



**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. 19/16

Date to Members: 13/05/16

Member's Deadline: 19/05/2016 (5.00 pm)

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

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

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

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

NOTES FOR COUNCILLORS - FORMAL ARRANGEMENTS

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

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

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

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

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

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

GUIDANCE FOR 'REFERRING' APPLICATIONS

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

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

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

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

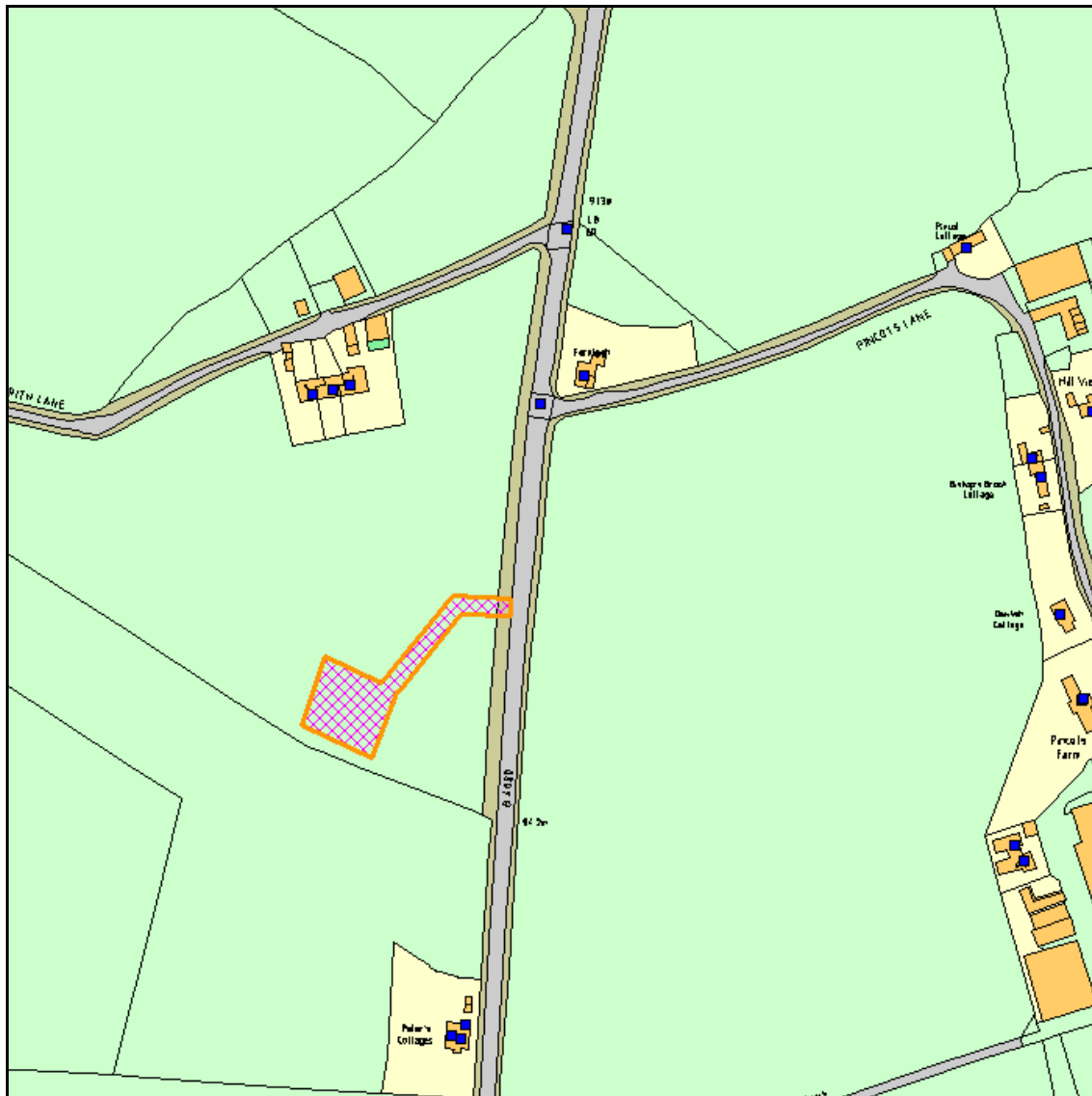
For clarity I have highlighted changed deadlines in **RED**.
All other dates remain as usual.

CIRCULATED SCHEDULE - 13 May 2016

ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
1	PK15/5235/F	Approve with Conditions	Hill House Farm Wickwar Road Wickwar South Gloucestershire GL12 8PA	Ladden Brook	Wickwar Parish Council
2	PK16/1068/F	Approve with Conditions	Land Rear Of Willsbridge House Willsbridge Hill Willsbridge South Gloucestershire BS30 6EX	Longwell Green	Hanham Abbots Parish Council
3	PK16/1223/F	Approve with Conditions	2 Honeyborne Way Wickwar South Gloucestershire GL12 8PF	Ladden Brook	Wickwar Parish Council
4	PK16/1345/F	Approve with Conditions	101 Bromley Heath Road Downend South Gloucestershire BS16 6HZ	Downend	Downend And Bromley Heath Parish Council
5	PK16/1406/F	Approve with Conditions	38 Tunbridge Way Emersons Green South Gloucestershire BS16 7EX	Emersons	Emersons Green Town Council
6	PK16/1444/ADV	Approve	Traffic Roundabout Bath Road And Marsham Way Longwell Green South Gloucestershire BS30 9DG	Longwell Green	Oldland Parish Council
7	PK16/1600/TCA	Split decision See D/N	The Old Rectory Church Lane Wickwar Wotton Under Edge South Gloucestershire GL12 8LE	Ladden Brook	Wickwar Parish Council
8	PT15/5008/FDI	Approve	Land East Of Coldharbour Lane Stoke Gifford South Gloucestershire BS16 1UX - <u>DEFERRED</u>	Frenchay And Stoke Park	Stoke Gifford Parish Council
9	PT16/0242/F	Approve with Conditions	The Cottage Whale Wharf Lane Littleton Upon Severn South Gloucestershire BS35 1NN	Severn	Aust Parish Council
10	PT16/0519/O	Refusal	Land adjacent to Pound Cottage Old Gloucester Road Thornbury South Gloucestershire BS35 3UG	Thornbury North	Thornbury Town Council
11	PT16/1023/CLE	Approve	23 Bakers Ground Stoke Gifford South Gloucestershire BS34 8GD	Stoke Gifford	Stoke Gifford Parish Council
12	PT16/1070/F	Approve with Conditions	2 Berkeley Close Charfield Wotton Under Edge South Gloucestershire GL12 8TE	Charfield	Charfield Parish Council
13	PT16/1206/F	Approve with Conditions	15 School Road Frampton Cotterell South Gloucestershire BS36 2DB	Frampton Cotterell	Frampton Cotterell Parish Council
14	PT16/1492/CLP	Approve with Conditions	15 Heathcote Drive Coalpit Heath South Gloucestershire BS36 2PT	Frampton Cotterell	Frampton Cotterell Parish Council

CIRCULATED SCHEDULE NO. 19/16 – 13 MAY 2016

App No.:	PK15/5235/F	Applicant:	Mr J Jones
Site:	Hill House Farm Wickwar Road Wickwar South Gloucestershire GL12 8PA	Date Reg:	10th December 2015
Proposal:	Erection of an agricultural building for the storage of fodder with associated access track and hardstanding.	Parish:	Wickwar Parish Council
Map Ref:	371883 186600	Ward:	Ladden Brook
Application Category:	Minor	Target Date:	2nd February 2016



© South Gloucestershire Council 2007.all rights reserved.
This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.
100023410, 2008. N.T.S. PK15/5235/F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application has been referred to the Circulated Schedule due to the receipt of objections from residents and the Wickwar Parish Council.

1. THE PROPOSAL

- 1.1 This application seeks planning permission for an erection of an agricultural building with associated access track and hardstanding on a field to the west of Sodbury Road, Wickwar. The proposed agricultural building will be used for the storage of fodder (hay and straw) and agricultural machinery and it would be approximately 20.5 metres by 20.3 metres and 8.4 metres to its ridge. (5.6 metres to its eaves). It will be finished with blockwork and Olive Green colour profiled cladding under Anthracite colour profiled roofing.
- 1.2 During the course of the application, the agent has confirmed that no chemicals or hazardous substances will be kept at the building, no mechanical repair works will be undertaken on site, and necessary actions will be taken if vermin become an issue. In addition, the applicant has confirmed that there are no gas pipelines running across their land and the pipe is indeed located within the verge on the eastern side of Wickwar Road and there is no Wayleave agreement in the applicants' deeds.
- 1.3 The site is not within a setting of statutory listed building, nor any landscape or heritage designation, e.g. the Cotswold Area of Natural Beauty, Conservation Areas. The site is situated within Flood zone 1 – low possibility, and the proposed agricultural building is categorised as 'Less Vulnerability' by the Environment Agency.

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 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 and Heritage
CS34 Rural Areas

South Gloucestershire Local Plan (Adopted) January 2006 (saved policies)
L1 Landscape Protection and Enhancement
EP2 Flood Risk and Development

T12 Transportation Development Control Policy for New Development
E9 Agricultural Development

Emerging Plan

Proposed Submission: Policies Sites and Places Plan March 2015

PSP2 Landscape
PSP9 Residential Amenity
PSP21 Flood Risk, Surface Water and Watercourse Management
PSP30 Agricultural Development

2.3 Supplementary Planning Guidance
None

3. RELEVANT PLANNING HISTORY

3.1 PK15/1397/PNA Prior notification of the intention to erect an agricultural building for the storage of hay and machinery.

This application was withdrawn by the applicant.

4. CONSULTATION RESPONSES

4.1 Wickwar Parish Council
Parish Council objects the proposal for the following reasons:

- Do not think it is agricultural use, may be for horses
- Will be highly visible from the Highway whatever colour they paint it
- Will generate more traffic movements on Sodbury Road as the applicant will need to move hay from the building to where it will be used
- The correct location for a hay barn is close to the use of the hay
- Will increase the risk of accidents on the Sodbury road, which is 60mph limit
- There is a gate on Sodbury Road, but no evidence of it ever being used
- There is a lamppost that appears to be more or less in front of the gate
- There is a well used gate on Frith Lane into the field with good visibility up and down Frith Lane

4.2 Other Consultees

Landscape Officer

Confirms that the landscaping proposals now submitted are adequate.

Lead Local Flood Authority

No objection.

Transportation D.C.

No objection subject to conditions seeking the access to the site shall be surfaced with bound surfaced materials and the gate shall be set back from the

edge of road by a distance of 15m from the edge of the road and shall be maintained as such thereafter.

Ecology Officer

No objection. Nesting Birds are protected under the Wildlife and Countryside Act 1981 (as amended). If works need to be carried out on the existing hedges during the bird nesting season, a qualified ecologist needs to ensure that appropriate protective measures will take place.

Highway Structures

No comment

Other Representations

4.3 Local Residents

21 letters of objection have been received and the local residents' concerns are summarised under the following headings:

Design / Landscaping

- The building will clearly be seen from the B4060 Sodbury Road, the area is open landscape, low hedgerows with open views, the building will be eyesore to the landscape.
- The building, new track and hard standing have such a diverse impact due to its size, on the piece of agricultural land and on the close proximity to Sodbury Road
- Increased height of the hedges and the proposed planting along and around the property will completely enclose the open aspect of the landscape. This is not acceptable, not only to neighbours, but to the wider community, to the landscape and to the wildlife.
- Agreed with comments made by the Landscape Officer, the revised plan only address the detail, but not the fundamental points by all the objecting parties
- The large roller shutter door directly facing no. 1-3 Frith Land, it is more in keeping with industrial unit usage rather than agricultural building for the storage of fodder
- The plan seeks to mask and take away the open perspective of Wickwar landscape and the proposed landscaping would have a detrimental effect on the open character as the revised scheme would become a closed landscape
- this is not acceptable the barn needs to be nearer to the farm house where there are existing barns suitable for use as storage and not dwellings

Drainage / flooding:

- photos are attached to show there are existing flooding problems in the locality.
- The overland ditches adjacent to Wickwar/Sodbury Road flood very frequently, in fact the water backs up into our paddock, this was reported to Street Care on several occasions.

- Surely this proposed building would only add to the problem that already exists.
- Run off from the large building into the already over loaded ditches that already cause flooding into Frith Lane and onto the Wickwar road.
- How is the impact of water run off to be dealt with?

Highway:

- Would it not be better gain access to this building via the already widened and agricultural gate to this field that already exists off Frith Lane?
- Hill House Farm currently enjoys a long private access road running off the busy road from this access road, it is also possible for the applicant to gain direct entry to other fields which are owned resulting in far less environmental impact being felt.
- It represent significantly more risk than sing the existing entry / egress site detailed above or that already exists off Firth Lane
- The current re-established gate way is not adequate for modern vehicles, will road splays be added?
- Proposed planting will make visibility dangerous for large farm machinery turning onto an already dangerous busy road with increased traffic due to the new housing development nearby
- Revised proposals would have a detrimental highway safety impact

Ecology:

- What is the impact assessment on the local eco-system?
- Impact upon the wildlife (and their habitat) that can be regularly seen in the field, such as, hare, pheasant, deer, badger & hedgehog
- the hedges will be interfered with and ask if an assessment has been made that justifies the proposed modifications both in the short and long term.

Other:

- There are two agricultural accesses to this field, one off B4060 which has not been for many years, and one off Frith Lane, which is currently used.
- There is another application PK15/5173/F for change of use from an existing barn to a holiday let. If there is already a barn that can be used for storage, why is there a need for new one? Why this barn cannot be utilised for the storage of fodder, it could be made bigger without the impact as this barn is not in full view and would not be detrimental to the surrounding countryside
- The proposal is similar to PK15/1397/PNA
- Not acceptable, simply move the barn near the farm house and or take one of the previous barn converted to dwellings and reconvert it back to a barn
- Agricultural storage principally for hay and haylage made on the holding and occasional storage of machinery used on the holding, we assume that such machinery is agricultural in nature only, is this a correct assumption?

- the applicant does have a holding of buildings that could be used for this purposes or could build near to the cluster farm, there are a number of alternative locations on the applicant's land that enjoy better and already established road access
- There is generally in the area a vermin issue, how this matter will be managed and how any hazardous substance being laid to control will be managed to avoid impact to related but less dangerous
- How will waste be stored and removed from the site? How will any screening be provided to the waste store?
- The building may store equipment that has diesel oil, hydraulic oil and other hazardous substances that should be appropriately catered for in the design such as petrol and other run off interceptors? Any impact assessment for any these materials that may be stored on the site.
- The barn sits directly over or very close to the existing gas supply line which runs diagonally across the development site

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

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

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

5.3 The Policies, Sites & Places Plan is an emerging plan only. Whilst this plan is a material consideration, only 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 Paragraph 28 of the NPPF promote a strong rural economy and support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings.

5.6 Paragraph 100 of the NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas of highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere.

5.7 Saved Policy E9 of the South Gloucestershire Local Plan permits agricultural buildings subject to the following criteria being met:

A. They are sited on land which is in use for agricultural purposes and there are no existing suitable underused buildings available; and

5.8 The Parish Council and local residents raise concerns regarding the use of the land and the intended uses of the building. Based on the available information, the land has not been subject to any planning applications any planning enforcement investigations regarding the change of use of the land, officers therefore have no evidence to prove that the land is not being used for agricultural purposes.

5.9 The agent has confirmed that the applicant is using the land for the conservation of forage. The land is currently cut three times per year with the hay being sold from the holding. All hay needs to be stored indoors to ensure that the quality is preserved along with ensuring that fertilisers are kept dry prior to being applied to the land. The applicant has also confirmed that they apply fertiliser annually to the land, is currently farming 60.68 hectares. The land is registered with the Rural Land Registry and claimed under the Basis Payment Scheme. Additionally, the land is subject to an Environmental Stewardship agreement and Forestry Commission grant, which are all approved by the RPA and Natural England. The agent also confirmed that the applicant is VAT registered and has farming accounts.

5.10 In this instance, officers are satisfied that the land is used for an agricultural purposes.

5.11 Officers also noted that there is a stone barn, which was subject to a planning application for a conversion of a redundant stone barn into tourist accommodation. The agent has advised that the building is too small for the storage of agricultural machinery and fodder. The existing stone barn is approximately 34 sqm, whereas, the agricultural building extends to approximately 417 sqm.

5.12 In this instance, officers are satisfied that there are no existing suitable underused buildings for available for the applicant's agricultural enterprises, as such the proposal would meet this Criterion.

B. Adequate provision is made for access and manoeuvring of machinery and livestock to avoid the perpetuation, intensification or creation of a traffic hazard;

- 5.13 Officers acknowledge residents' concerns regarding the visibility onto Sodbury Road. The Highway Officer has considered the submitted details and officers are satisfied that the boundary hedge is adequately set back from the main road and would not affect the sight lines. As such, there is acceptable visibility from site access onto the public highway. Furthermore, the applicant has submitted a revised drawing showing that the the access to the site will be surface with bound surfaced materials and the gate will be set back from the edge of the road by 15 metres. This is considered acceptable and will act to safeguard the public highway safety.

C. Development would not have unacceptable environmental effects; and

- 5.14 Officers including the Highway Drainage Engineer acknowledge the local residents' concerns regarding the existing flooding problems and also took into consideration the photos which were recently submitted. The site does not lie within an area at high risk of flooding. It is proposed to use the building to store fodder and machinery and surface water would be disposed of to a soak-away. The Council Highway Drainage Engineer raises no objection to the proposal. The Engineer also advised that the proposed method to deal with surface water drainage for this new development is through infiltration as per the current situation for this site. In addition, it has been indicated that infiltration would be a viable option for this site. The proposal does involve the creation of an area of hardstanding within what is at the moment an empty field. However, considering the footprint of the proposed development (new barn and access road) in comparison to the overall site area the Council Engineer does not consider that the development will have an adverse effect on flood risk. As such, there would be no unacceptable environment effects.

D. The proposal would not prejudice the amenities of people residing in the area.

- 5.15 The nearest residential property to the proposed building would be at No. 1-3 Fifth Lane and Peters' Cottages, which are located to the north and south of the site respectively. The proposed building would be approximately 90 to 101 metres away to these residential properties. Given the considerable distance from residential properties and the nature of the proposal, it is considered that there would be no adverse impact on residential amenity, in terms of overbearing or overlooking impact.
- 5.16 Landscape and Design Issues
Officers acknowledge residents' concerns regarding the impact upon the landscape character of the locality. The proposed building is located on open pasture fields with low hedgerows allowing long views to the east and the west. The site lies on the top of the Wickwar ridge, which as a plateau character in the environs of the site.
- 5.17 Regarding the location of the building, officers initially raised concerns that the new building would be located away from the main farmstead. However, the applicant argues that the proposed site would be a better location to serve the rest of the farm; and that the proposed siting of the building would result in less impact upon the residential properties along Frith Lane.

5.18 Officers note that this application proposes that the building is the same size and located in the same position as that initially proposed in the withdrawn prior notification application. However, the proposal provides detailed planting scheme along Sodbury Road and around the new building. The Council Landscape Officer has considered the submitted landscaping scheme, which proposes dense tree planting with appropriate species along the main road. This would act to screen the development from views in the wider landscape. As such, officers are satisfied that the development is acceptable in landscape terms. A condition can be applied to any consent which would secure the landscaping agreed.

5.19 Regarding the design and appearance of the building, the proposal indicates that the new building would be finished with Anthracite profiled roofing and Olive Green profiled cladding above block work. It is also noted that there would be a roller shutter on two elevations. Officers acknowledge residents' concerns about the appearance, however, it is considered that the design of the building is not uncommon for modern agricultural enterprises, and therefore it would not detract from the rural character of the locality.

5.20 Ecology

Officers acknowledge residents' concerns regarding the ecological issues of the area. The Ecology Officer has been consulted. As the field subject to the proposal is in arable land use, there are no objections to this application on ecological grounds. In addition, it is considered that the landscape proposals regarding tree planting and screening will also provide biodiversity gain in the locality.

6. CONCLUSION

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

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

7. RECOMMENDATION

7.1 That planning permission be GRANTED subject to the following conditions:

Contact Officer: Olivia Tresise
Tel. No. 01454 863761

CONDITIONS

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

Reason

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

2. All hard and soft landscape works shall be carried out in accordance with the approved Landscape Plan (No. and name of the plan 50746/05/100 rev E). The works shall be carried out prior to the use of any part of the approved barn or in accordance with the programme agreed with the Local Planning Authority.

Reason

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

3. The hours of working on site during the period of construction shall be restricted to Monday - Friday 7.30 - 18.00 and Saturday 8.00 - 13.00 and no working shall take place on Sundays or Public Holidays. The term 'working' shall, for the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the curtilage of site.

Reason

To protect the amenity enjoyed by those living in the locality and minimise the disruption to the area, in accordance with saved Policy T12 and E9 of the South Gloucestershire Local Plan (Adopted) January 2006.

4. Prior to first use of the building, the access to the site shall be surfaced with bound surfaced materials across its full width and for a length of 15 metres when measured from the edge of the road.

Reason

To prevent mud or loose materials being tracked onto the public highway and to accord with saved Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006 and Policy CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013).

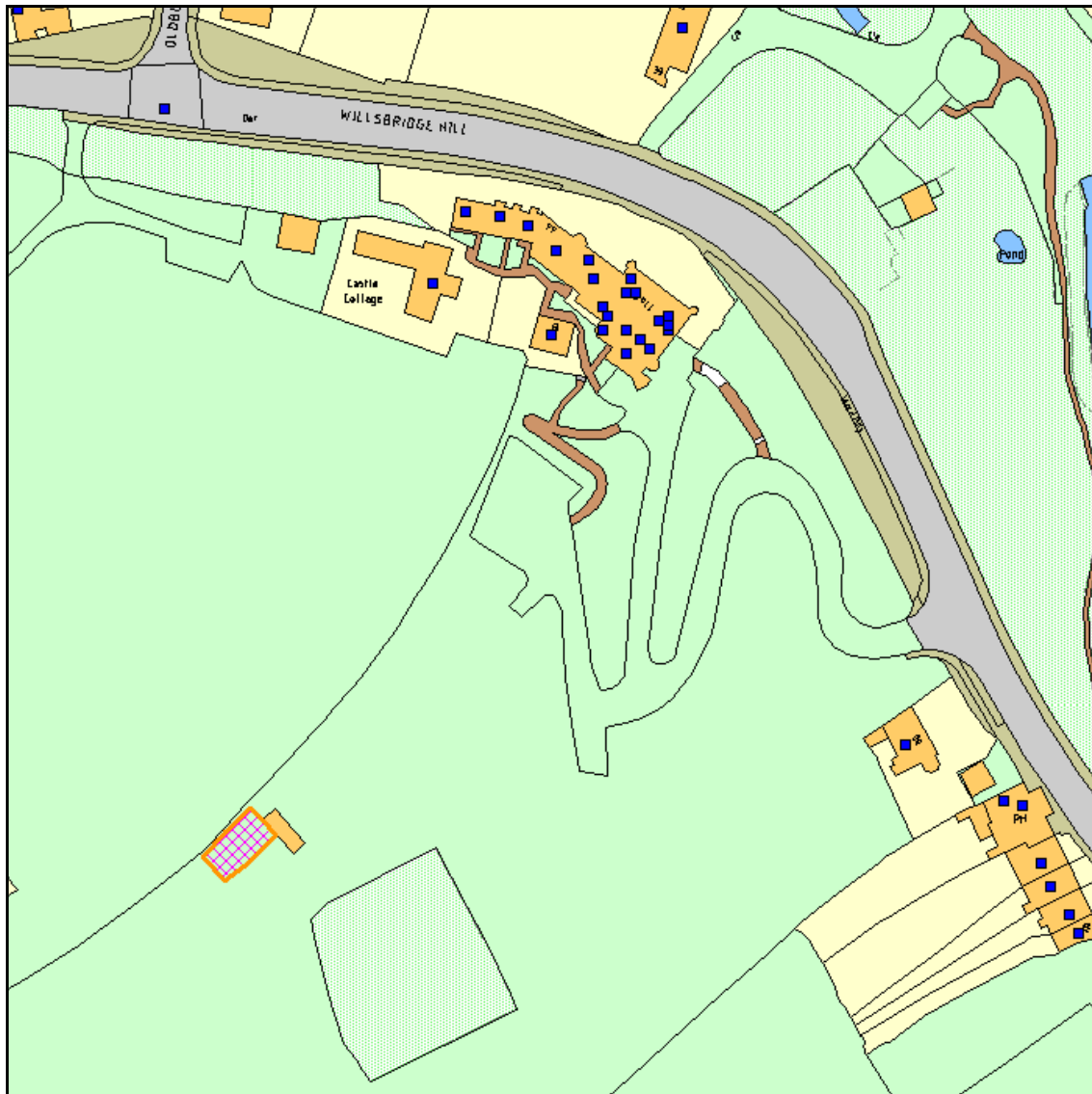
5. Notwithstanding the submitted details and prior to the first use of the building hereby permitted, the gate shall be set back from the edge of road by a distance of 15 metres from the edge of the road and shall be maintained as such thereafter.

Reason

To safeguard public highway safety and to ensure that agricultural vehicles can be pulled off the road before opening or closing the gate and to accord with saved Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006 and Policy CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013).

CIRCULATED SCHEDULE NO. 19/16 – 13 MAY 2016

App No.:	PK16/1068/F	Applicant:	Mr M Bracey
Site:	Land Rear Of Willsbridge House Willsbridge Hill Willsbridge Bristol South Gloucestershire BS30 6EX	Date Reg:	11th March 2016
Proposal:	Erection of an agricultural building for the storage of agricultural machinery and feed for livestock. (Amendment to previously approved scheme PK13/1978/F). (Part retrospective).	Parish:	Hanham Abbots Parish Council
Map Ref:	366394 170644	Ward:	Longwell Green
Application Category:	Minor	Target Date:	3rd May 2016



© South Gloucestershire Council 2007.all rights reserved.
 This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.
 100023410, 2008. **N.T.S.** **PK16/1068/F**

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application has been referred to the Circulated Schedule following the receipt of concerns raised by a local resident; the concerns raised being contrary to the officer recommendation.

1. THE PROPOSAL

- 1.1 The application seeks full planning consent for the erection of an agricultural building to be used for the secure storage of equipment, machinery and feedstuffs for animals that are kept on the agricultural holding in the fields adjoining the site. The site lies in open countryside and within the Bristol/Bath Green Belt. The proposed agricultural building would replace the dilapidated remains of a stable building that formerly stood on the site.
- 1.2 To the north-east, but some distance away, is Willsbridge House, a substantial Grade II Listed Building. The application site lies within the historic curtilage of the Listed Building.
- 1.3 Vehicular access to the site is via a long driveway off Willsbridge Hill; that is shared by the occupants of Willsbridge House.
- 1.4 Planning permission PK13/1978/F for this scheme was previously granted in July 2013. Building works have since commenced but the roof has been erected with the roof ridge some 517mm higher with a corresponding increase in roof slope. The applicant sought to address this matter by way of a non-material amendment but as the breach increases the height of the building, officers required a further full application. This current application, therefore merely seeks to regularise the increased height of the building.

2. POLICY CONTEXT

2.1 National Guidance

The National Planning Policy Framework (NPPF) March 2012
The National Planning Practice Guidance 2014
Planning (Listed Buildings and Conservation Areas) Act 1990

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

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

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

E9 Agricultural Development
L1 Landscape Protection and Enhancement
L9 Species Protection
L13 Listed Buildings

EP2 Flood Risk
T12 Transportation Development Control Policy for New Development

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

Emerging Plans

- 2.4 Proposed Submission : Policies, Sites and Places Plan March 2015

PSP1 - Local Distinctiveness
PSP2 - Landscape
PSP3 - Trees and Woodland
PSP7 - Development in the Green Belt
PSP9 - Residential Amenity
PSP18 - Heritage Assets and the Historic Environment
PSP20 - Wider Biodiversity
PSP21 - Flood Risk and Watercourse Management
PSP30 - Agricultural Development

3. RELEVANT PLANNING HISTORY

- 3.1 PK13/1978/F - Erection of an agricultural building for the storage of agricultural machinery and feed for livestock.
Approved 4th July 2013
- 3.2 PK15/2858/NMA - Non material amendment to PK13/1978/F to increase roof pitch to increase storage space in roof void.
Objection 23 July 2015

4. CONSULTATION RESPONSES

- 4.1 Hanham Abbots Parish Council
No comment.
- 4.2 Lead Local Flood Authority
No objection.
- 4.3 Highways Development Control
No objection
- 4.4 Landscape
No comment with regards to Policies CS1 and L1.
- 4.5 Conservation
No objection.
- 4.6 Highway Structures
No comment

Other Representations

4.7 Local Residents/Land Owners

1no response was received from a local resident who raised the following concerns:

- This agricultural barn is under construction in a prominent position in a field which lies in the Green Belt.
- The siting of the barn was a cause for concern which has become even more conspicuous with the loss of the foliage on the trees and bushes over the winter months.
- This application is for an increased height to the roof which will exaggerate even more the size of the building in this sensitive area. It is difficult to see even with a condition for landscaping the area that this building will not remain prominent and visible in the Green Belt.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The acceptance in principle of an agricultural building of similar scale and design has already been established with the grant of planning permission PK13/1978/F. This current application merely seeks to regularise the increased height of the building and corresponding increased roof slope.

5.2 Policy E9 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 permits the erection of agricultural buildings subject to the following criteria:

- A. They are sited on land which is in use for agricultural purposes and there are no existing suitable underused buildings available; and
- B. Adequate provision is made for access and manoeuvring of machinery and livestock to avoid the perpetuation, intensification or creation of a traffic hazard; and
- C. Development would not have unacceptable environmental effects; and
- D. The proposal would not prejudice the amenities of people residing in the area.

5.3 Also of relevance is Policy CS1 of the Core Strategy which seek to secure good designs in new development. Local Plan Policy L1 seeks to conserve and enhance the quality and amenity of the landscape.

5.4 In the first instance however the proposal must be considered against the current Green Belt Policy to be found at para.89 of the NPPF. The most important attribute of Green Belts is openness and inappropriate development in a Green Belt is by definition harmful to the openness. The NPPF lists the various categories of development that would not be considered inappropriate and these include buildings for agricultural purposes. There is therefore no in-principle Green Belt objection to the erection of the building.

5.5 Design of the Agricultural Building and Conservation Issues

The proposed building would have a traditional appearance being a simple form with gable ends and a pitched tiled roof. The scale of the building was previously not considered to be excessive for its purpose and the ridge height in this amended proposal would only increase by 517mm. Buildings have previously been located on the site as evidenced by their remains and remaining hard-standings. As evidenced from the submitted blue edged plan the building would serve a large enough area of agricultural land. Whilst there are some other rudimentary buildings on the land in the applicant's control, these are used to house livestock. One of these buildings is dilapidated and is to be demolished.

5.6 Given the proximity of the Listed Building a traditional design is considered appropriate for this development. The materials to be used in construction were previously secured by condition and comprise rubble Pennant Sandstone for the walls, Red Double Roman Tiles for the roof and European Red Wood for the three doors. The building would be sited in a relatively remote location and due to the presence of existing trees and vegetation, would not be readily visible from the Listed Building. Subject to a condition to secure the previously agreed materials, the proposal would not adversely affect the setting of the Listed Building or appear incongruous within this rural setting.

5.7 Given the increased height of the building and consequent increased void space within the roof, the Listed Building and Conservation Officer has requested that a condition be imposed to remove permitted development rights to introduce dormer windows into the roof and officer's consider this to be justified in this case.

5.8 Landscape Issues

The site is located towards the top of a steep sided slope. There is a public right of way to the immediate East and the Community Forest Path runs further to the east along the bottom of the slope along the watercourse. There are mature trees, hedges and areas of scrub around the proposed location for the building. The building would be partially screened however it will be possible to glimpse the building, especially during the winter months, from the public footpaths and wider landscape. However it has a traditional form and is constructed out of natural materials and even with the modest increase in height should not detract from the rural character of the area or the visual amenity of the Green Belt.

5.9 Impact on Residential Amenity

The proposed building would be sufficiently remote as to have no impact on the nearest residential properties. The access is shared with the occupants of Willsbridge House but the land and previous buildings upon it were associated with Willsbridge House. It is envisaged that the farming activities associated with the site are likely to be low key and not of a nature or degree that would have any adverse impact on residential amenity.

5.10 Transportation Issues

The building would utilise an existing access and there would be adequate room to manoeuvre livestock and machinery. The proposal would not generate excessive levels of traffic.

5.11 Environmental Issues

The site is not prone to flooding. Surface water drainage would be to soakaways. The proposal therefore accords with Policy EP2 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 and Core Strategy Policy CS9 .

5.12 On balance therefore the criteria listed under Policy E9 are considered to be satisfied.

CIL Matters

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

6. CONCLUSION

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

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

7. RECOMMENDATION

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

Contact Officer: Roger Hemming
Tel. No. 01454 863537

CONDITIONS

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

Reason

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

2. The development shall be completed strictly in accordance with the stone sample panel approved 20th August 2014 under planning permission PK13/1978/F, which shall be retained on site until completion of development, for consistency.

Reason

In order that the works serve to preserve the historic setting of the listed building, in accordance with section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, and national guidance set out at the NPPF and accompanying planning practice guide and Policy L13 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

3. The development shall be completed strictly in accordance with the roof tile and door timber samples previously approved 20th August 2014 under planning permission PK13/1978/F.

Reason

In order that the works serve to preserve the historic setting of the listed building, in accordance with section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, and national guidance set out at the NPPF and accompanying planning practice guide and Policy L13 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

4. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) (England) Order 2015 (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 constructed within the roof slopes of the building hereby approved.

Reason

To retain the rural character of the building and to accord with Policy CS1 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11th December 2013.

CIRCULATED SCHEDULE NO. 19/16 – 13 MAY 2016

App No.:	PK16/1223/F	Applicant:	Mr Jonathan Phillips
Site:	2 Honeyborne Way Wickwar South Gloucestershire GL12 8PF	Date Reg:	18th March 2016
Proposal:	Erection of first floor side extension to form additional living accommodation	Parish:	Wickwar Parish Council
Map Ref:	372601 188445	Ward:	Ladden Brook
Application Category:	Householder	Target Date:	10th May 2016



© South Gloucestershire Council 2007.all rights reserved.
 This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.
 100023410, 2008. **N.T.S.** **PK16/1223/F**

REASON FOR REPORTING TO CIRCULATED SCHEDULE

The following application appears on the Circulated Schedule due to comments received from a neighbour.

1. THE PROPOSAL

- 1.1 The applicant seeks full planning permission for the erection of a first floor side extension above an existing garage to provide additional living accommodation.
- 1.2 The application site relates to a two-storey detached 1970s property situated within an established residential area of Wickwar.
- 1.3 During the course of the application revised plans were requested and submitted to resolve the parking issue with the introduction of an additional parking space.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework March 2012

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy (Adopted December 2013)

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

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

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

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

3. RELEVANT PLANNING HISTORY

- 3.1 P89/2653 Approved 18/10/1989
Erection of two storey side extension to form enlarged kitchen with bedroom above
- 3.2 N2211/2 Approved with Conditions 15/11/1978
Residential development on approximately 1.70 hectares, in accordance with the revised layout plan, and house designs, received by the Council on 6th November 1978).

- 3.3 N2211 Approved with Conditions 11/12/1975
Erection of 46 dwellings and garages; construction of estate road in accordance with revised plans received by the Council on the 28th November 1975 and the 8th December, 1975.

4. CONSULTATION RESPONSES

- 4.1 Wickwar Parish Council
No response received

- 4.2 Other Consultees

Sustainable Transport

The proposed extension if permitted, will result in the existing house to become a 5-bed dwelling.

According to the SGC minimum parking standard SPD, such property is required to provide 3 parking spaces. Before any consent is granted to this application, the applicant is asked to provide details of parking for this property with all details to be added on an accurate plan showing 3 car spaces on site.

Subject to this, there is no highway objection to this application.

Other Representations

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

- The school at the end of the cul-de-sac is restricted enough days a week without more noise, had enough of a previous neighbour doing his property and vans everywhere.

One support has been received from a local resident:

- We have no objections to the proposed extension.

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development

The application stands to be assessed against the above listed policies and all material considerations. Of particular relevance is the impact of the design on the appearance of the dwelling (CS1), the impact on the residential amenity of the host property and that of its closest neighbours (H4) and any impact on highway safety and parking (T12, SPD: parking standards).

It is considered that the proposal accords with the principle of development and this is discussed in more detail below.

5.2 Design and Visual Amenity

The application site relates to a 1970s property which benefits from an attached single garage to the west side. The proposed development would result in a first floor extension above this garage to meet up with an existing half width two storey side extension. The proposal would alter the living accommodation by increasing the size of bedroom no.4 and creating an additional bedroom in the loft.

- 5.3 The proposed first floor extension would be smaller than the existing garage footprint below. It would be 3.7 metres by 2.8 metres, would reach the same eaves height as the main house, but with a slightly lower ridge height at 8.2 metres. Materials used would comprise tiles and external render to match the existing materials of the dwelling. Openings would be to the front elevation only with a total of 4no. additional roof lights to bring in natural light to the loft conversion. In terms of scale, massing and materials used in this first floor extension, the proposal is considered to follow good design principles and to accord with policy.

5.4 Residential Amenity

The application site is situated in an area of similarly proportioned detached properties that vary in design and materials. Openings in the proposed first floor extension would be to the front. To the side, the closest neighbour No. 11 Inglestone Road is rear-on to the host property and separated by their own single garage and rear garden. Given the distance and the existing situation, there would be no adverse impact on this neighbour following the development. To the front, the property is front-on to its closest neighbours across the road. The proposal introduces a new first floor window, but again in light of the existing situation of windows across the front elevation, it is considered that this new window would not have an unacceptable impact on the amenity of these neighbours. Sufficient garden space would remain to serve the property following the development. The proposal therefore accords with policy and can be supported.

5.5 Sustainable Transport

At present, the property has a substandard sized single garage with one off-street parking space to the front of it. It is noted that the proposal would result in an additional bedroom bringing the number to five and the adopted parking standards require 3no. off-street parking spaces to be provided. Concerns regarding the amount of parking were highlighted and revised plans submitted to address this issue by creating one additional off-street parking space in part of the front garden; this would require a small extension to the existing dropped kerb. Officers acknowledge that this level of parking provision is still substandard for a five-bedroomed dwelling in this location, but given an additional space has been provided, Officers consider that a refusal reason on lack of parking provision would not in this case be reasonably substantiated in an appeal situation. Therefore subject to a condition regarding the provision of two parking spaces being provided prior to the first occupation of the extensions there are no objections to the scheme.

5.6 Other Matters

A concern has been raised by a local resident about the potential noise disturbance during the construction period. A condition relating to hours of construction is suggested, due to the proximity of neighbouring properties and to protect the amenity of the locality during the period of construction. Overall, there are no concerns about the impact of the proposal on the environment.

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: Helen Braine

Tel. No. 01454 863133

CONDITIONS

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

Reason

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

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

Reason

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

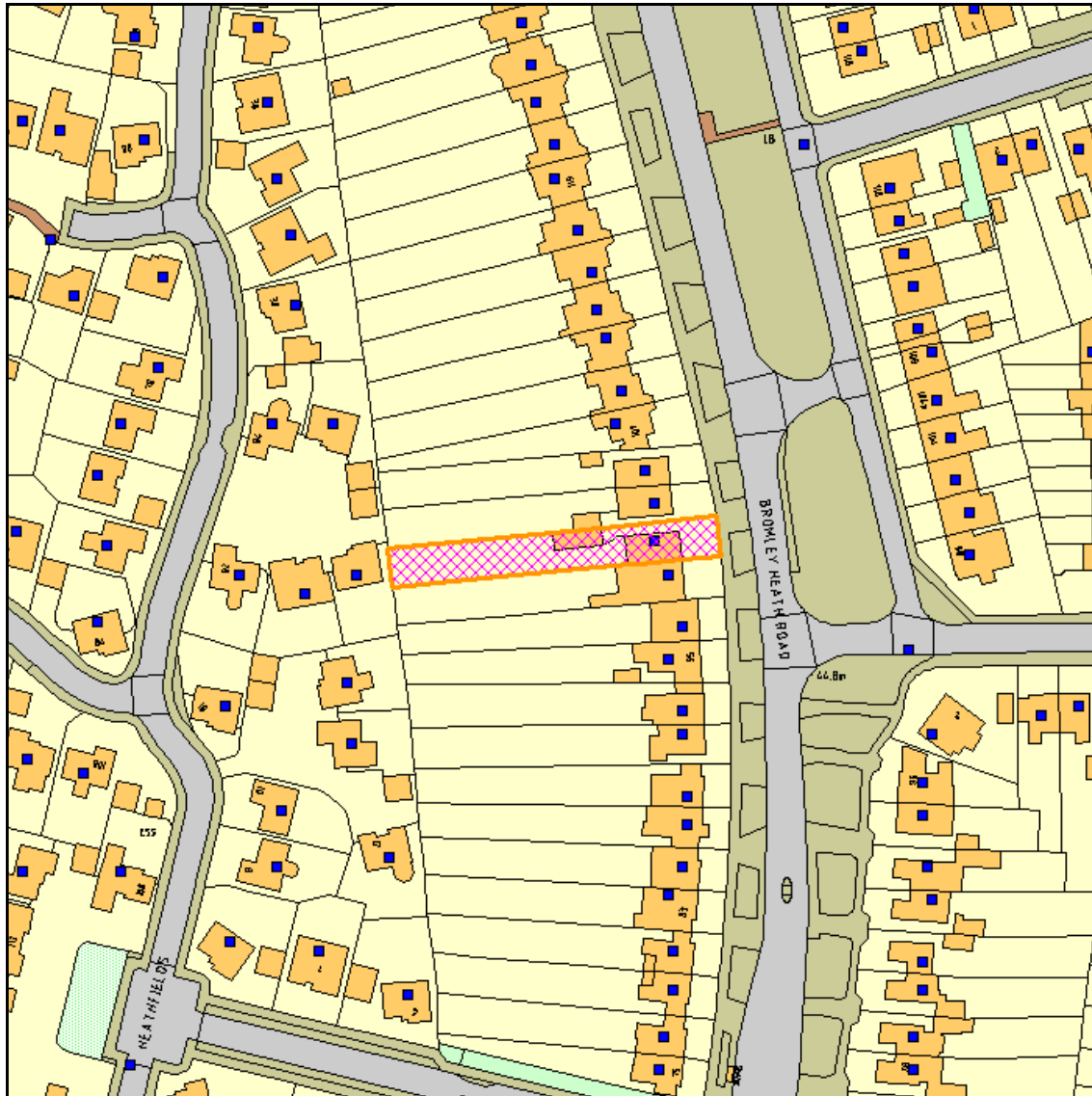
3. Prior to the first occupation of the extension, the off-street parking facilities shown on the plan Proposed Parking Plan (3020 - received 09/05/2016) for two vehicles hereby approved shall be provided and thereafter retained for that purpose.

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 Policy CS8 of the South Gloucestershire Local Plan; Core Strategy (Adopted) December 2013; and the South Gloucestershire Residential Parking Standards SPD (Adopted) December 2013.

CIRCULATED SCHEDULE NO. 19/16 – 13 MAY 2016

App No.:	PK16/1345/F	Applicant:	Mr Justin Evans
Site:	101 Bromley Heath Road Downend Bristol South Gloucestershire BS16 6HZ	Date Reg:	30th March 2016
Proposal:	Demolition of existing detached garage and erection of garden room.	Parish:	Downend And Bromley Heath Parish Council
Map Ref:	364751 177755	Ward:	Downend
Application Category:	Householder	Target Date:	18th May 2016



© South Gloucestershire Council 2007.all rights reserved.
 This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.
 100023410, 2008. N.T.S. PK16/1345/F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 The proposal seeks full planning permission for the demolition of existing detached garage and the erection of a garden room at 101 Bromley Heath Road Downend.
- 1.2 The application site is a two-storey semi-detached dwelling, with pebble dash rendered elevations, white pvc doors and windows and a hipped roof. There is an existing single storey detached garage to the north-west of the plot.
- 1.3 The existing garage is of a similar size to the proposed garden room.
- 1.4 The boundary treatments at the site consist of 1.8 metre fences. The dwelling has a long rear garden separating the property from Heathfields.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework March 2012
National Planning Policy Guidance 2014

2.2 Development Plans

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

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

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design
CS4A Presumption in Favour of Sustainable Development
CS5 Location of Development
CS8 Improving Accessibility

2.3 Supplementary Planning Guidance

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

3. RELEVANT PLANNING HISTORY

- 3.1 PK08/2207/F Approve with Conditions 02/09/2008
Erection of a single storey rear extension to form additional living accommodation.

4. CONSULTATION RESPONSES

- 4.1 Downend and Bromley Heath Parish Council
No objection, providing the garden room is not subdivided.
- 4.2 Sustainable Transport
Following a revised block plan being submitted showing the vehicular parking for the site which will remain unchanged the level of parking is considered suitable. Subject to a condition that the new garden building is not subdivided there are no transport objections.

Other Representations

- 4.3 Local Residents
One letter of objection has been received from a neighbouring resident highlighting that:
- The proposal would lead to loss of privacy into one of our upstairs windows, whilst the plans show a tree this is not currently in place, any new planting will undermine a previous legal agreement that was put in place when we bought the property.
 - We are concerned that the proposal could become a self-contained unit similar to 101 Bromley Heath; this would create additional noise and disturbance to us.
 - The outlook from our window will be out of keeping with the character of the area as the unit could become self-contained.
 - The height of the building will have a potential impact on our adjacent property.

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development
Policies CS1 of the South Gloucestershire Core Strategy (adopted December 2013) and Saved Policy H4 of the South Gloucestershire Local Plan (adopted January 2006) are both supportive in principle. Saved Policy H4 is supportive providing development is within the curtilage of existing dwellings, the design is acceptable, with relation to policy CS1 of the Core Strategy, and that there safe and adequate parking, and also no negative effects on transport. Policy CS1 of the Core Strategy exists to make sure developments enhance and respect the character, distinctiveness and amenity of the site and its context. The proposal shall be determined against the analysis below.

- 5.2 Design and Visual Amenity
The application site is a two-storey semi-detached property with an existing single storey detached garage. The application seeks planning permission for the demolition of the existing garage and the erection of a detached garden room.

The proposed garden room will have a width of 3.4 metres, length of 11.2 metres and total height of 3.8 metres (to the ridge line). The officer notes that there is 0.4 metres difference in height between the existing detached garage and proposed garden room. The proposed garden room will have a pitched roof.

The proposed garden room will utilise the materials of timber cladding for the elevations, metal sheets for the roof and aluminium powder coat for the doors and windows. An objection comment suggests that the proposal will be out of keeping with the surrounding area. Whilst the proposal will be visible from the street scene the use of a steel roller shutter door on the north elevation leaves the garden room looking like a garage which is considered to be in keeping.

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

5.3 Residential Amenity

The applicant site is a semi-detached property located on Bromley Heath Road. The proposal seeks permission for the demolition of an existing detached garage and the erection of a detached garden room.

There have been a number of issues raised by a neighbouring resident relating to residential amenity.

Firstly, the objector suggests the proposal will result in a loss of privacy to one of their upstairs windows which is located to the rear of the property. The garden room will have windows on the east elevation, patio style doors on the south elevation, a roller shutter on the north elevation and rooflights. Due to the building being a single storey and located over 15 metres from the rear curtilage boundary officers do not consider the proposal to create an increase overlooking. Further objection comments discuss the overbearing impact of the proposal with regards to the height of the building. The existing garage has a total height of 3.4 metres with the proposed garden room having a total height of 3.8 metres, neighbouring property no. 103 Bromley Heath Road have an existing detached single storey garage which will reduce potential for overbearing. The third concern raised regards the potential for additional noise disturbance as the proposal could become a self-contained unit, to address this concern a condition will confirm the restriction preventing the garden room from being used as a dwelling in its own right.

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

5.4 Sustainable Transport

Planning permission is sought to demolish an existing garage to facilitate the erection of a detached garden room. Following revised plans being submitted showing the vehicular access and parking for the property there are no transport objections subject to the condition that the new garden building is not used as a separate dwelling.

5.5 Trees

An objection comment regards the trees which are located at the site. The objector highlights that there are trees shown on the plan which are not in place. Following site visit the officer notes that there are a number of trees at the site which act as a further boundary treatment.

The objector is concerned that the planting of trees will obliterate light into their property and undermine a legal agreement which was put in place four years ago. The matter of the legal agreement remains a private matter between the parties concerned; the planting of trees is not in itself development, and is not considered to be particularly material to the merits of this planning proposal.

6. CONCLUSION

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

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

7. RECOMMENDATION

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

Contact Officer: Fiona Martin
Tel. No. 01454 865119

CONDITIONS

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

Reason

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

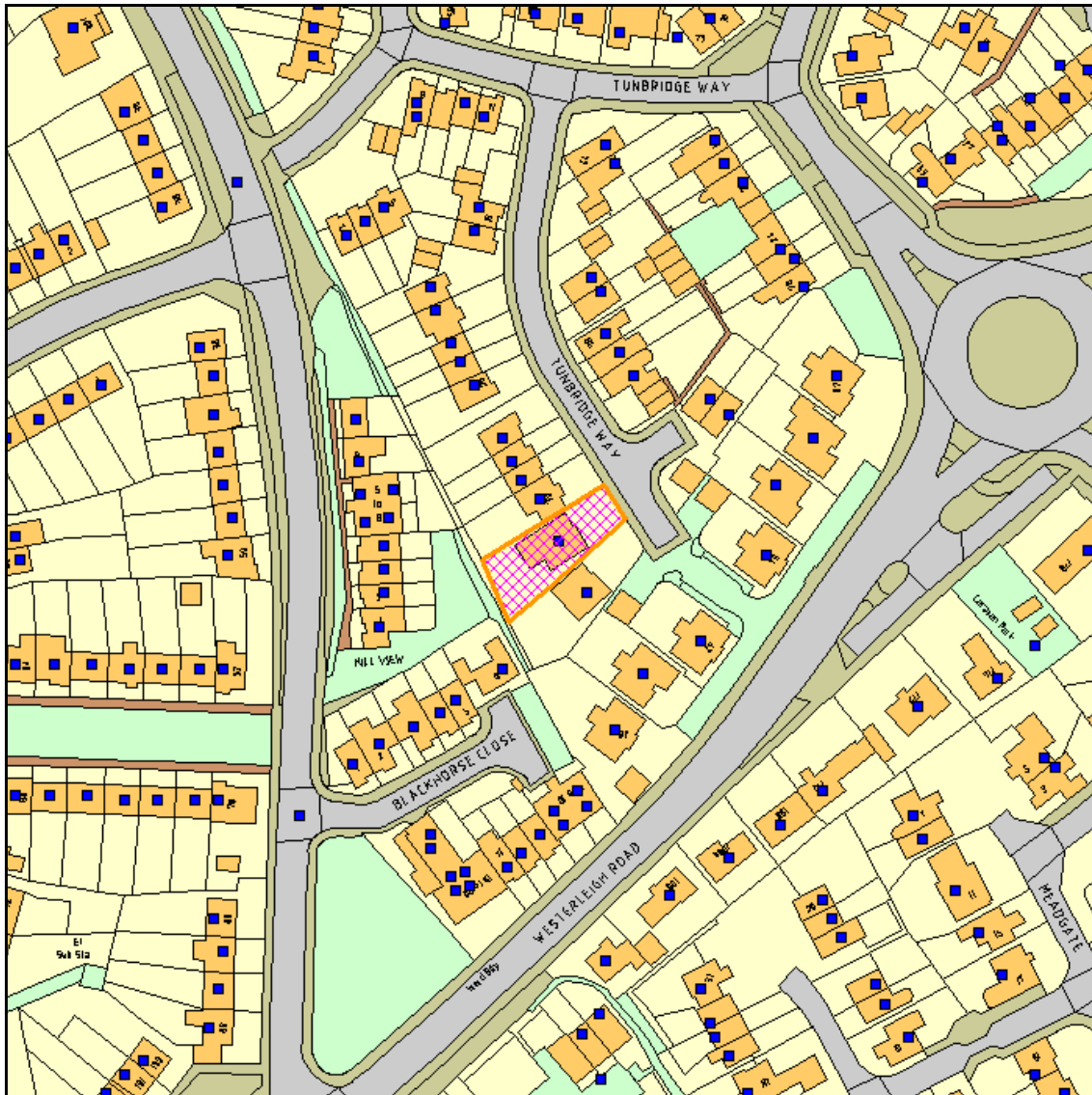
2. The development hereby permitted shall remain as part of the same planning unit as the dwelling known as 101 Bromley Heath Road, Downend, Bristol, South Gloucestershire, BS16 6HZ and shall be used for purposes incidental to it.

Reason

For the avoidance of doubt as use a residential annexe or primary habitation would require different consideration in terms of likely impact to neighbouring dwellings; and in terms of traffic generation and parking provision. This is to accord with policies T12 and H4 of the South Gloucestershire Local Plan (January 2006); Policy CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; and the National Planning Policy Framework.

CIRCULATED SCHEDULE NO. 19/16 – 13 MAY 2016

App No.:	PK16/1406/F	Applicant:	Mr Atif Javid
Site:	38 Tunbridge Way South Gloucestershire BS16 7EX	Date Reg:	1st April 2016
Proposal:	Erection of single storey front extension to form additional living accommodation and integral garage.	Parish:	Emersons Green Town Council
Map Ref:	366449 177617	Ward:	Emersons Green
Application Category:	Householder	Target Date:	24th May 2016



© South Gloucestershire Council 2007. all rights reserved.
 This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.
 100023410, 2008. **N.T.S.** **PK16/1406/F**

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This report appears on the Circulated Schedule following comments from the Town Council contrary to Officer recommendation.

1. THE PROPOSAL

- 1.1 The applicant seeks full planning permission for the erection of single storey front to form an integral garage and additional living accommodation. The application site relates to a two-storey detached property situated within the established residential area of Emersons Green.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework March 2012

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy (Adopted) December 2013

CS1 High Quality Design

CS4a Sustainable Development

CS5 Location of Development

CS8 Improving Accessibility

CS9 Environmental Resources and Built Heritage

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

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

T12 Transportation Development Control

2.3 Supplementary Planning Guidance

Design Checklist SPD (Adopted) August 2007

Residential Parking Standards SPD (Adopted) December 2013

3. RELEVANT PLANNING HISTORY

- 3.1 PK13/3377/F Approved with Conditions 11/11/2013
Installation of 2no. rear dormers to facilitate loft conversion.
- 3.2 PK05/1917/F Approved with Conditions 22/08/2005
Erection of single storey rear extension to provide additional living accommodation and conversion of integral garage to provide store area and utility room.
- 3.3 P99/4770 Approved 15/12/1999
Erection of 24 No. dwellings with associated works (Reserved Matters)

- 3.4 K7528 Approved 05/10/1995
COMPREHENSIVE DEVELOPMENT FOR RESIDENTIAL/DISTRICT
CENTRE/PUBLIC HOUSE /RESTAURANT/ROADS/FOOTPATHS/OPEN
SPACE AND OTHER ASSOCIATED USES (OUTLINE). (Previous ID:
K7528)3B/P/11.730

4. CONSULTATION RESPONSES

- 4.1 Emersons Green Town Council
Objection. Members feel this may have a negative effect on the street scene and would like the Transport Officer to check the size of available parking.

4.2 Other Consultees

Highway Engineer

No Objection. Even with the proposed front extension which encroaches onto the existing drive, the Officer is satisfied that there will remain adequate off-street parking on site to accommodate the parking requirement for the existing dwelling.

Other Representations

- 4.3 Local Residents
None received

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

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

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

Design and visual amenity

- 5.2 The application site relates to a modern two-storey detached dwellinghouse. It is situated within an area of properties of similar style and appearance. It is noted that tree protection orders cover trees in the rear garden, but the proposal is to the front elevation and well away from the trees.

- 5.3 The proposal would essentially result in a single storey front extension which extends three rooms. The proposed extension would extend along the full length of the dwelling, out to the front of the lounge and porch by an additional 0.7 metres and out to the front of the garage by 2.8 metres. The total length would amount to 8.6 metres. A mono-pitched roof would continue over the lounge and porch extension and the proposed garage extension would be gable fronted.

The extension would have a height to eaves of about 2.2 metres and an overall height of 3.3 metres. Openings would be located in the front elevation as a window serving the lounge, an entrance door serving the porch and the re-used store door serving the garage.

- 5.4 Comments from the Town Council are noted. These declare the proposal to have a negative effect on the street scene. It is noted that most of the properties in this area have simple, modest front porches, flush integral or attached side garages and bay windows. Under this scheme, the proposal would mean the extension of the lounge, porch and garage. The proposed overall design/appearance is not unusual even for this style of property and given that the materials used would be of good quality to match the main house, the perceived harm to the visual amenity of the area is considered acceptable and the proposal is considered to be appropriate in design, scale and massing with external finishes assisting its integration into the street scene.

Residential amenity

- 5.5 Under this proposal the resulting front building line of this part of the property would be forward of the current situation by about 0.7 - 2.8 metres. The application site is set in line with its closest neighbour to the north west, No. 36 Tunbridge Way and separated from the application by its own attached side garage, so will not be adversely affected by the proposal in terms of the new building line. The application site is set in front from its closest neighbour to the south east, No. 40 Tunbridge Way by about 3 metres. It is considered that given the modest extension, the proposed development would not have an adverse impact on these neighbours. Properties directly opposite the site are separated by the main road and it is considered that the proposal would not have an impact on the residential amenity of these neighbours over and above the existing situation.

Sustainable Transport

- 5.6 The front of the property comprises a large paving area. The Council's Highway Engineer has been consulted and stated that even with the proposed front extension encroaching onto the existing drive, they are satisfied that there will remain adequate off-street parking on site to accommodate the parking requirement for the existing dwelling. Accordingly, there is no objection in transportation terms.

6. **CONCLUSION**

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

7. **RECOMMENDATION**

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

Contact Officer: Helen Braine
Tel. No. 01454 863133

CONDITIONS

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

Reason

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

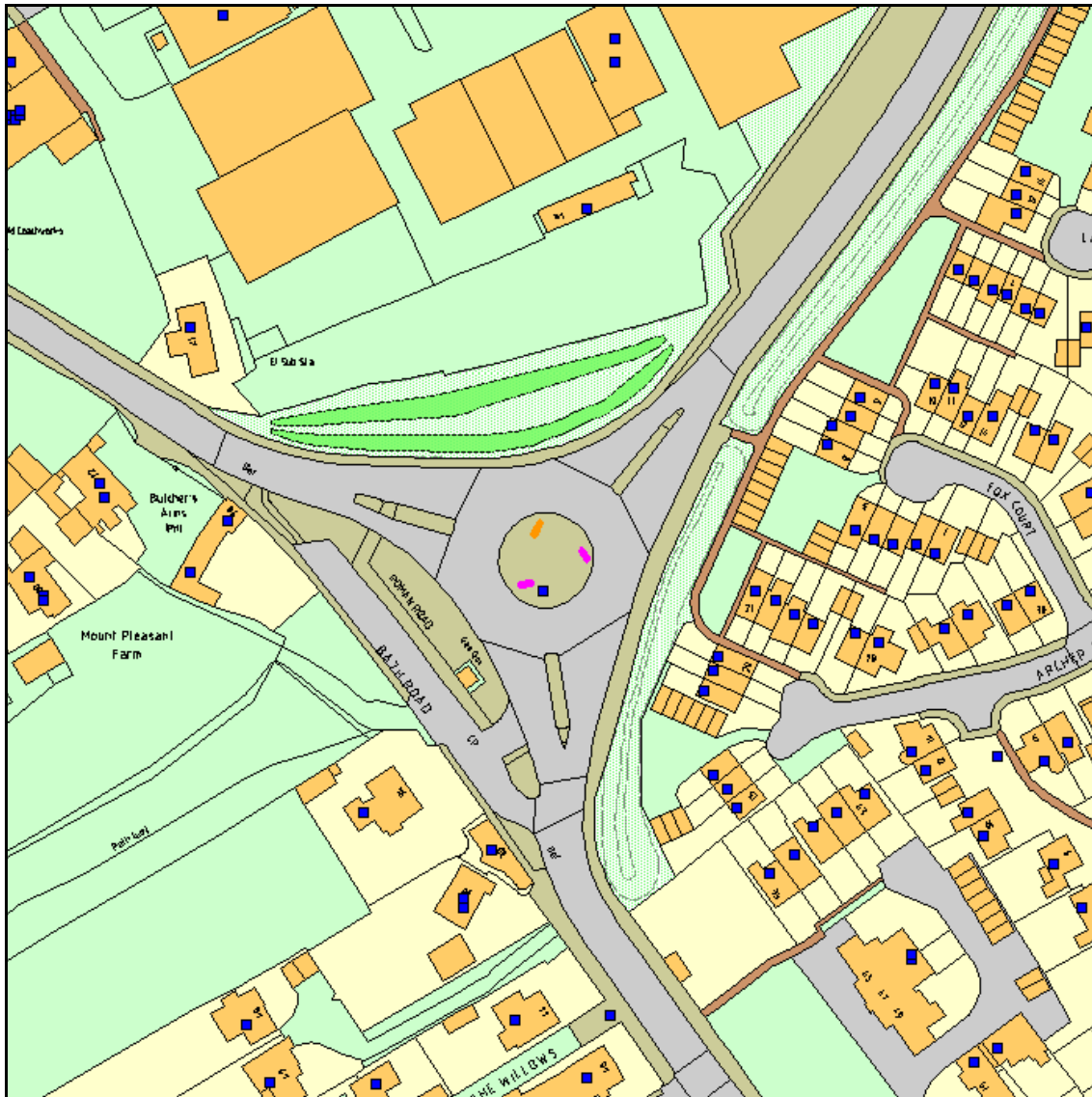
2. The hours of working on site during the period of construction shall be restricted to 7:30 to 18:00 Monday to Friday and 8:00 to 13:00 on Saturdays; and no working shall take place on Sundays or Public Holidays. The term 'working' shall, for the purpose of clarification of this condition include: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

Reason

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

CIRCULATED SCHEDULE NO. 1916 – 13 MAY 2016

App No.:	PK16/1444/ADV	Applicant:	Bommel UK Ltd
Site:	Traffic Roundabout Bath Road And Marsham Way Longwell Green Bristol South Gloucestershire BS30 9DG	Date Reg:	4th April 2016
Proposal:	Display of 3no. non-illuminated post mounted signs on roundabout.	Parish:	Oldland Parish Council
Map Ref:	365361 171529	Ward:	Longwell Green
Application Category:	Minor	Target Date:	25th May 2016



© South Gloucestershire Council 2007.all rights reserved.
 This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.
 100023410, 2008. **N.T.S.** **PK16/1444/ADV**

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application appears on the Circulated Schedule following an objection from the Oldland Parish Council which is contrary to the recommendation within this report.

1. THE PROPOSAL

- 1.1 The applicant seeks advertisement consent for the display of 3 no. non-illuminated post mounted signs to be located on the Marsham Way (A4174) and Bath Road (A420) roundabout in Longwell Green.
- 1.2 The site is located within the defined Bristol Urban Fringe area.
- 1.3 The signs are part of South Gloucestershire Council's roundabout sponsorship scheme and are the same size as many which have been granted in recent years within the district.

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

3. RELEVANT PLANNING HISTORY

- 3.1 There is no relevant planning history at the site.

4. CONSULTATION RESPONSES

- 4.1 Oldland Parish Council
Objection due to distractions caused to motorists.
- 4.2 Hanham Abbots Parish Council
No objection.
- 4.3 Other Consultees

Sustainable Transport
No objections.

Other Representations

- 4.4 Local Residents
None received.

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development
As stated in the NPPF, the government attaches great importance to the design of the built environment, citing good design as the key aspect of sustainable development and thereby positively contributing to making places better for

people. Developments should function well and add to the overall quality of the area, creating attractive and comfortable places to live, work and visit. It specifically states that poorly placed advertisements can have a negative impact on the appearance of the built environment and should be subject to control in the interests of amenity and public safety, taking account of cumulative impacts. The proposal is deemed to accord with the principle of development and this is discussed in more detail below.

5.2 Amenity

The signs are modest in size and are not unattractive in terms of appearance. They have a relatively low height and will primarily be viewed against the backdrop of the vegetation growing in the centre of the roundabout, which will reduce their visual impact. It is not considered that the scale, form, siting and appearance of the signs will appear adversely out of keeping in their context and will not have an adverse impact on the visual amenity of the area.

5.3 Public Safety

The proposed signs are set back from the edge of the roundabout and are sited so that they face traffic approaching the roundabout from the connecting roads. Accordingly, the signs will not be sited where they will be adversely distracting to motorists who are already navigating the roundabout. Weight is also given to the fact that the Highway Authority have raised no objections to the scheme and the fact that a number of similar signs have been granted on roundabouts in the South Gloucestershire Area. Moreover, a recent examination into the impact of similar proposals has indicated that signs of this nature have no significant impact on the safety of road users. There is no transportation objection to the development.

5.4 Cumulative Impact

Currently, the roundabout does not have any other signs on it apart from the usual arrows indicating which direction to drive. Therefore it is not considered that there would be a cumulative impact once the signs are in situ.

6. CONCLUSION

6.1 In accordance with Section 220 of the Town & Country Planning Act 1990 and Regulation 3 of the Advertisement Regulations 2007, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.

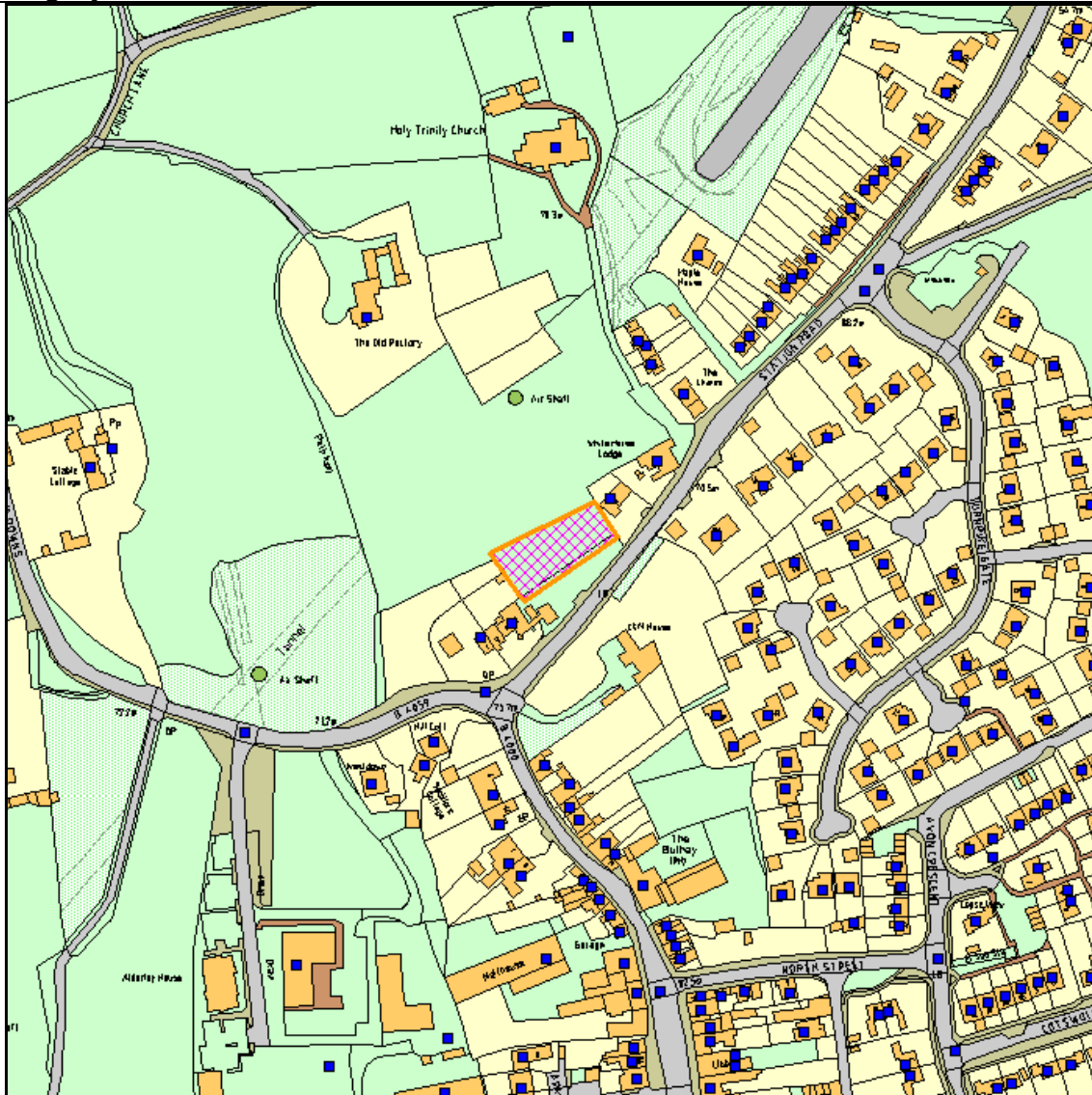
7. RECOMMENDATION

7.1 That advertisement consent is **GRANTED**.

Contact Officer: Trudy Gallagher
Tel. No. 01454 862217

CIRCULATED SCHEDULE NO. 19/16 – 13 MAY 2016

App No.:	PK16/1600/TCA	Applicant:	Mr Gareth Fielding
Site:	The Old Rectory Church Lane Wickwar Wotton Under Edge South Gloucestershire GL12 8LE	Date Reg:	13th April 2016
Proposal:	Works to various trees as stated in part 7 of the application form and to include works to fell 1 no. Larch and 1 no. Ash tree situated within the Wickwar Conservation Area	Parish:	Wickwar Parish Council
Map Ref:	372270 188848	Ward:	Ladden Brook
Application Category:		Target Date:	23rd May 2016



© South Gloucestershire Council 2007.all rights reserved.
 This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.
 100023410, 2008. N.T.S. PK16/1600/TCA

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application is referred to the Circulated Schedule as comments have been received that are contrary to the Officer recommendations.

1. THE PROPOSAL

- 1.1 Works to various trees as stated in part 7 of the application form and to include works to fell 1 no. Larch and 1 no. Ash tree situated within the Wickwar Conservation Area
- 1.2 The trees are situated within the grounds of The Old Rectory, Church Lane, Wickwar, Wotton Under Edge, South Gloucestershire, GL12 8LE.

2. POLICY CONTEXT

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

3. RELEVANT PLANNING HISTORY

- 3.1 None relevant

4. CONSULTATION RESPONSES

- 4.1 Wickwar Parish Council supports this application

Other Representations

- 4.2 Local Residents
None received

5. ANALYSIS OF PROPOSAL

- 5.1 Works to various trees as stated in part 7 of the application form and to include works to fell 1 no. Larch and 1 no. Ash tree situated within the Wickwar Conservation Area
- 5.2 Principle of Development
The only issues to consider are whether the proposed works would have an adverse impact on the health, appearance, or visual amenity offered by the tree to the locality and whether the works would prejudice the long-term retention of the specimen.
- 5.3 Consideration of Proposal
The majority of the works proposed are considered to be appropriate and good management. One Larch is windblown and partly hung up, two other Larch are in declining condition, one is entirely suppressed and one leaning tree has

become exposed as a result of the loss of the neighbouring tree. It is further proposed to remove deadwood, crossing and diseased branches and Ivy from a number of the Larch. This work constitutes a crown clean and is a common work practice.

- 5.4 The applicant also proposes to fell another Larch (T7) and an Ash tree (T1) which is at the eastern end of the group of Larch. There is no Arboricultural reason for the removal of these trees which contribute to the amenity of the area.
- 5.5 Where the local planning authority wish to refuse the proposed felling of a tree within a conservation area it must put a Tree Preservation Order (TPO) on the tree. An order has, therefore, been made on the Ash tree and 14no. Larch trees.

6. RECOMMENDATION

- 6.1 Split decision. No objection to the removal of T6, T17, T18, T19 and T20. No objection to the pruning works to trees T2, T3, T4, T5, T8, T9, T10, T11, T12, T13, T14, T15 and T16.

Objection to felling of Ash (T1) and Larch (T7).

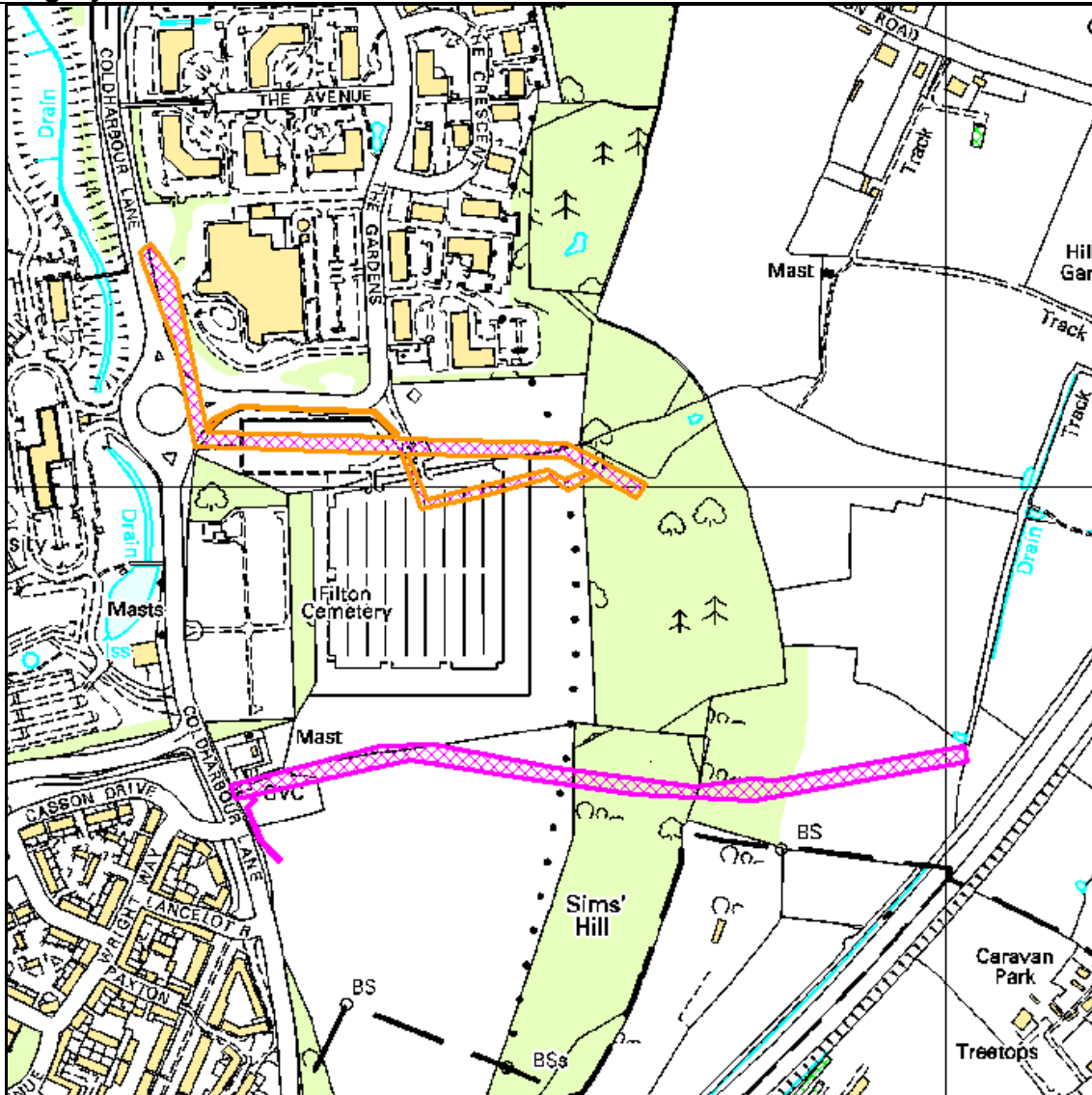
- 6.2 A TPO (no.911) has been made and served on the applicant.

Contact Officer: Simon Penfold
Tel. No. 01454 868997

CIRCULATED SCHEDULE NO. 19/16 – 13 MAY 2016

- DEFERRED

App No.:	PT15/5008/FDI	Applicant:	Taylor Wimpey UK Limited & Bristol Polytechnic Enterprise...
Site:	Land East Of Coldharbour Lane Stoke Gifford Bristol South Gloucestershire BS16 1UX	Date Reg:	20th November 2015
Proposal:	Diversion of footpath LSG24 and LSG25.	Parish:	Stoke Gifford Parish Council
Map Ref:	362398 177531	Ward:	Frenchay And Stoke Park
Application Category:	Minor	Target Date:	12th January 2016



© South Gloucestershire Council 2007.all rights reserved.
 This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationary Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.
 100023410, 2008. N.T.S. PT15/5008/FDI

CIRCULATED SCHEDULE NO. 19/16 – 13 MAY 2016

App No.:	PT16/0242/F	Applicant:	Mr Philip Brewer
Site:	The Cottage Whale Wharf Lane Littleton Upon Severn Bristol South Gloucestershire BS35 1NN	Date Reg:	28th January 2016
Proposal:	Erection of detached double garage.	Parish:	Aust Parish Council
Map Ref:	359742 190298	Ward:	Severn
Application Category:	Householder	Target Date:	22nd March 2016



© South Gloucestershire Council 2007. all rights reserved.
 This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.
 100023410, 2008. **N.T.S.** **PT16/0242/F**

REASON FOR REPORTING TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 This application seeks planning permission for the erection of detached double garage within the curtilage of the existing dwelling.
- 1.2 The application site comprises a stone built, locally listed two-storey detached cottage, located at Whale Wharf Lane, Littleton Upon Severn. The site is located outside of any defined settlement boundary. The site is located within the Green Belt. The cottage is also located within the setting of the grade II listed Hollyhocks which is approximately 15m to the east.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework March 2012
- 2.2 South Gloucestershire Local Plan (Adopted) January 2006
H4 Residential Development within Existing Residential Curtilages
T12 Transportation Development Control Policy for New Development
L13 Listed Buildings
L15 Buildings which make a Significant Contribution to the Character and Distinctiveness of the Locality

South Gloucestershire Local Plan Core Strategy Adopted December 2013
CS1 High Quality Design
CS5 Location of Development
CS9 Managing the Environment and Heritage
CS34 Rural Areas
- 2.3 Supplementary Planning Guidance
The South Gloucestershire Design Checklist SPD (adopted)
The South Gloucestershire Development in the Green Belt SPD (adopted)

3. RELEVANT PLANNING HISTORY

- | | | | |
|-----|--------------------|----------------|-------------------|
| 3.1 | PT12/1894/F | Refused | 27.07.2012 |
|-----|--------------------|----------------|-------------------|

Erection of detached garage.

Refusal Reason:

The site is located within the Bristol/Bath Green Belt beyond the limits for development of the settlement. The proposal does not fall within the limited categories of development normally considered appropriate within the Green Belt and it is considered that the limited circumstances advanced in support of the application do not justify the granting of planning permission. The proposal is therefore contrary to Policy GB1 of the South Gloucestershire Plan (adopted 2006).

- 3.2 **PT12/1845/F** **Application Returned** **30.05.2012**
 Erection of side conservatory.
 Reason for return of application:
The proposal would in this instance constitute permitted development.
- 3.3 **PT12/1354/NMA** **No Objection** **26.04.2012**
 Non material amendment to PT10/1203/EXT to increase width of extension by 400mm, internal alterations and relocate and resize kitchen window.
- 3.4 **PT05/1169/F** **Approved (with conditions)** **13.06.2005**
 Erection of two storey and first floor extension to form utility room with bedroom over. Conversion of existing outbuilding to form self-contained annex on the condition that it shall be used solely for ancillary purposes attached to the existing dwelling. Extended under PT10/1203/EXT (02.07.2010).
- 3.5 **N5692/1** **Approved (with conditions)** **11.08.1983**
 Erection of double domestic garage.
- 3.6 **N5692** **Refused** **21.06.1979**
 Erection of detached dwelling and garage. Construction of vehicle and pedestrian access. Installation of septic tank. (Outline).
 Refusal Reasons:
 1. *The site is allocated within an unallocated area of the Country Development Plan within which the existing uses of land are intended to remain for the most part undisturbed and the proposed development would constitute an undesirable departure from the provisions of the plan*
 2. *The proposed development would, if approved add to the existing sporadic development in the locality to the detriment of visual amenity.*
 3. *The proposed development would, if approved lead to an increase in the amount of vehicular traffic using the access lane serving the site, to the detriment of highway safety.*

4. CONSULTATION RESPONSES

- 4.1 Aust Parish Council
 Objection, as follows:
 Although the heading of your consultation refers to the erection of a double garage, the application is in fact for the conversion of the existing garage to a residential unit and the construction of a new garage as well. There was a previous permission given for the conversion of the building, but this was not implemented within the 3 years stipulated in the consent. Accordingly, that consent has presumably lapsed.

The shed which it is proposed to convert was originally an agricultural building which was on land which did not form part of the curtilage of the Cottage it is understood that the site of the building was acquired (with the building on it) by the then owners of the cottage in the 1950s or 1960s.

Permission was given for the conversion of the building into an annexe, and the parish council does not see any reason why that consent should not be renewed now, so long as at least the same conditions are attached (and in particular the condition not to allow it to be used except as ancillary to the Cottage itself, and by the same family). When the 2012 application was made for the construction of a double garage, it was turned down on green belt grounds. The parish council considers that that was the correct decision and the same factors as ruled it out then should do so again.

The applicant argues that the volume of the original barn now proposed to be converted should be included in the 1948 volume of the Cottage itself. That doesn't seem right, given that the barn was used for agricultural purposes at the time and was in different ownership. The same line of reasoning used in the 2012 delegated report on the basis of which that application for a garage was refused, would seem to apply now.

Other Representations

4.2 Conservation Officer

The Cottage on Whale Wharf Lane has been identified as a building that makes a significant contribution to the character and distinctiveness of the locality; a locally listed building. It is located at the very periphery of the settlement, with the expansive gardens bordered by open agricultural fields. The cottage is a 19th century building with stone walls, a modern tiled roof, a prominent pair of moulded chimney stacks and decorative fascia/barge boards. The building has a distinctive character which contributes positively to the amenity of the area. To the west of the cottage, a small stone outbuilding with matching architectural detailing sits in the large lawn. A larger, single storey outbuilding is located to the north of the cottage. The cottage is also located within the setting of the grade II listed Hollyhocks which is approximately 15m to the east.

The proposal is for a detached double garage which has been positioned close to the outbuilding/annex to the north and has been designed to match this and the surrounding buildings in terms of form, scale and materials used. A garage was previously applied for in the very open field to the west of the locally listed building and a less intrusive, more discreet position was recommended. A position to the north of The Cottage was finally agreed and no conservation objections were raised at the time. This proposal pushes the garage further north, closer to the present outbuilding/annex which, from a conservation perspective, helps concentrate the built form away from the locally listed and grade II listed buildings and reduces its perceived encroachment into their setting. I do not, therefore, have any objection subject to approval of external materials and a sample of the new stonework.

4.3 Archaeological Officer
There are no objections to this application on archaeological grounds

4.4 Public Rights of Way

The development proposal may affect the footpath OAU 5 that runs along the border of the development area. For this reason the applicants should be aware of requirements and limitations listed for development in proximity to a PROW are should permission be granted.

4.5 Local Residents
No comments received

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policy H4 of the South Gloucestershire Local Plan (Adopted) 2006 advises that proposals should respect the massing, scale, proportions, materials and overall design of the existing property and the character of the street scene and surrounding area, they shall not prejudice the amenities of nearby occupiers, and shall not prejudice highway safety nor the retention of an acceptable level of parking provision or prejudice the retention of adequate amenity space. The site is also located within the Green Belt, so additional consideration will need to be given in this respect of Green Belt policy in terms of its appropriateness and what can be considered in volumetric terms. For clarification, the permission (Ref. PT05/1169/F and PT10/1203/EXT), highlighted above, was for the extension of the dwelling and the conversion of the outbuilding to an annex outbuilding. The extension element of that application has been implemented and completed, hence a commencement of the development approved has occurred within the prescribed timescales. Whilst the outbuilding however has not yet been converted the consent remains extant as the permission as a whole has been commenced. The conversion can therefore still occur. The submitted plans do show this conversion in the layout, however the development under consideration is solely the erection of a detached garage within the curtilage of the property.

5.2 Green Belt

The National Planning Policy Framework (NPPF) attaches great importance to Green Belts. It states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristic of Green Belts are their openness and their permanence. It states that inappropriate development is, by definition, harmful to the Green belt and should not be approved except in very special circumstances. The NPPF states that the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building is appropriate development in the Green Belt.

5.3 Residential extensions are considered appropriate forms of development in the Green Belt unless they are considered disproportionate. The planning history of the site does illustrate previous development of the dwelling and associated curtilage.

The previous refusal of a detached garage, albeit at a different location within the curtilage, was based upon volumetric calculations of previous developments that led to a conclusion that the inclusion of the garage on site would lead to disproportionate levels of development, contrary to Green Belt policy. In doing so it did not take into account the outbuilding subject to the conversion to an annex permission, referred to above. The applicants submit that this however should be included.

- 5.4 It appears from historic maps that the outbuilding may have existed in 1948, however its association or relationship with the application site and its curtilage is not clearly demonstrated. Notwithstanding this the granting of the PT05 permission, as a residential annex to the main dwelling, clearly acknowledges the curtilage relationship between the dwelling and the outbuilding. There does not appear to have been a change of use application in this respect and the outbuilding must therefore be considered as lawfully within the associated curtilage of the host dwelling. Whether this was originally the case or indeed at what point this became lawful is unclear, however it has been intrinsically linked to the curtilage by a consent more than 10 years old. On balance therefore and in consideration of the above position, and considering the matter pragmatically, it is considered that it would not be unreasonable that the outbuilding can be considered as part of the overall planning unit for the purposes of volumetric calculations. This being the case it is estimated that the addition of the proposed garage would, when added to other developments at the site equate to a total increase in volume of 40 – 45%.
- 5.5 The NPPF states that the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original dwelling is appropriate development in the Green Belt. Further to this the South Gloucestershire Green Belt SPD states that house extension additions that would result in a volume increase of over 30% would be carefully considered with regards to its scale and appearance in relationship with the original dwelling. The larger the house becomes in excess of 30% the less likely it is that extensions would be considered acceptable. An addition resulting in over 50% increase, for example would most likely be considered in excess of any reasonable definition of limited extension. Whether an addition is considered disproportionate or not, also depends on the individual circumstances and what type of addition is proposed and will take into account a number of factors, including total combined increase in volume, the appearance of the proposal in relation to the scale and character of the original dwelling and existing extensions and outbuildings within the curtilage. In this respect and in this instance it is not considered that this in its own right the proposed garage could be considered significant such as to be considered disproportionate development to the remainder of the existing dwelling house and curtilage. The proposed detached garage itself is not therefore considered disproportionate to the main dwelling. Given therefore the nature of the proposal, the nature and size of the existing dwelling, the size of the curtilage and the relationship between the dwelling and the proposed garage, in this instance the proposals are considered to be acceptable in scale and relation to the existing dwelling, does not impact upon the openness of the Green Belt, and is therefore is not considered to be inappropriate development.

5.6 Residential Amenity

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

5.7 Design/Conservation

The proposed garage is considered to be of an appropriate standard in design and is not out of keeping with the character of the main dwelling house and surrounding properties. The garage is of an acceptable size in comparison to the existing dwelling and the site and surroundings. Materials would match those of the existing dwelling, a condition securing their detail is requested by condition.

5.8 Transportation

The garage would be set well within the relatively large curtilage and no additional access is proposed, there is also sufficient off street parking to serve the property, in accordance with the required standards.

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 Core Strategy, set out above, and to all the relevant material considerations set out in the report for the following reasons:

7. RECOMMENDATION

7.1 Planning permission is GRANTED subject to the conditions recommended.

Contact Officer: Simon Ford
Tel. No. 01454 863714

CONDITIONS

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

Reason

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

2. Sample panels of stonework, demonstrating the colour, texture and pointing are to be erected on site and approved in writing by the Local Planning Authority before the relevant parts of the work are commenced. The approved sample panel shall be kept on site for reference until the stonework is complete. Development shall be carried out in accordance with the agreed sample.

Reason

To ensure a satisfactory standard of external appearance for the locally listed building and to preserve the setting of the adjacent Listed Building and to accord with Policy L13 and L15 of the South Gloucestershire Local Plan (Adopted) January 2006, Policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; and the National Planning Policy Framework.

3. Sample tiles, demonstrating the colour and texture, are to be approved in writing by the Local Planning Authority before the relevant parts of the work are commenced. The approved sample tile shall be kept on site for reference until the roofing is complete. Development shall be carried out in accordance with the agreed sample.

Reason

To ensure a satisfactory standard of external appearance for the locally listed building and to preserve the setting of the adjacent Listed Building and to accord with Policy L13 and L15 of the South Gloucestershire Local Plan (Adopted) January 2006, Policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; and the National Planning Policy Framework.

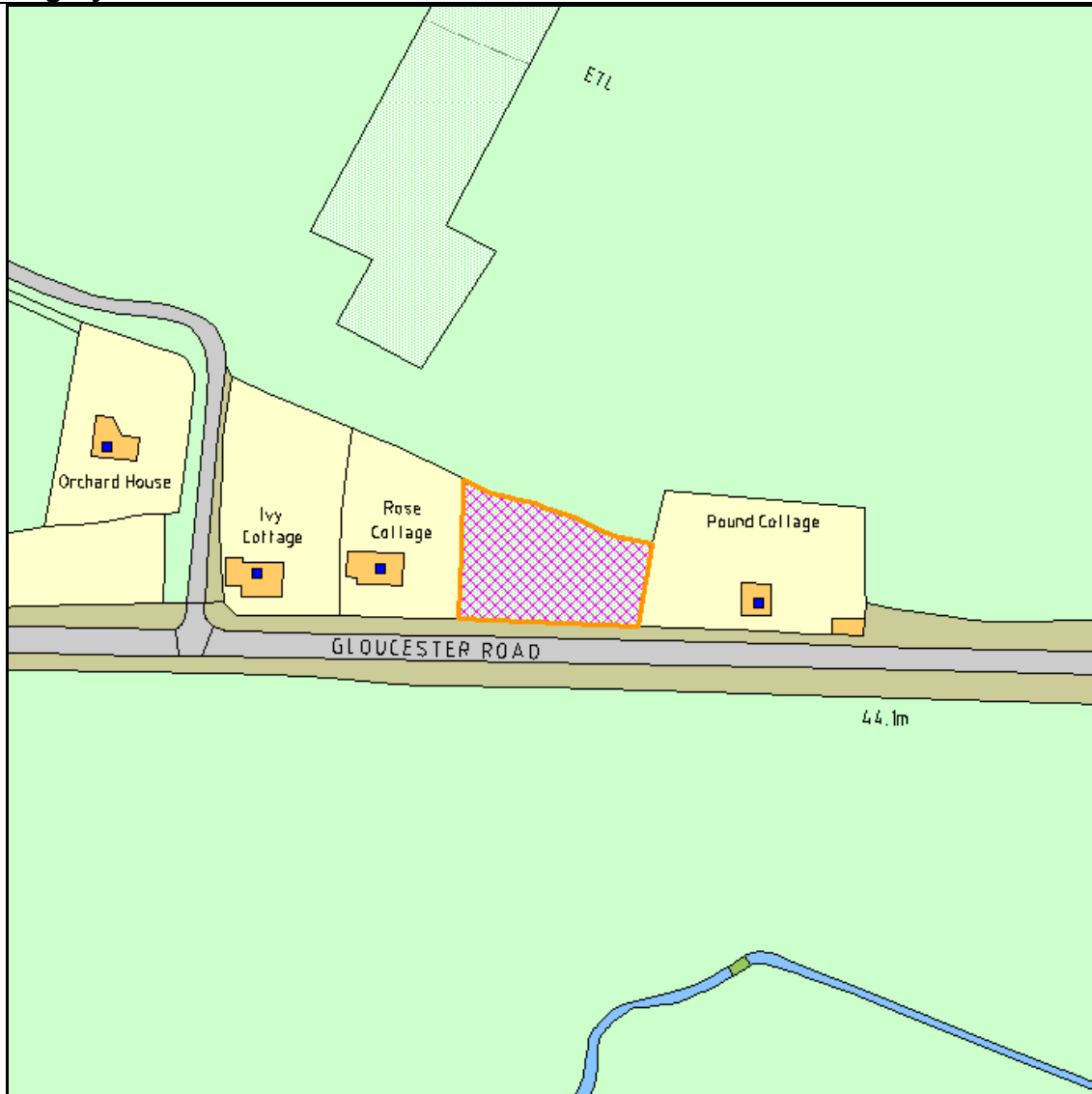
4. The hours of working on site during the period of construction shall be restricted to 08.00 - 18.00 Mondays to Fridays; 08.00 - 13.00 Saturdays and no working shall take place on Sundays or Public Holidays. The term 'working' shall, for the purpose of clarification of this condition include: the use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

Reason

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

CIRCULATED SCHEDULE NO. 19/16 – 13 MAY 2016

App No.:	PT16/0519/O	Applicant:	Mr And Mrs Ashley And Stephanie Hall And Bray
Site:	Land Adjacent To Pound Cottage Old Gloucester Road Thornbury Bristol South Gloucestershire BS35 3UG	Date Reg:	9th February 2016
Proposal:	Erection of 1no. detached dwelling and garage (Outline) with access and layout to be determined. All other matters reserved.	Parish:	Thornbury Town Council
Map Ref:	365594 191333	Ward:	Thornbury North
Application Category:	Minor	Target Date:	31st March 2016



© South Gloucestershire Council 2007.all rights reserved.
 This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.
 100023410, 2008. **N.T.S.** **PT16/0519/O**

REASON FOR REPORTING TO CIRCULATED SCHEDULE

The application is circulated as a result of comments in support of the application which conflict with the officer recommendation. It is also considered appropriate to circulate the scheme as the agent carries out work for the Major Sites Team as a consultant.

1. THE PROPOSAL

- 1.1 This application seeks outline planning permission to erect a detached house. The house is described as self build. The application form indicates that four or more bedrooms would be proposed and that the house would have two parking spaces. Access and layout are matters to be approved as part of the application which leaves appearance, landscaping and scale to be determined at reserved matters application stage. The land on which the house would be placed is a small parcel of land between two houses on Old Gloucester Road, to the west of Thornbury. The previous use of this now vacant site is understood to have been part of the garden of Pound Cottage.
- 1.2 The site is located in the open countryside outside of the nearest settlement boundary by some 1100m or to the closest part of the Thornbury allocations by some 600m. The site is not in the Green Belt.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework March 2012- in particular
Achieving sustainable development
Section 6 Delivering a wide choice of high Quality homes
Section 7 Requiring good design
Section 12 Conserving and Enhancing the Historic Environment' and
accompanying Historic Environment Planning Practice Guide.

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

H3 Residential Development in the Countryside
H4 Development Within Existing Residential Curtilages,
Including Extensions and New Dwellings
T12 Transportation Development Control Policy for New
Development
T7 Cycle Parking
LC2 Education Provision
L1 Landscape Protection and Enhancement

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design
CS5 Location of Development
CS8 Improving accessibility
CS9 Managing the Environment and heritage
CS16 Housing Density

CS17 Housing Diversity
CS34 Rural Areas.

- 2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist (Supplementary Planning Document)
Adopted 2007
South Gloucestershire Council Affordable Housing Supplementary Planning
Document (Adopted) September 2008
Residential Parking Standards Supplementary Planning adopted December
2013
South Gloucestershire Landscape Character Assessment review adopted 2013

Other guidance

South Gloucestershire Council adopted planning guidelines- Trees on
Development Sites

3. RELEVANT PLANNING HISTORY

- 3.1 PT05/0311/F Erection of detached dwelling and alterations to existing access.
(Resubmission of PT04/3701/F). Refused and later dismissed at appeal.

4. CONSULTATION RESPONSES

- 4.1 Thornbury Town Council
Object - the proposed development is outside the town development boundary.

Other Consultees

4.2 Transportation

The site is in the open countryside at a location remote from local facilities and
as such is car dependent and promotes unsustainable transport behaviour
contrary to Core Strategy Policy CS8. The site fronts Gloucester Road at a
location where there are no footways and as such is contrary to Local Plan
Policy T12 (A).

4.3 Drainage

No Objection in principle to this application subject to more information being
supplied by a condition. No public foul sewers are readily available. .
A Package Treatment plant is specified and its location has been indicated.
However, the method of irrigation for the effluent overflow must be specified
and the PTP may need to be relocated. A percolation test for discharge to a
soakaway is necessary. Assessment details satisfying paragraph 6 of DETR
Circular 03/99 are required. The applicant must consult the Environment
Agency for the need to obtain a 'Discharge Consent' and produce a copy if
required. Building Regulation approval must also be obtained.

This is to ensure a satisfactory means of pollution control in order to comply
with South Gloucestershire Local Plan (Adopted) January 2006 Policy L17,
EP1 and DETR Circular 03/99.

Other Representations

4.3 Local Residents

Support from two households has been received in relation to the following matters:

- This plot of land was within the domestic curtilage of Pound Cottage and formed part of the garden for over 100 years prior to its separation in 2003 on the sale of Pound house. Since that time it has not been subject to any other use but has merely been left fallow and unattended; resulting in a local overgrown eyesore formed mostly of brambles weeds and 'Ragwort' [DEFRA listed as 'an injurious weed' 'harmful to grazing animals'].
- The land has been recently 'stripped back' but there is concern that it will return to being an eyesore.
- The plot is set between two existing homes and is too small to be put to any viable agricultural use.
- An 'infill' It is ideal as a building plot [for a single detached dwelling].
- This would assist in the provision of new houses to suit the local needs.
- A new house would give the area a neighbourhood feel with increased sense of community.
- The proposers have sought the neighbours views.
- Since the previous unsuccessful appeal which failed on the 'Proximity Principal': The planning committee have given consent for a mixed development consisting of a further 125 homes on Butt Lane and have extended the original 'Local Development/Settlement Boundary' in order to accommodate that planning consent.
- Also at this time the council are fully aware of a pending application (to be lodged in early March) for a further development of 350 additional dwellings off Morton Way [again outside of the current Development/Settlement Boundary].
- Further; since the failed appeal the Planning Inspectorate has [On later appeals] allowed 850 further homes in Thornbury outside of the 'Local Development Plan'.
- Clearly; these current (and further) 'Adjustments' to the settlement boundaries have (and will) change the 'Sustainability Landscape' [with regard to proximity to available infrastructure and amenities [Use of the motorcar (Co2 Emissions)] ... Pound Cottage being no further than Butt Lane from shops, schools etc!!].
- The current large approved developments are also 'permanently taking out of use' and consuming considerable additional swathes of good quality agricultural land and further reducing the open rural aspects and amenities around Thornbury.
- In a previous planning appeal [in 2005], the inspector found that the proposed dwelling was not out of character with its surroundings nor harmful in its appearance.
- It would seem perverse therefore, if the council; whilst at the same time as approving these large and invasive developments : Were to refuse consent for this house to be built on that which is essentially land which appears to have no other use whilst having the potential to provide a good quality home for a family of local people.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

This application is for the erection of a dwelling outside of any settlement. The NPPF sets a presumption in favour of sustainable development. This means that development proposals that accord with the development plan should be approved without delay and where relevant policies are absent, silent or out-of-date, permission should be granted unless – any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies within the NPPF taken as a whole.

Paragraph 49 of the NPPF states that '*Housing applications should be considered in the context of the presumption in favour of sustainable development (officer underlining). Relevant policies for the supply of housing should not be considered up-to-date if the LPA can not demonstrate a five year supply of deliverable housing sites.'*

In June 2015 whilst considering the appeal against the refusal of 106 dwellings on land to the South of Wotton Road Charfield, having examined in detail the Council's Housing supply, the appeal inspector concluded that there was a shortfall. The Inspector concluded that this shortfall was 750 homes and the supply figure was 4.63 years not the 5 years as set out in para 49 above.

- 5.2 The latest five year housing supply figures are set out in the 2015 Authority's Monitoring Report (AMR). Table 2.3, on page 31 of the AMR sets out the 5 year supply position.

The five year supply deficit: 1,451

Five year supply figure: 4.28

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

- 5.3 The Council therefore acknowledges that Paragraph 49 as set out above is engaged and accordingly all policies that relate to the supply of housing cannot be given weight in the determination of this application. This relates principally to the application of Policies CS5 and CS34 of the Core Strategy. CS5, (the key locational policy in relation to development states that development on land such as the application site which is located in the open countryside outside a settlement boundary (but outside the Green Belt) should be strictly limited. Furthermore CS34 focusing on Rural Areas states that settlement boundaries around rural settlements should be maintained and that development outside those boundaries should be strictly controlled. Therefore historically there would have been an "in principle" objection to the development but only limited weight can be afforded to the Councils locational policies at the time of writing this report.

- 5.4 Given the Council cannot demonstrate a five year housing supply and given that the above policies are thus out of date weight must be afforded to the erection of additional dwellings. However, it is necessary for decision makers to follow the requirement set out in Para 14 of the NPPF which states:

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

- 5.5 In this case the proposal is for only one house and it is considered that one house, whilst adding to the housing supply would contribute very little to that supply and the harm afforded by the proposal must be weighted against the limited additional supply.

Para 55 of NPPF resists “isolated homes” in the countryside unless there are special circumstances.

Para 55 reads as follows;

‘To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby (officer underlining). Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as:

- *the essential need for a rural worker to live permanently at or near their place of work in the countryside; or*
- *where such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets; or*
- *where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting; or*
- *the exceptional quality or innovative nature of the design of the dwelling.*

Such a design should:

- *be truly outstanding or innovative, helping to raise standards of design more generally in rural areas;*
- *reflect the highest standards in architecture;*
- *significantly enhance its immediate setting; and*
- *be sensitive to the defining characteristics of the local area.*

The site is isolated from the nearest settlement of Thornbury albeit located within a small group of six or seven houses. The house is not proposed for any of the special circumstances listed in Paragraph 55 of the NPPF and is not considered to be in a sustainable location for new development.

Paragraph 7 of the NPPG states that:

There are three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:

- *an economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;*
- *a social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; **and***
- *an environmental role– contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.*

There is some benefit to the economy if this one house were constructed and it appears that neighbours on either side support the erection of this house so it could be argued that there is a social role to the new house. However this piece of land is located some 1100m from the nearest settlement boundary, there are limited services and no footpath along the road such that it is unsuitable as a walking route to services found in Thornbury. As such as identified by the Inspector determining the Appeal in 2005, inhabitants would be dependant on the private motor car.

It is considered that the addition of one house would contribute little to the overall housing supply of the Local Authority and that the site is not sustainable development as set out in Paragraph 7 of the NPPF. Further the siting of one house in this position now would have a small temporary benefit to the Council's house supply figures but this should be balanced against the longer term harm of another isolated home in an unsustainable location.

Policy CS16 states that development should 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. In addition the density of new development should be informed by the character of the local area and contribute to:

- The high quality design objectives set out in Policy CS1
- Improving the mix of housing types in the locality and
- Providing adequate levels of Public open space, semi private space and communal open space.

- 5.6 The quality of design is not under scrutiny in this outline application and it appears feasible to construct a two storey house which could meet the councils CS1 design policy considerations. The mix of housing in the locality is not materially affected by the proposal as the application is only for one house and

is for private use. Whilst limited weight can be given to the claim that this is a self build house this needs to be balanced against the unsustainable location of the proposal. With respect to open space it is considered that the house would have sufficient semi private and private amenity space for its reasonable needs and that no public open space would be required, given the scale of the proposal.

5.7 As such whilst the development is not in conflict with the criterion of the policy, the site remains in an unsustainable location which is supported by NPPF and further consideration under the following headings is necessary:

5.8 Design.

Policy CS1 seeks the highest possible standards of design and deals not only with the external appearance of the development and landscape matters which in this case are to be dealt with at reserved matters stage but also states that overall layout should be well integrated with the 'existing adjacent development and connected to the wider network of foot, cycle and public transport links'. It is noted that there is no footway along the road (a factor in the inspectors previous refusal) and as such it remains a conclusion that the road is not suitable for pedestrians.

5.9 The agent indicates that conditions relating to the height of the resultant house (ridge height would be limited to 7.6 metres, eaves height of 5.4 metres above existing ground level) and the direction of windows could be agreed and this would be appropriate if planning permission were to be recommended.

5.10 Landscape & Visual Amenity

There is no reason to assume that a house of proportions akin to the height and scale of the neighbouring houses would be inappropriate or harmful to the landscape given that this site is located within an existing short linear pattern of development. Indeed the planning Inspector in determining the appeal for application PT05/0311/F found that the gap between houses did not especially contribute to the character and appearance of the countryside at this point. Whilst the South Gloucestershire Landscape Character Assessment (LCA) has been adopted since the appeal description and new housing is now being built on the outskirts of Thornbury it is not considered that any more harm could be identified as a result of the LCA nor more visual justification as a result of the new housing developments on the edge of Thornbury. As such it is considered that a house, within conditioned proportions would not cause material harm to the character and appearance of the countryside at this point.

5.11 It is noted that the neighbour consultation responses support the use of the site as garden as brambles, weeds and Ragwort would be controlled. Whilst this is a potential benefit from the scheme this can only be afforded limited weight as there is other means of control.

5.12 Trees

It is proposed to access the plot direct from Old Gloucester Road in the gap between two of the trees and the existing telegraph pole located in the verge outside of the site. The access drive would infringe part of the Root Protection Area (RPA) of one of the highway trees and the turning head would also infringe a small part of the RPA of the apple tree located in the adjoining garden. The submitted Arboricultural Report, however confirms that any adverse impact can be mitigated by the use of a Cellular Containment System CCS such as Cellweb and the agent would expect this requirement to be the subject of a condition if planning permission were granted.

5.13 Privacy and Residential amenity

The proposal can be designed such as to have no material impact on residential amenity by reason of loss of privacy or scale. The siting of the proposal, centrally on the plot would create an acceptable relationship with the neighbouring properties which will not materially harm the residential amenity of the neighbouring dwellings.

5.14 Transportation

Car parking is provided within and in front of a double garage for the proposed house. As such the policy requirement of two parking spaces in accordance with the Residential Parking Standards is achieved on site and a turning head is also shown. It is demonstrated in the plans that a bike store and a bin store are also capable of being provided on site. No objection is raised in respect of visibility on this stretch of road.

5.15 Notwithstanding the above paragraph 55 of NPPF resists “isolated homes” in the countryside unless there are special circumstances. The site is located in the open countryside at a location remote from local facilities, where there are no footways, no street lighting and an irregular bus service which serves the existing houses. This is an unsustainable location for new housing which would perpetuate the existing unsustainable location of houses. As such the development would be car dependent and promotes unsustainable transport behaviour contrary to policy CS8 which states that *‘Developments which are car dependant or promote unsustainable travel behaviour will not be supported’*. Further policy T12(A) advises that new development will be permitted provided that in terms of transportation the proposal provides adequate safe, convenient, attractive and secure access and facilities for pedestrians, cyclists, and people with disabilities.

5.16 Paragraph 9 of the NPPF identifies that ‘pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in peoples quality of life, includingimproving the conditions in which people live, work, travel and take leisure’

5.17 This application is isolated and is not considered to facilitate sustainable means of travel.

5.18 Affordable Housing

The site size and number of dwellings sought in this application is below the threshold for affordable housing in the adopted Core strategy and as such no affordable housing is required from this site.

5.19 Drainage

The drainage team raise no objection to the proposal although further information to establish the acceptability of a drainage scheme would be necessary. This could adequately be dealt with by attaching an appropriate condition if consent were recommended.

5.20 Planning balance

It has been found that there would be little harm from the addition of a house, within certain parameters, in relation to visual and residential amenity and that there would be no highway safety concern in relation to the proposed new vehicular access. Similarly the trees outside of the boundary would be unlikely to suffer as a result of the work provided that preventative measures were put in place to mitigate the potential damage to roots and it is likely that a suitable drainage system could be established. Further factors of limited agricultural use and control of weeds have limited weight in favour of the application. Whilst these factors together with the fact that paragraph 49 of the NPPF is engaged weigh modestly in favour of granting planning permission, the factors weighing against granting planning permission remain. The site is located in an isolated location, some 1100m from the formal settlement boundary to Thornbury and some 600m from the closest Thornbury housing allocation, there is no footway or lighting to take pedestrians into Thornbury and the bus service is irregular for access without a car. Further whilst locational policies of the South Gloucestershire Development Plan are now considered out of date Paragraph 55 of the NPPF considered to be up to date and states that Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances. The weight in favour of the development is not considered to be a special circumstance and the provision of one self-build house is not considered to outweigh the harm by reason of the unsustainable location as supported by Paragraph 55 of the NPPF.

6. CONCLUSION

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

6.2 The recommendation to refuse permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 set out above, and to all the relevant material considerations set out in the report. Consideration has been given to whether conditions would overcome the refusal reason but in this instance this is not possible.

7. RECOMMENDATION

7.1 That planning permission is refused for the reason set out below:

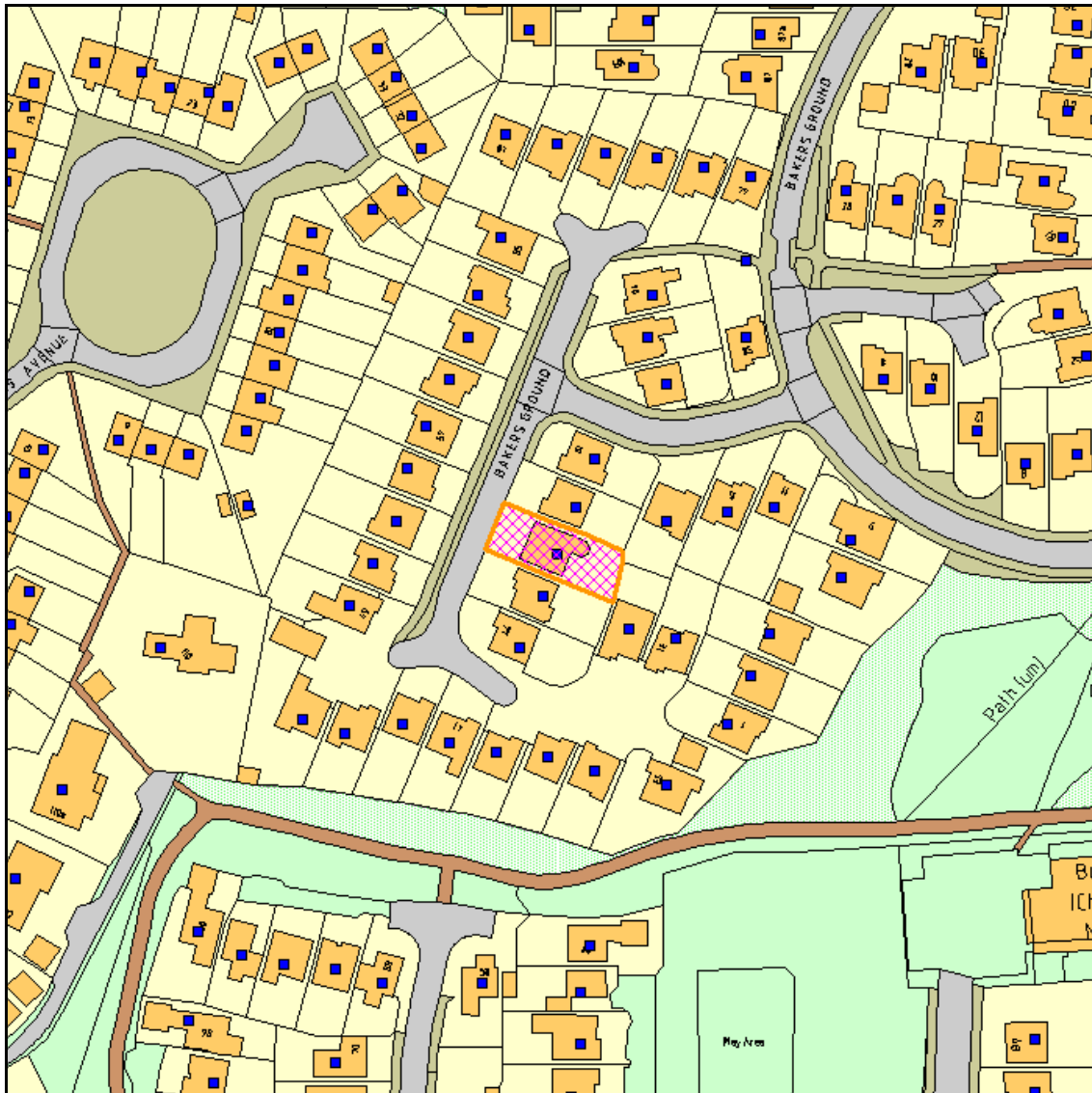
Contact Officer: Karen Hayes
Tel. No. 01454 863472

REFUSAL REASON

1. The site is located in the open countryside at a location remote from local facilities, where there are no footways and an irregular bus service. As such the development would be car dependent and promotes unsustainable transport behaviour contrary to Paragraph 55 of the NPPF, policy CS8 of the South Gloucestershire Local plan Core Strategy adopted December 2013 and policy T12 (A) of South Gloucestershire Local Plan adopted January 2006.

CIRCULATED SCHEDULE NO. 19/16 – 13 MAY 2016

App No.:	PT16/1023/CLE	Applicant:	Ms Sandra Harris
Site:	23 Bakers Ground Stoke Gifford Bristol South Gloucestershire BS34 8GD	Date Reg:	6th April 2016
Proposal:	Application for a Certificate of Lawfulness for existing use of bedroom in a dwelling as a complimentary therapy business	Parish:	Stoke Gifford Parish Council
Map Ref:	362914 180185	Ward:	Stoke Gifford
Application Category:	Certificate of Lawfulness	Target Date:	1st June 2016



© South Gloucestershire Council 2007.all rights reserved.
 This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.
 100023410, 2008. N.T.S. PT16/1023/CLE

REASON FOR REPORTING TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 This application seeks a certificate of lawfulness for the existing use of a bedroom within a dwellinghouse a complimentary therapy business (Sui Generis) as defined in the Town and Country Planning (Use Classes) Order). The application site relates to no. 23 Bakers Ground, a detached two storey property within Stoke Gifford.
- 1.2 A certificate of lawfulness is sought on the basis that an osteopathy and holistic therapy business has been operating from the residential dwelling known as no. 23 Bakers Ground for a period in excess of 10 years (since 2004). The applicant contends that such a use constitutes a material change of use from a dwellinghouse (Use Class C3) to a mixed use (Sui Generis) conformed of an osteopathy and holistic therapy business and a dwellinghouse.
- 1.3 Accordingly, the applicant suggests that by nature of this time period of time, the development is immune from enforcement action by virtue of section 171B(3) of the Town and Country Planning Act 1990 ("the Act") and therefore, in accordance with section 191(2) of the Act the use is lawful.

2. POLICY CONTEXT

2.1 National Guidance

- i. Town and Country Planning Act 1990: s171B and s191
- ii. Town and Country Planning (Development Management Procedure) (England) Order 2015
- iii. National Planning Practice Guidance:
Paras 10 - 14: 'Lawful Development Certificates'

3. RELEVANT PLANNING HISTORY

- 3.1 PT16/2132/NMA Decision Pending
Non material amendment to PT15/0538/PDR to increase overall depth of extension.
- 3.2 PT15/0538/PDR Approve with Conditions 13/03/2015
Erection of single storey rear extension to provide additional living accommodation.
- 3.3 MODT14/0003 Approved 22/08/2014
Deed of Variation of Section 106 Legal Agreement attached to planning permission P92/2321.
- 3.4 PT00/2099/PDR No Objection 23/08/2000
Erection of rear conservatory.

- 3.5 P97/2175 Approval 09/04/1998
Variation of condition 01 on planning permission P92/2321 dated 15/08/94 (variation sought is to extend the period for application for the approval of Reserved Matters to 7 years from date of outline permission).
- 3.6 P94/2527 Approval of Reserved Matters 05/06/1995
Residential development on 10 acres of land to include the erection of 102 houses and associated works. Construction of roads.

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

4.1 Statutory Declarations

- Sandra Harris (applicant and owner of the osteopathy business 'Time Out Therapies') signed 21/10/2015:
 - *Declared that Time Out Therapies has operated from the application site since the 21/06/2004; and also that she qualified as an Osteopath in June 2014.*
- Gail Evans (customer) signed 14/10/2015:
 - *Declared that she had been treated by Sandra Harris at Time Out Therapies at the application site since the 10/11/2005 every 3-4 weeks for a variety of treatments.*
- Karen Morton Sherwood (customer) signed 17/09/2015:
 - *Declared that she had been treated by Sandra Harris at Time Out Therapies at the application site since the 30/05/2004 until 2010. Treatments then resumed from 2012 onwards on a regular basis.*
- Andrea Jarvis (customer) signed 23/09/2015:
 - *Declared that she has been treated by Time Our Therapies at the application site since the 05/04/2005 every 3-4 weeks until October 2008; treatment then ceased due to personal reasons, recommencing in February 2010.*
- Karen Kearley (customer) signed 17/09/2015:
 - *Declared that she has received treatment from Time Out Therapies at the application site on a monthly basis since the 15/08/2005 until May 2012, treatment ceased due to personal reasons and recommenced in November 2012. Members of Kearley's family have also attended throughout this time period.*

4.2 Business Invoices (all of which are addressed to Time Out Therapies at no. 23 Bakers Ground):

- 28th October 2003 – Invoice from Massage Table Store
- 25th May 2004 – Invoice from Massage Table Store returning and purchasing a number of items.
- 30th September 2004 – Invoice from Quinessence Aromatherapy Ltd.
- 14th February 2005 – Invoice from Standbrook Guides Ltd.
- 15th April 2005 – Invoice from Sim Designs
- 20th April 2006 – Invoice from Panel Warehouse.com
- 27th April 2007 – Invoice from Sims Designs
- 14th May 2006 – Invoice from Bradley Stoke Matters

- 5th July 2006 – Invoice from Neighbourhood Direct Ltd.
- 10th August 2006 – 19th April 2007 – Invoice from Neighbourhood Direct Ltd.
- 6th April 2007 – Invoice from Amazon.co.uk
- 19th March 2007 – Invoice from British Red Cross
- 19th March 2007 – Invoice from StreamlineNet
- 5th October 2007 – Invoice from Sims Designs
- 18th October 2007 – Receipt from North Road School Friends
- 3rd January 2008 – Invoice from Beautelle Supplies Ltd.
- 19th February 2008 – Invoice from Matters Magazines
- 16th March 2008 – Receipt from Capital Hair and Beauty Ltd
- 13th March 2008 – Invoice from StreamlineNet
- 26th March 2008 – Invoice from Ian Roberts
- 31st March 2008 – Invoice from Greyhound Graphics Ltd.
- 6th April 2007 to 5th April 2008 – HSBC tax duplicate
- 19th June 2008 – Invoice from Greyhound Graphics Ltd.
- 27th August 2008 – Receipt from Capital Hair and Beauty Ltd.
- 29th August 2008 – Invoice from Quinessence Aromatherapy Ltd.
- 15th March 2009 – Receipt from Capital Hair and Beauty Ltd.
- 19th March 2009 – Invoice from StreamlineNet
- 20th August 2009 – Receipt from Capital Hair and Beauty Ltd.
- 28th August 2009 – Invoice from Douglas Green (Accountant)
- 15th December 2009 – Invoice from Ossa Freelance
- 25th March 2010 – Invoice from Premier Workware Ltd.
- 21st May 2010 – Invoice from StreamlineNet
- 24th July 2010 – Order confirmation from The Cartridge People
- 30th July 2010 – Invoice from Greyhound Graphics
- 5th January 2010 – Invoice from Quinessence Aromatherapy Ltd.
- 4th January 2011 – Invoice from Quinessence Aromatherapy Ltd.
- 14th January 2011 – Invoice from Yarmouth Stores Ltd.
- 24th February 2011 – Receipt from CNHC
- 19th March 2011 – Invoice from StreamlineNet
- 20th May 2011 – Invoice from CCS Direct
- 9th September 2011 – Invoice from Ripen Creative Ltd.
- 03rd October 2011 – Invoice from Plinth 2000 regarding the delivery and installation of a table
- 16th November 2011 – Invoice from Yarmouth Stores Ltd.
- 8th December 2011 – Invoice from CCS Direct
- 27th January 2012 – Receipt from CNHC
- 2nd March 2012 – Invoice from Yarmouth Stores Ltd.
- 19th March 2012 – Invoice from StreamlineNet
- 11th June 2012 – Invoice from CCS Direct
- 11th June 2012 – Invoice from Quinessence Aromatherapy Ltd.
- 23rd November 2012 – Invoice from CCS Direct
- 10th January 2013 – Receipt from British Red Cross

- 19th May 2013 – Invoice from CCS Direct
- 14th August 2014 – Invoice from Quinessence Aromatherapy Ltd.
- 1st January 2014 – Receipt from Direct Blinds
- 15th January 2014 – Invoice from Display Pro
- 20th January 2014 – Invoice from Cornwall Therapy Covers
- 27th February 2014 – Invoice from CCS Direct
- 6th July 2014 – Invoice from Cornwall Therapy Covers
- 12th July 2014 – Receipt from Vista Print
- 8th August 2014 – Receipt from The General Osteopathic Council
- 28th August 2014 – Invoice from Agar Hygiene Ltd.
- 9th September 2014 – Invoice from Quinessence Aromatherapy Ltd.
- 15th January 2015 – Invoice from Agar Hygiene Ltd.
- 15th May 2015 – Invoice from Agar Hygiene Ltd.
- 1st July 2015 - Receipt from The General Osteopathic Council
- 1st July 2015 – Invoice from Sum Up Payments Ltd.
- 1st August 2015 – Invoice from Sum Up Payments Ltd.
- 1st October 2015 – Invoice from Sum Up Payments Ltd.
- 1st September 2015 – Invoice from Sum Up Payments Ltd. (Incorrectly dated on the invoice).

4.3 Business Insurance Records

- 27th May 2004 - Federation of Holistic Therapies addressed to Ms Harris of 23 Bakers Ground
- 25th April 2005 – Therapy Insurance Services addressed to Ms Harris of 23 Bakers Ground
- 26th May 2006 to 26th May 2009 – Therapy Insurance Services Limited directed to the business at 23 Bakers Ground.
- 26th May 2009 to 26th May 2016 – Hiscox Insurance Company Limited directed to the business at 23 Bakers Ground.
- 01st September 2015 to 31st August 2016 – Institute of Osteopathy addressed to Ms Harris at 23 Bakers Ground.

4.4 Certificates/Confirmation of Membership

- Bowen Therapy Professional Association – a letter confirming that Ms Harris first joined the aforementioned professional body on the 01st May 2005; gaining full membership status from the 31st March 2006 until March 2013. The letter states that Ms Harris took a break from membership from March 2013 until October 2014.
- Screen Shot from the website of the Federation of Holistic Therapies (FHT) which shows Ms Harris as a therapist practising under the business called Time Out Therapies at the application site – dated 11/10/2015.
- Screen Shot from the General Osteopathic Council showing that Time Out Therapies to be based at the application site as a registered practitioner.
- Screen Shot from the Institute of Osteopathy showing Ms Harris as a registered Osteopathy practitioner based at the application site.

- 4.5 Tax Return
- Tax Return for the period commencing the 21/06/2004 and finishing 05/04/2005; the tax return demonstrates income and expenses relating specifically to Time Out Therapies.
- 4.6 Photographs of the Therapy Room
- A number of photographs showing a therapy table;
 - Posters regarding reflexology; the muscles within the human body etc.;
 - Certificates hung on the wall.

5. **SUMMARY OF CONTRARY EVIDENCE**

- 5.1 The Local Planning Authority (LPA) has no contrary evidence.

6. **OTHER REPRESENTATIONS RECEIVED**

- 6.1 Stoke Gifford Parish Council
No objection.
- 6.2 Councillor
None received.
- 6.3 Local Residents
None received

7. **EVALUATION**

- 7.1 An application for a certificate of lawfulness is not a planning application: it is purely an evidential test and therefore should not be determined against planning policy or on planning merit. The test to be applied is whether the application has demonstrated, through precise and unambiguous evidence, that (in this instance) the existing use of the application site is lawful.
- 7.2 Breach of Planning Control
No planning permission has been granted for the use of the application site as a mixed use composed of a dwellinghouse and osteopathy and holistic therapy business. Nonetheless, it must be considered if the use of one of the dwelling's bedrooms as an osteopathy business would constitute a material change in the use of the application site in accordance with Section 55(1) of the Act. Section 55(2)(d) of the Act states that 'the use of any buildings or other land within the curtilage of a dwellinghouse for any purposes incidental to the enjoyment of the dwellinghouse' should not be taken to constitute development. Accordingly, the use of the part of the building, specifically a bedroom, as an osteopathic and holistic therapy business would likely not be considered to represent a use 'incidental to the enjoyment of the dwellinghouse'.
- 7.3 The applicant has stated through a statutory declaration that the business commenced at the site on the 21st June 2004; a completed tax return supports this date. This tax return also includes details of expenses and income which further demonstrates the activity of a business at the site; this is also supported

with a number of invoices for goods relating to business at the site. Further to this, a statutory declaration from a customer states they have been receiving treatment at the site since 30th May 2004. With this in mind officer consider that in the balance of probabilities, the business use commenced at the site in May/June 2004. As well as this, the business use would have likely resulted in a material change in the character of the site itself, and also such effects would have had impacts on the locality itself, for example through associated car parking for customers.

7.4 Accordingly, the use osteopathy and holistic therapy business use of a room within 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.

7.5 Grant of Certificate of Lawfulness

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

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

7.6 Time Limit of Immunity

The applicant is claiming that the use of the land for residential purposes has occurred since 2004. As stated previously, this would constitute *any other breach of planning control* and therefore in accordance with section 171B(3) of the Act, the development would become lawful and exempt from planning enforcement at the end of a period of 10 years beginning with the date of the breach.

7.7 There is an expectation to the time limits for taking enforcement action, these are set out within s171BC(1)(a). This section has the affect that where the breach of planning control has been concealed such that the LPA could not have been aware of the breach and taken enforcement action within the prescribed period. In such cases the LPA has six months, beginning on the date when it had sufficient evidence to apply to the Magistrates' Court for a planning enforcement order enabling it to take enforcement action against the breach.

7.8 No enforcement action has been taken against the proposed development, and there is no evidence to suggest that the change of use has been deliberately concealed such that the LPA could not have been aware of the breach.

7.9 Accordingly, in order for this certificate of lawfulness to be granted it must be demonstrated that, on the balance of probability, the use of site has occurred continuously for a period exceeding 10 years and that there has been no subsequent change of use.

7.10 Assessment of Lawfulness

The onus of proof is firmly on the applicant and the relevant test of the evidence on such matters is “on the balance of probability”. Advice contained in Planning Practice Guidance states that a certificate should not be refused because an applicant has failed to discharge the stricter criminal burden of proof, i.e. “beyond reasonable doubt.” Furthermore, the applicant’s own evidence need not be corroborated by independent evidence in order to be accepted. Further to this, the Planning Practice 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’.

7.11 From the applicant's evidence, it is claimed that the change of use has occurred since 2004. Evidence to support this claim is provided in the form of statutory declarations; business invoices; certificates of membership; insurance certificated/records; tax returns; and photographs. Given that the assessment is made on the balance of probabilities, the LPA would need to have contrary evidence which outweighed that submitted by the applicant to find there to be insufficient grounds to grant the certificate.

7.12 When assessing the evidence supplied in support of the certificate of lawful use application, different types of evidence are given different weight. Generally speaking, the weight to be attached to such evidence in order of worth is as follows:

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

7.13 The photographic evidence submitted provides little weight in favour of this certificate, further than demonstrating that a room within the application site is a therapy room.

The reason officers attract little weight to such photograph is due to the fact that they do not inform officers in any way with regard to the extent of time, and the level of use, of the therapy business.

- 7.14 Submitted in support of the application is a number of documentary evidence including invoices; tax returns; and insurance documents. All such documents are contemporary documents which have been prepared and issued for purposes relating to the therapy business at the site, rather than documents that have been prepared in support of this certificate only. Accordingly, such documents constitute considerable weight in the assessment of this certificate.
- 7.15 The submitted tax return demonstrates that the application site was operating as a therapy business between June 2004 and April 2005. Further to this, the submitted insurance documents demonstrate that the business was insured at the site from 2004 until August 2016. Such insurance documents specifically states a number of activities explicit to the therapy business such as aromatherapy, massage, Indian head massage, reflexology and Bowen Technique. Accordingly, such documents demonstrate that an osteopathy and holistic therapy business has been operated from the application site for a period in excess of 10 years. Although it could be argued that the insurance documents only prove that a business was registered at the site, officers find it highly unlikely that such insurance would be purchased if no business was actually operating at the site.
- 7.16 Further to this, a large number of invoices for goods and services required to keep the business use at the site operating have been submitted. Such invoices are regularly dated from 2004 until this year. Accordingly, this documentary evidence suggests the business has been in a continuous use since 2004.
- 7.17 A number of sworn statements have been submitted in the form of statutory declarations made under the Statutory Declarations Act 1835. The applicant and the operator of the business, Ms Harris, states within her statement that the business commenced in June 2004, and the business has been operating in excess of 10 years. Further to this a number of customers, who regularly visit the business for treatments also signed sworn statements. The dates of which these customers started using the business vary, but they are all within 2004 and 2005. These customers confirmed that they have visited the site regularly (with some breaks in treatments due to personal reason) since 2004/2005 until the present day. These sworn statements demand considerable weight in the assessment of this certificate, and all such statements support that the business has been operating at the site since 2004.
- 7.18 A letter from the Bowen Therapy Professional Association has been submitted by the applicant. This letter states that Ms Harris was a member of the association from the 01st May 2005 until March 2013. Ms Harris then took a break from membership until the 16th October 2015 where is she is still a member. The reason for this break in membership is not known to the case officer, however, within this break from March 2013 to October 2014, the business is still insured; transactions are still taking place (see invoices); and

the customers who signed statutory declarations do not suggest there to be a break or pause in the business use at the dwelling.

7.19 A number of screen shots of webpages demonstrating that Ms Harris is running a therapy business from the application site have been submitted. Such screen shots attract limited weight as they do not provide any evidence as to how long the business has been in operation.

7.20 Assessment Findings

The weight of evidence in favour of the assertion that an osteopathy and holistic therapy business has been operating from the residential dwelling known as no. 23 Bakers Ground for a period in excess of 10 years is considerable. It has been found that a breach of planning control is likely to have occurred in 2004, and this breach has persisted continuously for a period in excess of 10 years. Information submitted in the form of a tax return, insurance documents, business invoices and statutory declarations all suggest that a small osteopathy and holistic therapy business has been operating from the host site since 2004. The LPA is not in possession of any counter evidence.

7.21 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.

7.22 On the balance of probabilities, a section of the host dwelling has been used continuously as a therapy business since 2004. It is therefore considered that the use of a room within the dwelling as a therapy business would be immune from enforcement action by virtue of section 171B(3) of the Act and under section 191(2) a certificate of lawfulness should be granted.

8 RECOMMENDATION

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

Contact Officer: Matthew Bunt
Tel. No. 01454 863131

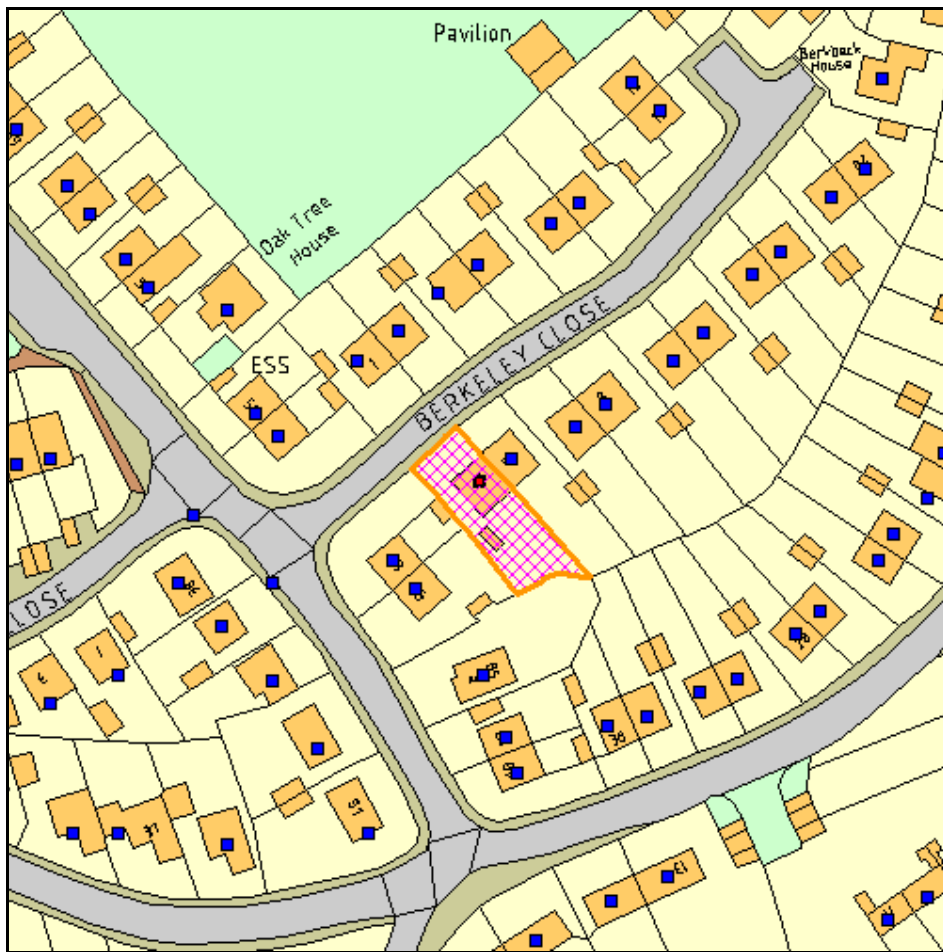
CONDITIONS

1. The weight of evidence in favour of the assertion that an osteopathy and holistic therapy business has been operating from the residential dwelling known as no. 23 Bakers Ground for a period in excess of 10 years is considerable. It has been found that a breach of planning control is likely to have occurred in 2004, and on the balance of probabilities this breach has persisted continuously for a period in excess of 10 years. Information submitted in the form of a tax return, insurance documents,

business invoices and statutory declarations all suggest that a small osteopathy and holistic therapy business has been operating from the host site since 2004. The Local Planning Authority is not in possession of any counter evidence. Accordingly, a certificate of lawfulness should be granted.

CIRCULATED SCHEDULE NO. 19/16 – 13 MAY 2016

App No.:	PT16/1070/F	Applicant:	GB Dibden Ltd
Site:	2 Berkeley Close Charfield Wotton Under Edge South Gloucestershire GL12 8TE	Date Reg:	4th April 2016
Proposal:	Demolition of existing garage. Erection of two storey side and single storey side and rear extension to form garage and additional living accommodation.	Parish:	Charfield Parish Council
Map Ref:	372370 191995	Ward:	Charfield
Application Category:	Householder	Target Date:	26th May 2016



© South Gloucestershire Council 2007.all rights reserved.
 This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.
 100023410, 2008. N.T.S. PT16/1070/F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This report appears on the Circulated Schedule following comments from the Parish Council and a local resident contrary to Officer recommendation.

1. THE PROPOSAL

- 1.1 The application seeks full planning permission for the demolition of an existing garage to facilitate the erection of a two-storey side and single storey rear extension to provide an integral garage and additional living accommodation.
- 1.2 The application site relates to a dormer bungalow situated within the settlement boundary of Charfield.
- 1.3 During the course of the application, revised plans were requested to show the boundary treatment being retained.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework March 2012
- 2.2 Development Plans
South Gloucestershire Local Plan Core Strategy (Adopted) December 2013
CS1 High Quality Design
CS4a Sustainable Development
CS5 Location of Development
CS8 Improving Accessibility
CS9 Environmental Resources and Built Heritage

South Gloucestershire Local Plan (Adopted) January 2006 - Saved Policies
H4 Development within Existing Residential Curtilages, Including Extensions and New Dwellings
T12 Transportation Development Control
- 2.3 Supplementary Planning Guidance
Design Checklist SPD (Adopted) August 2007
Residential Parking Standards SPD (Adopted) December 2013

3. RELEVANT PLANNING HISTORY

- 3.1 None

4. CONSULTATION RESPONSES

- 4.1 Charfield Parish Council
Objection:
The proposed development will intrude on the neighbour (whom has lodged an objection) although without a site visit it is not possible to view the impact. Cllr O'Neill stated that if these objections were not upheld and South Gloucestershire Planners were to approve the application, he would call the application in for a site visit by Councillors.

4.2 Other Consultees

Transportation

The property has 2 off-street car parking spaces, and as such complies with the Councils residential car parking Spd. Consequently there is no transportation objection to this proposal.

Other Representations

4.3 Local Residents

One letter of objection has been received. Subsequently, the local resident submitted a letter of support, but this has been superseded by a two further letters of objection. The comments are as follows:

- The proposed side extension is too wide. It comes right to the boundary line.
- A large window is proposed in the side elevation of the side extension overlooking us.
- The garage wall currently forms part of our boundary treatment. The applicant promised to build a new brick boundary wall replacing the garage wall, but this is not show on the submitted plans.
- The extensions will devalue our property.

Support comments:

- The applicant has promised to leave the existing garage wall as part of our boundary treatment and to build another wall replacing one fence panel.
- He will also replace all rotten fencing posts with concrete posts and wooden overlapping fencing.
- We are happy with this outcome and have no objections to the proposed development.

Further objector comments:

- The applicant's plans have not been amended with the revised details.
- The proposed two storey side extension will be built up to our boundary.
- The proposed dormers are too much. Most properties in the cul-de-sac have two dormer windows.
-

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

The application stands to be assessed against the above listed policies and all other material considerations. Of particular relevance is the overall design (CS1), the impact on residential amenity (H4) and the impact on residential parking and highway safety (T12 and SPD: Residential Parking Standards).

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

5.2 Design and Visual Amenity

The proposal comprises two main elements, a two-storey side extension and a single storey rear extension. To facilitate the development an existing attached garage would need to be demolished.

Two-storey side extension:

The application site is a one and a half storey detached pale yellow stone bungalow. It is detached and the proposed two-storey extension would be to the south western side. The neighbouring dwelling to the south west is a semi-detached property fronting Underhill Road separated from the application site by its own rear garden, detached single garage and vehicular access off Berkeley Close.

- 5.3 The proposed two-storey side extension would be to the south-west side and would allow the creation of an integral garage at ground floor and third bedroom with ensuite at first floor. The extension would measure approximately 7.9 metres in length, 2.7 metres in width, 2.8 metre high eaves and an overall ridge height of 5.8 metres. In general terms, an extension should be subservient to the main dwelling by being set back and set down from the main property. The proposed ridge and eaves lines follow on from the host property and in this particular circumstance this is considered acceptable given it will not appear out of keeping. Openings would be continuations of the box dormers on the north-west roofslope and the installation of a box dormer on the south-east elevation. A garage door in the north-west elevation gives vehicular access to the garage and an access door in the south-east elevation would lead from the garage to the rear garden.

Single storey rear extension:

- 5.4 This would follow on from the proposed two-storey side extension and would be to the south-west side of an existing single storey rear extension. It would measure approximately 1.6 metres wide, 4.9 metres long and achieve a maximum height of 4.8 metres. One bank of full height bi-folding doors would be positioned in the north-east elevation and a window in the south-west elevation.

- 5.5 The proposal is considered to be of an appropriate design, scale and massing with external matching finishes to assist its integration into the street scene. The proposal therefore accords with policy and can be recommended for approval.

5.6 Residential Amenity

To the side, closest neighbours Nos. 63, 65 and 65a fronting Underhill Road are rear onto the application site. No. 63 is separated from the application site from by their own detached single garage approximately 2.5 metres wide and rear garden approximately 7 metres long. No. 65 is separated from the application site by their own rear garden approximately 9 metres long. No. 65a's rear garden bounds the rear of the application site.

- 5.7 Comments from the neighbours at No. 65 are noted in terms of the overlooking. It is acknowledged that a window serving the kitchen is proposed in the south-west elevation of the rear extension, but the revised plans show the opposing

boundary treatment will be replaced and the side wall of the existing garage will be retained to screen the proposed development. As such, the proposed single storey rear extension will not have an adverse impact on the residential amenity of this neighbour over and above the existing situation. The ground floor window would not have a negative impact on this neighbour.

- 5.8 Neighbours from the same property have commented that the dormers are too much. It is important to note that under permitted development, dormer windows up to 40 cubic metres in volume, provided they meet all the other criteria within Part 1, Class B of the Town and Country Planning (General Permitted Development) (England) Order would not require planning permission. In this case, the proposal would have a volume of 20.4 cubic metres. On this basis, the proposal is considered acceptable.
- 5.9 The proposed two-storey side extension would be adjacent the mutual boundary with No. 63. As the extension would be to the south-east side and no windows are proposed in the side elevation, there would be no adverse impact on this neighbour.
- 5.10 To the rear, closest neighbours fronting Manor Lane are rear onto the application site. Given the 30+ metre distance separating these neighbours from the proposed scheme, it is considered the proposal would not be to the detriment of them.
- 5.11 Given the above, the proposal would not impact on the amenity of closest neighbours and sufficient garden space would remain to serve existing and future occupants.
- 5.12 Transportation
It is proposed to demolish the existing garage and build a two-storey side and single storey rear extension which will include a replacement integral garage. It is noted that the proposal would also result in an additional bedroom bringing the number to 3no. In this instance, adopted parking standards require 2no. off-street parking spaces to be provided.
- 5.13 The Council requires that new build garage have internal dimensions of 3m wide by 6m deep. The proposed dimensions of the new garage were identified as falling short of these measurements. Although the garage is regarded as being too small to count as a parking space, there is sufficient parking on the driveway at the front of the property to accommodate 2 vehicles. Given the above there are no transportation objections to the scheme.
- 5.14 Other Matters
The valuation or potential de-valuation of a property as a result of development is not a material consideration when determining an application and as such has not been given any weight.

6. **CONCLUSION**

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

7. **RECOMMENDATION**

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

Contact Officer: Helen Braine
Tel. No. 01454 863133

CONDITIONS

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

Reason

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

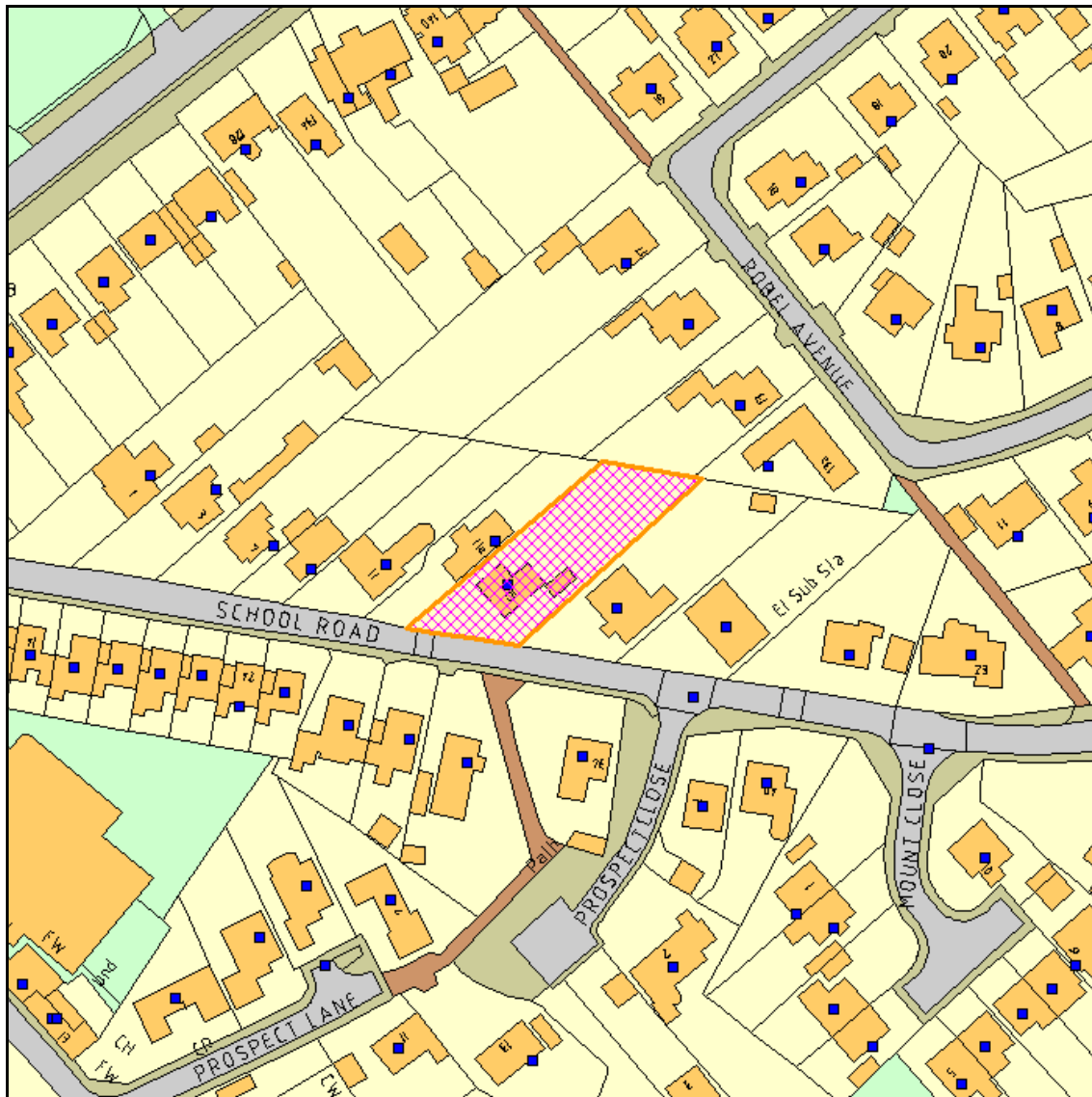
2. The hours of working on site during the period of construction shall be restricted to 7:30 to 18:00 Monday to Friday and 8:00 to 13:00 on Saturdays; and no working shall take place on Sundays or Public Holidays. The term 'working' shall, for the purpose of clarification of this condition include: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

Reason

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

CIRCULATED SCHEDULE NO. 19/16 – 13 MAY 2016

App No.:	PT16/1206/F	Applicant:	Mr Blakes
Site:	15 School Road Frampton Cotterell Bristol South Gloucestershire BS36 2DB	Date Reg:	29th March 2016
Proposal:	Demolition of existing dwelling and erection of 1no new dwelling, garage and associated works.	Parish:	Frampton Cotterell Parish Council
Map Ref:	365870 181875	Ward:	Frampton Cotterell
Application Category:	Minor	Target Date:	17th May 2016



© South Gloucestershire Council 2007.all rights reserved.
 This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationary Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.
 100023410, 2008. N.T.S. PT16/1206/F

REASON FOR SUBMISSION TO THE CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 This application seeks planning permission to demolish an existing dwelling and garage and to erect a replacement dwelling and garage within the same plot. The application site is no. 15 School Road which is composed of a fairly modest cottage-like dwelling, with a gable fronting garage in an average size plot.
- 1.2 The host dwelling is within Frampton Cotterell, although within the Winterbourne Settlement Boundary. School Road has a varied character with more traditional style dwellings to the north of School Road, and 60s/70s style dwellings on the southern side of School Road as the road approached Court Road.
- 1.3 Over the course of the application amendments were made to the proposal's design and layout in order to achieve a higher standard of design. Such amendments were considered to be material, and therefore an appropriate period of re-consultation occurred. Further to the period of consultation, a revised landscaping plan was submitted involving a revised landscaping scheme, such an amendment was not considered to be material, and hence a further period of consultation was not sought.

2. POLICY CONTEXT

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

South Gloucestershire Local Plan (Adopted) January 2006 (saved policies)
H4 Residential Development within Existing Residential Curtilages, Including Extensions and New Dwellings
T7 Cycle Parking
T12 Transportation Development Control Policy for New Development

South Gloucestershire Local Plan Core Strategy Adopted December 2013
CS1 High Quality Design
CS4A Presumption in Favour of Sustainable Development
CS5 Location of Development
CS8 Improving Accessibility
CS15 Distribution of Housing
CS16 Housing Density
CS17 Housing Diversity
- 2.3 Supplementary Planning Guidance
Residential Parking Standard SPD (Adopted) December 2013

3. RELEVANT PLANNING HISTORY

3.1 None relevant.

4. CONSULTATION RESPONSES

4.1 Frampton Cotterell Parish Council

No objection subject to the retention of the existing natural stone wall.

4.2 Other Consultees

Highway Drainage

No objection in principle subject to a condition requiring a Sustainable Drainage System being submitted as there is no public surface water sewer available.

Highway Structures

No Comment.

Transport Development Control

No objection subject to conditions regarding surface materials; front boundary wall; and access gates.

The Archaeological Officer

No comment.

Other Representations

4.3 Local Residents

Two comments have been received by the Council in response to this application, both comments were received from the same local resident (no. 17 School Road). The most recent comment is in response to the revised plans, the comments are summarised below:

- The proposal would be in front of no. 17's side patio door; it would need to be moved further forward in order to maintain light and privacy;
- Distance between the side of the proposal and the boundary is 60cm – queries surrounding scaffolding and also whether the footings would impinge over the boundary;
- The garage proposed is two stories in height and has an upstairs window; this could be used as a separate dwelling;
- The property is too wide for the plot and the garage is too tall;
- The garage is out of place with the other properties in the area.

5. ANALYSIS OF PROPOSAL

5.1 This application seeks planning permission for the erection of residential dwelling within the designated settlement boundary of Winterbourne.

- 5.2 Principle of Development – 5 Year Housing Land Supply
Since this application was refused, an Inspector (appeal ref. APP/P0119/1/14/2220291) found that the Council could not demonstrate a five year housing land supply, meaning paragraph 49 of the NPPF is engaged. Paragraph 49 of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development. The paragraph goes onto suggest that if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites then their relevant policies for the supply of housing should not be considered up-to-date.
- 5.3 Regardless of this, the starting point for any decision-taker is the adopted development plan, but the decision-taker is now also required to consider the guidance set out within paragraph 14 of the NPPF. Paragraph 14 states a presumption in favour of sustainable development, and states that proposals that accord with the development plan should be approved without delay, and where relevant policies are out-of-date planning 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 NPPF.
- 5.4 Additionally, the policies found to be out-of-date (saved policy H3 and policies CS5 and CS34), are all concerned with the retention of settlement boundaries, and generally not supporting residential development outside of settlement boundaries or urban areas. The Local Planning Authority accepts, in principle, residential development in this location, as policy CS5 and saved policy H3 direct development toward locations such as the host site, as it is located within a designated settlement boundary. Further to this, the proposal will not contribute to the Council's five year housing land supply, as it is a replacement dwelling.
- 5.5 Accordingly, the proposal should be assessed in terms of adopted up-to-date development plan policies and paragraph 14 of the NPPF.
- 5.6 Principle of Development – Relevant Policies
Saved policy H4 of the adopted Local Plan will only permit residential development of the kind proposed within aforementioned planning applications where they respect the massing, scale, proportions, materials and overall design and character of the existing property and the character of the street scene and surrounding area. In addition to this, saved policy H4 of the Local Plan would not support developments where the retention of private amenity space by the formation of a new separately occupied dwelling.
- 5.7 The majority of aspects of saved policy H4 conform to those of policy CS1 'High Quality Design' of the Core Strategy which will only permit development where the highest possible standards of design and site planning are achieved. In addition to this, high quality design is seen as a 'key aspect of sustainable development...indivisible from good planning' within paragraph 56 of the NPPF, this paragraph goes onto state that good design contributes positively to 'making places better for people'.

- 5.8 Policy CS16 'Housing Density' of the Core Strategy requires developments to make efficient use of land, but importantly requires that new development be informed by the character of local area.
- 5.9 Principle of Development – Summary
The proposal is acceptable in principle subject to the development having an acceptable impacts on the amenity of the area in terms of design; highway safety and residential amenity.
- 5.10 Character, Design and Visual Amenity
Although a rather charming cottage, the existing dwelling itself is not architecturally or historically significant, as well as this, the dwelling's design does not form an integral part of the character of the area. Accordingly, in terms of design and visual amenity, the demolition of the existing dwelling is acceptable in principle, provided the replacement dwelling has an acceptable design.
- 5.11 School Road has a varied character. The majority of the dwellings to the north of School Road have been altered and extended over the years; and the majority of these dwelling have differing styles and scales meaning officers find difficulty in concluding that the area has a distinct character. Notwithstanding this, the dwellings to the north of School Road are all set within their plots in a staggered arrangement and have dry stone walls forming front boundaries. The proposal conforms to these common characteristics through largely retaining the front dry stone wall, and also setting the dwelling within the plot in a similar staggered arrangement where the principal elevation is at an angle to School Road.
- 5.12 The proposal will widen the access, meaning the existing dry stone wall will be altered and small section of the wall will be removed. Such alterations are considered acceptable, as the proposed front boundary wall is composed largely of the existing wall, where the existing wall has been partly demolished, the proposed wall will recess in a similar manner to the existing arrangement. If planning permission is granted, officers suggest a condition is imposed that ensures the replacement wall is constructed of similar materials and in a similar manner to the existing wall.
- 5.13 The proposal's scale is larger than the existing dwelling. The existing dwelling has a ridge height of 5.5 metres compared to the proposal's ridge height of 6.2 metres and the proposal is approximately 3.1 metres wider than the existing dwelling. Notwithstanding this, the depths of the dwellings compared are relatively similar. The increase in scale is considered to be acceptable, with the character and context of the area concerned and also the application plot. A gap of approximately 2.5 metres is allowed between the boundary and the north western elevation of the dwelling; and a lesser gap of approximately 1 metres is proposed between the eastern elevation and the shared boundary. Such spacing is considered to be acceptable.

- 5.14 The proposal will be dormer a bungalow, with two fronting dormer windows and rooflight collage. The rear elevation will be composed of twin two storey rear facing gable ends. The ridge lines of the rear components are perpendicular to that of the main ridge line of the proposal, as well as this, the ridge lines of the rear sections are set down from the main ridgeline. This together with the cladding section proposed results in the rear section having an appropriate form of subordination to the main ridgeline, this aids the development in in-keeping with the area and also reduces the apparent and perceived scale of the proposal.
- 5.15 Officers are concerned with the proposed array of rooflights on the front roof elevation. Specifically, officers were concerned that the character of the dwelling would appear too contemporary which would not be overly sensitive to the area. However, there are other dwellings in the near-immediate area of the application site which have rooflights on the front elevation. As well as this, officers do not consider the proposed rooflights to constitute a reason for which the proposal could be refused due to poor design.
- 5.16 The proposal will utilise materials appropriately, the elevations will mostly be finished in render, with stone quoins which provides an element of interest. The rear elevations will utilise timber cladding at first floor level, this is considered acceptable. The roof tiles will be red/brown colour roman tiles, such tiles are used within the area. Further to this, the window frames will have grey appearance, such material is considered to be acceptable.
- 5.17 Between the proposed dwelling and the highway a single storey garage is proposed. The square garage has a height of 4.504 metres and width of 6 metres, with gable ends facing the highway and the dwelling. Comments from a member of the public are correct in that there are not many similar garage-arrangements in the area. However, this is not considered to constitute a reason to refuse such a garage. The garage has an appropriate scale, and although the siting may not be considered to be impeccable, a landscaping plan has been submitted that will soften the impact of the garage on the street scene. With this in mind, the proposed garage is acceptable, should planning permission be granted, officers recommend that the landscaping plan (Site Plan dwg no. 02) is conditioned in order to ensure its implementation.
- 5.18 Overall, the proposed replacement dwelling is considered to have an acceptable standard of design in the context of policies CS1 and CS16, as well as saved policy H4.
- 5.19 Residential Amenity
The proposed development will not materially harm the outlook of any nearby dwelling. The proposal will partially impair the outlook from no. 17's closest front window to the application site, but such an impingement is not considered to materially harm the enjoyment of no. 17; especially as the existing dwelling at the site has a similar effect to the proposed development. No. 17 has no side elevation windows facing the application site, and the proposal will not obstruct outlook from the rear elevation windows of no. 17.

- 5.20 The dwelling to the north, no. 11A, does have a number of side elevation windows that face the application site. The proposal will not materially harm the outlook or privacy enjoyed by the occupiers' no. 11A due to the existing shared boundary treatment. As well as this, officers are also aware that the existing dwelling is positioned in a similar arrangement to the proposed dwelling.
- 5.21 Due to the proposal's position it is unlikely to result in a significant loss of light to any nearby dwelling that could be described as materially prejudicial to residential amenity. There may be a minor degree of shadowing caused to no. 11A's rear garden, however, this is not considered to be materially harmful.
- 5.22 The proposal does include first floor side elevation windows, such windows could result in a loss of privacy to the adjacent dwellings if not conditioned appropriately. Accordingly, should planning permission be granted officers suggest that the first floor side elevation windows are conditioned to ensure they are obscure glazed and non-opening above 1.7 metres from room floor level.
- 5.23 A 'Juliet' balcony is proposed to the rear first floor elevation, as well as this, a first floor rear window is also proposed on the other twin rear gable facing component. This aforementioned fenestration is unlikely to materially harm the privacy of any nearby occupiers. Such fenestration may result in some indirect views into neighbouring gardens, however, such views are not considered to be materially harmful or prejudicial in terms of the nearby occupiers' privacy.
- 5.24 As stated the development proposed does not materially harm outlook of any nearby occupiers, as well as this, the development has an acceptable scale. As such, officers find that the proposal's physical presence is not materially overbearing.
- 5.25 The development would offer an adequate level and standard of private amenity space to the rear of the dwelling.
- 5.26 Accordingly, the development is not considered to materially prejudice the residential amenity of any of the nearby residential occupiers.
- 5.27 Highway Safety
The off street parking provision marked on the proposed plans is acceptable and complies with the requirements of the Council's adopted Residential Parking Standards. To ensure an adequate level of car parking is provided at the site a condition is recommended that requires a minimum of two off-street car parking spaces are implemented and retained within the site.
- 5.28 The material for the proposed driveway has not been submitted, should planning permission be granted, officers suggests a condition that requires the driveway to be finished in a permeable bound material. Further to this, the transport officer has requested that the front boundary and vegetation has a maximum height of 0.9 metres. The proposed/existing front boundary wall has a height of 0.6 metres, and officers are unable to condition the height of vegetation, therefore officers do not find this condition to be required.

Further to this, the proposed landscaping does not impact on the visibility splay required to maintain an adequate standard of highway safety.

- 5.29 The aforementioned transport officer has also requested that if gates are to be erected, then such gates need to be set back within the site. No gates are proposed within this development, and the existing site access has gates that are set back by approximately 1 to 2 metres. With this in mind, should planning permission be granted, officers recommend that a condition is imposed that requires any future gates at the site to be set back from School Road by 2 metres.
- 5.30 Saved policy T7 requires development of this kind to provide a minimum of 2 secure and undercover cycle spaces. The proposed garage will provide cycle parking that conforms to this requirement.
- 5.31 Overall the proposal is considered to have acceptable levels of vehicular parking and also an acceptable impact on highway safety. With this in mind, there are not highway safety or transportation objections to this proposal.
- 5.32 Drainage
The drainage officer has requested that should planning permission be granted, a condition is imposed that requires that details of a SuDS be submitted for approval prior to the development commencing. The reason for this condition is that there is not a public sewer available for connection. Although officers can understand why the drainage officer has requested such a condition, officers consider that due to the scale of the proposal, and the fact that this is the existing situation for the current dwelling a request for a SuDS scheme is unreasonable. As well as this, building control would require adequate site drainage. Within this in mind, officers recommend that a SuDS condition is not included should planning permission be granted.
- 5.33 Use of the Garage
The proposed garage is proposed to be used as a garage, and not as a self-contained dwelling. Further express planning permission would be required to utilise the garage as a self-contained dwelling. Express planning permission would not be required to utilise the garage as an annexe ancillary to the main dwellinghouse. Officers do not foresee this to be problem in the future. It would not be materially harmful to the residential amenity of any nearby occupiers, and there is adequate car parking in the remaining site that means the garage would not actually be required for car parking provision. Regardless of this, the garage proposed internally only has a ground floor. Accordingly, should this application be approved, officers recommend that no condition is imposed on the development with regard to restricting the use of the garage.
- 5.34 Civil Matters
A nearby occupier questioned whether the proposal would require footings/scaffolding that impinged/encroached on their property (no. 17). Such matters are not considered to be material considerations with regard to the assessment of this planning application. Rather they are matters which are covered through different (non-planning) legislation – should planning

permission be granted, informative notes will be included on the decision notice covering such matters.

5.35 The Planning Balance

At this point officers find it appropriate to return to the context of paragraph 14 of the NPPF, this paragraph states that proposals should be permitted unless:

'...any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as whole'

5.36 The development has been assessed against the up-to-date development plan policies and also the NPPF as a whole. In doing-so, officers have found no adverse impacts that would result from this development. Accordingly, it is recommended that the planning application should be approved subject to the conditions stated within this report.

6. CONCLUSION

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

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

7. RECOMMENDATION

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

Contact Officer: Matthew Bunt
Tel. No. 01454 863131

CONDITIONS

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

Reason

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

2. Prior to the occupation of the dwelling hereby approved, the dry stone wall at the front of the property shall be constructed/retained in accordance with the submitted Site Plan (dwg no. 02 received by the Council on the 10/05/2016). Any sections of the wall to be built or rebuilt shall be constructed and laid in a matching dry stone and style to the existing wall.

Reason

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

3. Prior to the occupation of the dwelling hereby approved, the hard and soft landscaping shown on the submitted Site Plans (dwg no. 02 received on the 10/05/2016) shall be implemented. For the avoidance of doubt, any material to be used within driveway/parking area will be formed of a bound and permeable material.

Reason 1

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

Reason 2

To ensure an adequate standard of highway safety and to accord with Policy CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006; and the National Planning Policy Framework.

4. Notwithstanding the submitted plans, the side elevation first floor windows shall be obscure glazed and non-opening below 1.7 metres when measured from floor level of the room in which the windows are installed.

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.

5. Prior to the first occupation of the hereby permitted dwelling, and at all times thereafter, at least two off-street car parking spaces shall be provided within the residential curtilage of the permitted dwelling. Each car parking space must measure at least 2.4 metres by 4.8 metres.

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.

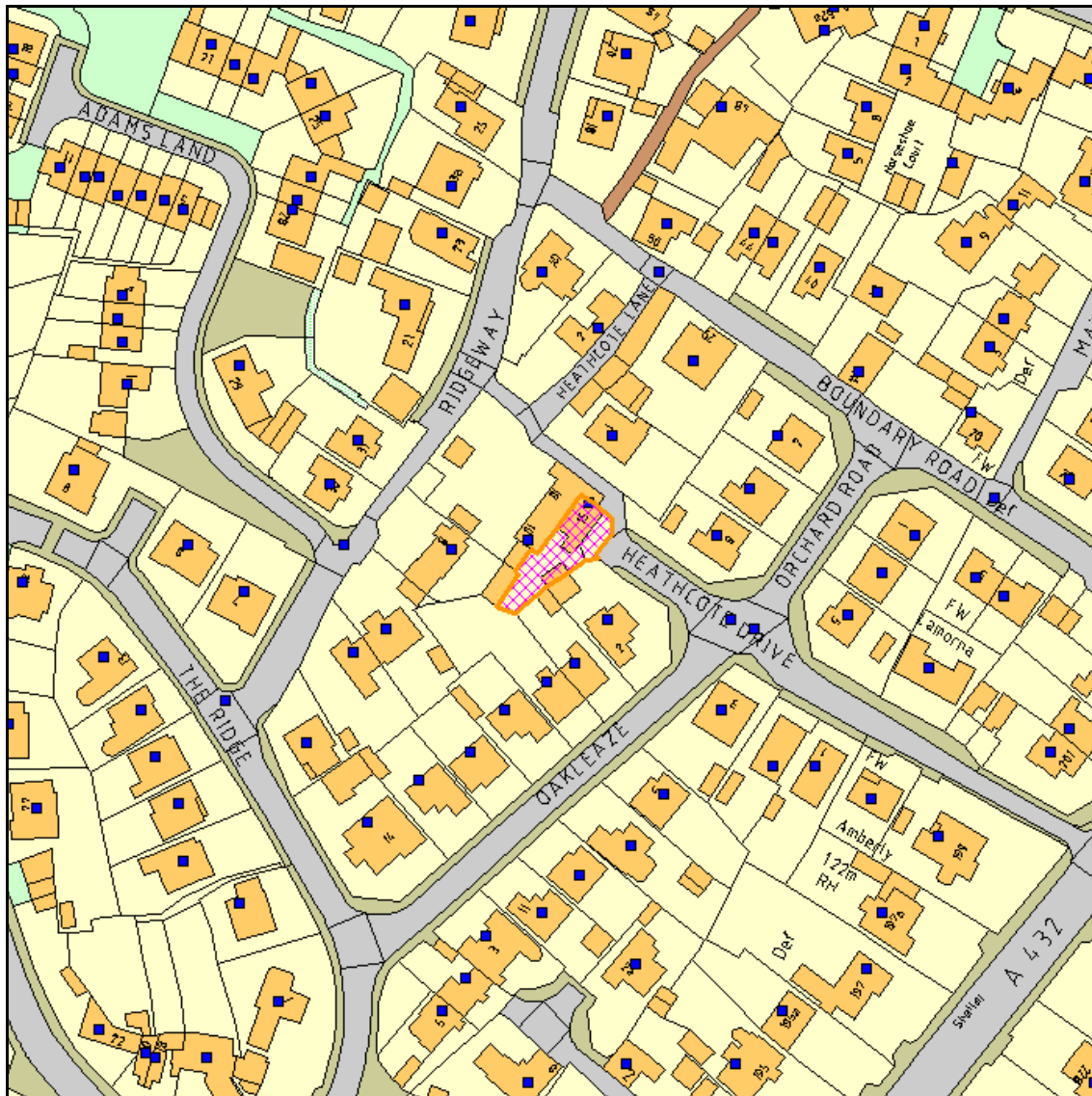
6. Any gates to be installed along southern boundary of the site shall be set back from the highway by a minimum of 2 metres.

Reason

To ensure an adequate standard of highway safety and to accord with Policy CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006; and the National Planning Policy Framework.

CIRCULATED SCHEDULE NO. 19/16 – 13 MAY 2016

App No.:	PT16/1492/CLP	Applicant:	Mr Neville Knight
Site:	15 Heathcote Drive Coalpit Heath Bristol South Gloucestershire BS36 2PT	Date Reg:	6th April 2016
Proposal:	Certificate for the proposed demolition of conservatory and erection of single storey side extension	Parish:	Frampton Cotterell Parish Council
Map Ref:	367548 181118	Ward:	Frampton Cotterell
Application Category:	Certificate of Lawfulness	Target Date:	27th May 2016



© South Gloucestershire Council 2007.all rights reserved.
 This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.
 100023410, 2008. N.T.S. PT16/1492/CLP

REASON FOR REPORTING TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 The applicant is seeking a formal decision as to whether the proposed single storey side extension to 15 Heathcote Drive, Coalpit Heath would be lawful.
- 1.2 The application is a formal way of establishing whether the proposal requires planning permission or not. Accordingly there is no consideration of planning merit, the decision is based solely on the facts presented.

2. POLICY CONTEXT

- 2.1 National Guidance
Town and Country Planning (General Permitted Development) (England) Order 2015, Schedule 2, Part 1, Class A.

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

3. RELEVANT PLANNING HISTORY

- 3.1 No planning history

4. CONSULTATION RESPONSES

- 4.1 Frampton Cotterell Parish Council
No objection
- 4.2 Councillor
No Comments Received

Other Representations

- 4.3 Local Residents
No Comments Received

5. SUMMARY OF EVIDENCE IN SUPPORT OF APPLICATION

- 5.1 Location Plan and Combined Existing Plans – 15HD.MAR16.E.1 received on 1st April 2016; Combined Proposed plans and elevations – 15HD.APR16.P.1.A received on 20th April 2016.

6. ANALYSIS OF PROPOSAL

6.1 Principle of Development

The application for a Certificate of Lawfulness is purely an evidential test and is a formal way of establishing whether or not the proposed development can be implemented lawfully without the need for planning permission. Accordingly there is no consideration of planning merit, the application is based on the facts presented. The submission is not an application for planning permission and as such the development plan is not of relevance to the determination of this application; the decision rests upon the evidence that has been submitted. If the evidence submitted demonstrates that the proposed use is lawful, on the balance of probabilities, the Local Planning Authority must grant a certificate confirming that the proposed development is lawful.

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

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

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

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

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

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

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

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

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

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

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

- (e) The enlarged part of the dwellinghouse would extend beyond a wall which—**
- (i) forms the principal elevation of the original dwellinghouse; or**
 - (ii) fronts a highway and forms a side elevation of the original dwellinghouse;**

The extension does not extend beyond a wall which fronts a highway or the principal elevation of the original dwelling house.

- (f) Subject to paragraph (g), the enlarged part of the dwellinghouse would have a single storey and—**
- (i) extend beyond the rear wall of the original dwellinghouse by more than 4 metres in the case of a detached dwellinghouse, or 3 metres in the case of any other dwellinghouse, or**
 - (ii) exceed 4 metres in height;**

The proposal does not extend beyond the rear wall of the original dwellinghouse.

- (g) Until 30th May 2019, for a dwellinghouse not on article 2(3) land nor on a site of special scientific interest, the enlarged part of the dwellinghouse would have a single storey and—**
- (i) extend beyond the rear wall of the original dwellinghouse by more than 8 metres in the case of a detached dwellinghouse, or 6 metres in the case of any other dwellinghouse, or**
 - (ii) exceed 4 metres in height;**

Not applicable.

- (h) The enlarged part of the dwellinghouse would have more than a single storey and—**
- (i) extend beyond the rear wall of the original dwellinghouse by more than 3 metres, or**
 - (ii) be within 7 metres of any boundary of the curtilage the dwellinghouse opposite the rear wall of the dwellinghouse;**

The extension would be single storey.

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

The extension would not be within 2 metres of the boundary.

- (j) **The enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse, and would—**
- (i) **exceed 4 metres in height,**
 - (ii) **have more than a single storey, or**
 - (iii) **have a width greater than half the width of the original dwellinghouse; or**

The proposal extends beyond a side wall of the property but does not have more than one storey, exceed 4 metres in height or have a width greater than half the width of the original property.

- (k) **It would consist of or include—**
- (i) **the construction or provision of a verandah, balcony or raised platform,**
 - (ii) **the installation, alteration or replacement of a microwave antenna,**
 - (iii) **the installation, alteration or replacement of a chimney, flue or soil and vent pipe, or**
 - (iv) **an alteration to any part of the roof of the dwellinghouse.**

The development would not include any of the above.

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

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

The application site does not fall on article 2(3) land.

A.3 Development is permitted by Class A subject to the following conditions—

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

The proposed plans indicate that the proposal will be finished with render, tiles and windows to match existing. The proposed materials would therefore match the host dwelling.

- (b) any upper-floor window located in a wall or roof slope forming a side elevation of the dwellinghouse must be—
 - (i) obscure-glazed, and
 - (ii) non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed; and

Not applicable.

- (c) where the enlarged part of the dwellinghouse has more than a single storey, the roof pitch of the enlarged part must, so far as practicable, be the same as the roof pitch of the original dwellinghouse.

Not applicable.

7. RECOMMENDATION

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

Evidence has been provided to demonstrate that the proposed extension would be allowed as it is considered to fall within the permitted rights afforded to householders under Part 1, Class A of the Town and Country Planning General Permitted Development Order 2015.

Contact Officer: Anne Joseph
Tel. No. 01454 863788