



**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. 37/16**

**Date to Members: 16/09/2016**

**Member's Deadline: 22/09/2016 (5.00pm)**

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

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

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

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

## **NOTES FOR COUNCILLORS - FORMAL ARRANGEMENTS**

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

To refer an application(s) members are asked to email [MemberReferral@southglos.gov.uk](mailto: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](mailto:MemberReferral@southglos.gov.uk), where referrals can be picked up quickly by the Development Management Technical Support Team. Please note a copy of your referral e mail will appear on the website. **If in exceptional circumstances, you are unable to e-mail you request, please contact 01454 863519, well in advance of the deadline, to discuss alternative arrangements to ensure your response can be received.**
- When you refer an application, make clear what the planning reasons are for doing so. This will help the case officer and other members give attention to the specific issues you have raised.
- It may also allow officers to seek to negotiate with the applicant to overcome the Member's concerns and therefore removing the need for a Committee determination.

# CIRCULATED SCHEDULE - 16 September 2016

ITEM NO.	APPLICATION NO.	RECOMMENDATION	LOCATION	WARD	PARISH
1	PK16/3973/F	Approve with Conditions	100 Canterbury Close Yate South Gloucestershire BS37 5TU	Yate North	Yate Town
2	PK16/4084/F	Approve with Conditions	64 Ellacombe Road Longwell Green South Gloucestershire BS30 9BW	Longwell Green	Hanham Abbots Parish Council
3	PK16/4237/CLE	Approve	Stock Hill Cottage Earthcott Green Alveston South Gloucestershire BS35 3TF	Frampton Cotterell	Iron Acton Parish Council
4	PK16/4328/CLE	Approve with Conditions	135B Station Road Kingswood South Gloucestershire BS15 4XX	Rodway	None
5	PK16/4498/F	Approve with Conditions	13 Norman Road Warmley South Gloucestershire BS30 5JA	Siston	Siston Parish Council
6	PK16/4708/CLP	Approve with Conditions	11 Manor Way Chipping Sodbury South Gloucestershire BS37 6NX	Chipping	Sodbury Town Council
7	PT16/0773/F	Approve with Conditions	Tanners Barns Perrinpit Road Frampton Cotterell South Gloucestershire BS36 2AR	Frampton Cotterell	Frampton Cotterell Parish Council
8	PT16/1411/F	Approve with Conditions	Tall Trees Site Over Lane Almondsbury South Gloucestershire BS32 4DQ	Almondsbury	Almondsbury Parish Council
9	PT16/2586/F	Approve with Conditions	Oaklands Park Gloucester Road Almondsbury South Gloucestershire BS32 4AG	Almondsbury	Almondsbury Parish Council
10	PT16/4036/F	Approve with Conditions	168 Park Lane Frampton Cotterell South Gloucestershire BS36 2ER	Frampton Cotterell	Frampton Cotterell Parish Council
11	PT16/4360/LB	Approve with Conditions	The Mezze 7 The Plain Thornbury South Gloucestershire	Thornbury North	Thornbury Town Council
12	PT16/4495/F	Approve with Conditions	23 Wadham Drive Frenchay South Gloucestershire	Frenchay And Stoke Park	Winterbourne Parish Council
13	PT16/4509/ADV	Approve	Bradley Stoke Leisure Centre 1 Fiddlers Wood Lane Bradley Stoke South Gloucestershire BS32 9BS	Bradley Stoke Central And Stoke Lodge	Bradley Stoke Town Council

## CIRCULATED SCHEDULE NO. 37/16 – 16 SEPTEMBER 2016

**App No.:** PK16/3973/F

**Applicant:** Oliver Nelson

**Site:** 100 Canterbury Close Yate Bristol  
South Gloucestershire BS37 5TU

**Date Reg:** 5th July 2016

**Proposal:** Erection of two storey side extension  
and single storey link extension to form  
additional living accommodation

**Parish:** Yate Town Council

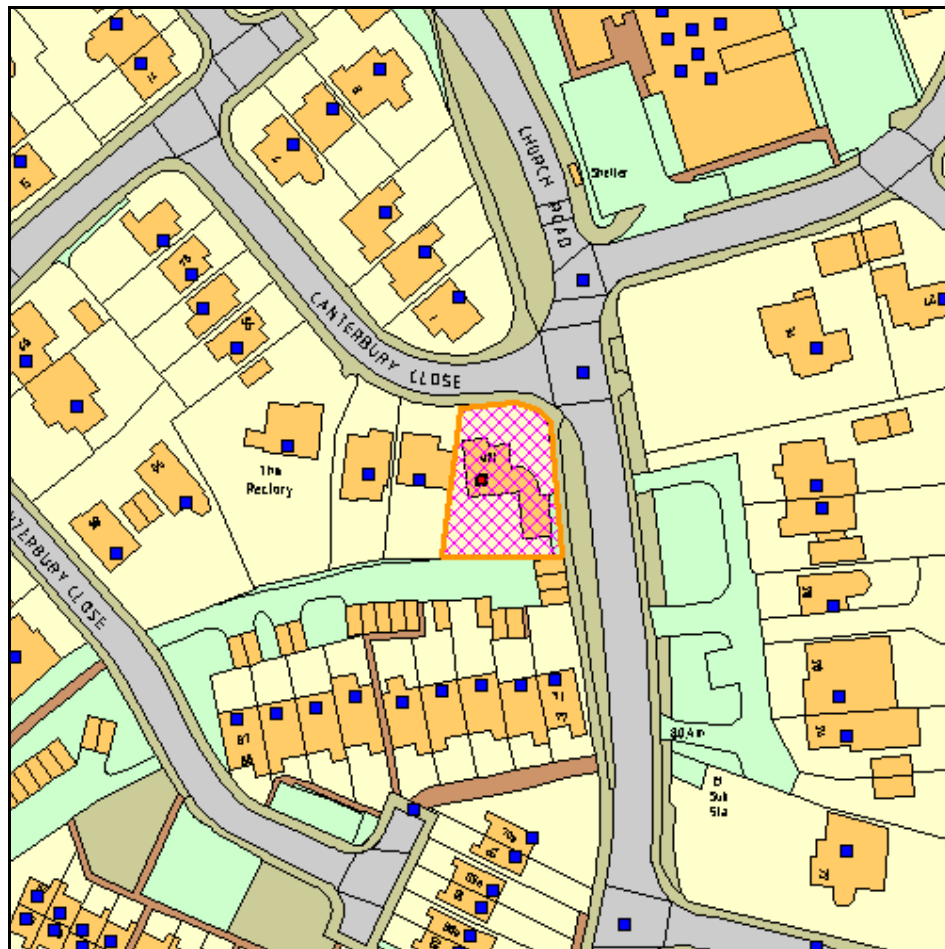
**Map Ref:** 371548 183067

**Ward:** Yate North

**Application Category:** Householder

**Target Date:** 25th August 2016

**Category:**



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PK16/3973/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 a two-storey side extension and single storey link extension to form additional living accommodation.
- 1.2 The application site relates to a two-storey detached property situated at the entrance of a modern estate in the established residential area of Yate.
- 1.3 During the course of the application the applicant was asked to step down the proposed side extension as per the recent pre-application planning advice related to this property.

### **2. POLICY CONTEXT**

#### **2.1 National Guidance**

National Planning Policy Framework March 2012  
Planning Policy Guidance 2016

#### **2.2 Development Plans**

##### **South Gloucestershire Local Plan Core Strategy Adopted December 2013**

CS1 High Quality Design  
CS4A Presumption in Favour of Sustainable Development  
CS5 Location of Development  
CS8 Improving Accessibility  
CS9 Managing the Environment and Heritage  
CS30 Yate and Chipping Sodbury

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

H4 Residential Development within Existing Residential Curtilages  
T12 Transportation Development Control Policy for New Development

#### **2.3 South Gloucestershire Local Plan: Proposed Submission: Policies, Sites and Places Plan June 2016**

PSP1 Local Distinctiveness  
PSP8 Residential Amenity  
PSP16 Parking Standards  
PSP38 Development within Existing Residential Curtilages

#### **2.3 Supplementary Planning Guidance**

Design Checklist SPD (Adopted) 2007  
Residential Parking Standard SPD (Adopted) 2013

### **3. RELEVANT PLANNING HISTORY**

- 3.1 PK14/0171/F Approved with Conditions 04/03/2013  
Erection of single storey side extension to form garage and additional living accommodation
- 3.2 P86/1585 Approved 04/06/1986  
Erection of detached building for use as snooker room
- 3.3 N2575/4AP1 Approved with Conditions 06/03/1980  
Erection of 54 houses and garages, and construction of associated estate roads, footpaths, garages and screen walls (details following outline). (In accordance with the amended plans received by the Council on 19th and 28th February 1980). To be read in conjunction with planning permission Ref. No. N.2575/4.
- 3.4 N2575/5 Approved with Conditions 09/03/1979  
The winning and working of celestite from land.
- 3.5 N2575/4AP Approved with Conditions 08/03/1979  
Erection of 24 flats in 3 three-storey blocks, 4 flats in a two-storey block and 60 detached and semi-detached houses; construction of associated garages, parking spaces, footpaths and access roads. (Details following outline). (In accordance with the revised plans received by the Council on 2nd March 1979). To be read in conjunction with planning permission Ref.No. N.2573/4.
- 3.6 N2575/4 Approved with Conditions 31/01/1979  
Residential and ancillary development (outline).
- 3.7 N2575/1 Approved with Conditions 27/07/1976  
Residential and ancillary development on approximately 5 acres of land.
- 3.8 N1653 Approved with Conditions 14/08/1975  
Use of land as a temporary play area.

### **4. CONSULTATION RESPONSES**

- 4.1 Yate Town Council  
Objection on following grounds:  
Design and visual appearance, landscaping – hedge illustrated in planning application has been removed. Visual impact with size of extension.  
Overbearing  
Highway issues traffic generation  
Highway safety the new building (garage with bedroom) will extend well beyond the original little Cotswold stone wall and jut out, impeding visibility to the highway junction. Drivers will not have the clear line of sight when they approach the Church Road junction from Canterbury Close, until they are almost on the junction.

#### 4.2 Other Consultees

Sustainable Transport  
No Objection

#### **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 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 application site benefits from a conservatory attached to its eastern side. This conservatory in turn is attached to another single storey lounge. The conservatory will be demolished to facilitate the erection of a two storey side extension and single storey link extension.

#### 5.3 *Two-storey side extension:*

Good design principles encourage extensions to be able to be read as such by being subservient to the main dwelling. Revised plans clearly show the extension would be stepped back from the main front building line by 0.4 metres and have a ridge height 0.2 metres lower than that of the main house. Initially, the difference in height between the original and that proposed was criticised and has subsequently been reduced to achieve subservience in design terms. The structure would extend along the full length of the existing dwelling, but only as far as the rear building line. The new extension would incorporate a garage at first floor and a master bedroom, dressing area and en-suite at first floor. Openings would be a garage door in the ground floor and catslide dormer in the first floor north elevation and two first floor windows in the south elevation. Materials would be to match the host property.

#### 5.4 *Single storey link extension:*

To the south would be a single storey gabled single storey extension linking to the existing lounge building and being incorporated within the proposed ground floor element of the side extension. This structure would have solid walls matching the existing dwelling, but a slim full height opening to the west.

#### 5.5 Comments from the Town Council are noted in terms of the size of the development. However, the above assessment has shown that both two-storey and single storey link additions are typical and established methods of

extending properties. Similar examples can be found in the local area and a refusal on the basis of it not being in-keeping could not be substantiated.

- 5.6 Although in totality the scheme would result in a large addition to this property, it must be noted that the overall size of the two-storey side extension has been reduced and the single storey extension would link to an existing addition. In design terms, the scheme is representative of a large typical two-storey extension and a not uncommon rear extension. As such, a refusal reason on the ground of over massing could not be defended in an appeal situation. In planning terms, the scheme is considered acceptable and is recommended for approval.

5.7 Residential Amenity

To the front, closest neighbours on the other side of Canterbury Close are side-onto the application site. A first floor opening would be located in the front elevation, but it is considered that there would be no issues of overlooking over and above the existing situation. Properties to the rear are about 30 metres away. Two first floor openings would be located in the rear elevation and given the above, it is considered that there would be no adverse impact on the amenity of these neighbours.

- 5.8 Comments from the Town Council regarding an overbearing impact are noted, but the extensions would infill to the side of the main house and front of the single storey lounge, have a lowered roofline and are set way from neighbouring properties. As such, there would be no impact with regard to overbearance for closest neighbours.

- 5.9 The single storey rear extension would have a slim opening in the west elevation, facing the garden. The property is bound by a high boundary treatments and benefits from a good size garden which wraps around the lounge. There would therefore be no adverse impact on amenity for neighbouring dwellings and sufficient amenity space would remain to serve the house. On this basis, the proposal is considered to accord with policy and can be recommended for approval.

5.9 Sustainable Transport

Following the development, the extended property would remain a four bed property. The proposed two-storey side extension would incorporate within it a garage. This garage does not comply with the adopted standards, but it is noted that at least 2no. off street parking spaces could be accommodated on site and this would accord with policy parking provision.

- 5.10 Concerns regarding traffic generation and visibility are noted, but given the number of bedrooms in the property will remain the same so proposal is unlikely to substantially generate more vehicular movements and regard must be given to the single storey extension previously approved (ref: PK14/0171/F) and as such, it is considered that the sight line will not change from what was previously approved. Given the above there are no transportation objections to the scheme.



5.11 Other matters

The Town Council has commented that the hedge illustrated on plans has been removed. Hedges like the one in question are typical of those found in gardens and works to them, pruning or felling, does not need planning permission.

**6. CONCLUSION**

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

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

**7. RECOMMENDATION**

7.1 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).

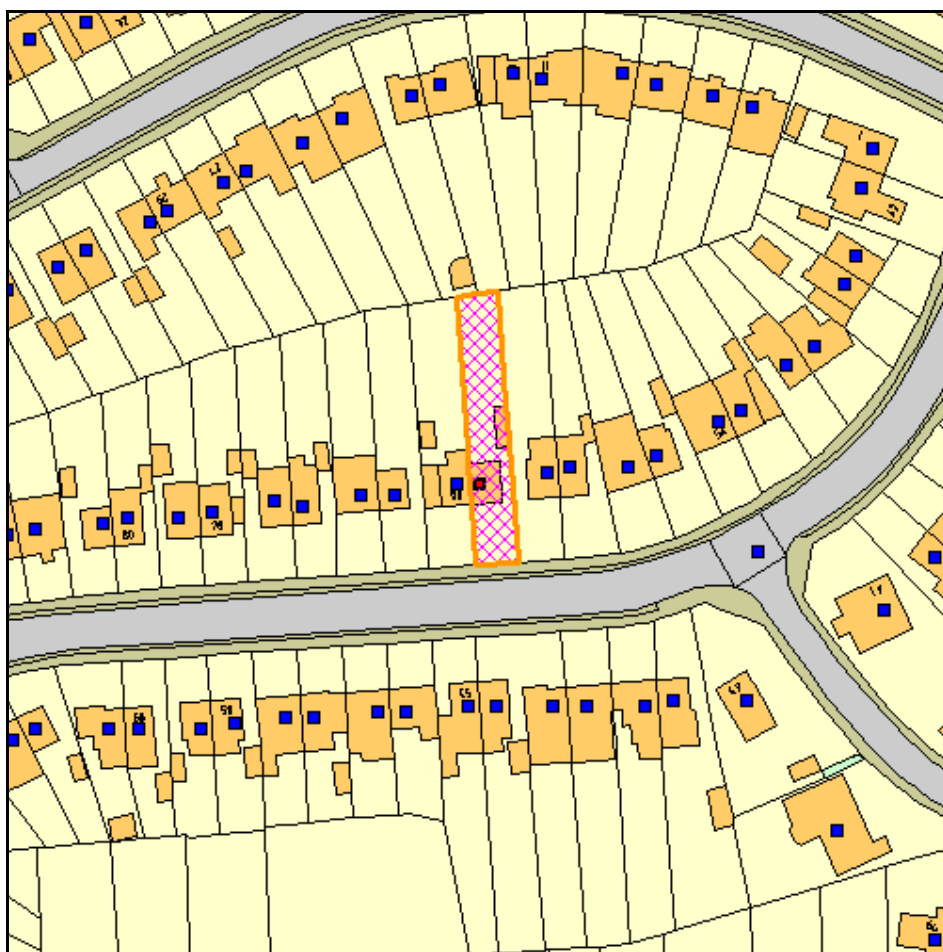
2. The hours of working on site during the period of construction shall be restricted to 7:30 to 18:00 Monday to Friday and 8:00 to 13:00 on Saturdays; and no working shall take place on Sundays or Public Holidays. The term 'working' shall, for the purpose of clarification of this condition include: 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.

## CIRCULATED SCHEDULE NO. 37/16 – 16 SEPTEMBER 2016

<b>App No.:</b>	PK16/4084/F	<b>Applicant:</b>	Mr And Mrs Jenkins
<b>Site:</b>	64 Ellacombe Road Longwell Green Bristol South Gloucestershire BS30 9BW	<b>Date Reg:</b>	7th July 2016
<b>Proposal:</b>	Demolition of existing garage. Erection of a two storey side, single storey rear and single storey front extensions to form garage and additional living accommodation.	<b>Parish:</b>	Hanham Abbots Parish Council
<b>Map Ref:</b>	365551 170794	<b>Ward:</b>	Longwell Green
<b>Application Category:</b>	Householder	<b>Target Date:</b>	31st August 2016



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PK16/4084/F

## **REASON FOR REPORTING TO CIRCULATED SCHEDULE**

This application appears on the Circulated Schedule as a result of consultation responses received, raising certain issues and concerns to be addressed.

### **1. THE PROPOSAL**

- 1.1 The application is for the erection of two storey and single storey side and rear extension to form garage and additional living accommodation.
- 1.2 The property is a volume built, semi detached chalet style dwelling with hanging tile dormers to the front and rear, located on road containing similar properties within the residential area of Longwell Green.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
National Planning Policy Framework  
National Planning Policy Guidance
- 2.2 Development Plans  
South Gloucestershire Local Plan (Adopted) January 2006  
H4 Development within Existing Residential Curtilages, Including Extensions and New Dwellings  
T12 Transportation  
  
South Gloucestershire Local Plan Core Strategy Adopted December 2013  
CS1 High Quality Design  
CS8 Access/Transport
- 2.3 Supplementary Planning Guidance  
South Gloucestershire Design Checklist (Adopted) 2007.  
South Gloucestershire Parking Standards SPD

### **3. RELEVANT PLANNING HISTORY**

- 3.1 None relevant

### **4. CONSULTATION RESPONSES**

- 4.1 Hanham Abbots Parish Council  
No comments received

#### Sustainable Transportation.

Planning permission is sought to extend the existing dwelling to provide additional living accommodation. Part of the development proposes to demolish the existing garage. A replacement garage is proposed within the new side extension. The internal dimensions of this garage do not meet the Council's current standards for new build garages and cannot therefore be considered as part of the parking requirements for this dwelling. The Council's residential parking standards state that a dwelling with up to four bedrooms requires a minimum of two parking spaces to be provided within the site boundary.

No detail has been submitted on the proposed vehicular parking for this dwelling. Before further comment can be made a revised to scale block plan needs to be submitted which shows the existing vehicular access from the public highway and the proposed vehicular parking after development.

## **Other Representations**

### **4.2 Local Residents**

One letter has been received raising the following points:

*'We would support this application subject to conditions to protect (i) child safety and privacy (ii) our future use and enjoyment of the property which we are considering extending similarly. We would like to see the following conditions applied: Cond.1: A Construction Access Plan to be approved by your council which would ensure the continual enclosure of our property during and after construction to ensure the safety and privacy of our two children aged 1 and 3 who make daily use of the garden. The Construction Access Plan should cover hours of working, noise, dust, construction access, delivering and storage of materials and reinstatement after construction. Cond.2: To protect the future use/enjoyment of our property and in particular our intention to extend similarly, a condition should be imposed to remove further development rights on this boundary, beyond what is shown on the application. In particular to prevent the encroachment to any degree on our land/property of drains, foundations, rain water pipes and gutters, ventilation grilles or the future insertion of any windows on this side elevation. The existing air conditioning unit that currently protrudes 2ft from the side elevation will not be located on the side elevation and will not overbear our boundary. I would also expect out of common courtesy that any damages to our land or property will be made good at the contractors/occupiers expense. Subject to conditions being applied as above, we would be happy to support our neighbour's application and look forward to seeing the end product.'*

## **5. ANALYSIS OF PROPOSAL**

### **5.1 Principle of Development**

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

### **5.2 Design**

The single storey rear element of the proposals would in part replace an existing flat roof garage located in the side/rear curtilage. The two storey front elevation would be in keeping with the existing dwelling in terms of design and scale, and not dissimilar to another extension in the immediate vicinity. The proposed extension 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 extension is of an acceptable size in comparison to the existing dwelling and the site and surroundings. Materials would match those of the existing dwelling.

5.3 Residential Amenity

The single storey rear element of the proposals would in part replace an existing flat roof garage located in the side/rear curtilage and runs near to the border with the neighbouring property. The two storey element would be on the side of the existing dwelling, the building line of which is virtually in line with that of the neighbouring property in this direction, up to the shared boundary. No new side windows are proposed. The length, size, location and orientation of the proposals are not considered to give rise to any additional significant or material overbearing impact on adjacent properties. Further to this sufficient garden space remains to serve the property.

- 5.4 In response to some of the additional comments received, it is not considered appropriate or proportionate to propose a condition to remove any remaining permitted development rights in this instance. Any future applications will be judged upon their own individual merits. Further to this it is not considered appropriate or proportionate to impose a construction access plan in this instance and continual enclosure of properties would be a civil matter for each individual property. Excess noise and dust nuisance would be addressed by the Councils Environmental Protection Team. Notwithstanding this and in relation to any proposed development, the granting of planning permission does not grant rights to access, use or damage land not within the applicant's ownership or control, this would include construction and access, storage, maintenance and service provision. An hours of construction condition is recommended.

5.5 Transportation

Further to the transportation comments (above), notwithstanding the dimensions of the garage and following examination of the site, it is considered that the existing hardstanding/parking area to the front provides enough space, to meet the Council's requirements for parking in this instance i.e. a minimum of two spaces, and in fact exceeds this. Adequate off street parking would therefore be provided at the property, in accordance with the Council's requirements.

**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 proposals are of an appropriate standard in design and are not out of keeping with the main dwelling house and surrounding properties. Furthermore the proposal would not harm the amenities of the neighbouring properties by reason of loss of privacy or overbearing impact. Adequate parking can be provided on the site. As such the proposal accords with Policies H4 T12 of the South Gloucestershire Local Plan (Adopted) 2006 and CS1 of the South Gloucestershire Local Plan Core Strategy Adopted December 2013.

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

## **7. RECOMMENDATION**

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

**Contact Officer: Simon Ford**  
**Tel. No. 01454 863714**

## **CONDITIONS**

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

Reason

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

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

Reason

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

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

Reason

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

4. No windows shall be inserted at any time in the east elevation of the property.

Reason

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

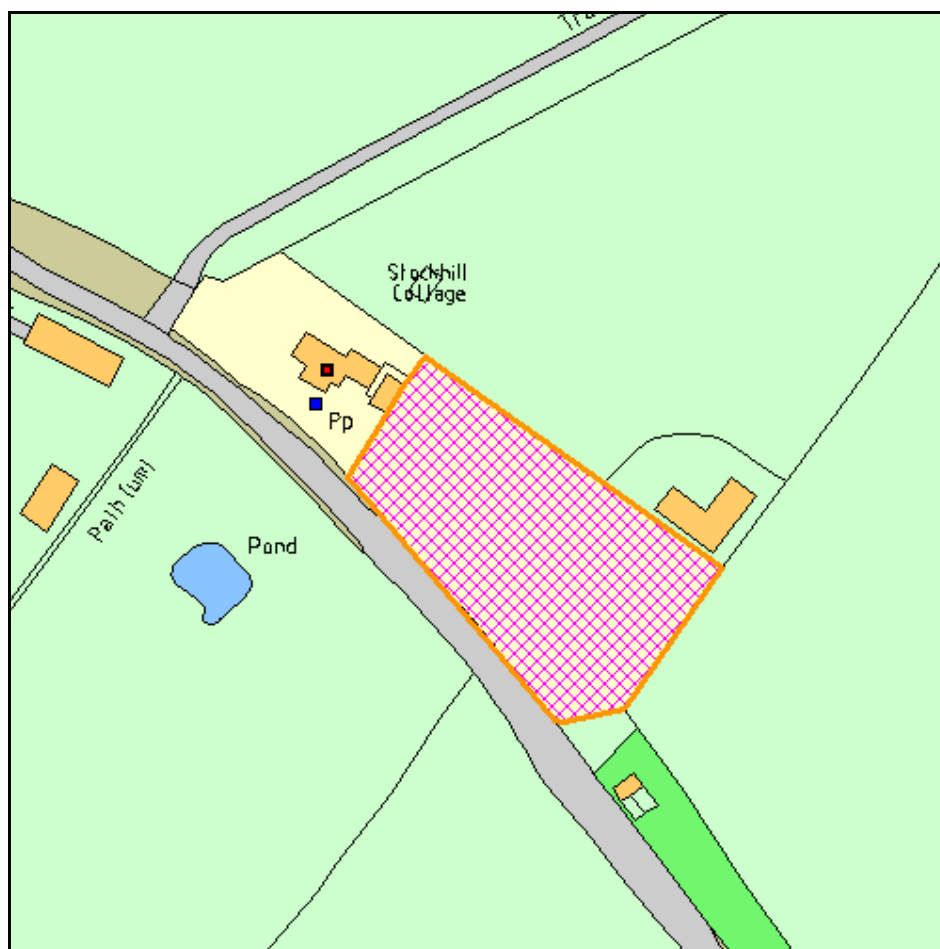
5. A minimum of two off-street car parking spaces shall be provided and retained on site at all times.

#### 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. 37/16 – 16 SEPTEMBER 2016

<b>App No.:</b>	PK16/4237/CLE	<b>Applicant:</b>	Mr And Mrs Michael Drake
<b>Site:</b>	Stock Hill Cottage Earthcott Green Alveston Bristol South Gloucestershire BS35 3TF	<b>Date Reg:</b>	18th July 2016
<b>Proposal:</b>	Application for a certificate of lawfulness for the existing use of land and buildings as residential (Class C3).	<b>Parish:</b>	Iron Acton Parish Council
<b>Map Ref:</b>	366074 186039	<b>Ward:</b>	Frampton Cotterell
<b>Application Category:</b>		<b>Target Date:</b>	5th September 2016



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## **REASON FOR REPORTING TO CIRCULATED SCHEDULE**

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

By way of information, Members should be aware, that the test to be applied to this application for a Certificate of Lawful Use or Development, is that the applicant has to demonstrate on the **balance of probability**, that the garden use as described, has occurred for a period of 10 years consecutively, prior to the receipt of the application, which in this case was the 11<sup>th</sup> July. 2016; whilst for the element of built development i.e. car port/store the test is a 4 year period prior to receipt of the application.

### **1. THE PROPOSAL**

- 1.1 The application comprises a Certificate of Lawfulness submitted under Section 191 (1) of the Town and Country Planning Act 1990 as amended by S.10 of the Planning and Compensation Act 1991 in respect of land and an outbuilding at Stock Hill Cottage, Earthcott Green, Alveston, Bristol South Gloucestershire BS35 3TF.
- 1.2 The application comprises a Certificate of Lawfulness for the use of the land as residential curtilage. The application also seeks to establish that, an associated outbuilding used as a car port/store is lawful development. The land and outbuilding the subject of this application lie to the south-eastern side of Stock Hill Cottage.
- 1.3 In order to regularise the breach of planning control, the applicant seeks a Certificate of Lawful Use for the use of the land, as defined edged red on the submitted Location Plan received 11<sup>th</sup> July 2016 and a Certificate of Lawful development for the car port/store, the building is shown on the aerial photograph labelled Annex 2 located in the far eastern corner of the land edged red and at the end of a driveway leading to the site access.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
Town and Country Planning Act 1990: Section 191  
Town and Country Planning (Development Management Procedure) (England) Order 2015  
Town and Country Planning (Use Classes) Order 1987 (as amended).  
The Planning Practice Guidance March 2014
- 2.2 Development Plans  
As the application is for a Certificate of Lawfulness, the policy context is not directly relevant, as the land use merits are not under consideration. The applicant need only demonstrate that on the balance of probability, the use of the land as applied for has occurred for a period of 10 years consecutively, prior to the receipt of the application on the 11<sup>th</sup> July 2016 and that the outbuilding has been in-situ for 4 years prior to the receipt of the application.

### **3. RELEVANT PLANNING HISTORY**

- 3.1 PK04/3731/F Erection of two storey and single storey extensions to form additional living accommodation and attached double garage. Installation of 3 no. dormer windows.  
Refused December 2004
- 3.2 PK05/1354/F Erection of two storey and single storey side extensions to form additional living accommodation. Installation of 2 no. Dormer windows.  
Approval July 2005
- 3.3 PK06/1361/CLE - Application for Certificate of Lawfulness for an existing use of land as garden for ancillary residential purposes.  
Refused 21 July 2006

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

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

1. Statutory Declaration of Mr Michael Ralph Drake of Stock Hill Cottage, Earthcott Green, Alveston, Bristol South Gloucestershire dated 8th July 2016

In summary Mr Drake states the following:

- I have been the joint owner of Stock Hill Cottage since 30<sup>th</sup> July 2004.
- On 24<sup>th</sup> April 2006, an application was submitted, with supporting evidence for a Certificate of Lawful Use or Development, in relation to the existing use of the area edged red on attached plans PF1 & PF2, as a garden and for ancillary purposes in connection with the adjoining residence, Stock Hill Cottage. The application numbered PK06/1361/CLE was refused 21<sup>st</sup> July 2006.
- At the time of the original application on 24<sup>th</sup> April 2006 the land was in use as a garden and has continued to be so used, without interruption throughout the intervening period, to date.
- In addition, an existing gravelled access has been extended and a wood framed car port and storage building erected as shown on the plan PF1. These works were completed in 2008.

2. Statutory Declaration of Mrs Maria Jayne Drake of Stock Hill Cottage, Earthcott Green, Alveston, Bristol South Gloucestershire dated 8th July 2016

In summary Mrs Drake states the following:

- I have been the joint owner of Stock Hill Cottage since 30<sup>th</sup> July 2004..
- On 24<sup>th</sup> April 2006, an application was submitted, with supporting evidence for a Certificate of Lawful Use or Development, in relation to the existing use of the area edged red on attached plans PF1 & PF2, as a garden and for ancillary purposes in connection with the adjoining residence, Stock Hill Cottage. The application numbered PK06/1361/CLE was refused 21<sup>st</sup> July 2006.
- At the time of the original application on 24<sup>th</sup> April 2006 the land was in use as a garden and has continued to be so used, without interruption throughout the intervening period, to date.
- In addition, an existing gravelled access has been extended and a wood framed car port and storage building erected as shown on the plan PF1. These works were completed in 2008.

3. Subsequent to the receipt of the application the applicant's agent confirmed in an e.mail dated 7<sup>th</sup> Sept. 2016 that the builder who completed the works on the car port/store advises that the works to the car port/store were in fact not completed until April 2010. The statement was supported by a photograph of the site taken from Bling and dated Sept. 2011.

**5. SUMMARY OF CONTRARY EVIDENCE**

None

**6. OTHER CONSULTATIONS**

Iron Acton Parish Council

No response

Local Ward Councillor

No response

**7. ASSESSMENT**

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

s191) (1)

*'If any person wishes to ascertain whether*

*(a) any existing use of buildings or other land is lawful;*

*(b) any operations which have been carried out in, on, over or under are lawful;*

*or*

*(c) any other matter constituting a failure to comply with any condition or limitation subject to which planning permission has been granted is lawful,*

*he/she may make an application for the purpose to the local planning authority specifying the land and describing the use, operations or other matter'.*

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

(a) There has been a continuous use of land or buildings (other than a dwelling) for more than 10 years.

(b) A condition or limitation on a planning permission has not been complied with for more than 10 years.

(c) Building or other operations have been completed for more than 4 years.

(d) A building (not land) has been used as a dwelling for more than 4 years.

In this case therefore the onus of proof is on the applicant to show on the balance of probability that the use of the land has occurred for a continuous period of 10 years and that the building has existed for a minimum of 4 years up to and including the date of the application i.e. the relevant 10 year period is 11<sup>th</sup> July 2006 to 11<sup>th</sup> July 2016 and the 4 year period 11<sup>th</sup> July 2012 to 11<sup>th</sup> July 2016.

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

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

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

(No enforcement notice was in place during the relevant 10/4 year periods respectively)

7.4 The relevant test of the submitted evidence

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

7.5 Hierarchy of Evidence

Inspectors and the Secretary of State usually value and give weight to evidence in the following order of worth:-

1. Personal appearance, under oath or affirmation, by an independent witness whose evidence can be tested in cross-examination and re-examination, especially if able to link historic events to some personal event that he/she would be likely to recall.
2. Other personal appearance under oath or affirmation.
3. Verifiable photographic evidence.

4. Contemporary documentary evidence, especially if prepared for some other purpose.
5. Sworn written statements (witness statements or affidavits), which are clear as to the precise nature and extent of the use or activity at a particular time.
6. Unsworn letters as 5 above.
7. Written statements, whether sworn or not, which are not clear as to the precise nature, extent and timing of the use/activity in question.

From the evidence submitted the Statutory Declarations carry substantial weight.

The Case Officer for this current application conducted a site visit on the 6<sup>th</sup> Sept. 2016.

### **Analysis**

- 7.6 The Officer can confirm that at the time of his site visit on the 6<sup>th</sup> Sept. 2016 the land in question had the appearance of being garden land associated with Stock Hill Cottage, the land being predominantly manicured lawn with the extended driveway in place and the car port/store building located at the end of the driveway as annotated on the submitted aerial photograph PF1. Having inspected the file for the earlier application PK06/1361/CLE and read the officer report, there is nothing to indicate that at the time of that application in 2006 that the land in question was nothing other than residential garden and logic would dictate that it would have been at that time, as anything to the contrary would have been mentioned in the refusal reason, which was in fact based on evidence taken from an earlier aerial photograph.
- 7.7 For the intervening years to the current application, officers have the benefit of aerial photographs taken from the Council archives for 2006 and 2008/2009. The 2006 photograph, shows the land virtually devoid of trees and grassed over but it is not possible to conclusively say that it was garden land or otherwise at the time of the photograph. What can be said with certainty is that the Car Port/Store and extended driveway were not present at that time; this accords with what is submitted in the two statutory declarations.
- 7.8 According to the Statutory Declarations the works to extend the driveway and to erect the Car Port/Store were completed in 2008. Officers note however that whilst the extended driveway is present in the 2008/2009 photograph the Car Port/Store is not. Otherwise the area of land in question remains grassed and is notably a different shade of green from that of the adjoining field to the north.
- 7.9 The applicant has since clarified that the dates quoted in the Statutory Declarations for the completion of the Car Port/Store are wrong and that the builder has confirmed that the building was in fact completed in April 2010. Whilst this discrepancy might normally bring into question the accuracy of the Statutory Declarations, evidence in the form of a street scene photograph from Bling dated Sept. 2011 confirms that the Car Port/Store was in situ at that time, which is well before the relevant 4 year period began.

7.10 Officers are satisfied that the evidence submitted is sufficiently precise and unambiguous and covers the relevant 10/4 year periods and beyond. In the absence of any contrary evidence at all, officers must conclude that the land at Stock Hill Cottage has been used continuously for the relevant 10 year period as residential garden. Furthermore the associated Car Port/Store has been in situ for an excess of 4 years and is therefore lawful.

7.11 Was there Deliberate Concealment?

Given that the land was the subject of a similar application in 2006 and is visible from the roadway as also is the Car Port/Store, it would have been very difficult to conceal the use/building applied for.

7.12 Officers are therefore satisfied that on the balance of probability, the use of the land applied for has been continuous as described for a period of at least 10 years prior to receipt of the application. Furthermore the Car Port/Store has been in situ for in excess of 4 years prior to the receipt of the application and as such a certificate should be granted.

## 8.0. CONCLUSION

8.1 The submitted evidence covers the relevant 10 and 4 year periods prior to receipt of the application and beyond.

8.2 The evidence submitted by the applicant is considered to be sufficiently precise and unambiguous. There is no contradictory evidence from third parties or from the Council's own aerial photographs to make the applicant's version of events less than probable.

8.3 It is the considered view therefore that on the balance of probability the applicant has provided the evidence to support the claim and a certificate should be issued.

Planning Unit

8.4 Officers are satisfied that the land and building are part of one planning unit i.e. Stock Hill Cottage and its residential curtilage, the subject of this application, which is distinct from any adjoining uses. The use relates to the whole land, as defined by the submitted red edged plan, which is well defined on the ground. It is clear from the various aerial photographs that the Car Port/Store has not altered during the relevant 4 year period.

## 9. RECOMMENDATION

9.1 That a Certificate of Existing Lawful Use be GRANTED for the continued use of land at Stock Hill Cottage as residential curtilage (Class C3) and for the existing lawful development of the ancillary Car Port/Store (Class C3).

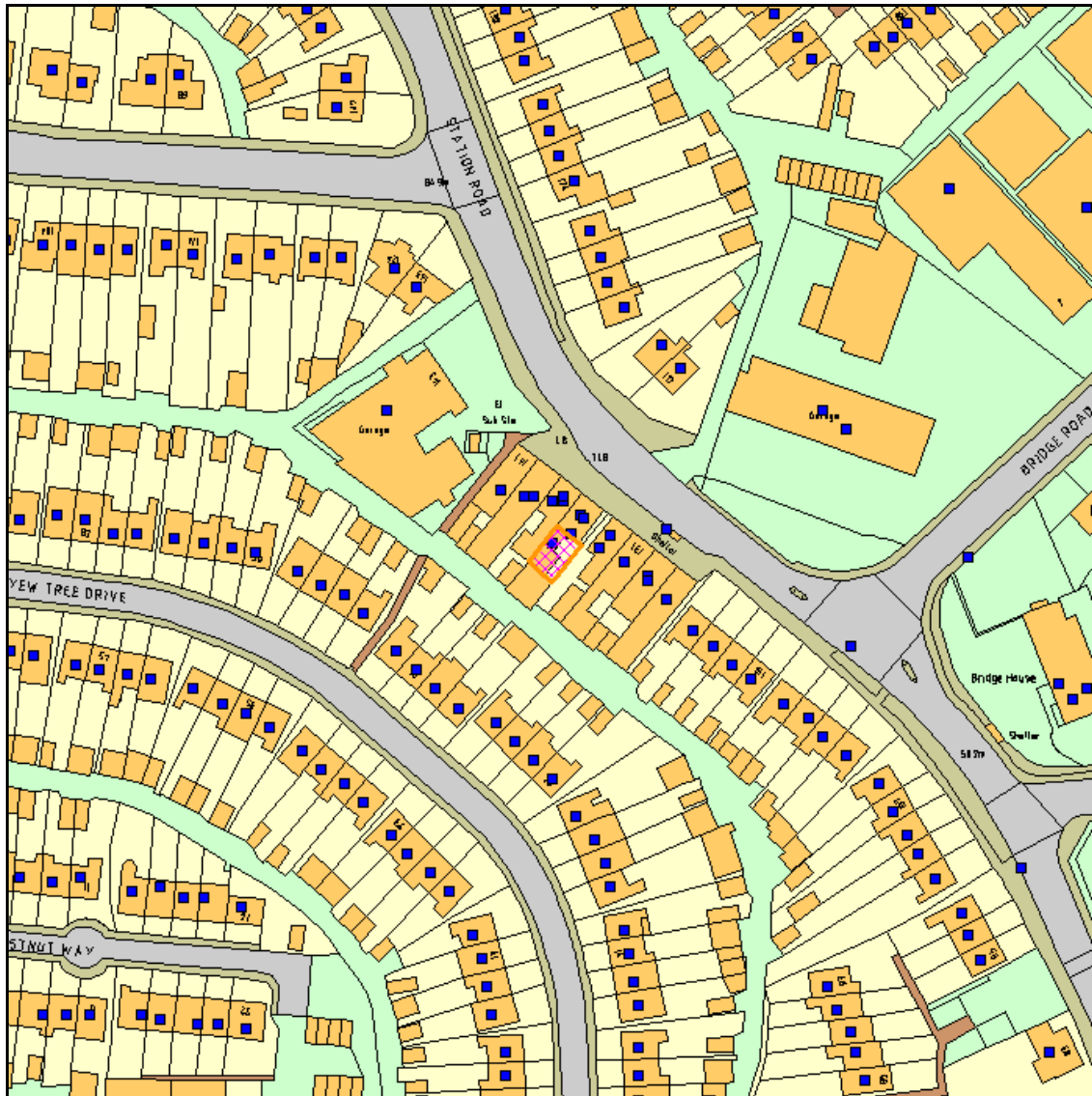
*Sufficient information has been submitted to demonstrate that, on the balance of probability, land shown outlined in red on the submitted plan has been used for garden land/residential curtilage for a continuous period of 10 years or more*

*prior to the submission of the application and that the associated ancillary Car Port/Store annotated on the red edged plan was completed at least 4 years prior to the receipt of the application.*

**Contact Officer: Roger Hemming**  
**Tel. No. 01454 863537**

## CIRCULATED SCHEDULE NO. 37/16 – 16 SEPTEMBER 2016

<b>App No.:</b>	PK16/4328/CLE	<b>Applicant:</b>	Mr J Gentry
<b>Site:</b>	135B Station Road Kingswood South Gloucestershire BS15 4XX	<b>Date Reg:</b>	2nd August 2016
<b>Proposal:</b>	Application for a certificate of lawfulness for existing use as residential single dwellinghouse.	<b>Parish:</b>	None
<b>Map Ref:</b>	365853 175207	<b>Ward:</b>	Rodway
<b>Application Category:</b>		<b>Target Date:</b>	23rd September 2016



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PK16/4328/CLE



## **REASON FOR REPORTING TO CIRCULATED SCHEDULE**

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

### **1. THE PROPOSAL**

- 1.1 The application is for a Certificate of Lawfulness for the existing use of attached ground floor building associated with the existing shop at 135 Station Road as a separately occupied and independent unit of residential accommodation. The application therefore seeks to demonstrate that the building has been used as a separately occupied dwelling for a period in excess of 4 years prior to the date of submission (i.e. since 18<sup>th</sup> July 2016).
- 1.2 The site consists of a small range of single storey building located to the rear of the shop and not including the garage structure adjacent to the back lane. The claimed dwelling had access via a shared pedestrian walkway serving 133 and 135. The applicant claims the building has been used as an independent and separate dwelling (C3) for a continuous period since it was first occupied in July 2009.
- 1.3 The application form sets out that there has been no interruption in the use since the use began.
- 1.4 The property consists of a bedroom, bathroom, kitchen and outside WC.

### **2. POLICY CONTEXT**

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

### **3. RELEVANT PLANNING HISTORY**

- 3.1 PK05/1033/f (135-135b) Demolition of ground floor flat to facilitate the erection of 2 storey rear extension to form 2 no. self-contained flats. refused
- 3.2 PK05/1262/f Retrospective change of use from shop (Class A1) to mixed use (Class A1) and (Class A5) hot food takeaway as defined in the Town and Country Planning (Use Classes Order 2005). Resubmission of PK04/3953/F. approved
- 3.3 PK05/3503/f (135-135b) Demolition of ground floor flat to facilitate the erection of two storey rear extension to form 2 no. self-contained flats. (Resubmission of PK05/1033/F). refused and appeal withdrawn
- 3.4 PK06/3420/f (135-135b) Demolition of ground floor flat to facilitate the erection of two storey rear extension to form 2 no. self-contained flats, car parking and cycle/bin stores and associated works. Approved

#### **4. CONSULTATION RESPONSES**

- 4.1 Unparished area – Councillor notified  
No Comment has been received

#### **Other Representations**

- 4.2 Local Residents  
None received

#### **5. SUMMARY OF EVIDENCE IN SUPPORT OF APPLICATION**

- 5.1 In support of the application,  
Statutory declaration from Mr John Oliver Gentry claiming inter alia that:
- ☐ He had owned the land since 9 June 2000.
  - ☐ He undertook work to convert a store into a bedroom with an en-suite shower and blocked up the doorway at the rear of the shop to create a kitchen/living room- thus creating a self contained flat.
  - ☐ The flat was first occupied 2009. It was let as a single person's flat consistently
  - ☐ Information provided indicates that seven individuals or couples have occupied the premises between 16/7/2009 and the current date. Dates of occupation show that on three occasions there were period of approximately 3,2 and 2 weeks between the last tenant leaving and the next tenancy commencing. Gaps are explained by the necessity to carry out works such as redecoration prior to the next tenancy.
  - ☐ The council tax banding is band A as shown on the council tax bill submitted
  - ☐ A letter dated 7 February 2012 from South Gloucestershire Council Private sector housing team regarding overcrowding at the property as a second person had moved in who was pregnant. The premises is only considered suitable for one person by the Private sector housing team.

#### **6. SUMMARY OF CONTRARY EVIDENCE**

- 6.1 The Local Planning Authority has no contrary evidence to submit.

#### **7. EVALUATION**

- 7.1 The application for a Certificate of Lawfulness is not a planning application and is purely an evidential test. The test of evidence to be applied is whether or not the case has been shown on the balance of probability. As such the applicant needs to prove precise and unambiguous evidence.
- 7.2 In this instance it must be proven that the building in question has been used for independent residential purposes for a period 4 years (or more) prior to the date of this application.

7.3 Assessment of Evidence

The application is supported by a Statutory Declaration which provides additional evidence as listed above which demonstrate that the property has been let almost continuously during that seven year period since the buildings works were carried out to form the house. There have been three two/three week period when the property was not occupied after tenancies but this is not considered to amount to a break in the continuous use of the building as a dwelling as there is clear intention to continue the letting of the claimed dwelling and the short vacancies can be explained by a short period of renovation and commencement of tenancy. In this instance, the time to allow a change of tenancy is not an unreasonable period. Further evidence is provided that the Council Tax team and Private Sector Housing team were aware of the property being a house since 14/9/2009 and 7/2/2009 respectively.

7.4 In this instance, the Local Planning Authority has no evidence that the building has not been occupied as claimed since July 2009. On this basis, officers consider that on the balance of probability, the building has been a dwelling for a period in excess of four years; and as such is lawful.

8. **CONCLUSION**

8.1 Having regard to the above, sufficient evidence has been submitted to prove that, on the balance of probability, the building subject of this application has been used as a separate and independently occupied dwelling for a continuous period in excess of four years.

9. **RECOMMENDATION**

9.1 The Certificate of Existing Lawful Use be approved.

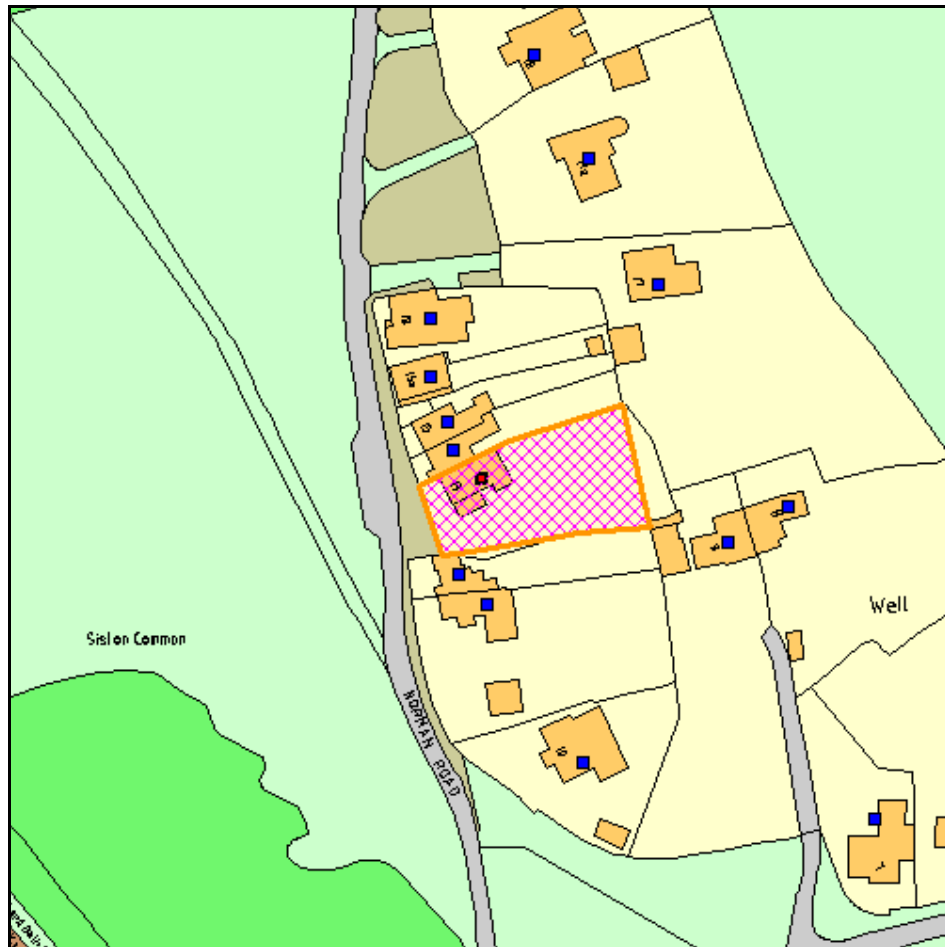
**Contact Officer: Karen Hayes**  
**Tel. No. 01454 863472**

1. **REASON**

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

## CIRCULATED SCHEDULE NO. 37/16 – 16 SEPTEMBER 2016

<b>App No.:</b>	PK16/4498/F	<b>Applicant:</b>	Mrs K Field
<b>Site:</b>	13 Norman Road Warmley Bristol South Gloucestershire BS30 5JA	<b>Date Reg:</b>	1st August 2016
<b>Proposal:</b>	Erection of two storey side extension to form additional living accommodation. Erection of front porch.	<b>Parish:</b>	Siston Parish Council
<b>Map Ref:</b>	366950 173963	<b>Ward:</b>	Siston
<b>Application Category:</b>	Householder	<b>Target Date:</b>	21st September 2016



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PK16/4498/F

## **REASON FOR REPORTING TO CIRCULATED SCHEDULE**

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

### **1. THE PROPOSAL**

- 1.1 The application is for the erection of a two storey side extension to form additional living accommodation and the erection of front porch.
- 1.2 The property is an end of terrace (row of 3), stone built, cottage style dwelling with existing attached side garage. The property is outside of any settlement boundary and located within the designated Green Belt.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
National Planning Policy Framework  
National Planning Policy Guidance
- 2.2 Development Plans  
South Gloucestershire Local Plan (Adopted) January 2006  
H4 Development within Existing Residential Curtilages, Including Extensions and New Dwellings  
T12 Transportation  
  
South Gloucestershire Local Plan Core Strategy Adopted December 2013  
CS1 High Quality Design  
CS8 Access/Transport
- 2.3 Supplementary Planning Guidance  
South Gloucestershire Design Checklist (Adopted) 2007.  
South Gloucestershire Parking Standards SPD  
Development in the Green Belt SPD (adopted) 2007

### **3. RELEVANT PLANNING HISTORY**

- 3.1 None relevant

### **4. CONSULTATION RESPONSES**

- 4.1 Siston Parish Council  
The limited amount of information provided make it difficult for members to form a judgment as to whether the proposed extension could be out of scale and character with the original dwelling.

In wishing to see high standards maintained in this Green Belt location, members offer support for any decision that considers this proposal to represent a disproportionate addition.

#### Sustainable Transportation

The development proposes to demolish an existing garage to facilitate the erection of a two storey side extension to provide additional living accommodation. After development the bedrooms within the dwelling will increase to three. The plans submitted show that vehicular parking which complies with the Councils residential parking standards can be provided within the site boundary. On that basis, there is no transportation objection to the proposed development.

#### Archaeology

No objection

### **Other Representations**

#### **4.2 Local Residents**

One letter has been received as follows:

Would like to ensure that the bathroom window is a transom window and not be able to open as it would be able to see into their garden.

Would also like to raise the point of the joint wall/boundary and the garage that is not damaged in anyway.

## **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 designated Green Belt, so special consideration will also need to be given in this respect.

#### **5.2 Green Belt**

Residential extensions are acceptable forms of development within the Green Belt, unless considered disproportionate. There is no planning history apparent for the existing site. It is estimated that the proposals would represent an approximate 35% increase in the size of the existing dwelling. It is considered that there is sufficient information submitted with the application to determine its suitability. The design of the proposals would be an acceptable addition to the existing dwelling, sufficiently in keeping in terms of rooflines, design, bulk and scale, so as not to give rise to a feeling of disproportionality in this instance. Accordingly it is considered to be appropriate development in the Green Belt.

#### **5.3 Design**

The proposed extension 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 extension is of an acceptable size in comparison to the existing dwelling and the site and surroundings. Materials would match those of the existing dwelling.

#### 5.4 Residential Amenity

The length, size, location and orientation of the proposals are not considered to give rise to any significant or material overbearing impact on adjacent properties. It is not considered that the rear facing first floor bathroom window overlooking the applicants rear garden would give rise to any significant or material privacy impacts. Further to this sufficient garden space remains to serve the property. The issue of potential access to or damage to a party wall and its maintenance or repair is a civil matter and it will be up to individual property owners to suitably maintain the properties in question.

#### 5.5 Transportation

It is considered that satisfactory parking provision can be provided within the site to meet the Council's residential parking 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 proposals are of an appropriate standard in design and are not out of keeping with the main dwelling house and surrounding properties. Furthermore the proposal would not harm the amenities of the neighbouring properties by reason of loss of privacy or overbearing impact. Adequate parking can be provided on the site. As such the proposal accords with Policies H4 and T12 of the South Gloucestershire Local Plan (Adopted) 2006 and CS1 of the South Gloucestershire Local Plan Core Strategy Adopted December 2013.

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

### 7. RECOMMENDATION

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

**Contact Officer: Simon Ford**  
**Tel. No. 01454 863714**

### CONDITIONS

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

Reason

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

2. The stone work to be used externally in the front elevation of the development hereby permitted shall match that of the existing building in type, colour, texture, size, coursing and jointing.

Reason

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

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

Reason

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

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.

5. A minimum of two off street parking spaces shall be provided and retained on the site at all times.

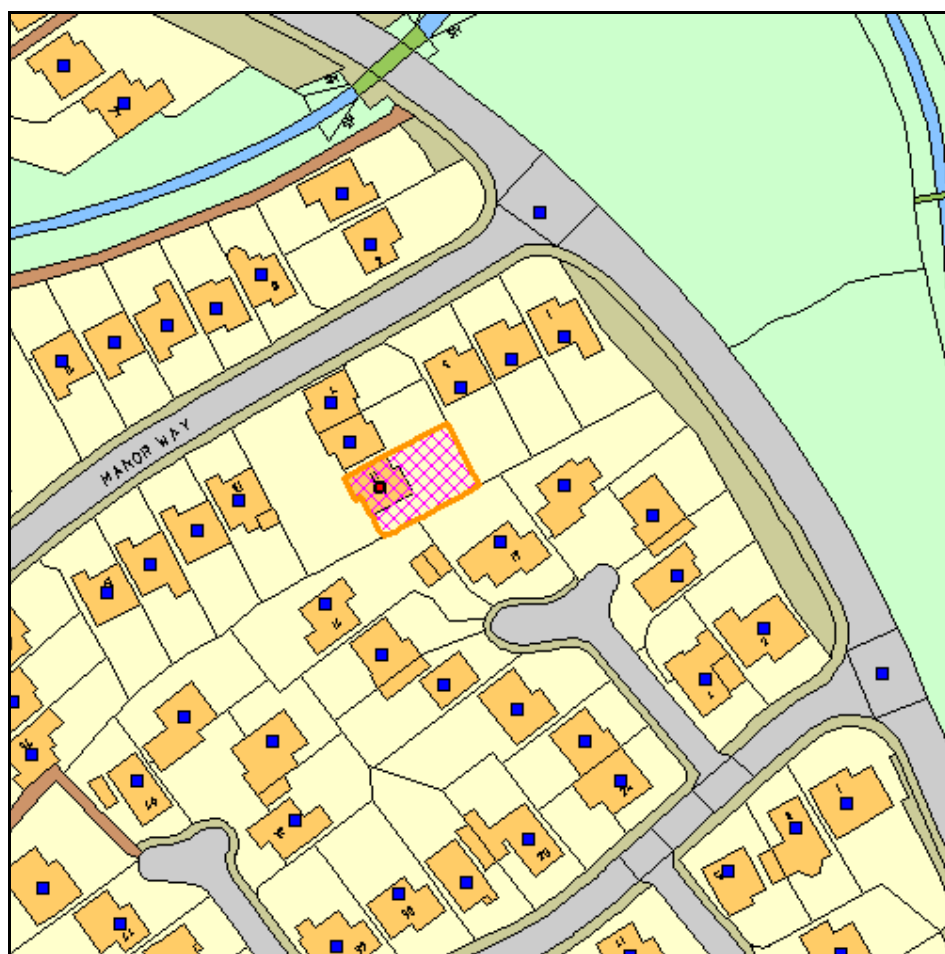
Reason

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. 37/16 – 16 SEPTEMBER 2016

<b>App No.:</b>	PK16/4708/CLP	<b>Applicant:</b>	Mr Malcolm Jillett
<b>Site:</b>	11 Manor Way Chipping Sodbury Bristol South Gloucestershire BS37 6NX	<b>Date Reg:</b>	11th August 2016
<b>Proposal:</b>	Application for a certificate of lawfulness for the proposed installation of velux rooflight to front elevation of existing garage	<b>Parish:</b>	Sodbury Town Council
<b>Map Ref:</b>	373322 182567	<b>Ward:</b>	Chipping Sodbury
<b>Application Category:</b>		<b>Target Date:</b>	4th October 2016



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PK16/4708/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 installation of a velux rooflight at No. 11 Manor Way, Chipping Sodbury 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 Act 1990 (As Amended) 1990 section 192 Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO) Schedule 2, Part 1, Class C

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 N144/31 Approve with conditions 12.06.1980  
Erection of 50 dwellings and garages with associated roads, footpaths and access ways (in accordance with revised plans received by the Council on 23rd May 1980).
- 3.2 N144/54 Refusal 10.12.1981  
Erection of 45 houses and flats, construction of associated roads, footpaths, screen walls and open spaces (in accordance with the revised layout plan received by the Council on 24th November 1981).
- 3.3 P86/1892 Approval Full Planning 16.07.1986  
Erection of first floor side extension to form additional bedroom.

### **4. CONSULTATION RESPONSES**

- 4.1 Sodbury Town Council  
No Objection

## **Other Representations**

- 4.2 Local Residents  
No comment received.

## **5. SUMMARY OF EVIDENCE IN SUPPORT OF APPLICATION**

- 5.1 Block Plan  
Photograph

All plans received by the Council on 10/08/2016.

## **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 is to determine whether the proposal falls within the permitted development rights afforded to householders under Schedule 2, Part 1 of the GPDO 2015.

- 6.3 The proposed development consists of a velux rooflight. This development would fall within Schedule 2, Part 1, Class C of the Town and Country Planning (General Permitted Development) (England) Order 2015, which permits any other alterations to the roof of a dwellinghouse, provided it meets the criteria below:

### **C.1 Development is not permitted by Class C if –**

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

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

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

The plans submitted indicate that the proposed rooflight would protrude 0.15 metres, and therefore the proposal meets this criteria.

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

The proposed rooflight would not be higher than the highest part of the original roof.

**(d) It would consist of or include –**

- i) the installation, alteration or replacement of a chimney, flue or soil and vent pipe, or**
- ii) the installation, alteration or replacement of solar photovoltaics or solar thermal equipment.**

The proposal would not involve any of the above.

**Conditions**

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

**(a) obscure-glazed; and**

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

The velux rooflight would be located on a principle elevation and therefore this criteria is not relevant.

**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 on the balance of probabilities the proposed velux rooflight falls within the permitted rights afforded to householders under Schedule 2, Part 1, Class C of the Town and Country Planning General Permitted Development Order 2015.

**Contact Officer: Lucy Paffett**  
**Tel. No. 01454 863436**

## CIRCULATED SCHEDULE NO. 37/16 – 16 SEPTEMBER 2016

<b>App No.:</b>	PT16/0773/F	<b>Applicant:</b>	Ms A Weaver c/o North & Letherby Ltd
<b>Site:</b>	Tanners Barns Perrinpit Road Frampton Cotterell South Gloucestershire BS36 2AR	<b>Date Reg:</b>	22nd February 2016
<b>Proposal:</b>	Demolition of cattle sheds and boiler room and erection of extensions to facilitate change of use of agricultural barns to form 1no. dwelling with associated works.	<b>Parish:</b>	Frampton Cotterell Parish Council
<b>Map Ref:</b>	365761 182220	<b>Ward:</b>	Frampton Cotterell
<b>Application Category:</b>	Minor	<b>Target Date:</b>	13th April 2016



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100023410, 2015.

N.T.S.

PT16/0773/F

## **REASON FOR REPORTING TO CIRCULATED SCHEDULE**

This application has been referred to the Circulated Schedule following the receipt of an objection from Frampton Cotterell Parish Council; the concerns raised being contrary to the officer recommendation.

### **1. THE PROPOSAL**

- 1.1 The application relates to redundant agricultural barns, located within the open countryside and Green Belt to the north-west of Frampton Cotterell. The main farm house 'Tanners' with which the barns are associated is a Grade II Listed Building but the barns are not curtilage listed.
- 1.2 Tanners Barns are a collection of traditional stone barns and more modern agricultural buildings surrounding the farm yard at Tanners Farm. The site is accessed via a long track off Perrinpit Road. Whilst the buildings are associated with a wider farming business, they are no longer suited for modern commercial agricultural purposes; modern farm buildings being now used for the housing of the livestock, fodder and machinery. The older more traditional stone barns which are the subject of this application, are now starting to show signs of dereliction.
- 1.3 The application proposes to demolish some of the modern steel framed and block built buildings and undertake building works and works of restoration to facilitate the conversion of the remaining barns to create 1no. four bedroom dwelling. The existing vehicular access into the site, off Perrinpit Road, would be utilised to provide access.
- 1.4 The application is supported by the following documents:
  - Planning Statement
  - Development and Marketing Appraisal
  - Foul Sewage Assessment
  - Heritage Statement
  - Landscape Scheme
  - Ecological Survey
  - Bat Survey
  - Structural Report

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
The National Planning Policy Framework 27<sup>th</sup> March 2012  
The Planning Practice Guidance 2014
- 2.2 Development Plans  
South Gloucestershire Local Plan Core Strategy (Adopted) 11 Dec. 2013.  
CS1 - High Quality Design  
CS4a - Presumption in favour of Sustainable Development  
CS5 - Location of Development  
CS6 - Infrastructure and Developer Contributions

CS8 - Improving Accessibility  
CS9 - Managing The Environment and Heritage  
CS15 - Distribution of Housing  
CS17 - Housing Diversity  
CS18 - Affordable Housing  
CS34 - Rural Areas

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

L1 - Landscape Protection and Enhancement  
L9 - Species Protection  
L11 - Archaeology  
L13 - Listed Buildings  
EP2 - Flood Risk and Development  
EP6 - Contaminated Land  
T7 - Cycle Parking  
T12 - Transportation Development Control Policy for New Development  
H10 - Conversion and Re-use of Rural Buildings for Residential Purposes

Emerging Plan

Draft Policies, Sites & Places Plan

PSP1 - Local Distinctiveness  
PSP2 - Landscape  
PSP7 - Development in the Green Belt  
PSP8 - Residential Amenity  
PSP16 - Parking Standards  
PSP17 - Heritage Assets and the Historic Environment  
PSP19 - Wider Biodiversity  
PSP20 - Flood Risk, Surface Water and Watercourse Management  
PSP40 - Residential Development in the Countryside  
PSP43 - Private Amenity Space Standards

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (SPD) Adopted 23<sup>rd</sup> Aug 2007  
Development in the Green Belt (SPD) Adopted June 2007  
South Gloucestershire Council Residential Parking Standards (Adopted)  
South Gloucestershire Landscape Character Assessment (Adopted) Nov. 2014  
Waste Collection: guidance for new developments (SPD) Adopted Jan. 2015

**3. RELEVANT PLANNING HISTORY**

- 3.1 PT08/0394/F - Conversion of 3no. barns to 1no. dwelling. Change of use of 2no. barns to B1 use. Conversion of workers cottage to 1no. dwelling. Various associated works.  
Withdrawn 3 April 2008
- 3.2 PT08/2955/F & PT08/2949/LB - Conversion of existing garage to form residential annexe.  
Refused 5 June 2008 for reasons of adverse impact on historic fabric and setting of the Listed Building.

#### **4. CONSULTATION RESPONSES**

##### **4.1 Frampton Cotterell Parish Council**

Object: The Parish Council does not accept that these buildings could not be used commercially and this should be market tested. The property is in the curtilage of a Grade 2 Listed Building.

##### **4.2 Other Consultees [including internal consultees of the Council]**

###### Transportation D.C

No objection subject to a condition to secure two off-street parking spaces and turning area.

###### Lead Local Flood Authority

No objection

###### Highway Structures

No comment

###### Historic Environment (Archaeology)

No objection

###### Environmental Protection

No objection subject to a condition to ascertain if there is any contamination of the buildings having regard previous uses of the buildings and mitigation if contamination is found.

###### Landscape Officer

No objection

###### Ecology Officer

No objection subject to conditions relating to bats and birds.

###### Listed Building & Conservation Officer

No objections subject to conditions to secure details of materials to be used and sample panels of new masonry.

##### **Other Representations**

##### **4.3 Local Residents**

No responses

#### **5. ANALYSIS OF PROPOSAL**

##### **5.1 Principle of Development**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Para. 14 of the NPPF states that decision takers should approve development proposals that accord with the development plan without delay; where the



development plan is absent, silent or relevant policies are out-of-date, permission should be granted unless:

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

- 5.2 The relevant parts of the development plan are The South Gloucestershire Local Plan Core Strategy (Adopted) 11<sup>th</sup> Dec. 2013 and the saved policies within the South Gloucestershire Local Plan (Adopted) 6<sup>th</sup> Jan. 2006. The Policies, Sites & Places Plan is an emerging plan only. Whilst this plan is a material consideration, only limited weight can currently be given to the policies therein.
- 5.3 In accordance with para.187 of the NPPF, Core Strategy Policy CS4A states that; when considering proposals for sustainable development, the Council will take a positive approach and will work pro-actively with applicants' to find solutions, so that sustainable development can be approved wherever possible. NPPF Para.187 states that Local Planning Authorities should look for solutions rather than problems and decision-takers at every level should seek to approve applications for sustainable development where possible.
- 5.4 Chapter 4 of the NPPF promotes sustainable transport and states that development should only be prevented on transport grounds where the residual cumulative impacts of development are 'severe'.
- 5.5 The NPPF seeks to significantly boost the supply of housing and para. 55 seeks to promote sustainable development in rural areas including development which would re-use redundant or disused buildings and lead to enhancement of the immediate setting. There is therefore no in-principle objection to the proposal.

#### Analysis

- 5.6 In this instance, the NPPF makes a presumption in favour of approving sustainable development provided that the benefits of doing so (such as the safeguarding of a non-designated heritage asset) are not significantly and demonstrably outweighed by adverse impacts.
- 5.7 On this basis, there is a presumption in favour of approving this application. However, it is necessary to consider the benefits of this proposal against any adverse impact and weigh these factors in the balance. The issues for consideration are discussed as follows:

#### Green Belt Issues

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

- 5.9 Inappropriate development is by definition harmful to the openness of the Green Belt and requires the applicant to demonstrate very special circumstances if it is to be approved. Paragraph 89 of the NPPF however states that the extension or alteration of a building in the Green Belt is not inappropriate development provided it does not result in disproportionate additions over and above the size of the original building. Paragraph 90 further advises that the re-use of existing buildings which are of permanent and substantial construction are also not inappropriate in the Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in the Green Belt.
- 5.10 The purposes of including land within the Green Belt are set out at para. 80 of the NPPF and include:
- To check the unrestricted sprawl of large built up areas.
  - To prevent neighbouring towns merging into one another.
  - To assist in safeguarding the countryside from encroachment.
  - To preserve the setting and special character of historic towns.
  - To assist in urban regeneration by encouraging the recycling of derelict and other urban land.

Officers consider that with appropriate controls over future extensions and outbuildings etc. the proposed conversion would, on balance, not have a materially greater impact than the present authorised use on the openness of the Green Belt. The proposal would in fact result in a net reduction of built development.

- 5.11 The proposed dwelling would not be entirely isolated, there being an existing neighbouring residential property i.e. Tanners Farmhouse and a number of other dwellings further to the east i.e. Tracey Cottage, The Laurels and The Jays. The proposed conversion is therefore not considered to conflict with any of the above criteria and as such is **not inappropriate** development in the Green Belt. As such, very special circumstances are not required in this case.
- 5.12 Policy H10 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 relates to the conversion and re-use of rural buildings for residential purposes. It states:

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

- a) All reasonable attempts have been made to secure a suitable business re-use or the conversion is part of a scheme for business re-use;*
- b) The buildings are of permanent construction and structurally sound and capable of conversion without major or complete reconstruction;*
- c) The buildings are in-keeping with their surroundings in terms of character, form, bulk and overall design;*

- d) *Development including any alterations, extensions or the creation of a residential curtilage will not have a harmful effect on the character of the countryside or the amenities of the surrounding area;*
- e) *The building is well related to an existing settlement or other groups of buildings.'*

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

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

5.15 In this case the buildings are considered unsuitable for modern agricultural purposes due to the availability of modern alternative buildings and likely levels of associated traffic. Furthermore, the close proximity of the existing residential property (Tanners) renders the site unsuitable for commercial uses of a B2 or B8 Use Class. The viability of such an alternative commercial enterprise also remains in question, especially considering the likely cost of conversion of the buildings. The submitted Marketing Appraisal also considered other uses such as office, community or tourist use but in each case concluded that the buildings were not suitable for such uses. The report concluded that due to the instability of the current market and likely poor investment returns for alternative uses, the change of use to a dwelling would best safeguard the future of these non-designated heritage assets and justify the likely expense of renovation and conversion. An earlier application PT08/0394/F which included conversion of 2no barns to B1 office/light industrial use was withdrawn following objections from neighbouring properties.

5.16 Officers have noted that emerging Policy PSP36 only requires that all reasonable attempts have been made to secure an economic development use which is defined within the Core Strategy as including development within the B Use Classes, public and community uses and main Town Centre uses; furthermore a 12 month marketing exercise is not specifically required and neither does the NPPF require one; in this regard Policy H10(A) is now outdated (see para. 5.1 above). In addition it is also material to the determination of this application that the Government has recently relaxed planning controls in respect of conversion of existing agricultural buildings to residential properties in the countryside (see GPDO Part 3 Class Q) and given that it has now been established that these buildings are not curtilage listed, this is a potential fall-back situation if this application were refused; this weighs heavily in favour of the proposal. Officers consider in this case, that a residential conversion is, on balance, the most appropriate use for the buildings.

- 5.17 **b) The buildings are of permanent and substantial construction and are capable of conversion without major or complete reconstruction; and .**
- 5.18 A structural survey of the buildings has been carried out by a suitably qualified Structural Engineer who concluded that the buildings are structurally sound and in a condition that is capable of conversion without major or complete reconstruction and that the proposed works would generally involve localised repairs only. The majority of the traditional barns are capable of retention. Officers are therefore satisfied that criterion 2 of Policy H10 is met.
- 5.19 Conservation, Design and Visual Amenity Issues  
Policy CS1 of the South Gloucestershire Local Plan Core Strategy (Adopted) 11<sup>th</sup> Dec. 2013 seeks to secure good quality design in new development and more specifically Policy H10(D), which relates to the conversion of rural buildings for residential purposes, requires that – “Development, including any alterations, extensions or the creation of a residential curtilage would not have a harmful effect on the character of the countryside or the amenities of the surrounding area”.
- 5.20 Whilst Tanners Farm House is a Grade II Listed Building, officers are satisfied that, the barns the subject of this application, are by reason of being in separate ownership at the time of listing the farmhouse, not curtilage listed themselves and as such listed building consent is not required for the proposed works of conversion; the traditional barns are however non-designated heritage assets. The impact of the proposal on the setting of the Listed Farm House is still a material consideration.
- 5.21 Residential conversions do tend to have the most impact on traditional farm buildings due to the need to accommodate all of the different rooms and functions associated with domestic properties. Conversions to alternative uses can, therefore, result in more sympathetic schemes of adaptation and re-use that better respect the character and significance of historic farm buildings.
- 5.22 The site consists of two double-storey stone barns interconnected by corrugated asbestos roofed sections. The stone sections have pitched tiled roofs with plastic membrane underlay and no roof voids. A good deal of negotiation has taken place in arriving at the final design. The overall design of the proposed dwelling would be sufficiently rural in character, incorporating the existing simple form of the buildings, existing openings, stone walls and tiled roof, and replacing the more unsightly modern elements with appropriate materials. As such the proposed scheme would be a visual enhancement more in-keeping with the adjacent Listed Farm House; this weighs heavily in favour of the scheme.
- 5.23 Some of the proposed residential curtilage may take on a planned, cultivated and domestic character and appearance and the garden could typically accommodate a range of physical features, such as items of hard landscaping, play equipment, clothes drying facilities and garden furniture. However this must be balanced against the fact that the existing buildings would be converted to give an enhanced appearance.

Furthermore the residential curtilage would be very well enclosed by existing and proposed boundary treatments, retained buildings and hedgerows. Nevertheless, given the rural Green Belt location and character of the building, a condition to remove permitted development rights is in this case considered justified. The proposed conversion and associated change of use of land to residential curtilage is not inappropriate in this case and therefore meets criteria c and d of Policy H10.

5.24 Transportation Issues

Although the site is outside any settlement boundary it is within a reasonable distance of schools, convenience stores and employment opportunities in Frampton Cotterell and Yate. In accordance with criterion 'e' of Policy H10, the buildings are well related to other groups of buildings, there being residential dwellings to the east and along Perrinpit Road.

- 5.25 There is sufficient space within the site to provide adequate parking and turning provision, which to some extent already exist. At least two parking spaces for the 4-bedroom property would be provided within the yard and proposed car port, which complies with the South Gloucestershire Residential Parking Standards, which are minimum standards. A turning area would be provided within the site to allow vehicles to exit onto Perrinpit Road in forward gear. Adequate parking would be retained to serve the existing farm house.

- 5.26 The proposal would utilise an existing shared access, which is currently used by agricultural vehicles. This use would cease if the barns are converted so traffic generation on the access would reduce. The visibility splays on Perrinpit Road are acceptable and the site is currently accessed by refuse vehicles. There is no transportation objection to this proposal.

5.27 Landscape Issues

The site is within the open countryside and Green Belt but has no landscape designations. The proposed conversion of the buildings is acceptable in landscape terms. The buildings are not highly open to views from the surrounding countryside due to the intervening vegetation. The curtilage area would be screened in views from all directions by existing and proposed walls and existing vegetation. The proposal would conform to the sporadic residential development in this location. The proposed house would have its own separate residential curtilage. An appropriate scheme of landscaping to include boundary treatments could be secured by condition, should planning permission be granted. Subject to this condition, it is considered that there is no landscape character or visual amenity objection to the development, with regard to Policies L1 of CS1.

5.28 Impact Upon Residential Amenity

Although well related to the neighbouring dwellings, the new dwelling would be a reasonable distance from them. The proposed residential use is likely to have significantly less impact on the residential amenity of neighbouring property than a farming use, both in terms of noise or disturbance from the traffic generated. Given the position, orientation and distance of the proposed dwelling in relation to the nearest properties, there would be no significant issues of overlooking.

Whilst there would inevitably be some disturbance for neighbouring occupiers during the conversion phase, this would be on a temporary basis only and could be adequately mitigated by imposing a condition to limit the hours of working. An adequate area of private residential amenity space would be provided/retained for the proposed dwelling. The proposal therefore accords with Policy CS1 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

#### 5.29 Environmental Issues

The site lies in Flood Zone 1 and as such is not prone to flooding. The site does not lie within a Coal Mining Referral Area. It is proposed to use a package treatment plant for foul disposal, this would be located close to the proposed dwelling. Surface water would be disposed of to soakaways. The proposal is considered to be in accordance with Policy EP2 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

#### 5.30 Ecology Issues

The site is not covered by any statutory or non-statutory nature conservation designations. A Bat Survey has been provided (Abricon, dated July 2015). The findings are as follows:-

##### *Habitats*

- Buildings as described above.

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

- Bats – the buildings were assessed as having high bat roost potential. Subsequent buildings inspections and bat emergence/re-entry surveys x3 found no evidence of bat roosts;
- Great crested newts (gcns) – the site itself was considered unsuitable for amphibians. During 2015 a gcn e-DNA test had been carried out of the pond to the south-west of the site (Wessex Water Phase 1 Survey, undated but the DNA test carried out in June 2015). The test proved negative for gcn DNA.

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

- Reptiles – the site was considered unsuitable;
- Breeding birds – nesting feral pigeons were found in the barn. The barns are also suitable for other nesting bird species.

The site does not have suitable habitat, nor is it close to such habitat, to require consideration of any other protected species. The proposal would therefore have no ecological implications and would be in accordance with Policy L9 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 and Core Strategy Policy CS9.

#### 5.31 Affordable Housing

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

### 5.32 Community Services

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

### CIL Matters

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

## 6. CONCLUSION

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 The proposal would result in a number of benefits. In the first instance it offers the opportunity to re-use otherwise redundant rural buildings and to restore the undesignated heritage assets. This in turn would result in an enhanced visual amenity and setting of the nearby Grade II Listed Tanners Farm House. The proposed residential use of the buildings is considered the most appropriate and viable use in this case. This is considered to significantly and demonstrably outweigh any harm, such as the loss of any economic use of the buildings and creation of a residential curtilage in the Green Belt, when assessed against the policies in the Framework as a whole. On balance therefore the development is sustainable and should be approved.
- 6.3 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) 11<sup>th</sup> Dec. 2013 set out above, and to all the relevant material considerations set out in the report.

## 7. RECOMMENDATION

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

**Contact Officer: Roger Hemming**  
**Tel. No. 01454 863537**

## CONDITIONS

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

Reason

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

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

Reason

Having regard to the Green Belt location, historic rural character of the buildings and nearby Grade II Listed building - to protect the openness of the Green Belt; to ensure the satisfactory appearance of the development, to protect the landscape character in general and to protect the setting of the nearby Listed Building 'Tanners' to accord with Policies L1, L13 and H10 of the South Gloucestershire Local Plan (Adopted) January 2006, Policies CS1, CS9 and CS34 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11 Dec. 2013 and the provisions of the NPPF.

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

Reason

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

4. Prior to the first use of the development for the purposes hereby approved, the car parking facilities and turning areas shall be implemented in accordance with the approved Proposed Floor Plans Drawing No. 15/0068/010 B and maintained as such thereafter.

Reason

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

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

Reason

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



(Adopted) 11th Dec. 2013 and the Waste Collection: guidance for new developments  
SPD Adopted Jan. 2015..

6. Prior to the commencement of the development hereby approved, a scheme of landscaping, which shall include details of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection during the course of the development; proposed planting (and times of planting) plus a 5-year maintenance schedule, boundary treatments and areas of hard-surfacing shall be submitted to the Local Planning Authority for approval. Development shall be carried out in accordance with the agreed details.

Reason

Having regard to the Green Belt location, historic rural character of the area and nearby Grade II Listed Building - to protect the openness of the Green Belt; to ensure the satisfactory appearance of the development and to protect the landscape character in general; to protect the setting of the nearby Grade II Listed Building 'Tanners' to accord with Policies L1 L13 and H10 of the South Gloucestershire Local Plan (Adopted) January 2006, Policies CS1, CS9 and CS34 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11 Dec. 2013 and the provisions of the NPPF. This is a prior to commencement condition to ensure that those trees/hedgerows to be retained are adequately protected for the whole duration of the development.

7. The hand removal of the ridge tiles and the top three courses will take place in accordance with Section 7 of the submitted Bat Survey (Abricon, dated July 2015). Should a bat be found, all works will cease and an experienced bat surveyor contacted for advice. Thereafter works shall only resume in accordance with a scheme of works previously agreed in writing with the Local Planning Authority.

Reason

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

8. Prior to the relevant parts of the development hereby approved, a plan showing enhancements for bats and birds, to include types, numbers and locations of nest/roost boxes, shall be submitted to the Local Planning Authority for approval in writing, based on the recommendations provided in Section 7.3 of the submitted Bat Survey (Abricon, dated July 2015). All works are to be subsequently carried out in accordance with the approved details and completed prior to the first occupation of the approved dwelling.

Reason

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

9. A) The previous use of the building(s) and adjacent land for agricultural purposes may have given rise to contamination. Prior to commencement, an investigation shall be carried out by a suitably qualified person, into the previous uses and contaminants

likely to affect the development. A report shall be submitted for the written approval of the Local Planning Authority prior to the commencement of development.

B) Where potential contaminants are identified, prior to the commencement of development, an investigation shall be carried out by a suitably qualified person to ascertain the extent, nature and risks the contamination may pose to the development and how any unacceptable risks will be mitigated. A report shall be submitted prior to commencement of the development for the written approval of the Local Planning Authority setting out the findings and what mitigation measures are proposed to address these. Thereafter the development shall proceed in accordance with any agreed mitigation measures.

C) Prior to occupation, where works have been required to mitigate contaminants (under section B) a report verifying that all necessary works have been completed satisfactorily shall be submitted to and agreed in writing by the Local Planning Authority.

#### Reason

To ensure that adequate measures have been taken to mitigate against contaminated land to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) 11th December 2013, Policy EP6 of The South Gloucestershire Local Plan (Adopted) 6th Jan 2006 and the National Planning Policy Framework. This is a pre-commencement condition to ensure that all of the site is free of contamination before works commence.

10. A sample panel of the new masonry shall 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 development is complete. Development shall be carried out in accordance with the agreed sample.

#### Reason

Having regard to the historic rural character of the building and nearby Listed Building; to ensure the satisfactory appearance of the development and to protect the setting of the nearby Listed Building 'Tanners' to accord with Policies L13 and H10 of the South Gloucestershire Local Plan (Adopted) January 2006, Policies CS1 and CS9 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11 Dec. 2013 and the provisions of the NPPF.

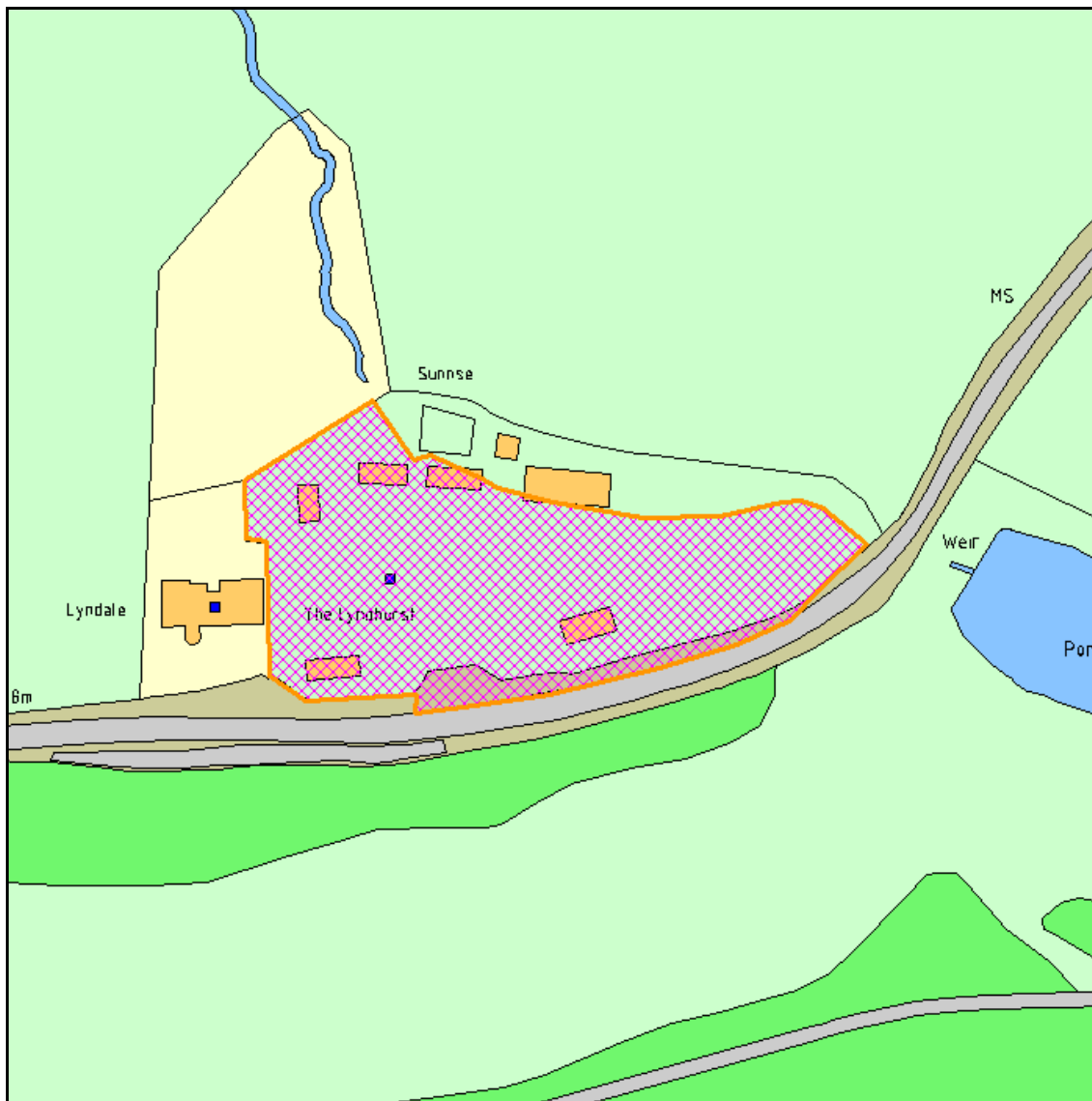
11. Prior to the relevant part of the works hereby approved, samples or details of the proposed external facing materials to be used shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the works shall be carried out in full accordance with the samples or details so approved.

#### Reason

In order that the works serve to preserve the architectural and historic interest of the listed building, in accordance with section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990, and national guidance set out at the NPPF and Practice Guide.

## CIRCULATED SCHEDULE NO. 37/16 – 16 SEPTEMBER 2016

<b>App No.:</b>	PT16/1411/F	<b>Applicant:</b>	Mojo Active Ltd
<b>Site:</b>	Tall Trees Site Over Lane Almondsbury Bristol South Gloucestershire BS32 4DQ	<b>Date Reg:</b>	1st April 2016
<b>Proposal:</b>	Change of use of land to provide coach drop off for a temporary period of 18 months.	<b>Parish:</b>	Almondsbury Parish Council
<b>Map Ref:</b>	358338 182146	<b>Ward:</b>	Almondsbury
<b>Application Category:</b>	Minor	<b>Target Date:</b>	26th May 2016



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PT16/1411/F

## **REASON FOR REPORTING TO CIRCULATED SCHEDULE**

This application has been referred to the Circulated Schedule following objections from Almondsbury Parish Council and a local resident, their views being contrary to the officer recommendation.

### **1. THE PROPOSAL**

- 1.1 The site, known as “Tall Trees”, is located on the north side of Over Lane in the open countryside and the Bristol and Bath Green Belt, near the village of Over. A single dwellinghouse borders the site to the west, with agricultural land and the Mojo Active outdoor activity site to the north and east.
- 1.2 The application site plan was amended following discussion with the case officer, as the lawful caravan site area is smaller than that which comprised the actual site at the time it ceased to be a caravan site, with the unlawfully extended section being subject to an extant enforcement notice requiring the caravan site use to cease.
- 1.3 This application seeks planning permission for a temporary period of 18 months to change the use of the land from a caravan site to use as a coach drop-off/pick-up point for users of the adjacent Mojo Active activity centre. The proposal is for change of use of the land only, and involves no building works or other operational development. The use of the site as a coach drop off/pick-up point will avoid coaches having to use the main Over Court Farm entrance, and allow children to walk directly to the Mojo Active site across the field.
- 1.4 Tall Trees was formerly classified as a safeguarded Gypsy/Traveller site under Core Strategy policy CS21. However, as the use of the land as a residential caravan site is not restricted to use by Gypsy/Travellers, it does not meet the definition of an ‘authorised’ site as set out at paragraph 10.76 of the adopted Core Strategy. It is therefore no longer considered to constitute a safeguarded site, and it will be removed from the policies map in due course through the Local Plan process. The site ceased to be used as a caravan site when the present owner purchased the land in January 2015, following which the land was cleared, and the land has been largely unused and vacant since that time.
- 1.5 *Procedural Matter* – Given that the officer recommendation is for approval, the planning application has been notified under Article 13 of the Town and Country Planning (Development Management) Procedure Order as a ‘departure’ from the Development Plan (South Gloucestershire Local Plan, Core Strategy). The notification is subject to a 21 day consultation period.

### **2. POLICY CONTEXT**

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

## 2.2 Development Plans

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

L1 Landscape Protection and Enhancement

T12 Transportation Development Control for New Development

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

CS34 Rural Areas

Policies Sites and Places Development Plan Document (Submission Draft)

June 2016

PSP28 Rural Economy

## 2.3 Supplementary Planning Guidance

Development in the Green Belt SPD

## 3. RELEVANT PLANNING HISTORY

- 3.1 There is no directly relevant history as until recently the site was a caravan site, used by Gypsy/Travellers. The application below is the only recent planning permission, though this was not implemented as the site was sold soon after.
- 3.2 PT13/1972/F - Erection of 2 no. single storey buildings to form day rooms (Resubmission of PT13/1155/F).

## 4. CONSULTATION RESPONSES

### 4.1 Almondsbury Parish Council

Concerns raised over large vehicles on a narrow country lane with poor visibility and worried about the risk of fatal accident. Requests conditions attached to decision to adopt a one-way only route through Over Lane.

### 4.2 Other Consultees

Environmental Protection: *"Only one vehicle allowed on site at a time and engines to be turned off except for ingress and egress. The hours of use should be limited to 08.00am to 21.00pm Mondays to Fridays and 08.00am to 18.30pm Saturdays and Sundays within April to September inclusive and 08.00am to 18.30pm within October to March inclusive. This is to protect the residential amenity of the nearby property."*

Transportation Development Control: *"Following submission of a speed survey at the above site I can confirm that on a temporary basis the existing access can be considered acceptable to be utilised for coach drop off and pick up. This is on the basis of limited usage, and for coaches only."*

## **Other Representations**

### **4.3 Local Residents**

1 letter of objection, stating that coaches will be parked waiting to collect children with their engines ticking over all day, very close to the adjacent property. Concern over substantial subsidence from heavy vehicles turning, and about the makeup of the ground.

## **5. ANALYSIS OF PROPOSAL**

### **5.1 Principle of Development**

Within the local Development Plan, Green Belt policy as it exists (and as relevant to this development proposal) is found within policies CS5 and CS34, which effectively state that development must comply with the provisions of the National Planning Policy Framework (NPPF) in that regard. As a change of use of open land the proposed development does not fall within any of the limited categories of appropriate development in the Green Belt, and consequently must be considered as inappropriate development and in principle contrary to Green Belt policy. However, it should be born in mind that while it does not meet the definition of “previously developed land” as specified at Annex 2 of the NPPF due to the absence of any buildings on the land (if it had met the definition, redevelopment of the site might have been appropriate under the sixth bullet point of the exceptions at paragraph 89 of the NPPF), it is by any general ‘development’ conception previously ‘developed’ land, and it is a relative peculiarity of the nature of the lawful use as a caravan site that no buildings existed upon it (permission was previously granted for two amenity buildings on the site, though these were never implemented).

5.2 Nonetheless, as inappropriate development, substantial weight must be given to the harm to the Green Belt, and the development should not be approved unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

### **5.3 Openness of the Green Belt**

The proposed development involves no building or other operations on the land. Consequently the only harm to openness would be from the presence of coaches on the land while dropping off and picking up, but this would be limited in duration and as a consequence the harm to openness would be negligible. It should be noted that for the land to be used for the proposed use, it has been cleared of all chattels and will need to be kept permanently clear in order for the coaches to be able to safely enter, turn, and then exit the site. This leads to an overall improvement in openness when compared with the existing lawful use of the land.

### **5.4 Transportation/Highway Safety**

Access will be via the existing entrance onto Over Lane, and the Parish Council have raised concerns about poor visibility at that access point. In addition to the vehicle tracking details submitted with the application, which show that coaches can adequately manoeuvre within the site, following consultation with the Council’s Transportation Development Control team the applicant provided

visibility splay details and a speed survey to demonstrate that the access is safe for coaches. In light of these details the access arrangements were considered safe and acceptable, and no objection was raised by the Transportation Development Control engineer. The development is therefore considered to accord with policy T12 in that regard.

- 5.5 In addition to the access and turning arrangements being considered acceptable and in accordance with policy T12, the applicant submits that allowing the proposed development would lead to further transportation benefits. Under the present arrangements, coach drop-off and pick-up takes place at the Deer Park approximately 375m north of Over Court Farm, with visitors then transported by minibus through Over village and into the Mojo Active site through the main Over Court Farm entrance, which is currently shared with the other users of Over Court Farm. Use of the Tall Trees site for coach drop-off and pick-up would remove the need for minibus transfers through the village, and would also avoid the use of the main Over Court Farm entrance, to the benefit of the other users of Over Court Farm and the local community.

5.6 Landscape/Visual Amenity

No physical alteration of the site is proposed with this application, and in view of the limited nature of the use, it is not considered that it will have any material impact on visual or landscape amenity as compared with the existing lawful use of the land. Furthermore, as permission is only sought for a temporary period of 18 months, it is not considered necessary or appropriate for any landscaping to be required.

5.7 Residential Amenity

The site is bordered to the west by a single dwelling, and an objection has been received from the occupier of that property, based on the concern that coach engines will be left running close to their property. The Council's Environmental Protection team were consulted on the application and raised no objection, subject to conditions controlling the hours of use, requiring engines to be switched off other than when entering or exiting, and for no more than one vehicle to be allowed on site at any one time.

- 5.8 It is agreed that it is appropriate to condition the hours of use of the site, and it would also be appropriate to attach a condition to require engines to be switched off other than when vehicles are actually manoeuvring into or out of the site, and conditions to that effect would be attached to any approval. The site is constrained in size and it is considered unlikely that many coaches could be accommodated at any one time in any case, however subject to the conditions above it would not be considered necessary for a condition to be attached restricting the use to one coach at any time.

5.9 Economic, social and public health impacts

In the applicant's supporting statements setting out their case for very special circumstances, in addition to the transportation benefits as set out at paragraph 5.5, the applicant has also submitted that there are social and economic benefits that would be derived from the proposed development.

- 5.10 The applicant makes the case that the broad thrust of the NPPF and the South Gloucestershire Core Strategy (particularly policy CS34) and the emerging Policies, Sites and Places Development Plan Document (particularly PSP28) is that planning policy and decision making should support the growth and development of the rural economy (attention is particularly drawn to paragraph 28 of the NPPF). The applicant submits that the proposed development “...supports the growth and expansion of the Mojo Active business”. The case officer agrees with this assessment of the policy context (with the caveat that the economic benefits must still be weighed in the planning balance against any planning harm derived from the proposed development), and that the provision of a more convenient and suitable coach pick-up/drop-off point supports the continuing viability and growth of the Mojo Active business.
- 5.11 In so doing, the applicant further submits that the Mojo Active business provides social and public health benefits through the encouragement of participation in sports and activity for young people, and that through making this more convenient, and facilitating further growth of the business, the proposed development would also provide social and public health benefits that weighs in its favour. Again the case officer agrees with this assessment, and concludes that the development consequently accords with the relevant policies in this regard.
- 5.12 Other considerations  
It is noted that the objector also raised concerns over subsidence and the makeup of the ground on site. Any subsidence on the objector's property would be a civil matter between the landowners. Regarding the makeup of the ground, while there may historically have been engineering operations to raise the land level within the site, this occurred in excess of four years ago, and would now be lawful. These matters have no material bearing on this current proposal.
- 5.13 Planning Balance  
As the proposal constitutes inappropriate development, it should not be approved unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. This is a matter of planning judgement, and requires a structured weighing up exercise in order to reach a reasoned conclusion as to whether the very special circumstances necessary to justify the development being approved exist.
- 5.14 Substantial harm must ordinarily be attached to the harm by reason of inappropriateness, regardless of whether there is any demonstrable harm from the actual development (*Doncaster MBC v SoS 10/4/2002*). However the weight given to the harm by reason of inappropriateness is still a matter of planning judgement, and in this case it is tempered to some degree by the absence of any conflict with the stated purposes of the Green Belt, and by reason of the recognition that the site is previously ‘developed’ and is thus brownfield land, regardless of whether it meets the specific definition contained in the NPPF (and indeed it actively meets one of the purposes of the Green Belt – that of recycling derelict land – albeit not within the existing urban area). I therefore consider that reduced weight is attached to the harm by reason of inappropriateness in this case, for the reasons set out above.



- 5.15 In addition to the harm by reason of inappropriateness, any other harm must be added into the balance. In this case, for the reasons set out at paragraph 5.3 there is negligible impact upon the openness of the Green belt from the limited presence of coaches on the land, and the as a result of the removal of all caravans and chattels from the land, there would be an overall improvement in openness. Therefore no harm by reason of loss of openness weighs in the balance. As the access arrangements have been shown to be acceptable, there is no transportation or highway safety harm. Conditions controlling the hours of use of the site and to prevent engines running other than when manoeuvring reduce the impact on residential amenity, and so minimal weight is attached to that harm.
- 5.16 As the essential characteristics of Green Belts are their openness and permanence, the fact that the application only seeks a temporary permission for a period of 18 months further reduces the overall harm to the Green Belt.
- 5.17 Weighing in favour of approving the development are the improvement in openness of the site compared to the previous lawful use, the transportation and amenity improvements derived from removing the need for minibus shuttle trips through the village from the current coach drop-off/pick-up point at the Deer Park, and the economic, social and public health benefits of improving access to the Mojo Active site and facilitating the continued viability and growth of the business. Moderate weight is attached to each of these considerations in favour of the development.
- 5.18 In view of the harm being essentially limited to the definitional harm through inappropriateness, which is diminished in this case by the particular circumstances of the site and the proposed development and the temporary nature of the permission sought, it is considered that the combined benefits of allowing the development clearly outweigh the harm identified, and establish the very special circumstances necessary to justify the development being granted a temporary permission.

## **6. CONCLUSION**

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

## **7. RECOMMENDATION**

- 7.1 That subject to there being no further representations in respect of the departure notification before 24<sup>th</sup> June 2016, the proposed development is approved subject to the conditions set out in the officer report.

**Contact Officer: Neil Howat**  
**Tel. No. 01454 863548**

## **CONDITIONS**

1. The use hereby permitted shall be discontinued and the land restored to its former condition within 18 months of the date the decision is issued.

### **Reason**

The granting of permission for a limited period will allow the Local Planning Authority to re-assess the development in the light of experience of the use, the provisions of the Local Plan, and any other material considerations.

2. The site shall not be used for the use hereby permitted outside the following times:

08:00 to 21:00 hours Mondays to Fridays

08:00 to 18:30 hours Saturdays and Sundays

### **Reason**

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policy E6 of the South Gloucestershire Local Plan (Adopted) January 2006 (saved policies) and the provisions of the National Planning Policy Framework.

3. Vehicle engines shall be switched off at all times other than while manoeuvring for and entering or exiting the site.

### **Reason**

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policy E6 of the South Gloucestershire Local Plan (Adopted) January 2006 (saved policies) and the provisions of the National Planning Policy Framework.

CIRCULATED SCHEDULE NO. 37/16 – 16 SEPTEMBER 2016

<b>App No.:</b>	PT16/2586/F	<b>Applicant:</b>	Mr David Neale Chief Executive
<b>Site:</b>	Oaklands Park Gloucester Road Almondsbury South Gloucestershire BS32 4AG	<b>Date Reg:</b>	12th May 2016
<b>Proposal:</b>	Erection of 1no. detached building for use as teaching/coaching and social facility with parking, landscaping and associated works (Class D2)	<b>Parish:</b>	Almondsbury Parish Council
<b>Map Ref:</b>	360503 183454	<b>Ward:</b>	Almondsbury
<b>Application Category:</b>	Minor	<b>Target Date:</b>	5th July 2016



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PT16/2586/F

## **REASON FOR REPORTING TO CIRCULATED SCHEDULE**

This application has been referred to the Circulated Schedule due to the receipt of an objection from Almondsbury Parish Council.

### **1. THE PROPOSAL**

- 1.1 The application seeks planning permission for the erection of 1 no. detached building to provide teaching/coaching and social facilities on an overflow car park at Oaklands Park Gloucester Road, Almondsbury. The proposal will also include the provision of a formal parking area and a landscaped area within the site.
- 1.2 The site itself consists of a parking area, which is part of the Oaklands Park Stadium Football Ground. The area is elevated and located to the north of a 3G Artificial pitch and bounded by existing trees and shrubs along the northern and eastern boundary. Oaklands Historic Park and Garden is immediately located to the north of the site and the Oaklands itself is a locally listed building and is the nearest neighbouring property to the proposed building. There is a group of the protected trees adjacent to the northern boundary of the site and the site is washed over by the Bristol / Bath Green Belt.
- 1.3 During the course of the application, in order to address some of officers' concerns, an amended plan have been submitted to change the parking layout in order to reduce the number of parking spaces and to retain an existing tree. In addition, the surface material for the parking area has also been changed from permeable tarmac to permeable resin bound surface and the originally proposed boundary fence has also been changed to anti-climb mesh fence. The building would measure 20 metres by 13 metres and 5 metres high to the ridge of the mono-pitched roof, and would be constructed in brickwork wall with grey colour metal roof.
- 1.4 The applicant also submitted an arboricultural report, an Extended Phase I Ecological Report, and a statement of 'Very Special Circumstances' to support the proposal.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
National Planning Policy Framework March 2012  
National Planning Practice Guidance
- 2.2 South Gloucestershire Local Plan: Core Strategy (Adopted December 2013)

CS1	High Quality Design
CS4A	Presumption in favour of sustainable development
CS8	Improving Accessibility
CS9	Managing the environment and heritage
CS24	Green Infrastructure, Sport and Recreation Standards
CS34	Rural Areas

- 2.3 South Gloucestershire Local Plan (Adopted) January 2006 – Saved policies
- |     |  |
|-----|--|
| LC5 | Proposals for Outdoor Sports and Recreation Outside Existing Urban Areas and Boundaries of Settlements |
| T12 | Transportation Development Control Policy for New Development  |
| L1  | Landscape Protection and Enhancement   |
| L11 | Archaeology  |

2.4 Emerging Plans:

Proposed Submission: Policies, Sites and Places Plan

- |       |  |
|-------|--|
| PSP7  | Development in the Green Belt                              |
| PSP8  | Residential Amenity  |
| PSP11 | Development Related Transport Impact Management            |
| PSP16 | Parking Standards  |
| PSP17 | Heritage Assets and the Historic Environment               |
| PSP19 | Wider Biodiversity   |
| PSP44 | Outdoor Sport and Recreation Outside Settlement Boundaries |

2.5 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 | P84/1909 | Use of land for sports ground purposes Approved 26/10/1984  |
| 3.2 | P86/1706 | Erection of buildings for use as clubhouse and changing rooms. Construction of new vehicular and pedestrian access and car parking area. Approved 16/07/1986                              |
| 3.3 | P86/2745 | Erection of two 'trainers dugouts'. Approved 28/12/1986   |
| 3.4 | P87/1867 | Erection of single storey building for use as club house function room and changing facilities. Construction of parking area and new vehicular and pedestrian access. Approved 20/07/1987 |
| 3.5 | P87/2913 | Erection of single storey building for use as clubhouse function room and changing facilities. Construction of parking area and new vehicular and pedestrian access. Approved 07/01/1988  |
| 3.6 | P90/2256 | Erection of four floodlight towers each 18.3 metres in height. Approved 04/10/1990  |
| 3.7 | P96/1304 | Erection of low level spectator accommodation. Approved 22/04/1996  |
| 3.8 | P97/2364 | Erection of single storey extension to existing clubhouse. Refused 16/09/1999   |
| 3.9 | P99/1092 | Erection of changing room building and construction of training pitch. Approved 19/03/1999  |

- 3.10 PT99/0470/F Erection of single storey extension to the side for new entrance and toilets. Approved 26/01/2000
- 3.11 PT00/3294 Elevational alterations to facilitate extended internal use as administration office accommodation. Approved 19/01/2001

#### **4. CONSULTATION RESPONSES**

- 4.1 Almondsbury Parish Council  
Objection on grounds of traffic, access, development in the Green Belt, potential light pollution and noise.

##### Other Consultees

##### Landscape Officer

There is no landscape objection in principle to the proposal subject to a condition seeking appropriate planting scheme, but would advise to reduce the number of parking spaces in order to create a larger landscaping buffer adjacent to the northern boundary of the site.

##### Highway Structures

If the application includes a boundary wall alongside the public highway or open space land then the responsibility for maintenance for this structure will fall to the property owner.

##### Sustainable Transportation

There is no transportation objection to this proposal subject to a condition seeking an appropriate construction traffic management plan.

##### Conservation Officer

Objection to the proposed surface materials on the parking spaces and the number of parking spaces as they would have an adverse impact upon the setting of the Oaklands Historic Parks and Gardens.

##### Arboricultural Officer

An Arboricultural Report has been submitted, therefore no objection to the proposal subject to a condition seeking an installation of tree protection fence prior to the construction of the development.

##### Drainage Engineer

No objection subject to a condition seeking an appropriate sustainable drainage system.

##### Ecology Officer

No objection subject to conditions seeking an appropriate bat-friendly lighting scheme and an ecological enhancement plan.

##### Archaeology Officer

No objection subject to a condition seeking an appropriate watching brief of the proposed works.

Crime Prevention Design Advisor  
No objection.

### **Other Representations**

- 4.3 Local Residents  
The original objection has been withdrawn.

## **5. ANALYSIS OF PROPOSAL**

### **5.1 Principle of Development**

The National Planning Policy Framework emphasises on adopting a positive planning approach and achieving economic growth. There is also a presumption in favour of sustainable development.

The proposal is to erect a detached building to provide teaching / coaching and social facilities to support existing sport activities at Oaklands Park. The proposed building and associated works are within an existing overflow car park, which forms part of the sports ground approved in 1984.

Paragraph 70 of the National Planning Policy Framework supports the provision of the social, recreational and cultural facilities and services, which includes meeting places and sport venues to enhance the sustainability of communities and residential environment.

Saved Policy LC5 and PSP44 states that proposals for the development expansion or improvement of outdoor sports and recreation (including water related recreation, motorised and noisy sports and golf facilities) outside the existing urban area and the boundaries of settlements, will be permitted provided that the development would be acceptable in transportation, highway safety and environmental terms, would not unacceptably prejudice residential amenities or any external lighting would give rise to loss of amenity or become a safety hazard. New buildings will only be permitted where the conversion or re-use of existing buildings is not practical and where they are essential for and proportionate to the use of the land for outdoor sport and recreation.

The main issues to consider are any impacts upon local amenity, heritage assets, and public highway safety. Also, the proposal needs to be considered against Green Belt policy presumption.

### **5.2 Green Belt**

The site is located within the designated Green Belt. The issue for consideration is whether or not the proposed development is appropriate in the Green Belt and if not, whether very special circumstances exist such as to outweigh any policy presumption.

Guidance contained in the NPPF is that Local Planning Authorities should plan positively to enhance the beneficial use of the Green Belt such as looking for opportunities to provide...opportunities for outdoor sport and recreation. The Government continues to attach great importance to Green Belts, with their

fundamental aim being to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. The NPPF also states that Local Planning Authorities should plan positively for the provision and use of community facilities such as sports venues.

Paragraph 89 of NPPF allows a provision of appropriate facilities for outdoor sport, outdoor recreation, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it. Given that the sports use on this land has been well established since 1984, and the proposed new building and parking facilities are to provide essential facilities, such as toilets including accessible toilets, a storage, a kitchen area, and multi-functional rooms for the users of the site, it is considered that it would be reasonable to support the proposal to allow such a sports organisation to function to a reasonable standard.

Although NPPF allows the provision of appropriate facilities for outdoor sport, outdoor recreation, the proposal will need to preserve the openness of the Green Belt and does not conflict with the purposes of including land within it. The applicant submitted a statement of 'Very Special Circumstances' to support the proposal. It indicated that the Oaklands Parks is the only FIFA 1 Star approved 3G football pitch in South Gloucestershire (or Bristol). While part of the building would provide teaching / coaching facilities, one of the functions of the proposed building is to provide pre and post match facilities, such as, bar/kitchen for teams, numerous cup finals, representative matches that take place on site during the year. Such facilities are the minimum requirement set by the Football Association for teams playing in the National League System. Currently the existing two temporary porta-cabins provide such facilities. As they are due to be removed shortly, it is important that the new building will be able to accommodate these requirements to enable all the higher level teams to continue playing at Oaklands Park. Whilst this information is material to demonstrating that the proposed facilities are "appropriate" to the recreational use, as the proposal is considered to be appropriate development within the Green Belt there is no additional need to demonstrate very special circumstances (that would only be a requirement if the development had been found to be inappropriate).

Regarding the proposed parking area, the site is currently used as an overflow car park, given that the use of the land will remain largely unchanged and the parking facilities are essential facilities for the existing and future users of the site, it is therefore considered that the size of the proposed parking area is proportional to the scale of the development, as such, it will not adversely affect the openness of the Green Belt.

Accordingly, given the established use of the site and the appropriate scale of the new building and parking facilities, it is considered to be appropriate development in the Green Belt.



### 5.3 Conservation / Archaeology Issues

The proposed scheme has the potential to impact on both the setting of a locally listed building (Oakland House) and its associated gardens that are registered on the Gazetteer of Historic Parks and Gardens in Avon in recognition of their considered local importance.

Oakland House is a late 19<sup>th</sup> century manor house that is set within a designed garden landscape. The application site once formed part of the grounds of Oaklands House before its estate was subject to subdivision (circa 1970s) which helped facilitate the stadium and sports facilities now present, which interestingly are located to the south of a Ha Ha to the south, which clearly formed the extent of subdivision. In light of the considered landscape value (which include a grade II listed summerhouse), as noted above what remains of the associated gardens of Oakland House is recognised as being an historic park and garden of local importance.

Although the application site sits outside the designated park and garden, it has an historic relationship with the historic Oaklands estate. The Conservation Officer considers that the undeveloped and green nature of the application site helps provide a landscape buffer or 'breaking space' between the stadium and its ancillary functions and the historic park and garden to the north. Whilst, it is considered that the proposed single storey building and the 2 metres high weld mesh fencing would be acceptable in the location, the Conservation Officer raises concerns regarding the new area of parking and its formal demarcation. From the historic landscape perspective, the Officer considers that the proposal would result in an urbanisation of the northern end of the site, as such, it would be visually harmful to both the character of the site and would result in the further erosion of the setting of the house and its park and garden, and any potential retaining structures would again harm what remains of the parkland setting of the site.

Paragraph 132 of the National Planning Policy Framework 'NPPF' states 'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be'. Paragraph 134 of the NPPF gives further guidance and states 'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

It should be noted that the site area is currently used as an overflow car park without any demarcation, as such, there is no restriction on the number of cars parking on this area. Furthermore, the proposal would still retain a landscaped buffer along the northern boundary of the site and the applicant is willing to use an appropriate coloured resin bound to allow the surface of the parking area blending in the surrounding landscape. In this instance, the proposal would not significantly compromise the historic setting of the Oaklands including its associated gardens. Your case officer also take into consideration the benefits of the scheme.

The proposal would not only enhance the sport facilities of the site, which regularly holds a number of local and regional sport events and matches, and also provide essential and reasonable facilities for the local and regional team players.

Taking consideration of all of the above, your case officer therefore considers that the proposal would cause less than substantial harm relative to the significance of the heritage asset, and the harm is weighed against the public benefits of the proposal. .

The proposal also lies within an area of archaeological potential. Whilst there is no objection to the scheme, it is considered that it would be necessary to impose a condition seeking a watching brief in order to safeguard the potential archaeological assets of the site.

#### 5.4 Landscape

The site is a raised grass terrace currently used for overflow car parking. The turf is reinforced with plastic grid. The area appears to be infrequently used for overflow car parking as the turf is in good condition and not worn by vehicle tracking. There is a large area of permanent tarmac car park close by. At the back of the proposed area is a belt of trees some of which are on the application site but others are on the neighbouring land. The neighbouring house, Oaklands, is a locally listed building. The rootzone of the tree belt is protected by a low timber trip rail which prevents vehicle overrunning the roots of the trees.

A revised plan has been submitted to retain a young oak tree and relocate some of parking spaces in order to protect some of the existing trees. Although the Landscape Officer advises that more parking spaces could be removed in order to widen the landscaping buffer along the northern boundary, it is considered that there is no landscape objection subject to conditions seeking appropriate tree protection and a landscaping scheme.

#### 5.5 Local Amenity

The sports use has been established on this site and the proposal would likely result in additional activities in terms of the level of usage and volume of vehicle movements. The nearest property, the Oaklands, is located to the north of the site, approximately 55 metres, and there are a number of residential properties further away from the site. A large parking area and the Almondsbury Road Police Unit are located to the southeast of the site.

Teaching / Coaching use itself is unlikely to give rise to any significant or material amenity impacts as they will be carried out inside the building. Outside the building there would be a designated parking area. Whilst officers acknowledge that the proposed formal parking spaces may cause additional vehicle movements to the site, the proposal is considered compatible with the location and nature of the site. No floodlighting is proposed with the area. Therefore, it is not considered that the proposal would give rise to a significant or material impact such as to warrant objection and sustain refusal of the planning application on this basis.

5.6 Transportation

There is no transportation objection to this proposal and the revised plan with a reduced number of parking on site, however, given the location of the site and its access adjacent to A38/M5 junction, which is sensitive to traffic at peak hours, it would be necessary to impose a condition to seek a construction traffic management plan.

5.7 Ecology

An extended Phase 1 Habitat Survey of the site has been submitted. (Abricon Ltd. Dated 12<sup>th</sup> February 2016). There is a concern regarding the adverse impact of the proposed car parking and its associated lighting on the tree line to the north of the site. The Phase 1 Habitat survey concludes that the northern boundary should be kept as a dark corridor to avoid disrupting potential foraging areas and commuting routes for bats. It is therefore considered there is no ecological objection to the proposal subject to conditions seek an appropriate bat-friendly lighting scheme and an Ecological Enhancement Plan.

5.8 Drainage Issues

The site is not situated within a high flood risk area, it is proposed to dispose surface water to a sustainable drainage system or soakaway. Therefore, there is no drainage objection to the proposal subject to a condition seeking details of the appropriate sustainable drainage system.

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 the application 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. Prior to the commencement of development, details and samples including colour of the roofing and external facing materials to be used on the proposed building and the surface materials to be used on the proposed parking area / turning area shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reasons

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

To ensure a satisfactory standard of external appearance and protect the historic setting of the Oaklands and to accord with Policy CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; and the National Planning Policy Framework.

3. Prior to the commencement of development, a scheme of soft landscaping shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of all existing trees and hedgerows on the land showing those to be removed and those to be retained, including measures for their protection during the course of the development. The drawing to show proposed planting including times of planting. Also specification notes covering topsoil depths, cultivation, planting, irrigation, and landscape maintenance covering a 5 year establishment period to help ensure the planting thrives. The works shall be carried out in accordance with the agreed details

Reasons

This is a pre-commencement condition in order to avoid any unnecessary works in the future.

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

4. Notwithstanding the submitted proposed site plan, revision C, the proposed boundary fence shall be of anti-climb mesh fence. Details including the colour of the proposed mesh fence shall be submitted to and approved in writing by the Local Planning Authority prior to the installation of the fence. Development shall be carried out in accordance with the approved details.

Reason

To ensure a satisfactory standard of external appearance and protect the historic setting of the Oaklands and to accord with Policy CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; and the National Planning Policy Framework.

5. Prior to the commencement of the development, the tree protection fencing shall be installed in accordance with the Silverback Arboricultural Report dated June 2016 and shall be inspected by a qualified arboriculturist. Prior to the construction of the proposed building hereby approved, an arboricultural watching brief for the installation of the cellular confinement parking bays shall be carried out and an arboricultural

report detailing these arboricultural inspections shall be submitted to the Local Planning Authority for approval.

Reason

In the interests of the long term health of the trees and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013.

6. Prior to the commencement of the development, surface water drainage details including SUDS (Sustainable Drainage Systems e.g. soakaways if ground conditions are satisfactory), for flood prevention; pollution control and environmental protection shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall proceed in accordance with the approved details.

Reason

To prevent the potential flooding in the locality and to comply with Policy CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and National Planning Policy Framework 2012. These details are required prior to commencement due to the nature of drainage measures being installed at the start of development on site.

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

Reason

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

In the interest of archaeological investigation or recording, and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

8. Prior to the commencement of the development, a construction traffic management plan (CTMP) shall be submitted to and approved in writing by the Local Planning Authority and the development shall proceed in accordance with the approved plan. For the avoidance of doubt the CTMP shall include as a minimum vehicle delivery times, working hours, wheel washing, site compound location, site parking, temp signage, vehicle routing, on-site manoeuvring and storage areas.

Reasons

This is a pre-commencement condition as it relates to the traffic impact arising from the construction phase.

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

9. Prior to the first use of the development hereby agreed, a bat-friendly lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. All works are to be carried out in accordance with approved scheme. No other external illumination or floodlighting shall be installed on the parking area, landscape area or building hereby approved.

Reason

In the interests of ecology, and to minimise light pollution in accordance with saved Policy L9 of the South Gloucestershire Local Plan (Adopted) January 2006 and CS1 and CS9 of the South Gloucestershire Local Plan Core Strategy Adopted December 2013.

10. Prior to the commencement of the development, an Ecological Enhancement Plan shall be submitted to and approved in writing by the Local Planning Authority, and the said plan shall be based on the recommendations provided in the 'Recommendations' section of the Extended Phase 1 Habitat Survey (Abricon, dated February 2016) and shall include a detailed replacement planting with native species, and types, numbers and locations of bat and bird boxes. Development will proceed in strict accordance with this approved plan.

Reasons

This is a pre-commencement condition to ensure ecological issues are addressed at an early stage.

In the interests of ecology and in accordance with saved Policy L9 of the South Gloucestershire Local Plan (Adopted) January 2006 and CS1 and CS9 of the South Gloucestershire Local Plan Core Strategy Adopted December 2013.

11. The hours of working on site during the period of construction shall be restricted to Mondays to Fridays 07.30 to 18.00 and Saturdays 08.00 to 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 minimise disturbance to occupiers of nearby buildings, and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the provisions of the National Planning Policy Framework.

12. Prior to the first use of the proposed development hereby permitted, the existing cabins shall be permanently removed and the proposed off-street parking spaces shown on the submitted revised block plan, revision c, shall be provided accordingly and maintained as such thereafter.

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 CS1 and CS8 of the South Gloucestershire Local Plan; Core Strategy (Adopted) December 2013; and saved Policy T8 of the South Gloucestershire Local Plan (Adopted) January 2006.

## CIRCULATED SCHEDULE NO. 37/16 – 16 SEPTEMBER 2016

**App No.:** PT16/4036/F

**Applicant:** Mr L Moody

**Site:** 168 Park Lane Frampton Cotterell  
Bristol South Gloucestershire  
BS36 2ER

**Date Reg:** 13th July 2016

**Proposal:** Demolition of existing conservatory and erection of single storey rear extension and first floor side extension to provide additional living accommodation.

**Parish:** Frampton Cotterell  
Parish Council

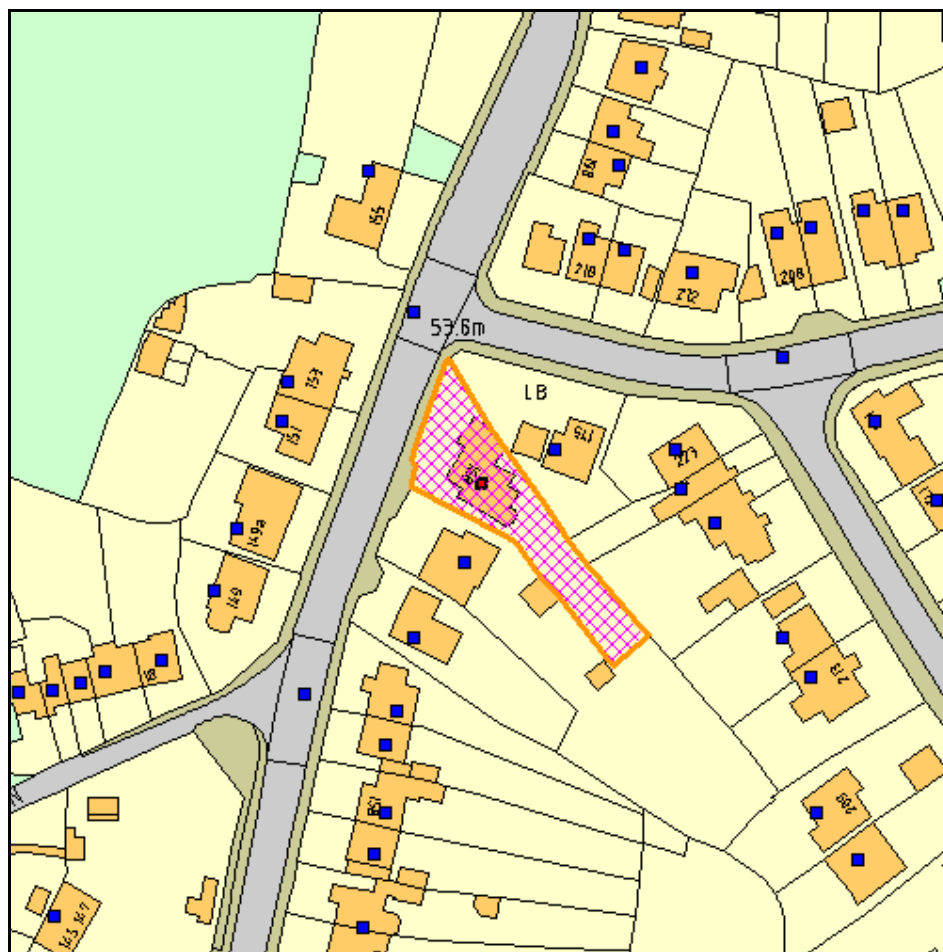
**Map Ref:** 366702 181322

**Ward:** Frampton Cotterell

**Application Category:** Householder

**Target Date:** 2nd September 2016

**Date:** 2016



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PT16/4036/F

## **REASON FOR REPORTING TO CIRCULATED SCHEDULE**

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

### **1. THE PROPOSAL**

- 1.1 The applicant seeks full planning permission for the demolition of existing conservatory and erection of single storey rear extension and first floor side extension to provide additional living accommodation.
- 1.2 The application site relates to a two-storey detached property situated within the established residential area of Frampton Cotterell.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
National Planning Policy Framework  
Planning Policy Guidance

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design  
CS4A Presumption in Favour of Sustainable Development  
CS5 Location of Development  
CS8 Improving Accessibility  
CS9 Managing the Environment and Heritage

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

H4 Residential Development within Existing Residential Curtilages  
T12 Transportation Development Control Policy for New Development

- 2.3 Emerging policy: South Gloucestershire Local Plan: Proposed Submission: Policies, Sites and Places Plan June 2016

PSP1 Local Distinctiveness  
PSP8 Residential Amenity  
PSP16 Parking Standards  
PSP38 Development within Existing Residential Curtilages

- 2.4 Supplementary Planning Guidance  
Design Checklist SPD (Adopted) 2007  
Residential Parking Standard SPD (Adopted) 2013

### **3. RELEVANT PLANNING HISTORY**

- 3.1 P98/2526 Demolition of existing garage and erection of double attached side garage and rear conservatory. Construction of new vehicular access. Approved 9.12.98



#### **4. CONSULTATION RESPONSES**

4.1 Frampton Cotterell Parish Council  
No objection

4.2 Other Consultees

Archaeologist  
No objections

#### **Other Representations**

4.3 Local Residents

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

- First floor extension over garage will impact on light and late evening sunshine entering my garden.
- Loss of privacy from over-looking

#### **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 is the resulting impact on the host property and the character of the area, the impact on residential amenity for existing and future occupiers and that of closest neighbours, the impact on highway safety and off-street parking must also be assessed.

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

5.2 Design and Visual Amenity

The application site is a two-storey detached dwellinghouse which fronts onto Park Lane. It currently benefits from a single storey garage attached to the north side elevation above which the proposed first floor extension would be positioned. It also benefits from a rear conservatory which would be replaced by the proposed single storey extension.

5.3 Taking each element of the proposal in turn, the proposed two-storey side extension would be above the existing garage. Given the shape of the plot this garage is not sufficient in size internally to accommodate two vehicles given its chamfered corner. The proposed first floor extension would be over part of this structure and of a size to create an additional first floor bathroom. The ridge height would be stepped down from the main roof line and would be stepped back from the front building line. This is considered to follow good design principles ensuring the addition can be easily read as being such.

5.4 Moving on to the proposed rear extension to provide additional living accommodation. Again given the chamfered plot shape, the extension would firstly, follow this side boundary and then extend across the entire width of the rear resulting in an addition that would extend out from the rear building line by

about 4.4 metres. It would achieve a height to eaves of about 2.9 metres and an overall height of 4 metres with a large centrally positioned lantern light to bring in extra light. Other openings would comprise windows in the north and south and a bank of bi-fold doors out into the garden to the east.

- 5.5 In terms of overall design, scale, massing and materials that would match the existing property, the proposed first floor and proposed rear extension are considered acceptable and appropriate to the host property and character of the area in general.

5.6 Residential Amenity

Concerns have been expressed by a neighbour to the east in terms of the potential for the proposed two-storey side extension to impact on light and evening sun. This neighbour is side-on to the application site, benefitting from a large front garden and smaller rear garden. The application site is therefore to the southwest of this neighbour which would in effect mean that a very limited amount of evening sun reaches the rear garden of No. 175. It is acknowledged that the proposed first floor extension, although small, would create changes for this neighbour but would not be sufficient to warrant the refusal of the application particularly given the existing situation and the fact that the larger front garden would be unaffected. With regards to overlooking, the proposed extension would be stepped back from the existing rear building line where there are already three bedroom windows. It is therefore considered that there would be no adverse effect over and above the existing situation in terms of impact on privacy and overlooking than at present.

5.7 Sustainable Transport

The proposed first floor addition would not impact on the existing amount of off-street parking currently serving the property which includes the garage and driveway parking for at least 3no. vehicles.

6. **CONCLUSION**

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

7. **RECOMMENDATION**

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

**Contact Officer: Anne Joseph**  
**Tel. No. 01454 863788**

## **CONDITIONS**

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

### **Reason**

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

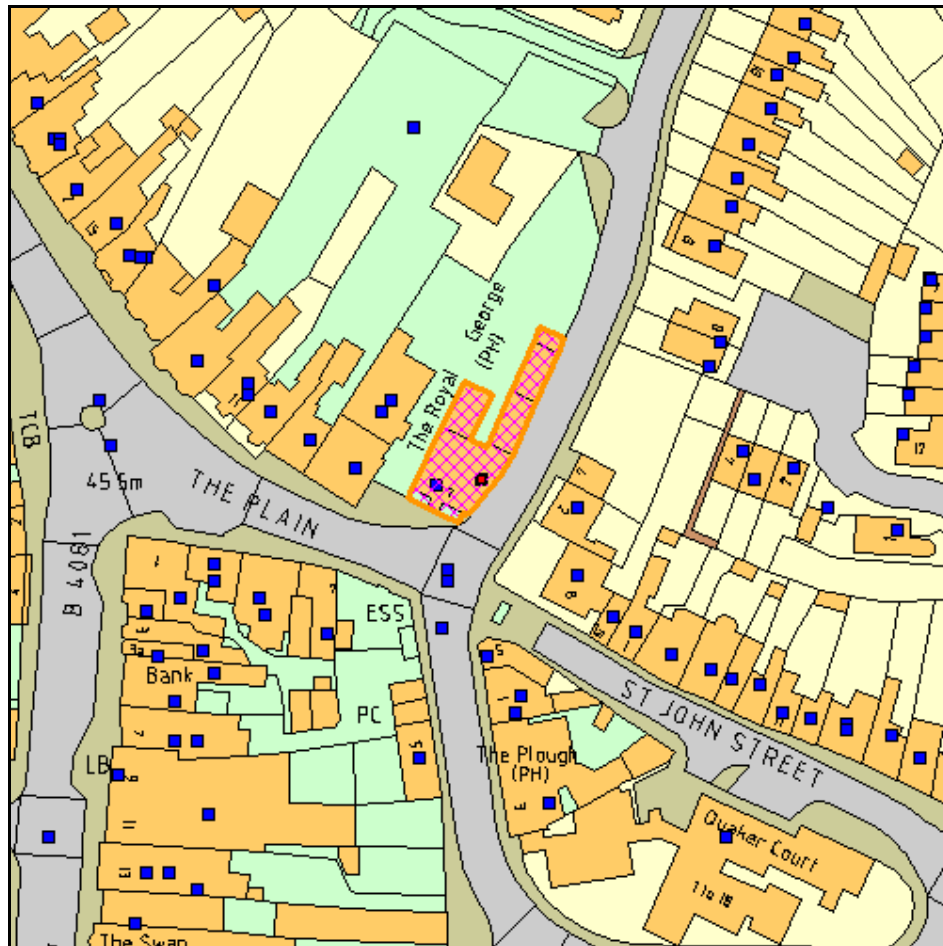
2. The hours of working on site during the period of construction shall be restricted to 7:30 to 18:00 Monday to Friday and 8:00 to 13:00 on Saturdays and no working shall take place on Sundays or Public Holidays. The term 'working' shall, for the purpose of clarification of this condition include: the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

### **Reason**

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

## CIRCULATED SCHEDULE NO. 37/16 – 16 SEPTEMBER 2016

<b>App No.:</b>	PT16/4360/LB	<b>Applicant:</b>	Bermondsey Pub Company Ltd
<b>Site:</b>	The Mezze 7 The Plain Thornbury South Gloucestershire BS35 2AG	<b>Date Reg:</b>	3rd August 2016
<b>Proposal:</b>	Application to retain works carried out for the internal and external alterations to include refurbishment of ground floor internally. Repainting of exterior finishes, and existing stained glass internal feature to be retained and relocated.	<b>Parish:</b>	Thornbury Town Council
<b>Map Ref:</b>	363747 190173	<b>Ward:</b>	Thornbury North
<b>Application Category:</b>	Minor	<b>Target Date:</b>	26th September 2016



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PT16/4360/LB

## **REASON FOR REPORTING TO CIRCULATED SCHEDULE**

This application is referred to the Circulated Schedule due an objection to the scheme being received from the local town council.

### **1. THE PROPOSAL**

- 1.1 This application relates to the Grade II listed Royal George Public House, a prominent three storey building which the list description states is circa mid-late 19<sup>th</sup> century.
- 1.2 Following a change of ownership, the building has been subject to a scheme of refurbishment internally at ground floor level, with the works mainly effecting modern fabric. Some limited alterations were however proposed at mezzanine and first floor level. Externally the only alteration proposed is the repainting of the external elevations and redecoration of timber windows and the relocation of an existing wrought iron hanging sign bracket. The supporting statement confirms that the bracket has not featured a hanging sign since it was removed after being struck by passing buses.
- 1.3 At the point of submission of this application, the works had already commenced and at the time of writing this report, they have largely been completed and so this application is one of a retrospective nature.

### **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

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

South Gloucestershire Local Plan: Proposed Submission: Policies, Sites and Places Plan June 2016  
PSP17 Heritage Assets and the Historic Environment

### **3. RELEVANT PLANNING HISTORY**

- 3.1 None of relevance for this application.

### **4. CONSULTATION RESPONSES**

- 4.1 Thornbury Parish Council  
Objection for the following reasons:

"The George Public House is an important historical building in a prominent town centre position and as such its appearance and use needs to be sensitively managed to protect the overall character of the town. We are extremely disappointed that works to this important listed building have already been undertaken prior to any local consultation or permission being granted. We would expect the conservation or listed buildings officer responsible to pursue all appropriate measures to investigate any damage/loss and ensure that the historic features are protected, retained and restored to original (pre works/application) condition. We OBJECT to this application on the following grounds: -

- The colour of the outside of the building is not in keeping with the conservation area and should be cream (not bright white)
- Damage and loss of stain glass window features in the frontage and those previously removed, stored and displayed on the premises to protect them for the future
- Loss of original historic pub signage and inappropriate signage and advertisement on a listed building that is out of character.
- Damage to internal historic layout and features".

### **Other Representations**

#### **4.2 Local Residents**

1no. consultation letter which expressed the following view:

*The "Statement of Significance" shows a computer-generated picture of the outside of the building after the renovations - it shows the building painted in a cream colour. The "Design and Access Statement" says "... new coat of neutral colour paint.." and "...pastel blue". Looking at the building after the renovations have been completed that neither is the building painted in a "neutral colour" but is bright white and the portico is not a "pastel blue". You must get the developers to do what they said they would do!*

### **5. ANALYSIS OF PROPOSAL**

#### **5.1 Principle of Development**

This application stands to be assessed against National Planning Policy Framework March 2012 and Planning (Listed Buildings and Conservation Areas) Act 1990.

- 5.2 The proposals will see a number of modern openings within the load bearing walls blocked up, which in terms of the legibility of the existing plan form, would be an enhancement. There will also be a limited reconfiguration of modern partitions and the creation of a kitchen opening is not considered contentious. The two modern gas fires are to be removed from the main seating area with a wood-burning stone inserted into one of the fire places. The wood mantels and fireplaces are both also to be retained. The proposals above ground floor are limited in scope and would not harm the architectural or historic significance of the building. Overall the proposed alterations would not result in any material change in plan form or character.

- 5.3 The application has also confirmed where the existing glass internal feature that was previously attached to an internal wall is to be located, which will be in a newly created seating area within the main historic part of the building.
- 5.4 Externally the redecoration of the building is not considered contentious. With the elevations already covered in a hard cementitious render, the application of a standard masonry paint is not an issue in terms of the functionality of the render and building.
- 5.5 The colour of the redecoration of the render has been raised as a concern by Thornbury Town Council. It is considered that although it might have been preferable for a more off-white colour to be selected, it is not considered that the white colour is detrimental to the point that harm could be considered to have been caused to the significance of the building. Thornbury High Street also contains white rendered buildings and in the fullness of time, the weathering of the elevations will dull the existing colour. The considered disparity in specified colours within the Statement of Significance and what has been implemented is also noted, but as stated above, the colours of both elevations and portico are considered to be acceptable and so remedial action is not required. The Town Council's reference to loss of historic signage may be reference to the glazed coloured panels to the front bays. The Statement of Significance does contain an image that shows these glazed panels signs removed, but they are and have been retained insitu. The sign-written "The Royal George" is also considered acceptable and entirely reversible. The reinstatement of the hanging sign is also considered acceptable.
- 5.6 It can also be noted that following a report from a local resident that the works had commenced, a visit was made by the Council's Conservation Officer. Following discussions over the scope of the works with the site manager, it was considered that the works would not result in any loss or harm to features of architectural or historic interest. Consequently with the proposed refurbishment works preserving the significance of the building, no further action was undertaken.

## **6. CONCLUSION**

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

## **7. RECOMMENDATION**

- 7.1 Listed building consent is to be GRANTED subject to the following conditions.

**Contact Officer:** Robert Nicholson  
**Tel. No.** 01454 863536

## **CONDITIONS**

1. The application has been approved on the basis of the list of the following submitted documents.

Site location plan (drg no.7439-00)  
Existing plan (drg no. 7439-01A)  
Proposed plans (drg no.7439-02A)  
Demolitions (drg no.7439-04)  
Partition wall details (drg no.7439-05)  
Wall finishes (drg no.7439-06)  
Floor finishes (drg no.7439-07)  
Ceiling plan (drg no.7439-08)

The development shall have been implemented exactly in accordance with the above approved documents.

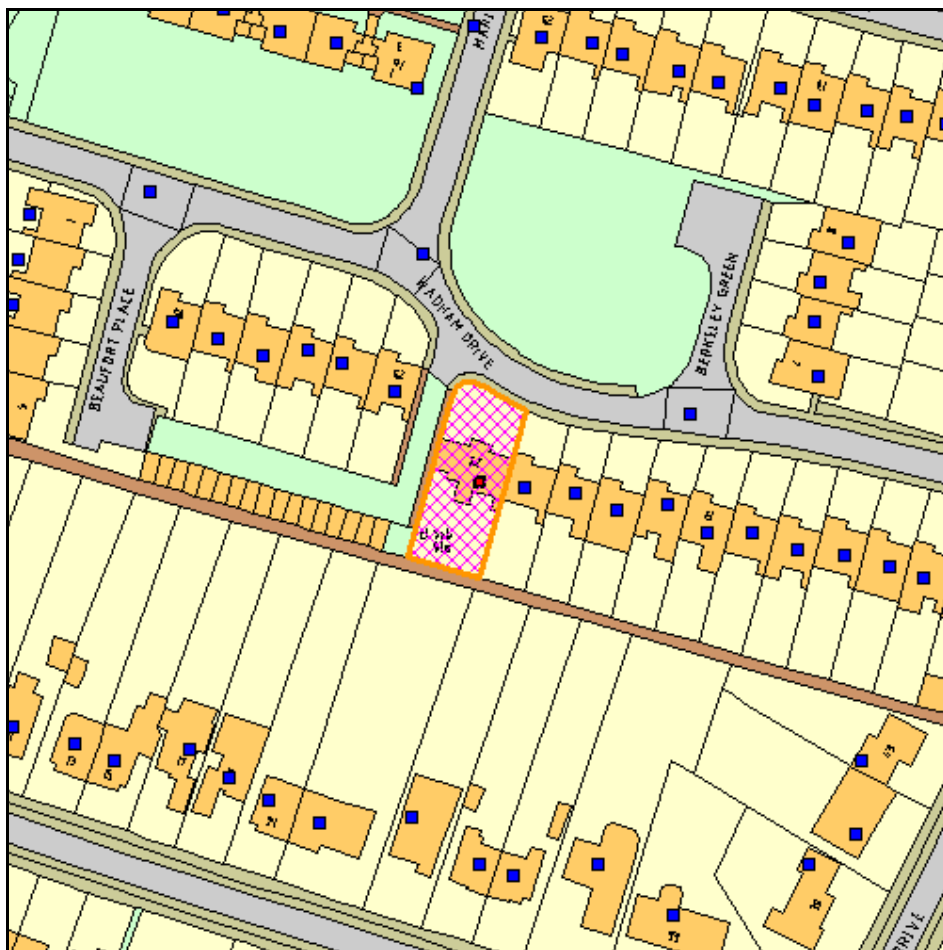
### **Reason**

To ensure that the development is carried out in accordance with the approved plans in order to comply with section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013).



## CIRCULATED SCHEDULE NO. 37/16 – 16 SEPTEMBER 2016

<b>App No.:</b>	PT16/4495/F	<b>Applicant:</b>	Ms F Hodgins
<b>Site:</b>	23 Wadham Drive Frenchay Bristol South Gloucestershire BS16 1PF	<b>Date Reg:</b>	12th August 2016
<b>Proposal:</b>	Demolition of existing workshop/garage. Erection of 1 no. dwelling with new access and associated works.	<b>Parish:</b>	Winterbourne Parish Council
<b>Map Ref:</b>	363869 178137	<b>Ward:</b>	Frenchay And Stoke Park
<b>Application Category:</b>	Minor	<b>Target Date:</b>	23rd September 2016



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PT16/4495/F

## **REASON FOR REPORTING TO CIRCULATED SCHEDULE**

This report appears on the Circulated Schedule following objections received from local residents and the Parish Council.

### **1. THE PROPOSAL**

- 1.1 The applicant seeks full planning permission for the demolition of an existing workshop/garage and the erection of 1no. new dwelling with new access and associated works.
- 1.2 The application site relates to No. 43 Wadham Drive in the established settlement boundary of Frenchay.
- 1.3 During the course of the application revisions were received by the Council which address some of the design concerns expressed by local residents in terms of proposed external materials, fenestration pattern and the inclusion of a chimney.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
National Planning Policy Framework  
Planning Policy Guidance

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design  
CS4A Presumption in Favour of Sustainable Development  
CS5 Location of Development  
CS8 Improving Accessibility  
CS9 Managing the Environment and Heritage

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

H4 Residential Development within Existing Residential Curtilages  
T12 Transportation Development Control Policy for New Development

- 2.3 Emerging policy: South Gloucestershire Local Plan: Proposed Submission: Policies, Sites and Places Plan June 2016

PSP1 Local Distinctiveness  
PSP8 Residential Amenity  
PSP16 Parking Standards  
PSP38 Development within Existing Residential Curtilages

- 2.4 Supplementary Planning Guidance  
Design Checklist SPD (Adopted) 2007  
Residential Parking Standard SPD (Adopted) 2013

### **3. RELEVANT PLANNING HISTORY**

3.1 No planning history

### **4. CONSULTATION RESPONSES**

#### **4.1 Winterbourne Parish Council**

Objection:

The Parish Council feels this is an overdevelopment of the site, leaving a very cramped building. As presented in the drawings it will be totally out of design with the remainder of the terrace.

#### **4.2 Other Consultees**

##### Sustainable Transport

No objection subject to a condition regarding parking and covered cycle provision

##### Highway Structures

No comment

##### Public Rights of Way

No objection

##### Drainage and Flood Risk Management Team

No objection

##### Wessex Water

No objection subject to informatives

### **Other Representations**

#### **4.3 Local Residents**

One letter of support has been received from a neighbour. The points raised are summarised as:

- There is a need for more housing
- The proposed dwelling is sympathetic to the rest of the houses, though front windows should align with original
- As a family estate/road the size would be ideal, schools in the area and green area opposite for play

*Update: the original report circulated to members stated that the letter of support came from the local councillor. This was incorrect. Although the support comes from a councillor, the person was commenting as a neighbour and not in their capacity as the local councillor.*

Ten letters of objection have been received from local residents. The points raised are summarised as:

### Design

- Street scene – link style 1960s houses – proposed dwelling will be different
- Materials – west facing gable will be render and others are brick. Smooth render to front is also out of keeping
- Design will break uniformity, truncated imitation
- Will introduce a new ridge line
- Will give undue prominence to the end of the terrace
- Driveway and front garden
- What is the make up left of the front door?
- Should have a chimney stack as other properties
- Details mention a hip roof – where is this?
- Set back creating a different building line

### Residential Amenity

- Impact on privacy – upstairs windows will have direct line of sight into my child's bedroom
- Loss of light and overbearing and dominant impact – affect morning sun into rear garden and the open view from garden
- Noise and disturbance – closer gable wall will increase traffic noise from M32 when wind is the prevailing west
- Rear garden already been divided into two prior to planning application

### Highway matters:

- Site sits next to a staggered crossroads junction
- 

### Drainage

- Foul water
- Has Wessex Water carried out a full survey

### Other matters:

- Development for financial gain
- Precedent set for other development
- Granny annex or extension would be more appropriate
- Why was I not consulted? No public notices posted in vicinity – demonstrates underhand approach and contrary to rule governing notification of wider public
- Property may be purchased for rental
- Expect three trees removed 10 years ago to be re-introduced
- Would road need to be closed when scaffold erected?
- Would a party wall agreement be required with new owners of the house?

## **5. ANALYSIS OF PROPOSAL**

### **5.1 Principle of Development**

The application stands to be assessed against the above listed policies and all material considerations. It is acknowledged that South Gloucestershire Council does not have five year land supply of housing. As such paragraph 14 of the NPPF is engaged which states that decision takers should approve development proposals that accord with the development plan without delay; where the development plan is absent, silent or relevant policies are out-of-date, permission should be granted unless:

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

- 5.2 Notwithstanding the above, the starting point for the assessment is the adopted development plan with which any new proposal must accord. Saved Policy H4 of the South Gloucestershire Local Plan and Policies CS1, CS5 and CS25 are relevant to this application. Policy T12 deals with highway impact and parking issues. The NPPF promotes sustainable transport and states that development should only be prevented on transport grounds where the residual cumulative impacts of development are 'severe'.
- 5.3 The proposal being the creation of a new dwelling within the established settlement boundary and the side garden of No. 43 is considered to accord with the principle of development. This counts in its favour and whilst the provision is limited to only one dwelling it would still make a contribution and weight is accordingly awarded. The proposal and its impact is discussed in more detail below:
- 5.4 Design and Layout  
Policy CS1 of the South Gloucestershire Local Plan Core Strategy (Adopted) 11<sup>th</sup> Dec. 2013 only permits new development where the highest standards of site planning and design are achieved. This policy requires that siting, overall layout, density, form, scale, height, massing, detailing, colour and materials, are informed by, respect and enhance the character, distinctiveness and amenity of both the site and the locality.
- 5.5 The NPPF states that good design is a key aspect of sustainable development and should *positively contribute to making places better for people* and development should *always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings*.
- 5.6 The emerging Policy Site and Places DPD which is out for consultation (August 2016) supplements Policy CS1 and acknowledges that the policy does not seek to discourage innovative design but development should *promote sustainability and health and wellbeing objectives*.
- 5.7 The application site is part of a small estate in Frenchay. Properties here comprise terraces of flat fronted two-storey dwellings with two-storey front projections. Small flat roofs are evident over front doors and the entrances to the single integrated garages. Local neighbours have commented on the estate having been recognised as an award winning example of architecture which should be retained. This is acknowledged and the uniformity of the rows of properties is pleasant and attractive. However, the estate is not protected by any designated or non-designated status and sits outside the Frenchay Conservation Area. Government planning policy strongly encourages development within built up areas and within residential curtilages and in these terms the proposal accords with general national policy aims. Weight in favour of the scheme must consequently awarded for this reason.

- 5.8 Clearly, although the principle of development is acceptable, the scheme must meet other policy area such as design, appearance and being in-keeping with the character of an area. A large proportion of the comments received have criticised the proposed design of the new dwelling. A number have questioned the proposed materials and revised plans indicate that these areas of concern have been addressed whereby the side gable would be of brick to match others in this estate, the rendered areas would not be smooth but would be textured again to match existing properties and the first floor fenestration pattern has also been changed. With regards to the chimney a chimney at the far end of the dwelling has been proposed so that the new house would fit in with the existing street scene.
- 5.9 It is recognised that the new dwelling added to the end of the terrace would be of a slightly different proportion to the other two-storey dwellings in this cul-de-sac, primarily being smaller in width. Typically the houses here achieve a width of about 8 metres whereas the proposed house would be about 5 metres wide. Existing dwellings have a garage incorporated into the main house and additional parking in front of this, whereas the parking for the proposed house would be entirely to the front. In this way the house would not have a front garden or a dedicated garage but this is not an unusual situation. Planning is constantly assessing change whether that be to existing buildings in the form of extensions or conversions or the introduction of new buildings to areas. Development must be respectful of its surroundings in terms of appearance and scale and in this instance, despite the differences, it is considered that the new dwelling would be an appropriate addition to this terrace.
- 5.10 One comment has mentioned the proposed new dwelling would be stepped back from the existing building line, resulting in a new ridged line and would therefore be different. However, it can be seen that the three blocks of terraces of which the application site is part, do not form one continuous ridge line or building line but are themselves already stepped. Given the location at the end of the block and with its other slight design differences, it is considered acceptable for this new structure to also be stepped slightly from the main front building line. It is assumed the mention of a hipped roof in the Design and Access Statement is an error as the plans clearly show a traditional gable style property.
- 5.11 In design terms, particularly with the changes to the proposed materials the proposed new dwelling is considered acceptable in terms of its design, scale, massing and appearance.
- 5.12 Residential Amenity  
A neighbour is concerned that the first floor windows would affect privacy. The proposed new dwelling is about 3 metres to the south of this particular neighbour. Officers have used tools at their disposal to measure the angle between these two houses and conclude that at about 22 degrees there would be no direct line of sight into either property. There would be no issues of overlooking resulting from the new house. No windows are proposed in the side elevation closest to this neighbour and there is sufficient distance between properties to the rear and properties to the front for there to be no resulting inter-visibility.

- 5.13 With regards to impact on the morning sun and general light for a neighbour, the proposed dwelling would be to the end of an existing terrace and as it would for the most part follow the footprint of No. 23, the impact on the morning sun and other daylight would be minimal and not sufficient to warrant the refusal of the application.
- 5.14 Issues of increased noise have been raised due to, it is stated, the gable wall of the new dwelling being closer to the neighbour at No. 25 and noise from the M32 reverberating off it. It must however, be recognised that the M32 is some distance away with other properties and fields in between. With regards to any general noise the two houses would be separated by the access road which leads to a row of garages to the rear of one of the terraces, and being a residential property the level of noise is unlikely to be above and beyond that which is evident in any other domestic dwelling. There are therefore no undue concerns with regarding to resulting noise.
- 5.15 It is noted that the garden of No. 23 has already been split into two areas by means of close boarded fencing forming the respective gardens of the existing and proposed houses. There is nothing in planning terms to prevent this division but it does clearly demonstrate that private garden space for No. 23 would be about 86 sq metres and for the new dwelling about 49 sq metres. Emerging policy indicates that a four bed property should have 70 sq metres private amenity space while a three bed property as proposed here should have 60 sq metres. It is acknowledged that the new dwelling falls short of the emerging standards. Given that the policy has not yet been adopted there is some discretion and as such this level of amenity space on this occasion is considered acceptable particularly as the property is directly opposite a large area of open grass with a further area of public open space at the end of Wadham Drive.
- 5.16 Sustainable Transport  
The application site is adjacent to a rear access lane leading to a row of about 17no. garages. One comment has mentioned the junction from this access lane onto the main Wadham Drive is staggered with the implication that the introduction of a new parking area to the front would adversely affect highway safety. It must however, be noted that this property has in the past been used for stationing a number of vehicles which have had access onto Wadham Drive. The proposal which requires 2no. off street parking spaces for this size property would be able to accommodate this level of parking to the front. Sufficient parking for the existing dwelling would also remain on the existing driveway with an area of open grass separating vehicles of the respective houses. Highway Officers have no objection to the scheme subject to a condition and subject to covered and secure cycle parking spaces being provided which again would be secured by condition.
- 5.17 Drainage  
The South Gloucestershire Drainage Engineer raises no in principle objection to the scheme. Wessex Water has also provided comments and maps showing the location of foul water drains. No objection is raised subject to informatives being attached to the decision notice. It is not for Wessex Water

to undertake full surveys, but for the applicant to be aware that this is their responsibility and to note the comments made by Wessex Water with regard to building in close proximity to public sewers. These details are included as an informative on the decision notice.

5.18 Public Rights of Way

Officers have no objection to the proposed development. It is noted that the proposal would be to the side of an existing property which is adjacent to a lane leading to a row of about 17no. garages. Pedestrian footways are located on either side of this access lane. As such there can be no objection from Officers as pedestrians would have access.

5.19 Other Matters

A number of comments have been made and it is therefore useful to separate them as follows:

Road closure and Party Wall Act

One neighbour has queried if the road would need to be blocked up and closed should scaffolding be used. This is not a planning matter. If the access lane to the garages would be affected this is something for the owners of the lane to discuss as a civil matter which falls outside the remit of a planning report. Similarly, anything related to party walls would be a civil matter to be taken up by the respective parties.

Consultation:

Comments have been received from local residents stating they have not been consulted or that a site notice has not been displayed near the site. Officers have checked the procedure which follows details set out in the Council's recently updated *Statement of Community Involvement (2015)*. This document states who should be consulted when a planning application is received. For this type of development all adjoining neighbours having a common boundary with the site and properties directly opposite and all occupiers of land within 30 metres of the vehicular and pedestrian access points (measured linearly along the road) are to be consulted by letter with a site notice posted only for certain types of development. Those types are major, listed buildings and conservation area applications. The applicant is requested to post a site notice but this is not a statutory requirement. In this instance, the correct procedure was followed.

Design of original estate and new precedent, granny annex more appropriate:

A local resident has stated that the proposed development would not be in accordance with the award winning development known as Frenchay Manor Park while others have expressed concern that an approval would set a precedence for development. It must be noted that each and every planning application is assessed on its own individual merits taking into account the particular circumstances relating to that site. It is therefore not unusual for new planning applications to be made on existing sites or within existing residential gardens. The planning assessment is made based on the submitted details and alternative options for different schemes are not part of the assessment.



Development for financial gain, sold for rental and a development precedent set  
It is not unusual for development to benefit one party over another. This is not a matter that can be considered under the remit of a planning application or taken into consideration in any planning assessment which is made against adopted national and local planning policies.

#### Reinstate trees

One local objector has requested the reinstatement of three trees to the front garden. It is presumed that these trees were ornamental and planted by a previous owner. Similarly they were removed by a previous owner. The Council's records do not indicate that any trees within this garden were protected by tree preservation orders and a such general pruning, lopping, topping or even felling of trees is for the individual and current owner to decide on landscape preferences. It would be outside the remit of this report and considered unreasonable for a condition to insist on new planting.

#### 5.20 Planning balance

The proposal is for a single attached dwelling to be located within an existing built up area. Given the lack of five year land supply some weight can be given to the contribution that this one dwelling would bring. Comments regarding the design of the proposed new dwelling have been acknowledged and the Parish have expressed an opinion that the proposal would be overdevelopment of the site. The above has shown that the existing garden is large enough to be successfully divided into two reasonable sized plots which does therefore not amount to overdevelopment. The garden for the new dwelling would be slightly smaller than suggested in emerging policy but given this policy is not yet adopted limited weight is awarded on this basis. It is however, also recognised that the design has been sympathetic to the existing street scene, albeit not a complete copy or pastiche of the existing dwellings. Conditions attached to the decision notice will ensure that materials will match those of the existing dwelling in terms of the render and brick gable wall. Sufficient off-street parking can be achieved on site and this accords with adopted standards.

- 5.21 On balance giving appropriate weighting to the positive versus the negatives of the scheme, the benefits of this new dwelling within the settlement boundary are considered to outweigh any perceived harm and the proposal is considered acceptable and recommended for approval.

## 6. CONCLUSION

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

## **7. RECOMMENDATION**

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

**Contact Officer: Anne Joseph**  
**Tel. No. 01454 863788**

### **CONDITIONS**

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

**Reason**

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

2. 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. The dwelling shall not be occupied until the parking and access arrangements have been completed in accordance with the submitted details as per plan Proposed attached dwelling - B11884 02 Rev A

**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.

4. The dwelling shall not be occupied until two covered and secure cycle parking spaces have been provided in accordance with details to be submitted and approved in writing by the Local Planning Authority.

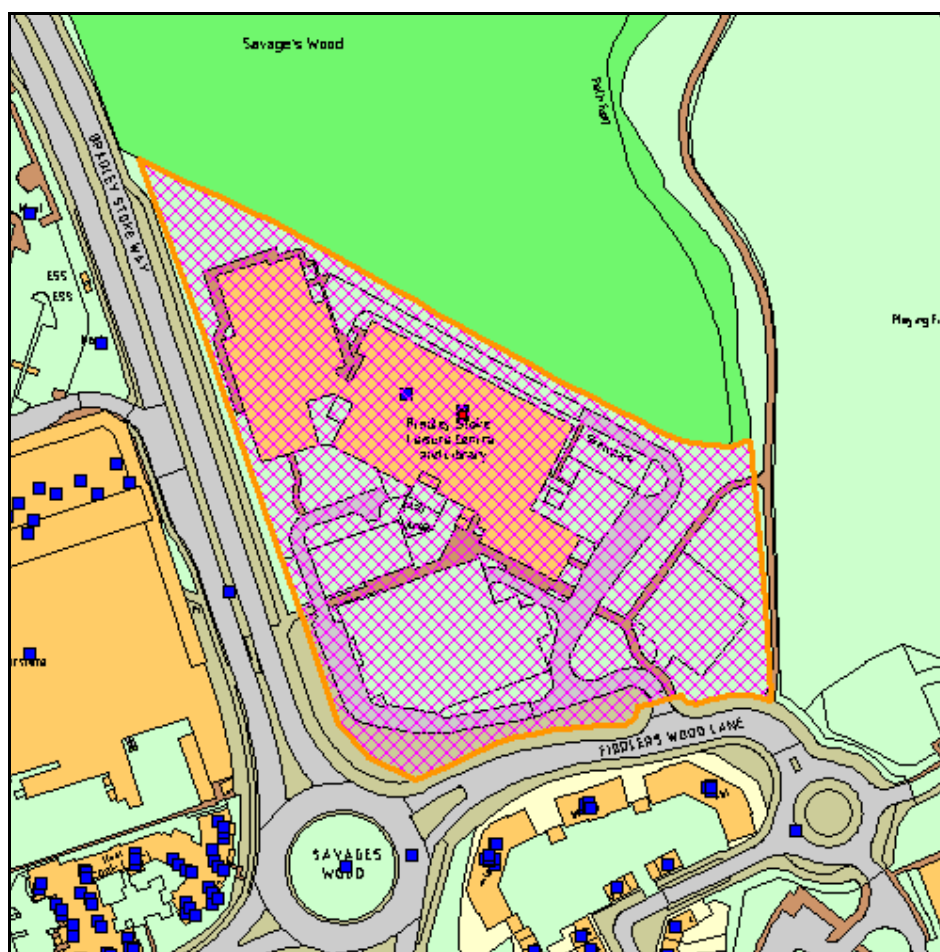
**Reason**

To encourage means of transportation other than the private car, to accord with Policy CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and Policy T7 of the South Gloucestershire Local Plan (Adopted) 2006.



CIRCULATED SCHEDULE NO. 37/16 – 16 SEPTEMBER 2016

<b>App No.:</b>	PT16/4509/ADV	<b>Applicant:</b>	South Gloucestershire Council
<b>Site:</b>	Bradley Stoke Leisure Centre 1 Fiddlers Wood Lane Bradley Stoke Bristol South Gloucestershire BS32 9BS	<b>Date Reg:</b>	3rd August 2016
<b>Proposal:</b>	Display of 3no. internally illuminated fascia signs and set of 3no. internally illuminated totem signs.	<b>Parish:</b>	Bradley Stoke Town Council
<b>Map Ref:</b>	362247 182062	<b>Ward:</b>	Bradley Stoke Central And Stoke Lodge
<b>Application Category:</b>	Minor	<b>Target Date:</b>	26th September 2016



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 100023410, 2008. N.T.S. PT16/4509/ADV

## **REASON FOR REPORTING TO CIRCULATED SCHEDULE**

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

### **1. THE PROPOSAL**

- 1.1 The application seeks advertisement consent for the display of 3no. internally illuminated fascia signs and 3no. internally illuminated totem signs at Bradley Stoke Leisure Centre.
- 1.2 The signs will be located to the south and west of the leisure centre. The three internally illuminated fascia signs will be visible from the highway.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
National Planning Policy Framework March 2012  
The Town and Country Planning (Control of Advertisements) (England) (Amendment) Regulations 2007
- 2.2 Development Plans  
  
South Gloucestershire Local Plan (Adopted) January 2006 (saved policies)  
T12 Transportation Development Control Policy for New Development  
  
South Gloucestershire Local Plan Core Strategy Adopted December 2013  
CS1 High Quality Design  
CS4A Presumption in Favour of Sustainable Development  
CS5 Location of Development
- 2.3 Supplementary Planning Guidance  
South Gloucestershire Design Checklist SPD (Adopted) August 2007  
Shopfront and Advertisements Design Guidance SPD (Adopted) April 2012

### **3. RELEVANT PLANNING HISTORY**

- 3.1 DOC16/0273 Discharge of condition 2 (Cladding Detail) attached to planning application PT16/0713/R3F - Erection of front entrance foyer, external cladding and alterations to front facade and extension to existing carpark.  
Pending Consideration
- 3.2 DOC16/0108 Discharge of condition 4 (Construction traffic management plan) attached to planning permission PT15/5516/R3F. Erection of single storey rear extension to extend existing gym, installation of new windows and door and alterations to car park Discharge of Conditions Decided 25.05.2016
- 3.3 PT16/0713/R3F Erection of front entrance foyer, external cladding and alterations to front facade and extension to existing carpark.  
Deemed Consent 21.07.2016

- 3.4 PT15/5516/R3F Erection of single storey rear extension to extend existing gym, installation of new windows and door and alterations to car park.  
Deemed Consent 09.03.2016
- 3.5 PT14/4520/ADV Display of 1no. non-illuminated totem sign.  
Approved with Conditions 16.01.2015
- 3.6 PT09/6013/R3F Change of Use from IT/training rooms (Class D1) to ancillary Office Use for the leisure centre (Class D2) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended). Retrospective.  
Deemed Consent 26.01.2010
- 3.7 PT07/3731/R3F Construction of bus only access road, additional car parking and re-alignment of main access road.  
Permitted Development 21.01.2008
- 3.8 PT03/0591/R3F Change of use of existing store rooms (Class D2) to IT/training rooms (Class D1) (as defined in the Town & Country Planning (Use Classes) Order 1987). (Under Regulation 3 of the Town & Country Planning (General Regulations) 1999).  
Approved 17.04.2003
- 3.9 PT01/3462/R3F Erection of extension to form swimming pool, health suite and fitness room.  
Deemed Consent 28.03.2002
- 3.10 P99/2552/A Display of two non-illuminated elevational signs one illuminated canopy sign and one non-illuminated freestanding sign all to read "Bradley Stoke Leisure Centre and Library"  
Advert Approval 17.11.1999
- 3.11 P97/2289 Construction of extension to car park. Extension and alterations to Leisure Centre to form library  
Approved 11.03.1998
- 3.12 P95/0020/425 Development of 2.62 hectares of land (6.47 acres) for the erection of a leisure centre and associated car parking. Construction of new vehicular and pedestrian access.  
Approval of Reserved Matters 28.04.1995
- 3.13 P84/0020/1 Residential, shopping & employment development inc. Roads & sewers and other ancillary facilities on approx.1000 acres of land.  
Approved 03.12.1986

#### **4. CONSULTATION RESPONSES**

- 4.1 Bradley Stoke Town Council  
No objection to this application.

4.2 Sustainable Transport

The planning application for advertisement consent seeks to display a number of new signs at Bradley Stoke Leisure Centre on Fiddlers Wood Lane in Bradley Stoke. The signs are not located immediately adjacent to the highway. As such, we do not believe that they will create any highways of transportation issues. Therefore, we have no comments about this application.

4.3 Planning Enforcement

No comments received.

**Other Representations**

4.4 Local Residents

No comments received regarding the proposal.

**5. ANALYSIS OF PROPOSAL**

5.1 The application seeks advertisement consent for the display of 3no. internally illuminated fascia signs, and 3no. internally illuminated totem signs at Bradley Stoke Leisure Centre.

5.2 Principle of Development

Within the National Planning Policy Framework (2012) it is stated that poorly placed adverts can have a negative effect on the appearance of the built and natural environment. Furthermore the National Planning Policy Framework also states that advertisements should only be controlled in the interests of amenity and public safety, the cumulative impact of signs should also be taken account of. Using policy CS1 of the Core Strategy the design and design quality is assessed with regards to visual amenity. Public safety will be assessed using saved policy T12 of the Local Plan to ensure the proposed advertisements are not detrimental to highway safety or create a traffic hazard.

5.3 Visual Amenity

The application site is located in a mixed use area of Bradley Stoke. There are a number of other signs within the area for other retail and commercial units. The application seeks advertisement consent for the display of 3no. internally illuminated fascia signs and 3no. internally illuminated totem signs.

5.4 The three fascia signs will be visible from the highway and are referred to within the application as signs one, three and four.

- Sign one will be located on the front elevation and read 'Active Lifestyle Centre' the sign will have a height of 3.5metres and length of 7.2 metres. It will be internally illuminated with LED lighting.
- Sign three will be a smaller version of sign one and located on the front elevation above the entrance doors. The sign will be 0.8 metres high and 2.3 metres long.
- Sign four will be located on the western elevation and will be visible from Bradley Stoke Way. There will be two signs which advertise activities associated with the leisure centre. The signs will be internally illuminated and have heights of 2.6 metres and widths of 3.9 metres.

- 5.5 There are also three totem signs proposed these will be located outside the front entrance to the leisure centre. These will measure 2 metres high by 0.8 metres and they will be internally illuminated.
- 5.6 The signs proposed are considered to be easily read and of a simple design, as such they are not considered to be visually jarring. The proposed signs are not considered to be out of proportion with the surrounding area.
- 5.7 Cumulatively the signs proposed are not considered to be excessive. The signs are considered to be respectful to the host site and the surrounding area. As such, it is judged that the proposed signage does not have a materially harmful impact on the visual amenity of the site.
- 5.8 Public Safety  
The Council's transport team have been consulted for this proposal but do not believe that the proposed signs will create any material highways or transportation issues. As such the proposed signage is not considered to result in a traffic hazard nor have an adverse impact on public safety.

## **6. CONCLUSION**

- 6.1 The recommendation to **grant** permission has been taken having regard to the requirements of the NPPF, as set out above, and to all the relevant material considerations set out in the report.

## **7. RECOMMENDATION**

- 7.1 That the advertisement consent is **GRANTED**.

**Contact Officer:** Fiona Martin  
**Tel. No.** 01454 865119