall and that the Portuguese Laurel does not thrive in windy, exposed positions. However, it is considered that the Portuguese Laurel is a hardy plant species that is common in hedging and boundary treatments in parks and gardens. The re-planting scheme is considered to be a satisfactory amendment to the scheme and it is now considered that the proposal is in accordance with Policy CS1 of the Core strategy (2013) and Policy L1 of the Local Plan (2006). In order to ensure that the planting scheme is implemented a condition will be issued to ensure that the re-planting scheme is carried out in accordance with the plan 2671 01 Rev B submitted with this application.

5.3 Residential Amenity

The objection comment received by no.19 states that there are issues regarding safety. It is however, not considered that the revised scheme would cause any significant safety issues as the wall has now been set back from the pavement by 1.3m and the removal of the current vegetation, which has grown higher than the existing 1.8m wall is considered to improve visibility and security.

The objection comment from no.19 also explains that if the wall is built no.19 will be able to look into the rear garden of no.17 and no.17 will be able to look up in to the front bedroom window of no.19. However, as there are no windows within the side elevation of no.19 that directly overlook the rear garden of no.17 it is considered unlikely that there will be any significant loss of privacy and overlooking for no.17 or no.19. As there is also a gap of 0.5 metres between the side elevation of no.19 and the start of the boundary wall of no.17 and due to the positioning of the bedroom window on the principal elevation of no.19, this means that the bedroom window is also of an angle which is not considered to create any significant negative impacts in terms of loss of privacy or overlooking for no.17 or no.19.

It is not considered that the wall would need to be curved as the current overgrown vegetation will be removed which is considered to improve visibility and security. A further comment from no.19 states that the wall will restrict the amount of light into the windows of the living room of no.19 and the wall will shade more of the front garden of no.19, providing an enclosed space where the drive is situated. However, the Officer considers that as the wall will be moved forward by a modest 2.5m and as there is a gap of 0.5m between the side elevation of no.19 and the start of the boundary wall of no.17, it is not

considered that the new positioning of the wall will create any significant negative impacts in terms of loss of light, over-shadowing, loss of privacy and overlooking for no.17 or no.19. It is also important to note that the current vegetation is approximately 0.5 metres higher than the proposed 1.8m wall and therefore, the revised scheme is unlikely to cause any significant negative loss of light and shadowing of the front garden of no.19. It is also noted that the gardens of the dwellings to the east side of no.17 are all open and so it is unlikely that the positioning of the wall will create an overly enclosed space to the front garden and driveway of no.17.

Overall, it is considered that the proposal would not harm the living conditions currently enjoyed by neighbouring dwellings and as such, is considered acceptable.

5.4 Transport

The objection comments received from no.19 state that the area is extremely busy at peak times with many people using this area to pick-up and drop-off children to the primary school. The comments received by no. 19 go on to explain that more people are also permanently parking cars on this part and walking over the nearby bridge to the business park which restricts the road width which is directly opposite the part of land of this proposal. The comments from no.19 explain that the wall will restrict the view where many children cross at the corner and that the wall will impinge on the view along and around the corner and restrict the view when reversing off the drive for no.19. However, as the wall will be set back by 1.3m from the pavement it is considered that this will provide adequate visibility for pedestrians using and crossing this road. The Transport Officer has been consulted and it is considered that there is adequate visibility from the access onto the public highway. There is a 2m wide footway to the front of no.19 Cynder Way. This together with the new wall being set back by 1 metre behind the footway, the Transport Officer is satisfied that there is more than adequate visibility from the neighbouring drive onto the public highway.

The comment from no.19 also highlights the consultation for restricting parking on Blackhorse Lane and neighbouring streets by the school main entrance to Blackhorse Primary School. The comments explain that this will exacerbate the issue on Cynder Way by cars looking for alternative places to park and will increase the on-street congestion. However, it is not considered that the alterations to the wall in this proposal will directly affect the levels of on-street parking within this area.

Overall, it is considered that the proposal would not have any significant negative impacts on highway safety and adequate parking provision is available as the proposal is not looking to increase the number of bedrooms within the property. As such, there are no objections in terms of parking and highway safety.

5.5 Other issues

The objection comment received by no.19 Cynder Way on 8th February states that TP1 contains restrictive covenants by the Transferee 1 and that no.19 own the boundary on the left land side of the property (no.19) as viewed from the

front of no.19 including the short section of wall. However, party wall issues are considered to be a civil matter that are considered separately from this application and does not affect the outcome of this application. With respect to the restrictive covenants these operate separately from the planning system. Whilst not affecting the grant of planning permission, a covenant may affect its implementation.

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 demolition of the existing garden wall to erect a new wall with a re-planting scheme is considered to be in-keeping with the visual amenity of the area. The scheme is considered to adhere to the highest possible standards of design and complies with CS1 of the Core Strategy (2013) and Policy L1 of the Local Plan (2006).
- 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 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**.

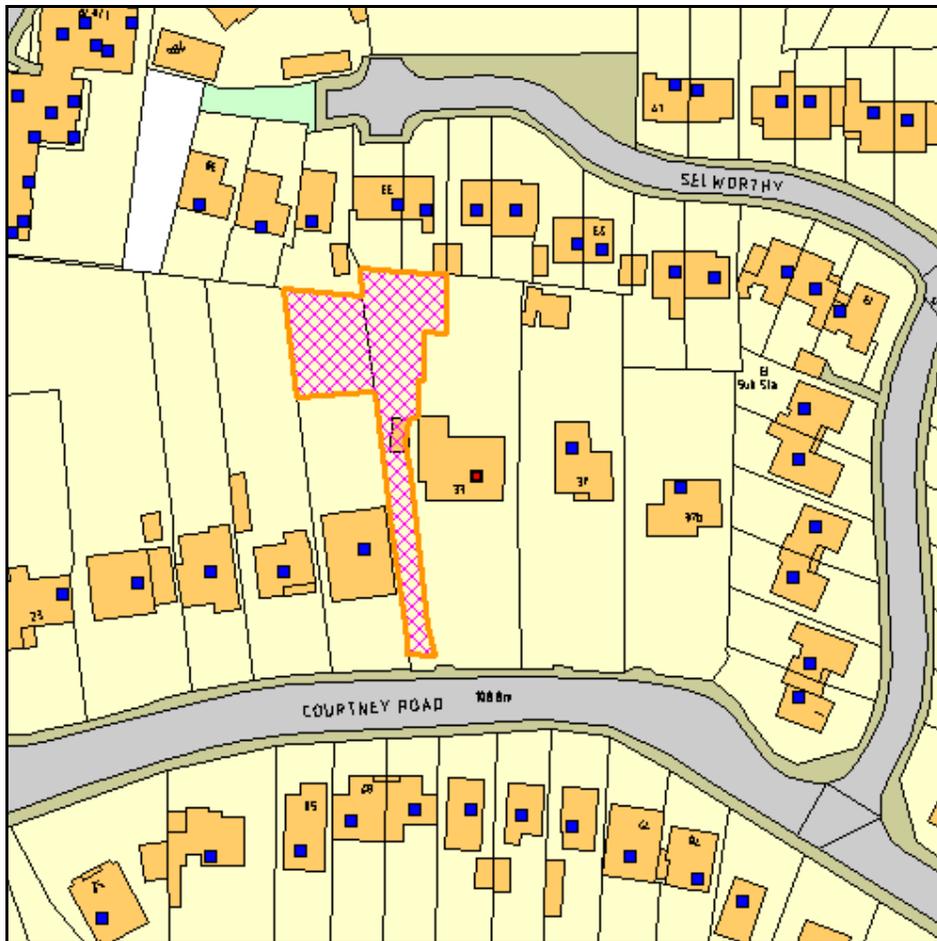
Contact Officer: Chloe Buckingham
Tel. No. 01454 867967

CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- Reason
To comply with the requirements of Section 91 of the Town & Country Planning Act 1990 (as amended).
2. The landscaping scheme shown in Plan 2671 01 Rev B shall be carried out within the first planting season following the erection of the wall.
- 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.

CIRCULATED SCHEDULE NO. 06/16 – 12 FEBRUARY 2016

App No.:	PK15/5124/F	Applicant:	Mr S MAHONEY
Site:	33 Courtney Road Kingswood Bristol South Gloucestershire BS15 9RQ	Date Reg:	12th January 2016
Proposal:	Conversion of existing ancillary annex to 1no. independent three bedroom dwelling with 4 no. car parking spaces and associated works. (Amendment to previously approved scheme PK14/4557/F)	Parish:	None
Map Ref:	365265 173329	Ward:	Woodstock
Application Category:	Minor	Target Date:	7th March 2016



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REASONS FOR REPORTING TO THE CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 The application is for the conversion of an existing ancillary annex to 1no. independent three bedroom dwelling with 4 no. car parking spaces and associated works. This proposals is essentially a resubmission for a similar development, approved under reference PK14/4557/F (see planning history section below). The changes involved are the alteration of the access to provide separate individual gated access to the host dwelling and the dwelling the subject of this application and a small change in the extent of the curtilage and associated parking provision. There are no further physical changes to the building itself, which already exists as an annex to the main dwelling.
- 1.2 The property is a detached dwelling set in a relatively large curtilage, located within the residential area of Kingswood. The annex building is existing and no external changes are proposed, except for minor changes to the front elevation to reduce the glazed area and provide a front door and small window.

2. POLICY CONTEXT

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

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

3. RELEVANT PLANNING HISTORY

- 3.1 K5519 – Two-storey side extension. Approved 31st July 1987
- 3.2 PK01/1136/F – Erection of first floor side extension and new chimney stack. Alterations to existing vehicular access and erection of 2.5 metre high front boundary wall and gates. Refused 12th June 2001.

- 3.3 PK01/3024/F – Erection of two storey side and first floor rear extensions to provide bin store and additional bedroom accommodation. Construction of new chimney stack. Erection of 2.5 metre high front wall and gates. Approved 12th December 2001.
- 3.4 PK02/2898/F – Erection of detached double garage. Erection of 1.8 metre high extension to existing retaining boundary wall. Approved 11th November 2002.
- 3.5 PK05/2574/F – Erection of two storey rear extension. Approved 26th September 2005.
- 3.6 PK14/4557/F - Conversion of existing ancillary annex to 1no. independent three bedroom dwelling with 2 no. car parking spaces and associated works. Approved 10th April 2015.
- 3.7 PK15/4166/NMA - Non Material Amendment to previously approved scheme PK14/4557/F to change position of access. Objection 19th November 2015.

This objection was based on the following Officer considerations:

‘The proposed amendments to the approved scheme consist of alterations to change the position of the approved access by adding a second access, whilst changes to the approved curtilage would also result. It is also noted from the plans that a gate is annotated on the plans at the proposed new entrance, with no further detail given.

Given the nature of the changes identified, including changes to the approved curtilage area and amended (second) access to the frontage with the public highway, including a gate to the highway, it is considered that the amendments amount to more than what can be determined as minor amendments to the original application.’

Officer note:

The details the subject of this current application, reflect those considered as part of the above NMA application, where it was considered that a full application was required to address the proposed changes.

4. CONSULTATION RESPONSES

- 4.1 Parish Council
Un-parished area

Highway Structures
No comment

Sustainable Transportation

Planning permission has previously been granted to convert the existing annexe building to an independent three bed dwelling (PK14/4557/F). There is no proposed change to the existing vehicular access or the proposed parking for the dwelling.

On that basis, there is no transportation objection, subject to a condition that two parking spaces are provided prior to occupation of the dwelling and then permanently maintained thereafter.

Environmental Protection

No objection, subject to standard informatives

Other Representations

4.2 Local Residents

Two letters of objection have been received from one local resident, raising the following points:

- dwelling too close to neighbours
- civil matters relating to high hedge/conifers blocking light

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policy H4 of the South Gloucestershire Local Plan (Adopted) 2006 advises that proposals, including extensions and new dwellings 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. The existing building was approved under ref. PK02/2898/F, cited in the planning history section above. The building has since been used as a residential annex, a matter that has been raised with and investigated by the Council's Enforcement Team in 2010, whereby the use was considered to constitute permitted development. Use of the existing building as an independent dwelling was approved under the permission reference PK14/4557/F. Except for minor changes to the front elevation that reduced the large glazed area in order to provide a front door and small window, no new building or external alterations are proposed under the previous application. The principle of the use of the existing building as an individual dwelling has therefore been established. It is considered therefore that the main issue for consideration the subject of this application is whether or to what degree the proposed changes would have any additional material impact.

5.2 Residential Amenity

Whilst the objection comments relating to the impact of the building are noted, it must be pointed out that this application is not for the construction of any new building. It was not considered that the use of the annex as a separate residential dwelling would impact upon the residential amenities of the locality. In this respect the building is already in a form of residential use and it is not considered that whether this is associated with or separate to the existing host dwelling, it would give rise to a significant or material impact in terms of residential amenity. The issue of the hedgerow/conifers on the border with other properties does not affect the consideration of this application for the conversion of the existing building and the height of the trees, and any dispute on their height/location is a civil matter.

The additional changes to access arrangements and curtilage arrangements would not impact upon this consideration in terms of residential amenity.

5.3 Design / Visual Amenity

Apart from a reduction in the glazed area to the front of the property in order to create a front door and small window no other external changes or building is proposed. On this basis the proposals are considered acceptable. The internal boundary treatments seeking to subdivide and delineate the new individual property are also considered acceptable. The additional changes to access arrangements and curtilage arrangements would not impact upon this consideration in terms of visual amenity.

5.4 Transportation

There is sufficient scope within the annotated boundary of the proposed dwelling to accommodate sufficient off-street parking, in line with the Council's current residential parking requirements. Access would be adjacent to part of the existing access off Courtney Road, and is considered acceptable. There are no transportation objections to the proposals. A condition is recommended such that two parking spaces are provided prior to occupation of the dwelling and then permanently maintained thereafter.

6. **CONCLUSION**

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

6.2 Given the nature, location and the existence of the built form, the proposed conversion is considered acceptable in terms of design and is not of significant or material detriment to the main dwelling house or surrounding properties. Furthermore the proposal would not harm the amenities of the neighbouring properties by reason of loss of privacy or overbearing impact. Sufficient off street parking is provided. As such the proposal accords with Policies H4 and T12 of the South Gloucestershire Local Plan (Adopted) 2006 and CS1 of South Gloucestershire Local Plan (Adopted) December 2013.

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

7. **RECOMMENDATION**

7.1 That planning permission is granted subject to the conditions recommended.

Contact Officer: Simon Ford
Tel. No. 01454 863714

CONDITIONS

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

Reason

The form and appearance of the building(s) is out of character with the surrounding area and is permitted for a limited period only because of the special circumstances of the case.

2. The off-street parking facilities for a minimum of two vehicles, and shown on the plan hereby approved (ref. 25.013 - 002 C), shall be provided before the building is first occupied, and thereafter retained for that purpose.

Reason

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

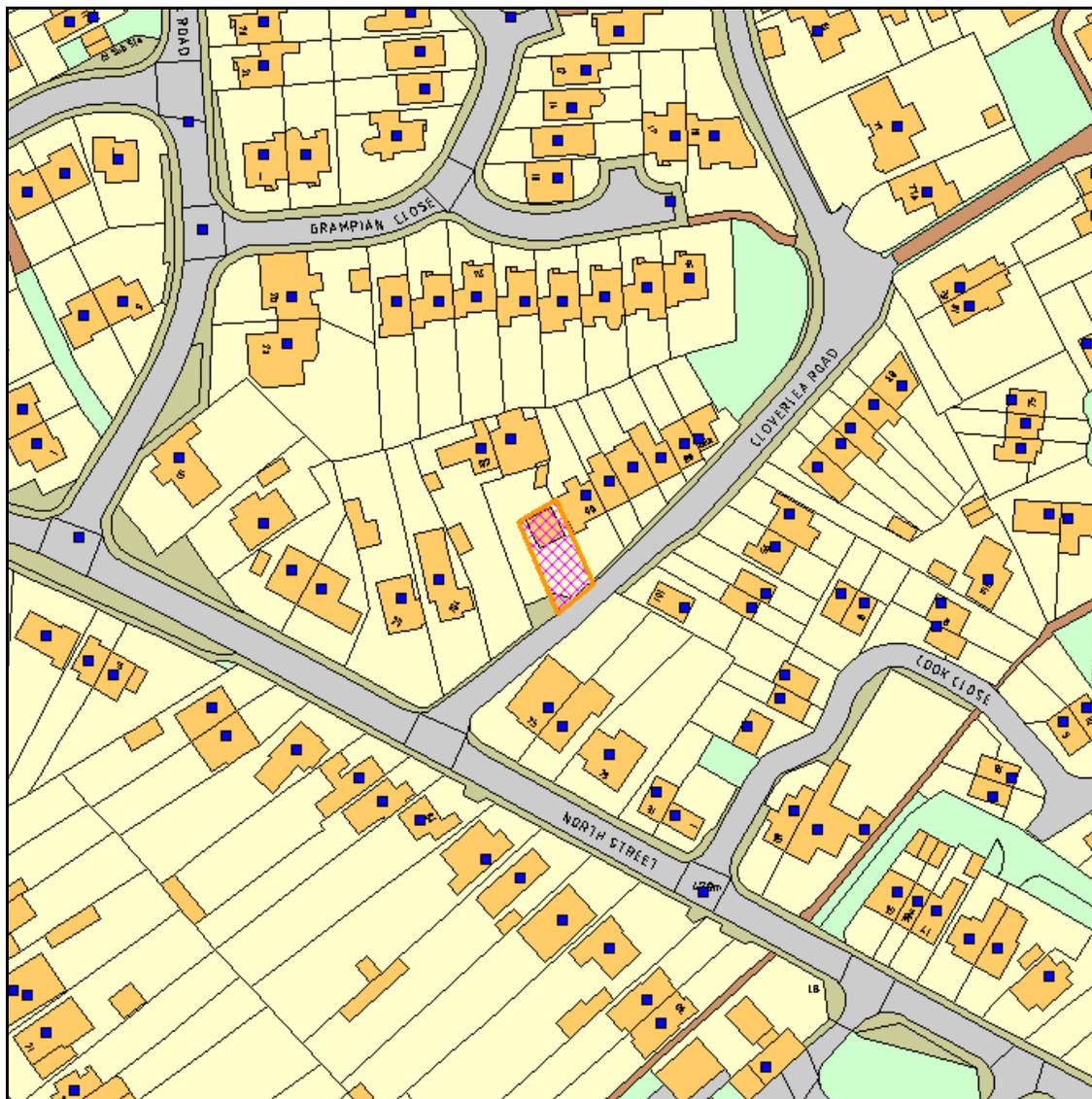
3. No windows other than those shown on the plans hereby approved shall be inserted at any time in the north elevation of the property.

Reason

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

CIRCULATED SCHEDULE NO. 06/16 – 12 FEBRUARY 2016

App No.:	PK15/5160/F	Applicant:	Mr And Mrs G And A Prewett
Site:	Land At 98/100 Cloverlea Road Oldland Common Bristol South Gloucestershire BS30 8TX	Date Reg:	7th December 2015
Proposal:	Erection of 1no detached dwelling with associated works (Amendment to previously approved scheme PK14/0735/F) (Retrospective)	Parish:	Bitton Parish Council
Map Ref:	367267 171868	Ward:	Oldland Common
Application Category:	Minor	Target Date:	28th January 2016



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 100023410, 2008. N.T.S. PK15/5160/F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application is listed on the circulated schedule because the recommendation to approve is contrary to an objection from the Coal Authority.

1. THE PROPOSAL

- 1.1 The application seeks full planning permission for the erection of a single dwelling in the front garden of 98-100 Cloverlea Road. The application is an amended version of the previously approved scheme ref. PK14/0735/F. The main alterations are the parking arrangements, the entrance gates and the addition of a small side extension. There is a separate application being considered for the erection of a garden shed in front of the property. The dwelling has been erected in place of an existing detached garage and is single storey in height. The new dwelling has one bedroom only. The application follows monitoring of the original permission, undertaken by the Planning Compliance Team. The works have been undertaken and the application is thereby retrospective and the description has been amended to reflect this.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework (March 2012)

National Planning Policy Framework Technical Guidance (2012)

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

H4 Development within Existing Residential Curtilages

T12 Transportation Development Control Policy for New Development

L1 Landscape Protection and Enhancement

South Gloucestershire Local Plan Core Strategy (Adopted) December 2013

CS1 High Quality Design

CS5 Location of Development

CS9 Managing the Environment and Heritage

CS17 Housing Diversity

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted)

Residential Parking Standards SPD

3. RELEVANT PLANNING HISTORY

- 3.1 PK03/2101/F Erection of detached double garage.
Approved October 2003
- 3.2 PK14/0735/F Erection of 1no. detached dwelling with associated works.
Approved with Conditions 20 June 2014
- 3.3 PK15/5326/F Erection of Garden Shed (Retrospective)

4. CONSULTATION RESPONSES

4.1 Bitton Parish Council
No Objection

4.2 Other Consultees

Lead Local Flood Authority and Drainage
No Objection

Highway Structures
No Comment

Transportation Development Control

Request for a condition that; *The dwelling shall not be occupied until the access, car and cycle parking arrangements have been completed in accordance with the submitted details.*

The Coal Authority

I have reviewed the proposals and confirm that the application site falls within the defined Development High Risk Area; therefore within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application.

You will be aware that The Coal Authority **objected** to the previous application PK14/0735/F on the 1 April 2014. That objection was on the basis *“that the Coal Mining Risk Assessment Report as submitted does not provide sufficient information to determine whether or not issues of land instability can be satisfactorily overcome.”*

That objection is contained on the LPA website, however I note with grave concern that the LPA officer report dated 13 June 2014 failed to record that we had objected. This is a fundamental error on the part of the LPA. Planning permission PK14/0735/F was therefore issued without due regard being had to whether or not the site was safe and stable for the development proposed.

The mining legacy risk on this site is unrecorded probable historic underground coal workings at shallow depth.

The applicant has submitted a Coal Mining Risk Assessment Report (dated 30 November 2015, produced by AFPDSPLANAID) to accompany the planning application; however, The Coal Authority does not consider that this adequately addresses the impact of coal mining legacy on the proposed development. It fails to recognise the risk from unrecorded probable historic underground coal workings at shallow depth.

The Coal Authority therefore **OBJECTS** to the proposal, and we consider that the applicant needs to revise and resubmit the Coal Mining Risk Assessment Report to the LPA.

The Coal Mining Risk Assessment is fundamentally unsatisfactory, it is not prepared by a competent person, it fails to recognise the nature of the actual risk present, it fails demonstrate site is safe and stable without intrusive site investigation.

It is a requirement of paragraphs 109 and 120-121 of the NPPF and Section 45 of Planning Practice Guidance, that the applicant demonstrates to the satisfaction of the LPA that the application site is safe, stable and suitable for development. Policy CS9 of the South Gloucestershire Core Strategy contains the same requirement.

I note that construction of the foundations has commenced, however this constitutes unauthorised development which the developer has undertaken at their own risk.

Other Representations

4.3 Summary of Local Residents Comments

No comments have been received from local residents.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The principle of development has been established by the Council's decision to grant planning permission for a dwelling on this site in June 2014. There has not been a significant policy shift at a national or local level since that decision was taken and therefore, whilst this report will reiterate some of that context, it will focus as a priority on the amendments from that scheme.

5.2 National Planning Policy Framework (2012) carries a presumption in favour of sustainable development and speaks of the need to 'boost significantly the supply of housing' (paragraph 47) and to deliver a wide choice of high quality homes and widen opportunities for home ownership and create sustainable, inclusive and mixed communities (paragraph 50). Further, it is advised that '*Policies in Local Plans should follow the approach of the presumption in favour of sustainable development so that it is clear that development which is sustainable can be approved without delay*'. These considerations should be attributed significant weight in the assessment of this application.

5.3 Notwithstanding the above, given that the application site is located within the built up area, planning policy H4 of the adopted local plan, and policies CS1, CS5 and CS9 of the adopted core strategy all apply. Whilst these are permissive of proposals for new residential development, this is subject to considerations of design, residential amenity and highway safety whilst adequate amenity space should be provided for any new separately occupied dwelling. These remain primary considerations for the amendments that are now subject to this application.

5.4 There is a fundamental objection to this development as proposed from the Coal Authority however and such is the significance of this objection in the context of the previous decision, this will be addressed first.

5.5 Coal Mining

The Coal Authority has drawn attention to an objection that was raised to the original planning application. Unfortunately, it does appear that the objection was not addressed by the Planning Officer at the time. That objection arose from the mining legacy risk on this site through unrecorded probable historic underground coal workings at shallow depth.

- 5.6 The Coal Authority have reiterated their objection and consider that the Coal Mining Risk Assessment Report (dated 30 November 2015, produced by AFPDSPLANAID) to accompany the planning application; does not adequately address the impact of coal mining legacy on the proposed development. It fails to recognise this risk from unrecorded probable historic underground coal workings at shallow depth.
- 5.7 The Coal Authority consider that the Coal Mining Risk Assessment is fundamentally unsatisfactory, is not prepared by a competent person, fails to recognise the nature of the actual risk present and it fails demonstrate site is safe and stable without intrusive site investigation.
- 5.8 It is a requirement of paragraphs 109 and 120-121 of the NPPF and Section 45 of Planning Practice Guidance, that the applicant demonstrates to the satisfaction of the LPA that the application site is safe, stable and suitable for development. Policy CS9 of the South Gloucestershire Core Strategy contains the same requirement.
- 5.9 The applicant has submitted a risk assessment which draws attention to the previous siting of a large garage in the same position with no apparent problems. The Applicant details engagement with the Coal Authority showing that there has not been a claim within 50 metres of the site since 1994. The applicant draws attention to the previous planning permission and the signing off of the foundations by the Council' Building Control Team.
- 5.10 The Applicant is now in a position where they have implemented and occupied the dwelling on the back of a legitimate planning permission which appears to have failed to take account of the Coal Authority objection. In all respects, the development has been completed and the material alterations which provoke the revised application, essentially comprise of boundary and parking alterations. Having permitted the dwelling, despite the available evidence, it would seem somewhat perverse for the Authority to reverse this decision now that the dwelling is occupied without considerable justification. In any event, the planning permission which has been granted, could still be implemented as per the originally approved plans and this represents a materially significant 'fall-back' position.
- 5.11 That said, this is clearly a serious issue and one which poses risk for the applicants more than any other interested party. The Agent has again submitted a Risk Assessment which identifies a number of reasons why any risk is probably minimal. The fact that the land is a busy residential estate would tend to lend some support to this interpretation, however the Council does not have

the benefit of a more penetrative and complete assessment by a relevant competent professional.

5.12 Given the planning history whereby the permission for a dwelling has been granted and implemented, it is the Officer's view that this matter, despite its potential severity, cannot now be reasonably addressed by the planning system. The matter will be addressed with an informative to the applicant and a separate letter drawing attention to the concerns expressed by the Coal Authority and advising the applicants that they liaise directly with the Coal Authority in their on interests.

5.13 Design/ Visual Amenity

The dwelling has replaced a detached double garage. The bungalow has a width of 8 metres and a depth of 7.5 metres. The plans then also show a front porch projecting 1.5 metres out beyond this. The previous permission identified a bike locker at the side of the north-east elevation and a condition was attached requiring this to be implemented before the dwelling is first occupied. The dwelling has been constructed with a small conservatory extension added to this elevation however and further revised plans were requested by the Officer to identify this on the plans.

5.14 Those plans have been received and a period of reconsultation was undertaken on 22 January 2016. The conservatory addition is considered below and the applicant proposes to use this area for secure cycle storage.

5.15 The conservatory is constructed with typical UPVC and glass finish, but with a filled UPVC finish and opaque laminated panels on the boundary, such that there is no additional overlooking. Had the bungalow been constructed and the conditions met in full accordance with the original planning permission, then it is also of note that a structure of this size and type could have been constructed with the benefit of permitted development. Despite the compact nature of the site therefore and the particularly small channel between the new dwelling and no. 96 Cloverlea Road, the conservatory is also very small and is scarcely visible from the public realm and whilst it is likely to be visible from the rear garden of no. 96, it is not an inappropriate design, affords no overlooking, and sits well below the roofline of the dwelling.

5.16 The garden that has been created to the front of the new dwelling was considered to help soften the visual impact of the proposal, better reflecting the surrounding residential environment. At the time of the site visit, a large garden shed had been erected in the front garden which had quite an imposing presence in the street scene. This is subject to a separate application and to further amendments.

5.17 The front stone boundary wall running parallel to Cloverlea Road has been retained, however metal sheeting had been added to the railings above. This application proposes the removal of the railings, however the applicants advised the officer at the time of the site visit that they would prefer to retain the sheeting. In design terms the sheeting is not unattractive and the privacy benefits for the applicants are self-evident given that the only amenity space

(garden) is at the front of the property. The problem with the metal sheeting is the impact on highway safety which is discussed below.

5.18 Residential Amenity

It is not considered that the dwelling as constructed has any more material impact on the residential amenity of the neighbouring properties than that which was previously considered.

5.19 When permitted, the property was considered to provide adequate amenity space to meet the needs of a one-bedroom bungalow. The officer's report also noted that the new dwelling would have no private amenity space, but considered that given that it is a single bedroom property only, this was not of sufficient concern to warrant the refusal of the application.

5.20 The original officer's report (para.5.6) proposed the removal of permitted development rights for the bungalow, recognising the limited size of the plot and the proximity to neighbouring dwellings. Whilst restrictions were imposed on windows and rooflights however, the permitted development rights remained intact. In determining this application the Council consider that the reasons previously identified to support the removal of permitted development rights still apply, not least with the addition of the conservatory and a garden shed to the plot. Such a condition will be imposed with this decision therefore.

5.21 Highway Safety

The provision of a single parking space, which affords two spaces for the original dwelling is in accordance with the adopted residential parking standards.

5.22 The matter of primary concern with respect to highway safety is the access and egress from private driveways, particularly at the application site and at no. 96 Cloverlea Road next door.

5.23 Cloverlea Road is a long through road (one way in part) which connects with Victoria Road in Bridgegate and North Street in Oldland Common. Between no.96 Cloverlea Road and North Street, the highway narrows and there is only a small footpath. Sir Bernard Lovell Secondary school is in relatively Close proximity so both the road and footpath are well used by the public and safe access and egress from driveways is paramount to highway safety.

5.24 The metal sheeting affixed to rails above the wall poses a significant obstruction to visibility from the driveway of the host dwelling and no. 96. The removal of this sheeting is considered absolutely necessary by the Highways Officer in order to provide visibility on exiting the driveways.

5.25 It is for the same visibility purposes that this application proposes a set-back in the main access gates. A new 1.5m stretch of stone wall (1m high) will be constructed to allow the gates to be moved away from the highway. The new positioning of the steel post will be 1.525m from the highway and will afford far greater visibility through the railings, both for drivers and users of the footpath. Whilst the privacy concerns of the applicants is recognised, the maintenance of

this visibility splay is considered fundamentally essential to the highway safety viability of the dwelling.

- 5.26 Given the sensitivity of the highway safety concern, a condition will be imposed requiring the approved plans to be implemented in full within three months from the date that the planning permission is granted. A condition will also be imposed to require the visibility at the front of the property to remain unobstructed above 1m in height.

6. CONCLUSION

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

7. RECOMMENDATION

- 7.1 Planning Permission is approved subject to the conditions below.
- 7.2 The off-street parking facilities (for all vehicles, including cycles) shown on the plan hereby approved shall be provided 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 the requirements of the Residential Parking Standards SPD (Adopted)

- 7.3 Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995 (as amended) (or any Order revoking or re-enacting that Order with or without modification), no windows/dormer windows or rooflights [other than those expressly authorised by this permission] shall be installed in any elevation or roof slope of the dwelling.

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.

- 7.4 The windows on the North West elevation must be obscurely glazed to a minimum of level 3 and fixed shut at all times. The window on the South West Elevation must be obscurely glazed to a minimum of level 3 at all times.

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.

- 7.5 The revised works to set-back the entrance gates and remove the metal sheeting shall be completed not later than three months from the date of this planning permission.

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

- 7.6 With the exception of the existing metal railings, the South-East boundary (front) shall be kept clear of any other obstruction (including planting) above 1m in height to protect visibility along Cloverlea Road.

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

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

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

Contact Officer: James Cooke
Tel. No. 01454 863429

CONDITIONS

1. The off-street parking facilities (for all vehicles, including cycles) shown on the plan hereby approved shall be provided 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 the requirements of the Residential Parking Standards SPD (Adopted)

2. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995 (as amended) (or any Order revoking or re-enacting that Order with or without modification), no windows/dormer windows or rooflights [other than those expressly authorised by this permission] shall be installed in any elevation or roof slope of the dwelling.

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.

3. The windows on the North West elevation must be obscurely glazed to a minimum of level 3 and fixed shut at all times. The window on the South West Elevation must be obscurely glazed to a minimum of level 3 at all times.

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.

4. The revised works to set-back the entrance gates and remove the metal sheeting shall be completed not later than three months from the date of this planning permission.

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

5. With the exception of the existing metal railings, the South-East boundary (front) shall be kept clear of any other obstruction (including planting) above 1m in height to protect visibility along Cloverlea Road.

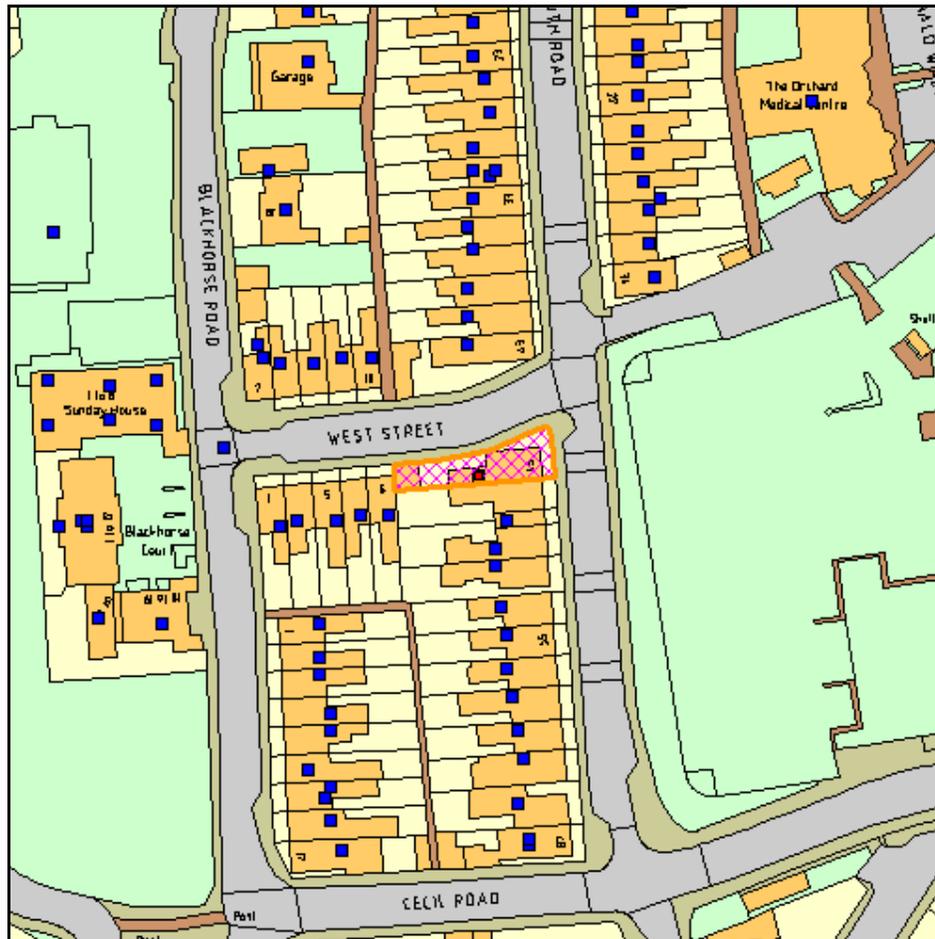
Reason: In the interests of highway safety and to accord with Policy T12 of the South Gloucestershire Local Plan (Adopted) 2006.

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

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

CIRCULATED SCHEDULE NO. 06/16 – 12 FEBRUARY 2016

App No.:	PK15/5315/F	Applicant:	Dr Tim Percival
Site:	45 South Road Kingswood Bristol South Gloucestershire BS15 8JQ	Date Reg:	23rd December 2015
Proposal:	Erection of single storey rear extension to provide additional living accommodation	Parish:	None
Map Ref:	364561 173737	Ward:	Woodstock
Application Category:	Householder	Target Date:	16th February 2016



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 100023410, 2008. **N.T.S.** **PK15/5315/F**

REASONS FOR REPORTING TO CIRCULATED SCHEDULE

The application has been referred to circulated schedule following comments being received contrary to the officers recommendation.

1. THE PROPOSAL

- 1.1 The proposal seeks to erect a single storey rear extension and conversion of a detached garage to form additional living accommodation.
- 1.2 The subject property is a two storey late 19th century semi-detached property with a hipped end, front dormer, turreted bay window and tile covering. To the rear is a single storey lean to extension and detached single garage accessed from West Street. Elevations are rendered stone with floral detailing to the front and render to the side and rear.
- 1.3 To the rear of the property is an area of private garden. Boundary treatments are a combination of brick and stone garden walls and external garage walls.
- 1.4 The site is located within the built up residential area of Kingswood.

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
CS5 Location of Development
CS8 Improving Accessibility
- 2.3 Supplementary Planning Guidance
Design Checklist SPD (adopted) August 2006
Residential Parking Standards SPD (adopted) December 2013

3. RELEVANT PLANNING HISTORY

- 3.1 PK02/1573/f – Approval – 02/07/2002 – Erection of detached garage, 2.15 metre high boundary wall and 1.7 metre high timber panel on road frontage.

4. CONSULTATION RESPONSES

- 4.1 Parish/Town Council
No Comments Received

4.2 Other Consultees

Transport Development Control

The officer has recommended refusal as the proposal would result in the loss of the only off street parking facilities.

Other Representations

4.3 Local Residents

One objection was received – this was concerned with the loss of the garage as a parking space and objected to the change of use to additional residential accommodation.

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 with the residential curtilage of existing dwellings. This support is subject to the proposal respecting the existing design of the dwelling and it does not prejudice the residential and visual amenity; adequate parking provision; and has no negative effects on transportation. In relation to the proposed conversion of the garage the property is not subject to any restrictions of its Permitted Development rights as described in the Town and Country Planning (General Permitted Development) Order 2015. The alterations are for the conversion to a residential use within residential curtilage were it to be assessed independently from the proposed rear extension, permission would not be required from the Local Planning Authority for the changes. The proposal accords with the principle of development subject to the consideration below.

5.2 Design and Visual Amenity

The proposal consists of the erection of a single storey rear extension to form additional living accommodation and alterations to the single garage to convert it to a games room. There are a number of other extensions to the rear of various properties in the area including the subject property. The proposal has put forward materials of similar appearance for the rainwater goods, roof and elevations and as a result would not be out of character with the original dwelling and its context.

5.3 The proposed rear extension is relatively small and would infill the space between the existing dwelling and the garage at the rear. The garage will be converted to a 'games room'. In terms of design neither of these proposals would be considered unusual nor would they result in a significant negative impact on the character of the host dwelling and the surrounding area. The proposed extension will be situated behind an existing section of brick wall of around 2

metres and will be relatively well screened and only the roof profile will be visible. The property on the opposite side of West Street has been subject to a number of extensions and alterations and the building line would be similar to that of the host dwelling following the erection of the extension.

5.4 Overall, it is considered that the proposed extension 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. The orientation of the property and the screening provided by the existing brick garden wall mean there is not likely to be a significant impact on the privacy of the host dwelling or neighbouring properties. The proposal is of a reasonably small scale which means there is not likely to be unacceptable loss of light or overbearing impact on properties bounding the residential curtilage.

5.6 The rear extension would see the loss of a proportion of the garden to the rear of the property. That said the existing garden is restrictive in size. The proposed extension is small in size and only has an area of approximately 11.5 m². The extension would infill the area between the rear elevation of the existing structure and the detached garage. As existing, there is insufficient outdoor space for the size of the dwelling and this additional area being taken would not significantly alter the arrangement, consequently the proposal is viewed as appropriate to the situation and acceptable with regard to residential amenity.

5.7 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 a 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.

5.8 Sustainable Transport and Parking Provision

Two comments were received objecting to the proposal due to its impact on the parking arrangement; one from our transportation department another from a neighbour. The comments indicated that following development there would be no off street parking provision. The agent, in a design and access statement, note that the existing garage was too small to park a car; no evidence was produced to support this statement and a neighbour indicated that had been used for storage of both a car and a motorcycle in the past.

5.9 The host dwelling has no restriction to its permitted development rights (as afforded by the Town and Country Planning (General Permitted Development) Order 2015). Consequently, irrespective of the outcome of the decision, the conversion works that would result in the loss of the parking provision could be

completed without express planning permission. In light of the permitted development nature of the garage conversion it would be unreasonable to refuse on these grounds. This is a material consideration in the recommendation for approval.

- 5.10 Given the proposal will not include any additional bedrooms it will not impact the number of spaces required, however the parking arrangement does not satisfy the requirements of the Residential Parking Standards SPD (2013). The decision to recommend approval is in light of the garage conversion being permitted by the Town and Country Planning (General Permitted Development) Order 2015.

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

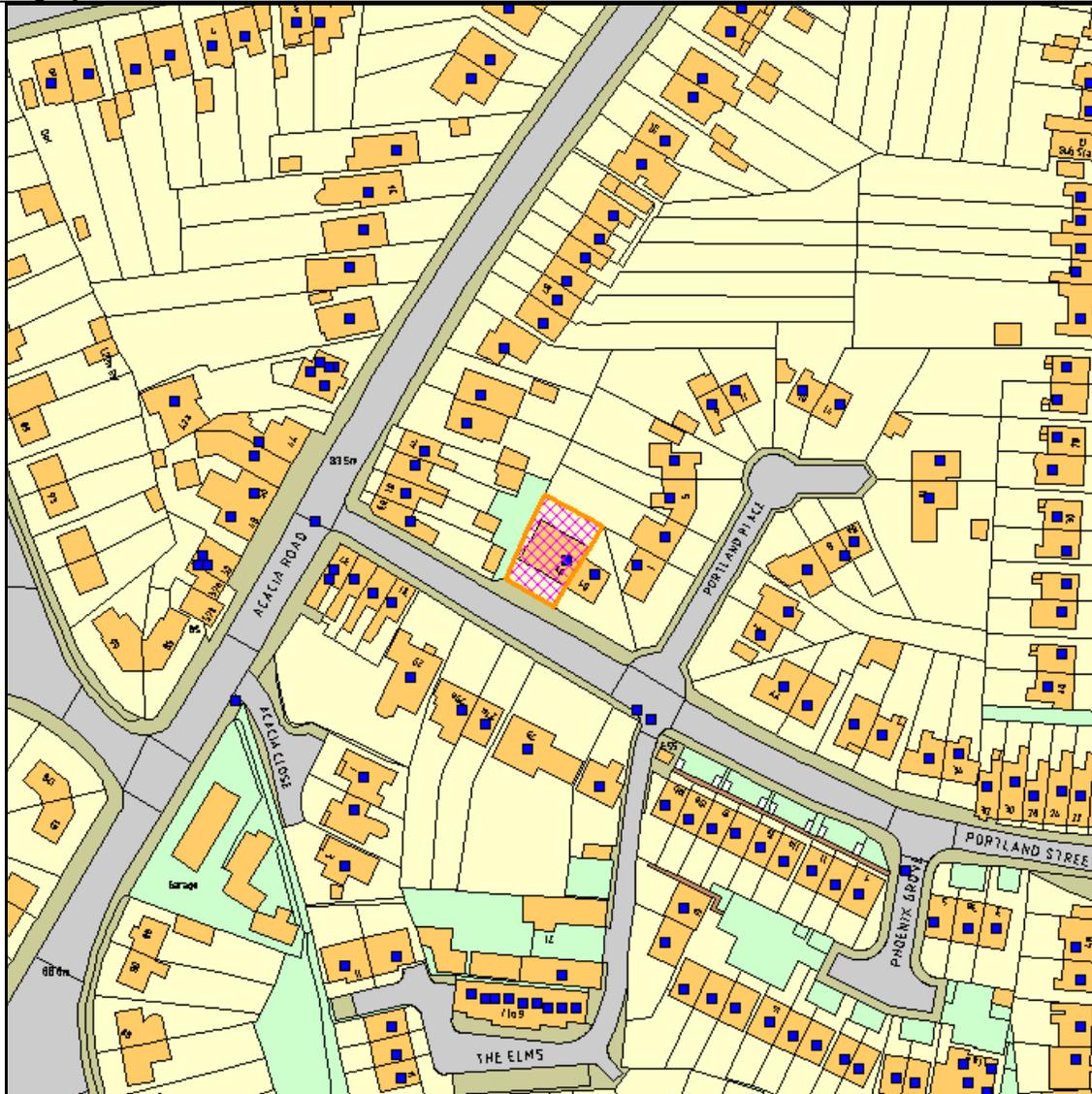
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason

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

CIRCULATED SCHEDULE NO. 06/16 – 12 FEBRUARY 2016

App No.:	PK15/5416/F	Applicant:	Mr Jonathan O'Grady
Site:	48 Portland Street Staple Hill Bristol South Gloucestershire BS16 4PT	Date Reg:	4th January 2016
Proposal:	Conversion of existing garage to facilitate change of use from House in multiple occupancy (Class C4) to House in multiple occupancy (sui generis) as defined in the Town and Country Planning Act (Use Classes) Order 1985 (as amended)	Parish:	None
Map Ref:	364572 175482	Ward:	Staple Hill
Application Category:	Minor	Target Date:	17th February 2016



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

The application has been included on the Circulated Schedule as one neighbour comment has been received that is contrary to the Officer's opinion.

1. THE PROPOSAL

- 1.1 This application seeks planning permission for the conversion of an existing garage to facilitate a change of use from a House in Multiple Occupancy (6-bed) (Class C4) to a House in Multiple Occupancy (8-bed) (sui generis) as defined in the Town and Country Planning Act (Use Classes) order 1985 (as amended).
- 1.2 It has been noted that the original ground and first floor plans submitted on 23rd December 2015 show that there are seven bedrooms existing within the property. However, on further correspondence with the applicant and from the revised plans submitted on 4th February 2016. The applicant has stated that one of the rooms has been used as a store room and that the dwelling is a six bedroom C4 use class, House in Multiple Occupancy (HMO). The application will be considered on this basis.
- 1.3 The dwelling in question is a semi-detached property with red brick facing and a hipped roof with interlocking red tiles. There has been a two-storey side extension on the property that retains the hipped roof but is set back and with a lower ridge height. There is also a single storey extension to the side of the dwelling that retains the hipped roof and is in use as the current single garage. There is an area of hardstanding to the front with parking for approximately three cars.

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

South Gloucestershire Local Plan Adopted January 2006 Saved Policies

- T12 Transportation
- T7 Cycle Parking
- T8 Parking Standards
- H4 Development within Existing Residential Curtilages
- H5 Residential Conversions, Houses in Multiple Occupation and re-use of Buildings for Residential Purposes.

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

3. RELEVANT PLANNING HISTORY

- 3.1 PK05/0144/F Approve with Conditions 02.03.2005
Erection of two storey side, single storey side and single storey rear extension to provide garage and additional living accommodation.

4. CONSULTATION RESPONSES

- 4.1 Town/Parish Council
Unparished

Housing Enabling

There is no affordable housing requirement- no comment.

Sustainable Transport

- Even with the garage converted there will be adequate space for three parking spaces measuring 4.8m by 2.4m to the front of the property.
- According to the South Gloucestershire Council Residential Parking Standards SPD (2013) the parking requirement for a five or more bed house is three spaces per dwelling.
- There are no specific parking standards in relation to HMOs but instead the parking assessment for HMOs is assessed on the case by case basis.
- The emerging PSP Plan suggests that a minimum number of 0.5 car parking spaces per bedroom should be provided for HMOs. Therefore, if parking is assessed against this document, four parking spaces should be provided. However, as this document is emerging not much weight can be given to it.
- In this case the applicant proposes three car parking spaces on site and a further eight cycle spaces which complies with policy T7 of the SGC Local Plan.
- It should be noted that a photo accompanying this planning application shows four cars are parked within the site boundary in front of the building.
- In addition the officer is satisfied that the site is located in a sustainable location close to many public transport routes being within 2-3 minutes walking distance from a local bus stop linking the site with Bristol town centre. The site is also within easy walking distance to the shopping centre in High street, Staple Hill.
- It is considered unreasonable to refuse this application on parking issues.
- Conditions should be included to ensure off-street car and cycle parking are provided and maintained as such thereafter.

Other Representations

4.2 Local Residents

1 comment received by no.25 Portland Street, Staple Hill

- Parking is insufficient for exiting cars owned by other residents at the property.
- Parking is already very limited on this road and traffic is difficult for families with children.

5. ANALYSIS OF PROPOSAL

5.1 This application seeks planning permission for the conversion of an existing garage to facilitate a change of use from a House in Multiple Occupancy (6-bed) (Class C4) to a House in Multiple Occupancy (8-bed) (sui generis) as defined in the Town and Country Planning Act (Use Classes) order 1985 (as amended).

5.2 Principle of Development

5.3 Policy CS1 'High Quality Design' of the South Gloucestershire Core Strategy (adopted December 2013) states development proposals will only be permitted if the highest possible standards of site planning and design are achieved. Meaning developments should demonstrate that they: enhance and respect the character, distinctiveness and amenity of the site and its context; have an appropriate density and well integrated layout connecting the development to wider transport networks; safeguard and enhance important existing features through incorporation into development; and contribute to strategic objectives.

5.4 Policy H5 of the South Gloucestershire Local Plan (adopted January 2006) is supportive in principle of the change of use to houses in multiple occupation and Policy H4 of the South Gloucestershire Local Plan (adopted January 2006) is supportive in principle of development within the curtilage of existing dwellings. This support is provided proposals respect the existing design; do not prejudice residential and visual amenity, and also that there is safe and adequate parking provision and no negative effects on transportation.

5.5 Design and Visual amenity

The proposed conversion of a single-storey garage into a bedroom with an ensuite bathroom is proposing exterior changes to replace the garage door with a window in the front elevation and no other alterations. The new window is considered to match the windows within the existing dwelling and therefore, the proposal is considered to respect the scale and character of the existing building and wider area. Policy H4, H5 and policy CS1 require developments of this kind to respect the detailing of the existing dwelling, and overall the proposal meets the requirements of these policies.

Residential Amenity

The proposal does not result in a materially overbearing impact to any of the surrounding properties due to the garage being single storey and sufficient private amenity space (approximately 70sqm) is left over for the current and future occupiers of 48 Portland Street, Staple Hill. Within the council's emerging PSP Plan guidelines it states that 70sqm of private amenity space should be provided for dwellings of four or more bedrooms. However, the PSP plan has not yet been adopted and so limited weight can be given to these guidelines. There is a proposed window in the principal elevation of the converted garage but as the garage is proposed to be single-storey it is not considered that there will be any loss of privacy for the neighbouring dwellings. There is a proposed car parking space directly outside of the front window of the proposed new bedroom. However, it is also not considered that this will cause any significant negative impacts for the future occupiers of no.48. Similarly, all of the rooms within the property are considered to be a sufficient size and there are a total number of six bathrooms within the property which is also considered to be sufficient for the proposed number of bedrooms.

The properties to the side elevation (83,81 and 79 Acacia Road) are considered to be a sufficient distance away, separated by a driveway, garden areas and 1.8 metre fencing and vegetation. The properties to the front (27a, 29 and 29a Portland Street) are set back from the road with a large garden area to the front. One comment was received from no.25 Portland Street which explains that there are concerns regarding the parking and traffic generated. However, there were no objections in terms of loss of privacy, loss of light or overlooking. Overall, the proposal accords with the residential component of Policies H4 and H5 of the adopted Local Plan.

5.6 Transport and Parking

There has been one neighbour objection from no.25 Portland Street explaining that there is insufficient parking for the proposed conversion and that parking is already difficult for residents in the street. The application proposes to increase the number of bedrooms in the property from six to eight and there is room for three car parking spaces in the front garden area which is compliant with the Council's Residential Parking Standards SPD (2013). The comments from the Transport Officer have also supported this reasoning. The Transport Officer has stated that even with the garage converted there will be adequate space for three parking spaces measuring 4.8m by 2.4m to the front of the property. According to the South Gloucestershire Council Residential Parking Standards SPD (2013) the parking requirement for a five or more bed house is three spaces per dwelling. There are no specific parking standards in relation to HMOs but instead the parking assessment for HMOs is assessed on the case by case basis. The emerging PSP Plan suggests that a minimum number of 0.5 car parking spaces per bedroom should be provided for HMOs. Therefore, if parking is assessed against this document, four parking spaces should be provided. However, as this document has not been adopted only limited weight can be given to it.

The Planning Statement submitted with this application has stated that eight cycle spaces shall be provided with the proposal which complies with policy T7 of the SGC Local Plan. It should also be noted that a photo accompanying this planning application shows four cars are parked within the site boundary in front of the building. In addition the Transport Officer is satisfied that the site is located in a sustainable location close to many public transport routes, with the local bus stop linking the site with the centre of Bristol being within 2-3 minutes walking distance from the site. The site is also within easy walking distance to the shopping centre on High Street, Staple Hill. The Transport Officer has explained that two conditions should be issued with this application to ensure that prior to first occupation of the proposed bedroom, the off-street parking is in accordance with the plans submitted and maintained as such thereafter. A second condition was also required by the Transport Officer to ensure that the dwelling is not to be occupied until details of secure and undercover cycle parking are provided for written approval of the Council and provided and maintained satisfactory thereafter. However, as the dwelling is already occupied the Officer thinks it reasonable to issue the condition to ensure that prior to first occupation of the converted garage, eight undercover cycle parking spaces are provided.

6. CONCLUSION

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

7. RECOMMENDATION

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

Contact Officer: Chloe Buckingham
Tel. No. 01454 867967

CONDITIONS

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

Reason

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

2. The off-street car parking facilities shown in the car parking spaces plan hereby approved shall be provided before the converted garage 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.

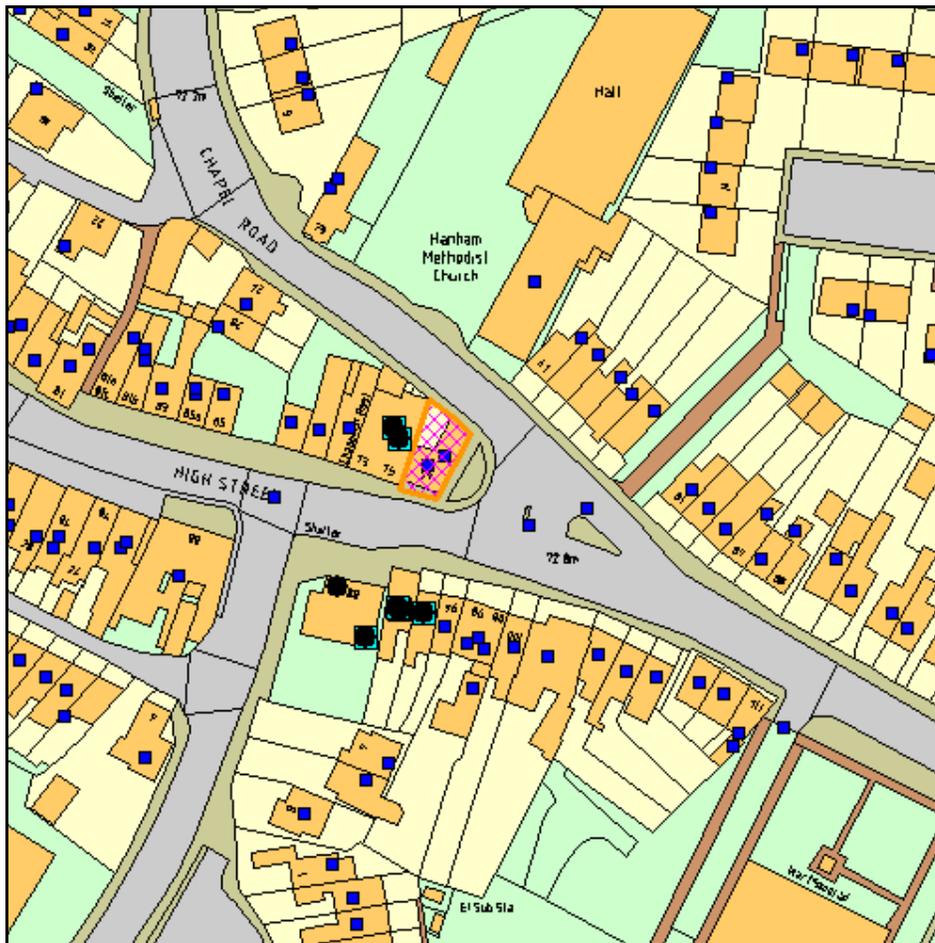
3. Eight off-street undercover cycle parking facilities shall be provided before the converted garage is first occupied, and thereafter retained for that purpose.

Reason

To encourage means of transportation other than the private car, to accord with Policy CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013.

CIRCULATED SCHEDULE NO. 06/16 – 12 FEBRUARY 2016

App No.:	PK15/5469/ADV	Applicant:	Vibe Properties
Site:	77 High Street Hanham Bristol South Gloucestershire BS15 3DG	Date Reg:	23rd December 2015
Proposal:	Display of 1no internally illuminated fascia sign, 1no hanging sign, 1no hoarding sign and retractable awning	Parish:	Hanham Parish Council
Map Ref:	364265 172330	Ward:	Hanham
Application Category:	Minor	Target Date:	16th February 2016



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application appears on the circulated schedule list because the recommendation for approval is contrary to an objection from the Parish Council.

1. THE PROPOSAL

- 1.1 The application for 3 additional advertisements and a retractable awning at 77 High Street, Hanham, a commercial property occupied by an Estate Agents business.
- 1.2 The advertisements proposed are 1 no. internally illuminated fascia sign, 1 no. internally illuminated hanging sign and 1 no. hoarding sign. Each of these signs is a proposed addition to the front elevation of the property. The property sits in the centre of the 'Y' junction of Chapel Road and High Street and therefore lies in a prominent position in the street scene. The south and east elevations are particularly prominent in the public realm and each of these proposed additions is for the south elevation.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework March 2012
The Town and Country Planning (Control of Advertisement) Regulations 2007
The Town and Country Planning Act 1990 Section 220
- 2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006 (saved policies)
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
Shopfronts and Advertisements SPD (April 2012)

3. RELEVANT PLANNING HISTORY

- 3.1 None relevant to this application

4. CONSULTATION RESPONSES

- 4.1 Hanham Parish Council
OBJECTION. Existing signage adequate. Concerns have already been made on the brightness of the existing illuminated signs on this property, it is felt that this is more than sufficient.
- 4.2 Other Consultees
Highways - We have now reviewed this planning application and note that it seeks to install a number of signs and retractable awning at 77 High Street, Hanham.

As signs are to be placed in the normal location for this type of shop and do not appear to encroach upon the public highway, we do not believe that they will create any transportation issues.

We are more concerned about the potential conflict between the proposed retractable awning and the adjacent traffic signals. This is because although it appears that this conflict is likely will be minimal, the information provided to-date is not clear about this matter. Hence, we would request that this issue is clarified before we can make formal comments about this application.

Details clarified on site visit and condition agreed with Highways Officer

Other Representations

- 4.3 Local Residents
No comments have been received.

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development
The National Planning Policy Framework 2012 advises that only those advertisements which will clearly have an appreciable impact on a building or on their surroundings should be subject to the local planning authority's detailed assessment. Advertisements should be subject to control, only in the interests of amenity and public safety, taking account of cumulative impacts. Poorly placed advertisements can have a negative impact on the appearance of the built and natural environment.
- 5.2 Amenity
Hanham High Street is a primary shopping frontage and is a busy retail and commercial street with many small shops, chains and small businesses. There are a number of other Estate Agents in the street. Advertising is plentiful on the properties all along the street and there are a number of examples of illuminated fascias, projected signs, hoardings and canopy awnings. The proposed fascia board would extend the line of existing fascias on the properties 67-75 High Street and would be in keeping with the street scene. The proposed illumination is internal and illuminates the lettering of the sign rather than the entire board.
- 5.3 There are many examples of projecting signs in the street scene, some of which are illuminated. The application proposes an illuminated projection sign with the addition of an LED time and temperature feature. In the context of the primary shopping frontage the sign is not considered to be out of keeping and could be considered to positively contribute a point of interest at the top of the High Street and the corner of the junction.
- 5.4 The hoarding is not proposed to be illuminated, but will be a fixed aluminium case affording further advertising space. The applicant has proposed to fit this to the blank wall to the right of the display window as you look at the property. Whilst this does increase the clutter of advertisements which is discussed below, this in turn has an impact on amenity.

There is very little amenity value in the building itself and in the commercial context, the front elevations along the street are adorned with similar adverts, or boards. In the context of the street scene, this addition is not considered detrimental to amenity.

5.5 The proposed awning is a plain green canvas material which again is typical of many of those already in existence including a canvas awning on the adjacent property. The Estate Agents is South facing with the large display window and it was evident on the site visit that this does result in glare into the property. Again this is considered to be in keeping with the street scene.

5.6 Cumulative Impact / Clutter

There is an existing, large illuminated sign on the side of the property which owing to the position of the building on the junction, is also a very prominent sign. Despite its size that sign meets the criteria for deemed consent and does not need an advertisement consent. In the interests of minimising the impact on neighbouring amenity, the owner of the business has fitted a timer to this advertisement such that the illumination is switched off at 2100 hours each evening.

5.7 Beneath that sign the shop window in this elevation is also filled with an advertisement however this too, would appear to benefit from deemed consent. There is no doubt that an additional three advertisements on this corner plot will amount to a significant degree of clutter. That said, the retail context of the High Street does mean that intensive advertising is commonplace and the Officer's conclusion is that whilst this is stretching the limit of a cumulative impact, the advertising is not so out of keeping as to merit refusal.

5.8 Highway Safety

No concerns have been expressed about the impact of the proposed advertising on the highway however some concern has been expressed about the 2m awning and its relationship to the traffic lights. A measurement taken on the site visit confirmed a distance of 2.62m from the traffic lights to the shop front and the applicant in discussions with the Planning Officer advised that he would not expect to use the canopy beyond the 'forecourt footpath' where the land meets the 'highway footpath'. It is therefore proposed that a condition be imposed to require any overhang of the canopy to not encroach over the 'highway footpath' measured at the south-west corner of the plot (where the 'forecourt footpath' is at its widest).

6. RECOMMENDATION

6.1 That advertisement consent be granted subject to the following condition.

6.2 The retractable awning hereby approved, shall not extend above the 'highway footpath' at the south-west corner of the site (where the 'forecourt footpath' is at its widest).

Reason: In the interests of highway safety.

Contact Officer: James Cooke
Tel. No. 01454 863429

CONDITIONS

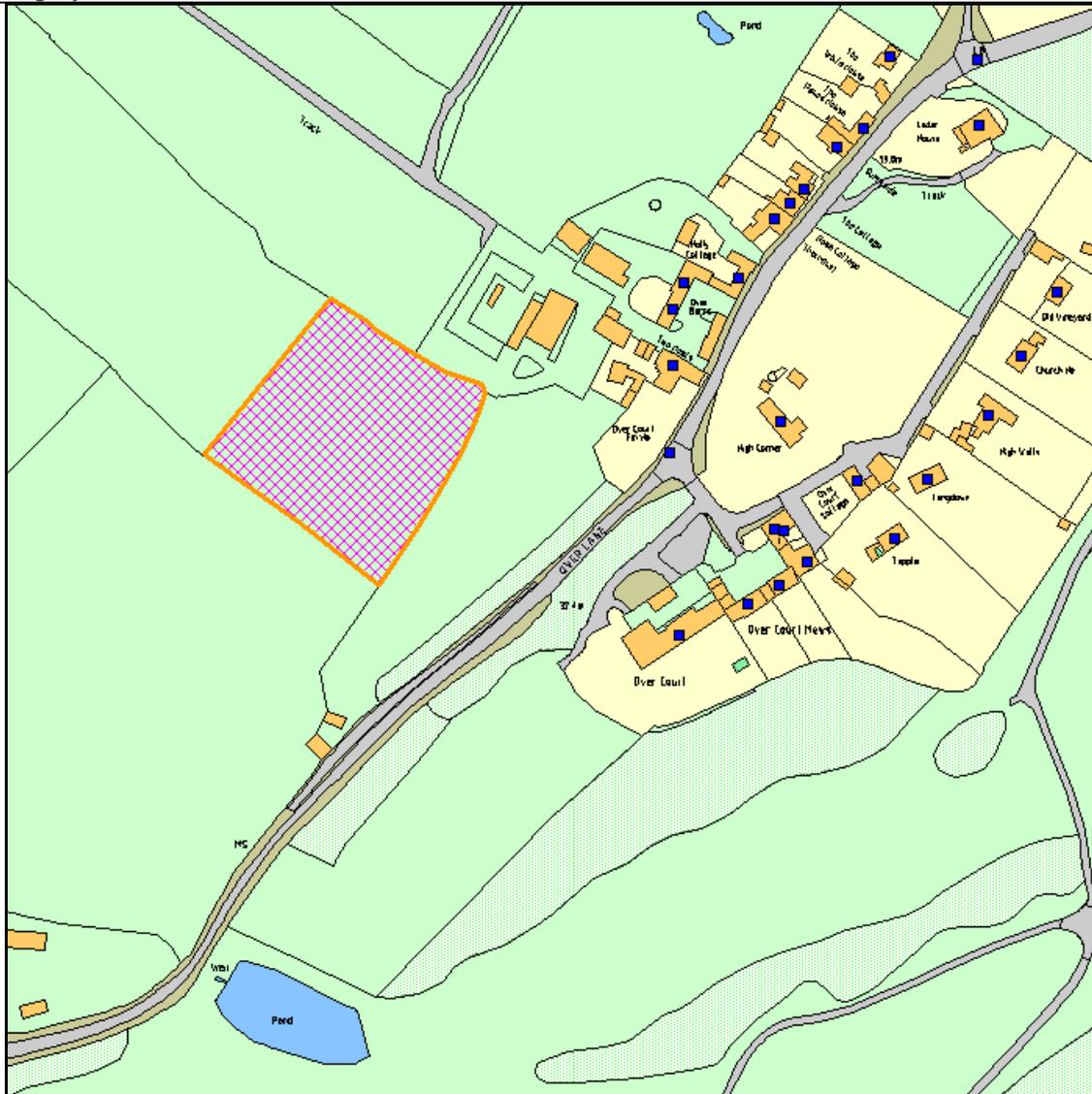
1. The retractable awning hereby approved, shall not extend above the 'highway footpath' at the south-west corner of the site (where the 'forecourt footpath' is at its widest).

Reason

In the interests of highway safety.

CIRCULATED SCHEDULE NO. 06/16 – 12 FEBRUARY 2016

App No.:	PT15/3535/F	Applicant:	Mojo Active Ltd
Site:	Land Adjacent To Over Court Farm Over Lane Almondsbury Bristol South Gloucestershire BS32 4DF	Date Reg:	21st August 2015
Proposal:	Change of use of land to land for the use of archery (Class D2) (retrospective) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended) and erection of timber shelter	Parish:	Almondsbury Parish Council
Map Ref:	358650 182409	Ward:	Almondsbury
Application Category:	Minor	Target Date:	14th October 2015



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application has been referred to the Circulated Schedule as the proposal would be contrary to the National Planning Policy Framework.

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 use of archery (Class D2) and the erection of timber shelter (which has not been erected). The proposed shelter would be approximately 3.5 metres by 10 metres and 3 metres to its ridge.
- 1.2 The application relates to approximately 0.8 ha of land on the north side of Over Lane, Almondsbury. The site is set back from the main road and thus is devoid of a road frontage. 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 Assets

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 is an existing footpath along the north eastern boundary. The following is the planning history of the adjacent site:

- 3.1 PT11/041/SCR Change of use of agricultural land to outdoor fitness facility (Class D2) and erection of associated structures. EIA not required: 18 June 2011
- 3.2 PT11/3174/F Change of use of agricultural land to outdoor fitness facility (Class D2) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended) and the erection of associated assault course timber structures. Approved 13 January 2012
- 3.3 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. Being consideration under the Circulated Schedule
- 3.4 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.
- 3.5 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

4. CONSULTATION RESPONSES

- 4.1 Almondsbury Parish Council
No objection.
- 4.2 Other Consultees
 - Landscape Officer: No objection.
 - Conservation Officer: No objection.

Highway Officer: No objection to the car parking drawing No. OCB02 T06 Rev A and revised blue line boundary drawing SLP002.

Environmental Protection: No adverse comment.

Other Representations

4.3 Local Residents Comments

One letter of objection was submitted concerning the necessity of the proposed shelter and was subsequently withdrawn.

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 archery, which would be adjacent to the existing outdoor activities facilities. 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 no permanent fixture on the land (aside from the shelter which is in itself appropriate development) 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 archery use would not compromise the openness of the Green Belt, provided that a planning condition is imposed to secure that land will be used for archery only. 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 shelter, it is considered that it would fall within one of the 'Exceptions' defined by Paragraph 89 of the NPPF. Therefore the proposal would not be inappropriate development. It should also be noted planning permission was granted for a band stand style pavilion on the adjacent field, and the agent confirmed that the applicant does not intend to erect the pavilion. The proposed timber shelter would be approximately 8 metres from the existing footpath. Given that the 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 shelter would not be contrary to the fundamental aim of Green Belt policy. Nevertheless, it would be reasonable and necessary to impose a condition to ensure that the proposed shelter would be an alternative development to the approved band stand pavilion in order to safeguard the openness of the Green Belt.
- 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 be surveyed since 1988, the land has not be graded between 3a and 3b. As the size of the land for the proposed use and the proposed timber structure would not be large in 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

A band stand style pavilion was originally proposed to be located in the centre of the field to the north of the proposed site, and planning permission has been granted for the structure.

Given that the proposed shelter would be used for archery activities, and the structure would not be large in scale, it is considered that the proposed shelter would not significantly change its visual impact on the surrounding landscaping compared to the original location, and therefore there is no landscape objection

to the proposal. Nevertheless, Officers consider that it would be reasonable and necessary to impose a condition to ensure that the proposed shelter would be alternative development to the approved band stand pavilion in order to protect the visual amenity of the Green Belt.

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 Residential Amenity

The proposed timber shelter would be situated on an agricultural land and it would not be immediately adjacent to residential properties. The Council Environmental Protection Officer has no objection to the proposed change of use and the proposed shelter. Officers however acknowledge that residents raised concerns 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 similar degree of disturbance. In this instance, officers consider that it would be necessary to impose a condition to ensure that the proposed use would utilise the same operational hours:

For October to March (inclusive): 08.00am to 18.30pm

For April to September (inclusive): 08.00am to 21.00pm Mondays to Fridays, and 08.00am to 18.30pm Saturdays and Sundays.

which is subject to the decision of planning application, PT15/4710/RVC to ensure the residential amenity is adequately safeguarded.

Highway Issues

The Highway Officer originally asked for further evidence regarding the number of people proposed to be able to use the facility at any one time and what the parking arrangements are for the development. To address the concerns, the applicant submitted a car parking plan and a car park survey dated 7th and 8th October 2015.

Officers consider that the additional details have adequately addressed the concerns and there fore there is no transportation objection subject to condition to ensure the car park showing on the drawing no. OCB02 T06 Rev A will be available for use by all visitors and staff associated with the development.

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 Conservation Officer has suggested repositioning the shelter to the north-eastern or north-western boundary, to minimise the visual clutter and the cumulative loss of open, agricultural landscape character. However, it is considered that the proposed shelter 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.

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 timber shelter hereby approved shall only be used for archery associated activities 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 outdoor fitness facility hereby approved shall only be utilised from 08.00am to 21.00pm Mondays to Fridays and 08.00am to 18.30pm Saturdays and Sundays within April to September inclusive and 08.00am to 18.30pm within October to March inclusive.

Reason

In the interest of 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.

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).

5. The site car park shown on drawing no. OCB02 T06 Rev A shall be made available for use by all visitors and staff associated with the development and maintained as such thereafter.

Reason

In the interest of highway safety and to accord with Policy CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013) and Saved Policy T8 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

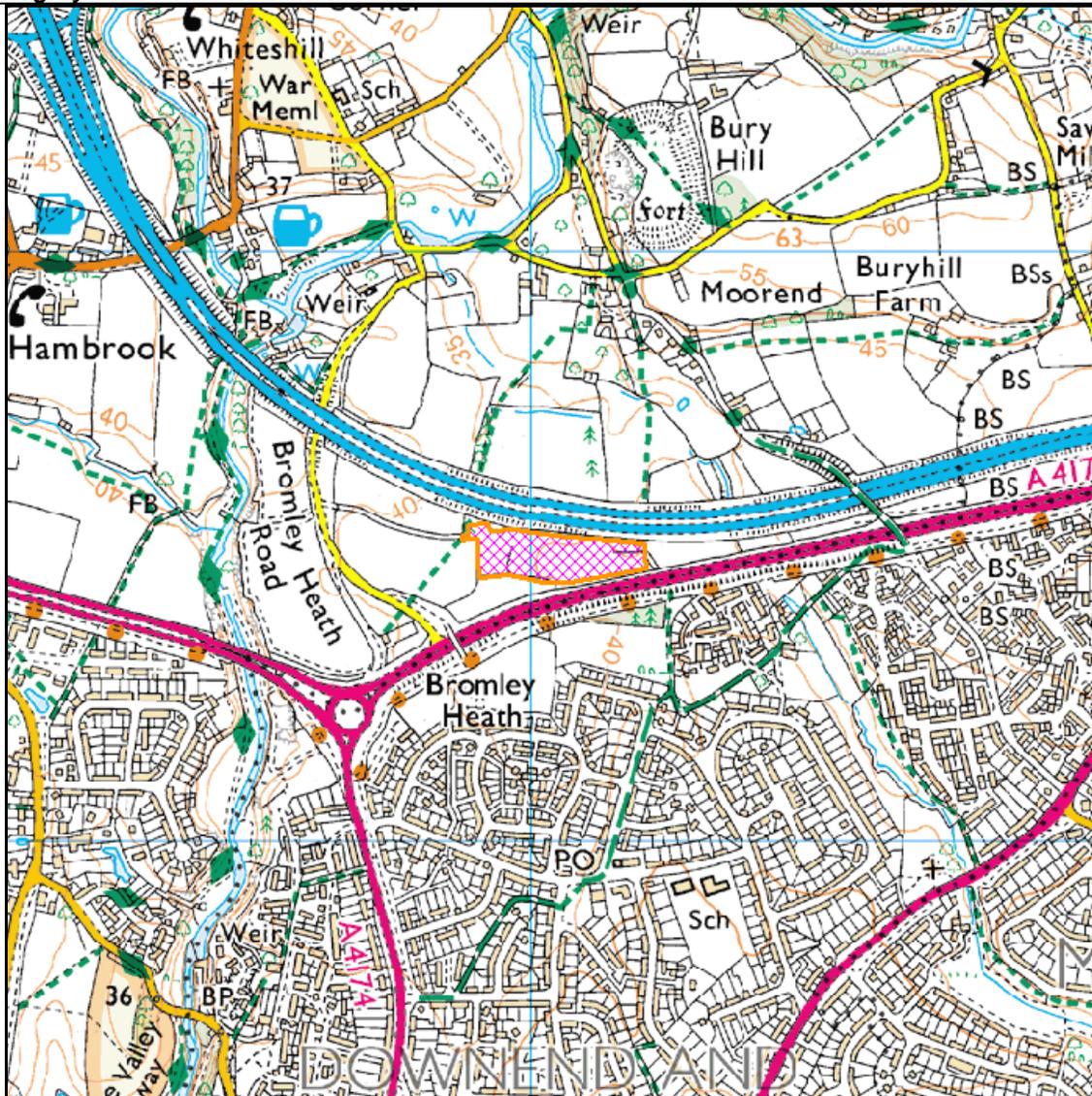
6. The development hereby permitted shall be carried out as an alternative to the permission granted on 13 January 2012 and 4 November 2014 for the band stand pavilion; at the land adjacent to the application site (Reference PT11/3174/F and PT14/1136/RVC respectively); but not in addition to it, to the intent that the applicant may carry out one of the developments permitted but not both, nor parts of both developments.

Reason

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

CIRCULATED SCHEDULE NO. 06/16 – 12 FEBRUARY 2016

App No.:	PT15/5485/RVC	Applicant:	South Gloucestershire Council
Site:	Land Between M4 And The A4174 Ringroad South Of Moored Hambrook Bristol South Gloucestershire BS16 1ST	Date Reg:	30th December 2015
Proposal:	Variation of condition 12 attached to PT14/4020/F to substitute approved drawing Figure 4-9 for Drawing No. 1507G_GA-AB-001 Rev D showing a revised position for the transformer and switchgear	Parish:	Downend And Bromley Heath Parish Council
Map Ref:	365285 178411	Ward:	Downend
Application Category:	Major	Target Date:	22nd March 2016



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 100023410, 2008. N.T.S. PT15/5485/RVC

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application is referred to the Circulated Schedule in accordance with procedure given that the applicant is South Gloucestershire Council (Property Services).

1. THE PROPOSAL

- 1.1 This application seeks permission for the variation of condition 12 attached to application PT14/4020/F (by virtue of a non material amendment application PT15/4949/NMA). Condition 12 lists the plans that were approved as part of the original planning approval reference PT14/4020/F and stated that the development should be built in accordance with those plans. This somewhat lengthy process is one method of obtaining 'minor amendments' to larger and more complicated applications. This is in line with Central Government advice that has identified this method in absence of any specific legislation to apply for minor amendments. This application seeks consent to vary the list of approved plans thereby allowing changes to the approved scheme.

Condition 12 currently reads:

The development shall be implemented strictly in accordance with the following plans:

Fig 1-1 Location Plan, Fig 4-10 Access Track Details, Fig 4-11 Temporary Compound Layout, LVA Figure 3 Viewpoint locations, LVA Fig 4.1 to 4.4 Viewpoints, LVA Fig 6 - Footpath Locations, **Figure 4-9 Grid Connection Route**, Fig 4-3 Grid Connection Substation, 5-1 Indicative Swale Location (but not panels), LVA Fig 2 - ZTV, Fig 4-2 Typical Solar Array Ground Mount System-ballast, Fig 4-1 Typical Solar Array Ground Mount System -Plied, Fig 4-8 Security Fence, Fig 4-7 Trenching Cross Section, Fig 4-4 Typical Switchgear and inverter buildings, Fig 4-6 Typical Solar Panel illustration, all received 14th October 2014 and revised layout plan received 19th November 2014.

Reason

To ensure that the development complies with the submitted details, in the interests of visual amenity, highway safety and residential amenity and to accord with policies CS1, CS3, CS9 and CS34 of the South Gloucestershire Core Strategy (Adopted) December 2013; policies L1, L9, L12, L13, EP2 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006; and the NPPF (2012).

The application seeks to amend condition 12 to substitute the plan highlighted above for Drawing No.1507G-GA-AB-001 Rev D (PV Array General Arrangement). All the other plans listed above will remain unchanged. The effect of the change is to move the transformer and switch gear originally positioned at the north-west corner of the site further eastwards by approx. 70 metres along the northern boundary.

- 1.2 In considering this application, it is essential to focus only on this condition and not to give attention to other matters not relevant to this RVC application. It is also necessary to focus attention on the reasons for attaching the condition in the first place. As an RVC decision has the effect of issuing a new planning permission, it is also necessary to check all conditions attached to the original application are still relevant and necessary and need following through to this new application. It should be noted that the scheme has been partially implemented

2. POLICY CONTEXT

2.1 South Gloucestershire Local Plan (Adopted) January 2006

L1	Landscape Protection and Enhancement
L9	Species Protection
L12	Conservation Areas
L13	Listed Buildings
L16	Protecting the Best Agricultural Land
EP2	Flood Risk and Development
T12	Transportation Development Control Policy for New Development

2.2 South Gloucestershire Core Strategy (Adopted) December 2013

CS3	Renewable and Low Carbon Energy Generation
CS1	High Quality Design
CS5	Location of Development
CS9	Managing the Environment and Heritage
CS34	Rural Areas

2.3 Supplementary Planning Guidance

Development in the Green Belt (Adopted)
South Gloucestershire Design Checklist (Adopted)
South Gloucestershire Landscape Character Assessment (Adopted) Frome Valley Landscape Character Area – Area 13
South Gloucestershire Bio-diversity Action Plan
Renewables – Supplementary Planning Document (November 2014)

2.4 Other Material Considerations

Emerging Draft South Gloucestershire Policies Sites and Places SPD
Consultation of the draft PSP Plan ran until 28th August 2014. Work is continuing on this document with an Examination in Public due in 2015.
Report on the Potential for Renewable and Low Carbon Energy Supply in South Gloucestershire June 2010 (AECOM Report)
South Gloucestershire Climate Change Strategy – Low Carbon South Gloucestershire Plan 2012 to 2015 (adopted).
Gregory Barker speech to the Large Scale Solar Conference (25th April 2013)

3. RELEVANT PLANNING HISTORY

- 3.1 PT14/4020/F Installation and operation of a ground mount solar PV scheme and associated infrastructure (Approved subject to conditions)

PT15/4949/NMA Non material amendment to PT14/4020/F to make all plans accompanying the application a condition of the permission (No objection)

4. CONSULTATION RESPONSES

4.1 Downend and Bromley Heath Parish Council

No objection

4.2 Transportation Development Control

We note that this planning application seeks to vary a condition (ref Condition 12) placed on the planning permission (ref PT14/4020/F). This permitted development of a solar farm on Land between the M4 and the A4174 at Hambrook. As this variation seeks to substitute one of the approved drawings with a new version showing a revised location for the proposed transformer and switchgear, we do not consider that it raises any highways or transportation issues, therefore we have no comments about it.

4.3 Lead Local Flood Authority

The Drainage & Flood Risk Management team have no objection

4.4 Public Rights of Way Team

No objection

4.5 Highway Structures

No Objection

4.6 Landscape Officer

No objection

Other Representations

4.7 Local Residents

None received

5. ANALYSIS OF PROPOSAL

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

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

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

5.3 Being mindful of the reason for attaching the conditions in the first place, when assessing this application your officer will consider whether the alteration to the location of the transformer and switchgear will undermine the objectives of the policies listed in the reason for the condition.

5.4 Analysis of Proposal

The original application related to the erection of a solar park on land to the north of the ring road. The development has proceeded since the consent however it is deemed necessary to move the location of the transformer and switchgear from its consented position to a location approximately 70 metres to the east albeit on the northern boundary and the applicant seeks to authorise this change through this Section 73 application. The enclosure measures approx. 5m by 4m and the structures within not more than 3.5m in height by 3.6m by 2.6m the switching. The principle of development has been considered therefore the following considerations are relevant.

5.5 Green Belt

The overall development has been previously considered acceptable in principle and at the heart of this conclusion was whether the proposal was acceptable having regard to Green Belt Policy. The equipment is the same as previously approved although as indicated above its location will be changed. It is not considered that the alteration will result in any increased impact upon the openness of the Green Belt or its visual amenity than was the case previously. The proposal is therefore considered acceptable in Green Belt terms.

5.6 Residential Amenity

Given that there are no residential properties within the vicinity of the site there will be no impact on residential amenity

5.7 Landscape/Visual Amenity/Ecology

It is not considered that there will be any increased impact upon landscape or visual amenity than the previous consent. Conditions are in place to secure landscape screening.

5.8 Historic Environment

It is not considered that the proposed alteration will have any significant impact upon the historic environment

5.9 Transportation

It is not considered that the proposed alteration in the location of this equipment will have any impact upon the surrounding highway network.

5.10 Drainage/Flood Risk

The proposed re-siting of the equipment will have no additional impact upon drainage/flood risk.

5.11 Archaeology

The proposed re-siting of the equipment will have no additional impact upon archaeology.

5.12 In summary it is not considered that the relocation of these structures will have any greater impact upon the Green Belt, visual amenity of the area, residential amenity or any other material planning consideration than the originally approved location. As such the revised position is considered appropriate.

5.13 Other Relevant Conditions

In terms of all other conditions that were attached to application PT14/4020/F, all pre-commencement conditions have been discharged. The wording of the conditions will therefore be updated accordingly.

6. CONCLUSION

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

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

7. RECOMMENDATION

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

Contact Officer: David Stockdale
Tel. No. 01454 866622

CONDITIONS

1. The development hereby approved shall be removed not later than 25 years from the date that electricity from the development is first exported to the National Grid; or within 3 years of the cessation of the exportation of electricity to the grid, whichever is the sooner; and the land shall be returned to its former condition within 12 months of the removal of the solar farm equipment. Such renovation of the landscape shall be carried out in consultation with the Local Planning Authority and shall be agreed in writing. The renovation shall continue in accordance with the agreed details and shall be retained as such.

Reason

In order to ensure that the approved development does not remain in situ beyond the projected lifetime of the equipment so installed in the interests of the visual amenity and character of the surrounding landscape; and to accord with Policies CS1, CS3, CS5, CS9, and CS34 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and saved Policies L1 the South Gloucestershire Local Plan (Adopted) January 2006.

2. The developer shall notify the Local Planning Authority within 21 days of such time that electricity from the development is first exported to the National Electricity Supply Grid.

Reason

In order to allow the Local Planning Authority to adequately monitor the time scale of the development; and conditions contained in this decision notice.

3. Within 2 months of the date that electricity from the development is first exported to the National Grid, the temporary construction compound as shown upon the approved Construction Management Plan shall be taken up and removed from the site and the corresponding area of land shall be returned to its former condition.

Reason

To protect the character and appearance of the area to accord with Policies CS1, CS3, CS5, CS9 and CS34 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 and saved Policy L1 of the South Gloucestershire Local Plan (Adopted) January 2006.

4. All surface water drainage works shall take place in accordance with Drg No. WHS1348 001 C (Moorend Swale) and the Landscape and Ecological Management Plan received 13th August 2015 (and as approved by the discharge of Condition 5 attached to Application PT14/4020/F on 15th September 2015). The works shall be retained as such thereafter.

Reason

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

5. No siting of any solar panels or fixed equipment shall take place over any public sewers or within 3 metres of any of these sewers at any time hereafter.

Reason

To avoid adverse impact upon the public sewerage system and to allow access for maintenance to that system, to accord with Policy CS1 and CS9 of the South Gloucestershire Local Plan Core Strategy December 2013.

6. The construction and location of the CCTV cameras and mountings shall take place in accordance with Drg No. 1507 G GA B003 Fence and CCTV detail received on 13th August 2015 and as approved by the discharge of Condition 7 attached to Application PT14/4020/F on 15th September 2015). The works shall be retained as such thereafter.

Reason

In the interest of the visual amenity and landscape character of the locality and to accord with Policy L1 of the South Gloucestershire Local Plan 2006 (saved policy) and Policy CS1 and CS9 of the South Gloucestershire Local Plan Core Strategy 2013

7. All works shall be carried out fully in accordance with the Construction Management Plan (Benu Energy dated 5th August 2015) received 13th August 2015 (and as approved by the discharge of Condition 8 attached to Application PT14/4020/F on 16th September 2015).

Reason

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

8. All works shall take place fully in accord with the Landscape and Ecological Management Plan (July 2015 Biocensus) received 13th August 2015 and as approved by the discharge of Condition 9 attached to Application PT14/4020/F on 16th September 2015).

Reason

To ensure a robust landscape framework is achieved as mitigation for development from the onset and a long term landscape and ecological management strategy is developed to increase biodiversity gain in accordance with policy L1 of the South Gloucestershire Local Plan 2006 (saved policy) and CS1 of the Local Plan Core Strategy 2013

9. All works shall take place in accordance with the details shown on Drg No. 2823 L SW 0 01 02 - Landscape Mitigation Plan and 2823 L SW 0 02 02 Landscape Planting Plan received 13th August 2015 and as approved by the discharge of Condition 10 attached to Application PT14/4020/F on 15th September 2015).

Reason

To ensure all planting works are carried out in accordance with best horticultural practice and establishment of a successful robust planting scheme is achieved as mitigation for the development and to ensure the safety of users of the motorway and to ensure that the integrity of the motorway boundary is protected and to accord with Policy L1 and T12 of the South Gloucestershire Local Plan 2006 (saved policy) and Policy CS1 of the South Gloucestershire Local Plan Core Strategy 2013.

10. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) dated September 2014 by WHS and the mitigation measures detailed within the FRA.

Reason

To reduce the impact of flooding on the proposed development and to accord with Policy CS9 of the South Gloucestershire Local Plan Core Strategy 2013.

11. The development shall be implemented strictly in accordance with the following plans:

Fig 1-1 Location Plan, Fig 4-10 Access Track Details, Fig 4-11 Temporary Compound Layout, LVA Figure 3 Viewpoint locations, LVA Fig 4..1 to 4.4 Viewpoints, LVA Fig 6 - Footpath Locations, Fig 4-3 Grid Connection Substation, 5-1 Indicative Swale Location (but not panels), LVA Fig 2 - ZTV, Fig 4-2 Typical Solar Array Ground Mount System-ballast, Fig 4-1 Typical Solar Array Ground Mount System -Plied, Fig 4-8 Security Fence, Fig 4-7 Trenching Cross Section, Fig 4-4 Typical Switchgear and inverter buildings, Fig 4-6 Typical Solar Panel illustration, all received 14th October 2014 and revised layout plan received 19th November 2014 and 1507G-GA-AB-001 Rev D (PV Array General Arrangement) received 22nd December 2015.

Reason

In the interests of proper planning and to ensure that the development is carried out in accordance with the approved plans in order to comply with the policies in the adopted South Gloucestershire Local Plan: Core Strategy (2013); and the saved policies of the adopted South Gloucestershire Local Plan (2006).