



**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. 11/16**

**Date to Members: 17/03/16**

**Member's Deadline: 23/03/2016 (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:

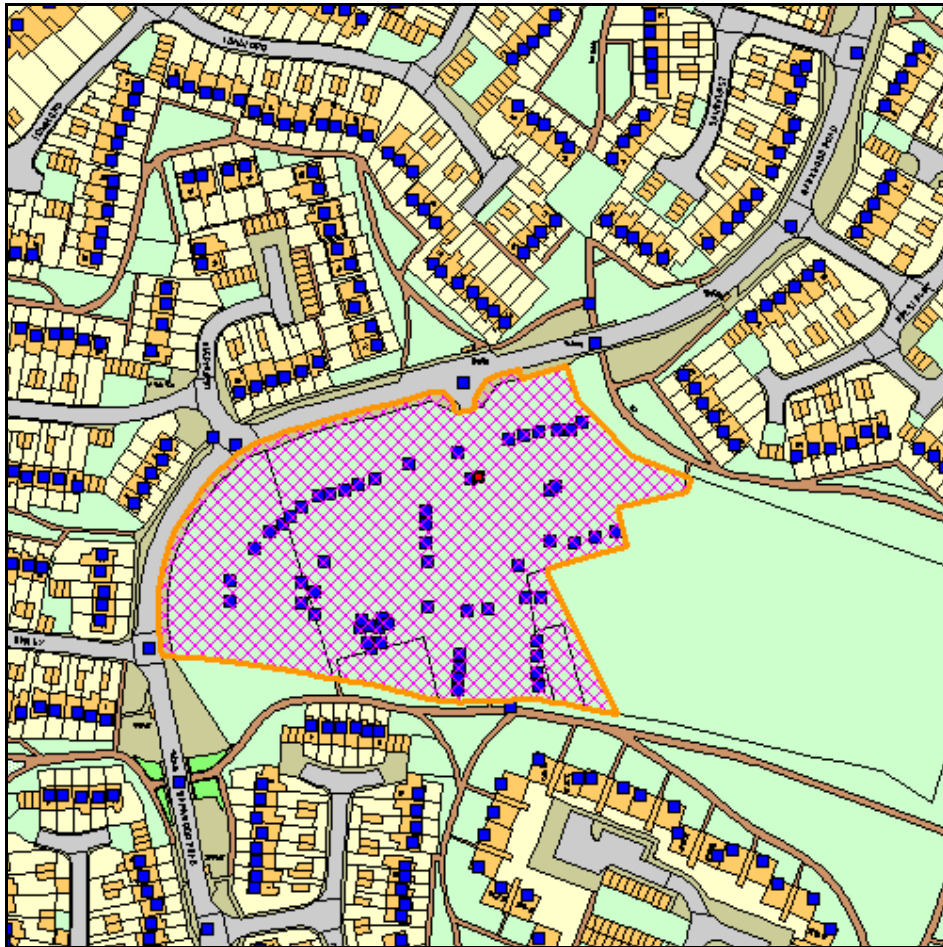
- Before referring an application always speak to the case officer or Area Planning Manager first to see if your concerns can be addressed without the application being referred.
- If you are considering referring in an application outside the ward you represent, as a courtesy, speak to the ward member(s)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

**Dates and Deadlines for Circulated Schedule**  
**During Easter Bank Holiday 2016**

Schedule Number	Date to Members 9am on	Members Deadline
11/16	Thursday 17 March 2016	Wednesday 23 March 2016 5pm
12/16	Thursday 24 March 2016	Friday 01 April 2016 4.30pm

# CIRCULATED SCHEDULE 17 March 2016

ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
1	PK15/3445/RV	Approve with Conditions	Former Rodford Primary School Barnwood Road Yate South Gloucestershire BS37 4JY	Dodington	Yate Town
2	PK15/3797/F	Approve with Conditions	24 Cleeve Lawns Downend South Gloucestershire	Downend	Downend And Bromley Heath Parish Council
3	PK15/3810/LB	Approve with Conditions	Inglestone Farm Chase Lane Inglestone Common Badminton South Gloucestershire GL9 1BX	Cotswold Edge	Hawkesbury Parish Council
4	PK15/5345/F	Approve with Conditions	Unit 3 Crown Industrial Estate Crown Road Warmley South Gloucestershire BS30 8JJ	Siston	Siston Parish Council
5	PK16/0254/F	Approve with Conditions	77 Hill Street Kingswood South Gloucestershire BS15 4HA	Kings Chase	None
6	PK16/0255/F	Refusal	Cotswell House Dyrham Road Dyrham South Gloucestershire SN14 8HE	Boyd Valley	Dyrham And Hinton Parish Council
7	PK16/0539/CLE	Approve	Spring Hill Farm Dyrham Road Dyrham Chippenham South Gloucestershire SN14 8HA	Boyd Valley	Dyrham And Hinton Parish Council
8	PK16/0588/F	Approve with Conditions	44 Barry Road Oldland Common South Gloucestershire BS30 6QY	Bitton	Bitton Parish Council
9	PT15/5516/R3F	Deemed Consent	Bradley Stoke Leisure Centre 1 Fiddlers Wood Lane Bradley Stoke South Gloucestershire BS32 9BS	Bradley Stoke Central And Stoke Lodge	Bradley Stoke Town Council
10	PT16/0144/F	Approve with Conditions	Crantock Filton Lane Stoke Gifford South Gloucestershire BS34 8QN	Frenchay And Stoke Park	Stoke Gifford Parish Council
11	PT16/0311/F	Approve with Conditions	10 Kenmore Crescent Filton South Gloucestershire BS7	Filton	Filton Town Council
12	PT16/0424/CLP	Approve with Conditions	11 Rathbone Close Coalpit Heath South Gloucestershire BS36 2TW	Westerleigh	Westerleigh Parish Council
13	PT16/0711/F	Approve with Conditions	4 Lavender Way Bradley Stoke South Gloucestershire BS32 0LW	Bradley Stoke South	Bradley Stoke Town Council

**CIRCULATED SCHEDULE NO. 11/16 – 17 MARCH 2016****App No.:** PK15/3445/RVC**Applicant:** Mr Barri Evans**Site:** Former Rodford Primary School  
Barnwood Road Yate South  
Gloucestershire BS37 4JY**Date Reg:** 20th August 2015**Proposal:** Variation of condition no. 15 for  
planning permission PK14/0120/F to  
shorten the footway in accordance with  
drawing no. 1330/PL01/AA**Parish:** Yate Town Council**Map Ref:** 370511 181486**Ward:** Dodington**Application** Major**Target** 16th November**Category:****Date:** 2015

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PK15/3445/RVC

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

This application has been referred to the Circulated Schedule due to the receipt of objections which is contrary to officers' recommendation.

### **1. THE PROPOSAL**

- 1.1 This application seeks full planning application to amend condition 15 to allow the footpath to be shortened along Barnwood Road. Planning permission PK14/0120/F was granted for a 57 dwelling residential development at the former Rodford Primary School Yate. Condition 15 states:

*Prior to the first occupation of any dwelling site, a 2m wide footway on Barnwood Road along the site frontage (as shown in principle on Plan no. 1330/PL01 Rev M) shall be constructed to the Council's adoptable highway standards and the land dedicated for use as a footway for highway purposes. Thereafter the development shall be retained as such.*

*Reason*

*To safeguard public highway safety to accordance with Policy T12 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013).*

- 1.2 The site lies to the east of Barnwood Road, Yate and surrounded by two-storey residential properties and an open public space to the east. The site extends to approximately 1.5 hectares with a vehicular access points off Barnwood Road. There are protected trees within the site and along the site boundary and protected hedgerow along the boundary. The majority of the approved dwellings have now been constructed.
- 1.3 The footway in question runs along the north western edge of the site. It would be reduced by approximately 80 metres. It's purpose originally was to improve general connectivity from the site. There is an existing footway on the opposite side of the road which will remain the case.

### **2. POLICY CONTEXT**

#### **2.1 National Guidance**

##### **National Planning Policy Framework March 2012**

Policy 1	Building a strong, competitive economy
Policy 6	Delivering a wide choice of high quality homes
Policy 7	Requiring good design
Policy 8	Promoting Healthy Communities
Policy 11	Conserving and Enhancing the Natural Environment

#### **2.2 Development Plans**

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

CS1	High Quality Design
CS2	Green Infrastructure
CS3	Renewable and low carbon energy generation
CS4A	Principle of Sustainable Development
CS5	Location of Development
CS6	Infrastructure and Developer Contributions
CS8	Improving Accessibility
CS9	Managing the Environment & Heritage
CS16	Housing Density
CS17	Housing Diversity
CS18	Affordable Housing
CS23	Community Buildings and Cultural Activity
CS24	Open Space Standards
CS30	Yate and Chipping Sodbury

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

L1	Landscape Protection and Enhancement
L9	Species Protection
EP2	Flood Risk and Development
EP6	Contaminated Land
T7	Cycle Parking
T12	Transportation Development Control Policy
LC1	Provision for Built Sport, Leisure and Community Facilities (Site Allocations and Developer Contributions)
LC2	Provision for Education Facilities (Site Allocations and Developer Contributions)

2.5 Supplementary Planning Guidance

South Gloucestershire Design Checklist 2007  
Affordable Housing SPD May 2014  
Residential Parking Standards Adopted December 2013  
The Street Lighting Policy 2008  
The Street Lighting Developer's Specification  
Trees on Development Sites Adopted November 2005

**3. RELEVANT PLANNING HISTORY**

- 3.1 P98/2514 New admin teaching block. Demolition of swimming pool and formation of car park. Approved 30.11.1998
- 3.2 PK99/0213/R3F Retention of temporary footpath and part of contractors compound as overflow car parking surface. Deemed Consent. 11.01.2000
- 3.3 PK06/2761/R3F Erection of 2.4m high 'Paladin' green polyester coated galvanised wire mesh security fence around boundary of whole of school. Withdrawn 14.11.2006
- 3.4 Pk07/0849/R3F Erection of 2.4m high 'Paladin' black polyester coated galvanised wire mesh security fence around boundary of main school buildings. Deemed Consent 26.06.2007

- 3.5 PK12/038/SCR Erection of 63no. dwellings (Outline) with parking and associated works. All matters reserved. Screening Opinion for PK12/3163/O. EIA is not required 02.10.2012
- 3.6 PK12/3163/R3O Erection of 63no. dwellings (Outline) with parking and associated works. All matters reserved. Withdrawn 28.02.2013
- 3,7 PK14/0120/F Erection of 57no. dwellings with associated works. Approved 19.12.2014

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

- 4.1 Yate Town Council  
No objection.

4.2 Internal and External Consultees

Lead Local Flood Authority: No objection

Arboricultural Officer: No trees affected, no objection.

Councillor Willmore  
(Yate Town Council):

The footpath was due to extend to a point on Barnwood Road had reasonable visibility, but if someone wanted to stay on that point of the road the grassed open space is wide enough to be able to find a safe and non muddy path. By stopping it earlier it will end at a point on the bend where visibility for crossing the road will be poor, and the verge will be too narrow to be sure of a safe an non muddy progress - so the path needs to extend to a safe point where the wide area of open space will commence - as in the original plan.

Sustainable Transport:

Highway Officer raised no objection to the latest proposal to shorten the footpath..

4.3 Other Representations

Local Residents

One letter of objection has been received and residents raised the following concerns:

The plans approved in main application noted that the creation of access from south side of development was not required. Children already use this area as a gathering point and anti-social behaviour is experienced by residents.



## 5. ANALYSIS OF PROPOSAL

### 5.1 Principle of Development

In assessing this application it is necessary to assess whether the conditions affected by this variation of condition application satisfy the requirements of planning conditions as set out in the NPPF. The NPPF requires all planning conditions to pass three tests – that conditions should be

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

5.2 Being mindful of the reasons for attaching the conditions in the first place, when assessing this application your officer will consider the impact of the proposed changes on visual amenity, highway safety, residential amenity and the historic environment. Finally your officer will consider what conditions attached to application PK14/0120/F need to be carried forward and if any further conditions need to be attached to any new consent.

### 5.3 Analysis of the proposal

Policies T7 of the South Gloucestershire Local Plan (Adopted) January 2006 and Residential Parking Standards (Adopted December 2013) consider standards for both cycle and car parking respectively. Policy T12 indicates that new development will be permitted provided that the new development makes adequate, safe and appropriate provision for the transportation demands that it will create with the paramount aim of preserving highway safety and minimising the impact of motorised traffic.

Policy CS1 of adopted Core Strategy also requires that development enables people to gain access safely and conveniently having regard to the needs of all road users with reference to pedestrians, cyclists, children, the disabled and older people.

Policy CS9 and saved Policy L1 seeks to conserve and enhance the character, quality, distinctiveness and amenity of the landscape.

The site is situated within a predominantly residential area of Yate and the existing trees are protected by the Tree Preservation Order. The residential development is accessed by one vehicular access off Barnwood Road and would provide off street parking as part of the development.

There are a wide range of facilities (including local schools, Abbotswood District Centre, doctor surgery, etc.) within a short walking distance of the site. Barnwood Road is on a bus route with a bus stop directly outside the site entrance. In view of this therefore, the site location is considered sustainable and easily accessibility by alternative mode of travelling other than private vehicles.

Planning permission was granted for an erection of 57 no residential units on site with a condition (condition 15) to ensure that the footpath along Barnwood Road to be constructed and the primary purpose of the footpath was to create a pedestrian link between the existing residential area and the development site.

During the construction of the development, it came to light that there is a technical difficulty in constructing footpath to the required highway adoptable standard without compromising the health of the existing mature trees. The amount of digging that would be required would be harmful to their roots. In this instance, your case officer has to balance between the need for the footpath and the long term health of the trees. Officers are mindful that the site layout of this residential development has been carefully designed in order to protect the existing trees along the site boundary (including Barnwood Road) and other protected trees within the site. These trees make significant positive contribution in the amenity of the locality, therefore any unnecessary further damage to these trees or any future loss of these trees would be contrary to the design principles of this particular site.

Officers acknowledge that the approved footpath would still provide a footway along the main road, notwithstanding there would be suitable tactile paving crossings on either side of the main entrance linking the site to the wider footway network. Furthermore, there is a bend along the Barnwood Road and any crossing points along this bend would not be encouraged due to the highway safety reasons. Taking the above into consideration, officers, on balance, consider that protecting the existing trees, which make significant contribution in the amenity of the area, would clearly outweigh the benefits of providing a footpath and crossings along this part of Barnwood Road.

5.4 On-site open space

There are several areas of Informal Recreational Open Space proposed around the perimeter of the site and one fairly centrally located area. Due to the proposed change, a revised on-site open space plan is amended accordingly. Officers have no objection to the proposed amendment.

5.5 Other conditions

As the development has been implemented and the relevant details and plans have been submitted to discharge other conditions of this planning permission, therefore the original conditions have been amended accordingly.

**6. CONCLUSION**

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

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

## **7. RECOMMENDATION**

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

**Contact Officer:** Olivia Tresise  
**Tel. No.** 01454 863761

### **CONDITIONS**

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

#### Reason

To ensure the satisfactory external appearance of the development in the interests of visual amenity and to protect the residential amenity of the neighbouring occupiers] and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013).

2. Development shall be carried out in accordance with the approved details relating to the roofing and external facing materials shown on the approved drawing No. 1330/HF01 Revision V, House Finishes Layout with extended hedges, and thereafter retained as such.

#### 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).

3. All landscaping works shall be carried out in accordance with the approved details and implementation schedule to accord with Landscaping plan, Drawing No. 393 Revision M, Landscape and Ecology Management Plan Reference EDP2481\_02f dated November 2015, off-site Planting Plan dated 19 January 2016, Bellway Homes' letter dated 7 and 9 December 2015 regarding the time schedule for the implementation of the proposed replacement hedges and the provision of ecology and landscape features, including the depth of the replacement pond, External Work Layout with Extended hedge, Drawing No. 1330/EW/01 Revision Y and Engineering Layout, Drawing No. 3734-110 Revision AQ, unless a prior written approval has been given to variations by the Local Planning Authority.

#### Reason

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

4. The off-site planting scheme shall be carried out to accord with the approved detailed plan dated 19 January 2016 unless a prior written agreement has been given to variations by the Local Planning Authority.

Reason

To mitigate the loss of the existing established trees and to protect the character and appearance of the area to accord with Policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013) and Policy L1 of the South Gloucestershire Local Plan (Adopted) January 2006.

5. All ecological and landscaping works shall be carried out in accordance with the approved plan and details of Landscaping Plan, Drawing No. 393 Revision M, Landscape and Ecology Management Plan Reference EDP2481\_02f dated November 2015, Bellway Homes' letters dated 7 and 9 December 2015 regarding the time schedule for the implementation of the proposed replacement hedges and the provision of ecology and landscape features, including the depth of the replacement pond, unless a prior written approval has been given to variations by the Local Planning Authority.

Reason

To ensure the works are carried out in an appropriate manner and in the interests of the wildlife and their habitats, and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013).

6. Development will proceed in accordance with the agreed Method Statement for the protection of reptiles detailed in the Landscape and Ecology Management Plan Reference EDP2481\_02f dated November 2015, Bellway Homes' letters dated 7 and 9 December 2015 regarding the time schedule for the implementation of the proposed replacement hedges and the provision of ecology and landscape features, including the depth of the replacement pond, unless a prior written approval has been given to variations by the Local Planning Authority.

Reason

To ensure the works are carried out in an appropriate manner and in the interests of the wildlife and their habitats, and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013).

7. Development shall be carried out in accordance with the approved lighting scheme, Drawing No. SLD190001D received on 16 October 2015 and the Landscape and Ecology Management Plan Reference EDP2481\_02f dated November 2015, unless a prior written approval has been given to variations by the Local Planning Authority, and such approved scheme shall be retained as such thereafter.

Reason

To ensure the works are carried out in an appropriate manner and in the interests of the wildlife and their habitats, and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013).

8. Any vegetation clearance will only take place outside the bird breeding season, i.e. from September to February inclusive. Should it be necessary to remove vegetation

during March to August, the site will be checked first for nests by a qualified and experienced ecologist and their advice followed.

Reason

To ensure the works are carried out in an appropriate manner and in the interests of the wildlife and their habitats, and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013).

9. The surface water drainage scheme shall be implemented in accordance with the approved details shown on Engineering Layout, Drawing No. 3734-110 Revision AQ, unless a prior written approval has been given to variations by the Local Planning Authority. The approved scheme shall be carried out before the development is completed and shall be retained and maintained as such thereafter.

Reason

To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of the surface water drainage system.

10. The hours of working on site during the period of construction shall be restricted to 08.00am to 18.00pm Mondays to Fridays, and 08.00am to 13.00pm 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 residential amenity of the neighbouring occupiers and to accord with National Planning Policy Framework March 2012 and Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013.

11. The off-street parking facilities for all vehicles, including cycles shown on the plan hereby approved shall be provided before the building is first occupied, and thereafter retained for that purpose and thereafter retained as such.

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 T12 of the South Gloucestershire Local Plan (Adopted) January 2006 and the Council Residential Parking Standards Adopted December 2013.

12. The approved protective measures for bat shall be carried out in accordance with the approved details in the Landscape and Ecology Management Plan Reference EDP2481\_02f dated November 2015 and thereafter retained as such.

Reason

To protect the wildlife habitat to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013).

13. The approved details of bin storage shown on Drawing No. 1330/BE01 Rev A and No. 1330/BE02 received on 10 August 2015 shall be carried out prior to the first occupation of the proposed development and thereafter shall be retained as such.

Reason

To protect the residential amenity of the future occupiers to accord with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013).

14. Prior to the first occupation of any dwelling site, the footway on Barnwood Road along the site frontage (as shown in principle on Plan no. 1330/PL01 Rev AA) shall be constructed to the Council's adoptable highway standards and the land dedicated for use as a footway for highway purposes. Thereafter the development shall be retained as such.

Reason

To safeguard public highway safety to accordance with Policy T12 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013).

15. Prior to the first occupation of the dwellings, the continued footway to the front of plot 38-41 and its connection to the new footway as shown outside plot no. 42 (as shown in principal on Plan no. 1330/PL01 Rev AA) shall be carried out in accordance with the agreed details and thereafter retained as such.

Reason

To safeguard public highway safety to accordance with Policy T12 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013).

16. All new roads and footways within the development site shall be constructed in accordance with the Council's adoptable standards.

Reason

To safeguard public highway safety to accordance with Policy T12 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013).

17. All off-street car parking shall be provided for each dwelling prior to its first occupation in accordance with the approved plans and shall be retained as such thereafter.

Reason

To safeguard public highway safety to accordance with Policy T12 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013).

18. The approved 'Construction Management Plan' shall proceed in accordance with the agreed details shown on plan no. 1330/CMP01 and the Construction Method Statement dated 16 March 2015. For the avoidance of doubt the 'Plan' have included details of the site compound, contractor's parking on site during the construction period and measures have to be taken to ensure that the existing highway is kept clear of any mud or debris.

Reason

To safeguard public highway safety to accordance with Policy T12 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013).

19. The work relating to the construction of the 1.8 metres high wall which dissects the Root Protection Areas of T5 and T6 shall be carried out in accordance with the approved plan EDP 1: Tree Protection Plan, dated 16 September 2015 Drawing No. EDP2481/02d.

Reason

To protect the long term of the existing trees in accordance with Policy L1 of the South Gloucestershire Local Plan (Adopted) January 2006

20. The works relating to the detailed specifications for access facilitation pruning shall be carried out in accordance with the approved plan EDP 1: Tree Protection Plan, dated 16 September 2015 Drawing No. EDP2481/02d.

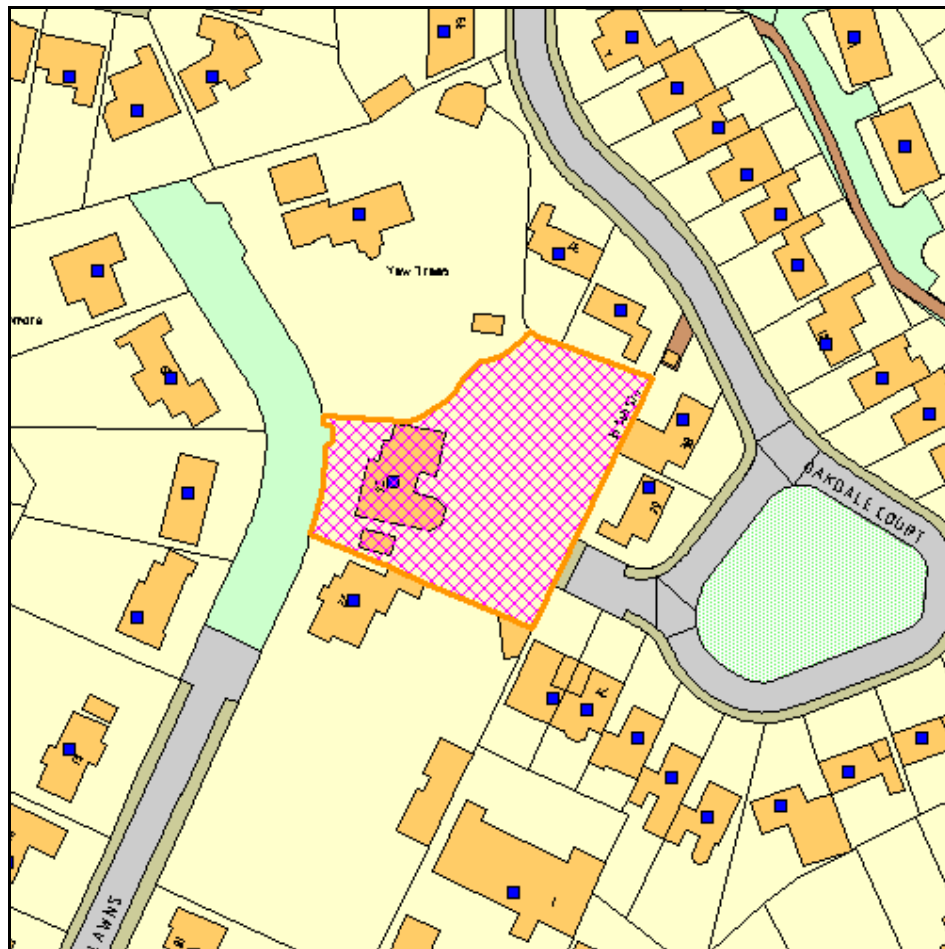
Reason

To protect the character and appearance of the area and to safeguard the residential amenity of the residents to accord with Policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013) and Policy L1 of the South Gloucestershire Local Plan (Adopted) January 2006.

21. All works relating to the tree root protection area shall be carried out in accordance the approved plan EDP 1: Tree Protection Plan, dated 16 September 2015 Drawing No. EDP2481/02d.

Reason

To protect the long term of the existing trees in accordance with Policy L1 of the South Gloucestershire Local Plan (Adopted) January 2006.

**CIRCULATED SCHEDULE NO. 11/16 – 17 MARCH 2016****App No.:** PK15/3797/F**Applicant:** Mr Martin Cox**Site:** 24 Cleeve Lawns Downend Bristol  
South Gloucestershire BS16 6HJ**Date Reg:** 9th September  
2015**Proposal:** Erection of 1no. detached dwelling with  
access and associated works.**Parish:** Downend And  
Bromley Heath  
Parish Council**Map Ref:** 364974 177335**Ward:** Downend**Application** Minor**Target** 3rd November**Category:****Date:** 2015

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PK15/3797/F



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

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

### **1. THE PROPOSAL**

- 1.1 The application is for the erection of 1no. detached dwelling with access and associated works.
- 1.2 The application site consists of an area of curtilage to the rear and side of no. 24 Cleeve Lawns, a large detached property, which is locally listed. The proposed dwelling would be located within the side/rear curtilage of the host property and accessed to the side, with a single storey lean to extension demolished to facilitate the access. The site is located within the residential area of Downend. Cleeve Lawns itself is a cul de sac which contains relatively large detached properties, including no. 24 of which the curtilage extends to the rear (east) and to the north-east, where the proposed dwelling is located. A boundary wall, which is listed, extends along the eastern (rear) boundary of the site, beyond which, on are more modern, volume built dwellings, circa 1970's. The boundary wall is associated with the former Cleeve Hill House, which has since been demolished. There is also a 'Kent' seat within the curtilage of no. 24 which is also Grade 2 listed in its own right.

### **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

T12 Transportation Development Control Policy for New Development  
H4 Residential Development within Existing Residential Curtilages  
L10 Historic Gardens  
L13 Listed Buildings

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

CS1 High Quality Design  
CS8 Improving Accessibility  
CS9 Managing the Environment and Heritage  
CS16 Housing Density  
CS17 Housing Diversity

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

South Gloucestershire Design Checklist SPD (Adopted) 2007  
South Gloucestershire Council - Residential Parking Standards

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

- 3.1 PK01/2860/O – Erection of one dwelling (outline). Refused 16<sup>th</sup> November 2001.

Reason for Refusal:

*'The site constitutes a previously developed site as defined in Planning Policy Guidance Note 3 - Housing. Its development with a single dwelling would undermine the objectives of Government Policy, the Joint Replacement Structure Plan and the South Gloucestershire Local Plan (deposit draft) in minimising 'greenfield' landtake through maximising the re-use of previously developed land and buildings through achieving the most efficient use of land. As such the proposal does not achieve the maximum density compatible with the site's location and would therefore be contrary to PPG3, policy 35 of the Joint Replacement Structure Plan as intended to be adopted and policy H2 of the South Gloucestershire Local Plan (deposit draft).'*

- 3.2 PK02/0501/O – Erection of one dwelling (outline). Refused 19<sup>th</sup> March 2002.

Reasons for Refusal:

*'1. The proposed layout is poorly integrated with the surrounding built form in such a way that the occupation of the dwelling to the rear would have a detrimental effect on the residential amenities of the occupiers of the existing house by virtue of noise and disturbance created, contrary to Policy KLP67 of the adopted Kingswood Local Plan and Policy D1 of the South Gloucestershire Local Plan (Deposit Draft).*

*2. The position of the proposed dwelling does not form part of the streetscape, nor does it contribute to the street scene. The siting of the proposed dwelling would therefore have a detrimental effect on the character of the area, contrary to Policy KLP67 of the adopted Kingswood Local Plan and Policy D1 of the South Gloucestershire Local Plan (Deposit Draft).*

*3. The proposal would have a detrimental impact on the historic garden of Cleeve House by virtue of its siting within a garden on the Avon Gardens Register, contrary to Policy L11 of the South Gloucestershire Local Plan (Deposit Draft).*

*4. The proposal, by virtue of its siting, would have a detrimental impact on the setting of three listed buildings, namely the garden walls within the site, the orangery and the garden seat, contrary to Policy KLP52 of the adopted Kingswood Local Plan and Policy L14 of the South Gloucestershire Local Plan (Deposit Draft).'*

- 3.3 PK02/0845/F – Erection of two storey side extension to provide double garage with en-suite bedroom and dressing room above. Erection of two storey side extension to provide utility with bedroom above. Refused 9<sup>TH</sup> May 2002.
- 3.4 PK02/0850/F – Erection of two storey side extension to provide double garage and utility with en-suite bedroom and dressing room above. Refused 9<sup>th</sup> May 2002.

- 3.5 PK02/1795/F – Erection of two storey side extension to provide double garage and utility with en-suite bedroom and dressing room above. Approved 12<sup>th</sup> August 2002.

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

4.1 Downend and Bromley Heath Parish Council

No objections

4.2 Other Consultees

Conservation Officer

The application proposes the demolition of a modern single storey lean-to side extension to form a vehicular access to the rear of No 24, and the sub-division of the rear garden to form a plot for the erection of a substantial detached dwelling with associated free-standing garage set at the rear of the site against the proposed new boundary hedge and the grade II listed heated garden wall associated with the former Cleeve Hill House. Immediately adjacent to the proposed new boundary is the listed Kent Seat attributed to Thomas Wright and apparently designed for the gardens of the demolished Cleeve Hill House which now lies within the rear garden of No 24 Cleeve Lawns, one of a number of mid-20th century houses laid out within the former grounds of Cleeve Hill House following its demolition.

Initial consideration of the proposals raised the following main issues:

- The setting for both the Listed garden wall and Listed Kent Seat have changed substantially following the construction of the housing estate.
- The current plots are spacious and allow some of the significance of the garden wall to remain as well as the relationship between the wall and the seat
- The scale of the new house is substantial and clearly visible as the backdrop to the seat
- The seat will no longer be able to be appreciated within its currently open setting
- This will give rise to what is considered substantial harm to the current setting of the seat and diminish its significance as a designated heritage asset
- The harm to the setting of the wall is considerable although less than substantial
- The loss of the lean-to extension is not a matter of concern

Upon further consideration of the perceived levels of harm and their categorisation, in context with the existing site and surroundings, further views were sought from the Council's Conservation Officer:

- It is acknowledged that the context of the Seat has substantially changed
- It is unclear from records whether the seat itself has in fact been moved in the past
- Modern housing development now has a strong presence in the setting of the seat and wall
- The seat today has a distinctly urban setting in stark contrast to the former landscaped garden in which it was originally designed

- 'Substantial harm would normally relate to the total loss of significance or demolition of a structure
- Whilst development would be brought nearer to the seat the level of harm can be considered as less than substantial given the context above.
- There would however still be harm as the proposals could not be construed as preserving the setting of the Listed Building
- The design of the dwelling itself and its style and detailing are considered to be acceptable for the location
- Boundary treatments between the two properties may need to be revisited
- Balance would therefore need to be struck between the less than substantial harm caused to the setting and any benefits of approving the scheme

#### Tree Officer

##### Assessment of Proposals:

In principle the proposal appears to be possible however we require some further information in order to fully assess the application.

There is a Tree report submitted with the application but it is a survey of the site and does not include a Tree protection plan with retention and removal plan showing the proposed development to scale. The plan should also show the proposed area for storage of materials on site. Also required will be an Arboricultural Method Statement for all works proposed within the Root Protection areas of the existing trees including the demolition of the existing garage.

Further to this the existing cobbled driveway was installed, it appears, without ground protection being installed and is laid within the R.P.A of existing trees. It is uncertain what damage this may or may not have caused at this time. The current usage of the driveway is for domestic vehicles and pedestrians only. Should the application gain consent then this will require the demolition of the garage and vehicular access on site for construction traffic and materials. The domestic driveway will not be adequate to offer protection to the existing trees from compaction from this heavier traffic therefore ground protection will be necessary within the RPA's of the existing trees.

There are 2x grade 'b' trees and 1no. grade 'A' trees with RPA's conflicting with the site. These trees have had Tree preservation orders placed on them. They are Copper beech & Cherry growing within 26 Cleeve Lawns and Yew tree growing in the rear of 24 Cleeve Lawns.

##### Conclusions and Recommendations

The following information will be required:

Tree protection plan with retention and removal plan showing the proposed development to scale. The plan should also show the proposed area for storage of materials on site.

An Arboricultural Method Statement for all works proposed within the Root Protection areas of the existing trees including the demolition of the existing garage.

##### Lead Local Flood Authority

No objection

### Sustainable Transport

Transportation Development Control do not object to this application subject to a planning condition to provide and maintain minimum of two parking spaces for each the existing and the new house on site.

Note: any new garage to be constructed here must have minimum internal dimensions of 3m wide and 6m long.

### Highways Structures

No comment

### Archaeology

The site lies within the former formal grounds of the demolished Cleeve Hill House and the listed walls and Kent Seat and farm buildings are part of the evidence of the former gardens and estate buildings. The construction of the Cleeve Lawns estate and the subsequent gardening within the grounds of the houses within the estate mean that it is unlikely that archaeological remains associated with the gardens themselves survive.

No archaeological objections to the proposals.

## **Other Representations**

### 4.3 Local Residents

2 letters have been received the first raising objections as follows:

*'I wish to object to the proposed development at 24 Cleeve Lawns. This was first proposed in 2002 and at that time it was refused. I see no reason to change the decision now.'*

*It will create a dwelling which is not in keeping with Cleeve Lawns, which is an area of substantial houses on good sized plots of land giving it a quiet, peaceful aspect in the middle of busy Downend.*

*I feel that it is back land development and fear that it could set a precedent for the future, thereby spoiling the ambience of the road which is the very reason people choose to live here.*

*The proposed property would have no frontage on the road, therefore any vehicles such as visitors/deliveries/tradesmen would have to park in front of other peoples' properties.'*

The second raising the following observations:

*'Comments on the historical and landscape position of the unique and important site within the Downend and South Gloucestershire area in general:*

*The Gardens of Cleeve Hill House, demolished in the early 1930's were designed and laid out by Thomas Wright (1711 – 1786) known as the 'Wizard of Dyrham' for the then owner Cleev Hill, Charles Bragg. In his design he shows a garden seat or summer house which was designed by William Kent and is now thankfully Listed. Part of the design of the North Lawn, in which 24 Cleeve Lawns now sits, is in the Victoria and Albert Museum, London.*

*In looking at the proposal for this new house, which comes very close to the Kent Seat, the large English Yew Tree, Taxus Baccata, has no protection, and this would be an opportunity for a Tree Preservation Order to be made, for if this tree was allowed to fall into decline the whole future of the Kent Seat would be threatened. This seat is unique and I think I am correct in saying the only example of its kind remaining in the United Kingdom. Should this tree be felt worthy of a protection order, I would hope the Copper Beech, Fagus Sylvatica Purpurea could also be considered as it provides a benefit to the landscape environment of this section of Cleeve Lawns, which is lacking in good strong tree cover, most of the trees in this area are Chamaecyparis Lawsoniana which add little to the street scene.*

*I note in the proposals that a close board fence or a wall are proposed as a divide between the new property and 24 Cleeve Lawn, with a Beech hedge beyond to divide the gardens up to the existing random rubble heated pennant stone wall surrounding most of the garden of the Old Cleeve House, which again is Listed. In an endeavour to keep the significance of the walls within this landscape could the divide between the new and existing property be a wall as suggested in the proposal, and be constructed of pennant either wholly or faced, thus retaining the feel of the Thomas Wright landscape.*

*This new development provides as interesting opportunity to endeavour to see if any of the original garden features of the 1740's design remain, I refer to garden paths, and a water feature which is shown on the North Lawn plan as a pond or the like. I would ask the Planning Committee in determining this proposal to seek an archaeological survey of the area with some test pits which may throw up some information on what was in the area of the North Lawn, of Cleeve Hill House.*

*My interest in this garden and Cleeve Hill House stem from my involvement in local history having been a chairman of the Downend Local History Society for some 40 years, and having known the garden of 24 Cleeve Lawns for over 20 years or more.'*

## **5. ANALYSIS OF PROPOSAL**

### **5.1 Principle of Development**

Whilst the planning history for the site, referred to in the relevant sections above is relevant, and should be noted, fresh consideration should be afforded to any new proposals, taking into account any policy changes, circumstances and differences in proposals that may be apparent. In this respect any considerations are discussed in the relevant sections below.

- 5.2 The NPPF emphasis is on sustainable growth, including boosting housing supply and building including through windfall development, except where the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policy framework. Para 14 of the NPPF indicates a presumption in favour of sustainable development if the benefits unless adverse impacts of doing so would significantly and demonstrably outweigh the benefits or specific policies in the framework indicate development should be restricted. Policy H4 of the South Gloucestershire Local

Plan establish that new residential development on sites within the urban area and the curtilage of dwellings are acceptable in principle, subject to the proposal satisfying other material considerations, such as density, design, residential amenity, and highway safety. Policies CS16 and CS17 of the Core Strategy seek to achieve an efficient use of land, maximise housing supplied at locations where there is good pedestrian access to frequent public transport services, and provide a mix of housing types. Given the historic context of the site, highlighted in the relevant sections above, it will also be necessary to pay special regard to any issues Listed features and historic interest. In this respect Policies L13 and CS9 seeks to ensure that heritage assets and their settings are conserved, preserved, respected and enhanced in a manner appropriate to their significance.

### 5.3 Historic Context/Listed Features

The application site relates to a relatively underused section of a larger garden associated with 24 Cleeve Lawns. It is clearly and directly linked with the remainder of the property as existing private curtilage, and is not widely visible from any public areas or part of the wider streetscene. The area as a whole appears to have formed part of the wider Cleeve Hill House and associated gardens, however the estate house associated with this has long since been demolished and the area divided and developed into various individual plots and dwellinghouses. In this respect further development should similarly be considered on its own merits in accordance with prevalent planning policy. Whilst the wall that once bounded the estate, located to the rear of the application property is listed, this has not thwarted other development that now surrounds this, and this includes the properties along Cleeve Lawns, circa 1920's and the more modern volume built dwellings, off Oakdale Court circa 1970's, which share a curtilage boundary to the wall on the other (eastern) side, in even closer proximity to the wall. Whilst therefore the wall is Listed and should therefore be afforded protection, this does not preclude any development in its vicinity. The harm caused to the setting of the wall is considered less than substantial. The wall will remain in situ, will continue to be utilised as a curtilage boundary at the end of the new dwellings garden and would still be nearer to other dwellings. Para 134 of the NPPF states that 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. The proposals would add a specific property type to the housing market in an area where such opportunities for additional dwellings such as this are rare. The proposals would utilise an area of curtilage not required for the purposes of the existing dwelling, thus maximise the use of land. On balance in this instance therefore, and taking account of the particular and specific circumstances and context surround the site it is considered that the case for the proposed dwelling at this location is acceptable in respect of the wall. It is not considered that there would be significant or demonstrable harm to suggest that planning permission should not be granted.

- 5.4 In respect of the Kent seat identified, this is a largely wooden structure that appears moveable. Firstly it is not considered that the current location can therefore be guaranteed to be the original location, with certainty, and secondly a new building in its own right could not automatically be construed as

negatively impacting upon its setting to a point whereby it was unacceptable, without looking at the merits and context of the site and proposals. The residential nature of the locality, with separate dwellings and sub divided private rear curtilages must be acknowledged, and given appropriate weight in consideration of remaining historic assets. The setting currently is the curtilage of no. 24, one of many individual private curtilages in the immediate vicinity, subdivided long ago. The setting at present is nothing special and consists in part of a backdrop of unspectacular lawn area containing a washing line and garden shed, closed board fencing with concrete poles, large leylandii and modern volume built red brick dwellings. Sympathetic proposals may be able to add to this local setting to some extent.

- 5.5 Notwithstanding the context of the site, highlighted above, any proposals will nevertheless impact upon the Listed structure. The Officers concur with the revised findings in that the level of harm is considered less than substantial. Again this engages Para 134 of the NPPF. The seat would remain in situ. The proposals would add a specific property type to the housing market in an area where such opportunities for additional dwellings such as this are rare. The proposals would utilise an area of curtilage not required for the purposes of the existing dwelling, thus maximise the use of land. On balance in this instance therefore, and taking account of the particular and specific circumstances and context surrounding the site it is considered that the case for the proposed dwelling at this location is acceptable in respect of the Kent Seat. It is not considered that there would be significant or demonstrable harm to suggest that planning permission should not be granted.
- 5.6 Previous refusal reasons, cited above, appear to relate also to an 'Orangery' this is a structure in an adjacent curtilage, approximately 40 metres to the north and beyond the fencing and tree borders. There have been more recent developments in closer proximity. It is not considered that this can be construed as being materially affected by the proposals given the circumstances of the site and surroundings.
- 5.7 Design  
There are a number of different styles of properties in the immediate vicinity including a number of different sizes and shapes along Cleeve Lawn and more modern volume built properties to the rear. The dwelling is of an acceptable size in comparison to the existing properties in the area and the surroundings. The proposed dwelling is of an appropriate standard of design and is not out of keeping with the character of the area and surrounding properties. The existing dwelling is white/cream render with some brickwork and plain tiles. Materials proposed consist of semi hand made brick and grey plain tiles, however a condition would be recommended to provide samples of external materials prior to development. On this basis the proposals would be considered to adequately integrate within the context of site and surroundings. It is not considered that the streetscene or the area as a whole would be unduly impacted given the site, location and the set back from the main road. The density of development at the site in this location is governed by the size, shape and location of the plot and the proposals are considered acceptable in this respect. Sufficient and ample amenity space would be provided for both dwellings. A condition would



be required on any consent to approve boundary and subdivision treatments.

5.8 Local Amenity

The nearest dwellings to the proposal would be the host dwelling itself and thereafter two properties located on Oakdale Court to the rear, where the properties currently slightly overlook the existing rear curtilage of no. 24. These would be protected by robust boundary treatment in terms of protecting privacy of any private rear curtilages. The building to building distance would be approximately 12 metres with the neighbouring property to the north. Given the design, layout and proposed windows it is not considered that any material overbearing or loss of privacy would occur to this orientation. To the east the building to building distance would be approximately 20 metres, beyond the existing listed wall which stands approximately 5 metres high and offers substantial screening protection between properties. First floor rear windows above this would be approximately 20 metres apart and it is not considered in this respect that significant overlooking or intervisibility would accrue given the distances, tree cover and boundaries. It is considered that the host property and the proposed dwelling can co-exist satisfactorily with adequate amenity space allocated to each, and sufficient boundary treatment, and it is not considered that a domestic access adjacent to part of the side wall of the house would be cause undue or unacceptable amenity impact. It is not considered therefore that the proposals would give rise to an unreasonable or material overlooking impact. On this basis it is not considered that the dwelling would give rise to any significant or material amenity impact such as to warrant a refusal of the application.

- 5.9 Given the overall scale and design of the extension and its relationship with the host dwelling and surrounding properties it is considered that the proposal would be acceptable in terms of residential amenity. Limits on construction hours are recommended.

5.10 Transportation

The proposal is not considered to give rise to any highway concerns and sufficient scope exists within the site to provide adequate parking for both properties. There are no transportation objections to the proposed development, conditions are however recommended to secure and retain adequate off-street parking provision.

5.11 Trees

There are a number of trees within the vicinity of the proposal, including two subject to Tree Preservation Orders (one in the rear curtilage of no. 24 and on within the rear curtilage of no. 26 Cleeve Lawns. These will need to be protected and it is considered that this can be achieved within the context and layout of the scheme. Conditions are recommended for an arboricultural assessment of the surrounding trees and subsequent tree protection measures during construction.

5.12 Drainage

There is no objection in principle to the proposals in drainage terms,

## **6. CONCLUSION**

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 The proposed residential development would be situated within a residential area and within the curtilage of an existing dwelling and in this respect is considered acceptable in principle, in accordance with the provisions of Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006. The proposals are considered to be acceptable in terms of layout, form, scale, height and massing, in accordance with the principles of Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006. It is considered that the proposal would not result in material amenity impacts upon surrounding properties by virtue of overbearing impact, loss of privacy and inter visibility, the design is acceptable and adequate parking provision can be provided, in accordance with Policies T12 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006 and Policies CS1, CS16 and CS17 of the South Gloucestershire Local Plan Core Strategy Adopted December 2013. On balance in this instance, and taking account the particular and specific circumstances and context surrounding the site it is considered that the proposed dwelling can be considered acceptable in respect of the heritage assets within the vicinity. It is not considered that there would be significant or demonstrable harm to suggest that planning permission should not be granted contrary to Policies L13 or CS9, and taking into account the relevant provisions of the NPPF.
- 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, the South Gloucestershire Local Plan Core Strategy Adopted December 2013, and to all the relevant material considerations set out in the report.

## **7. RECOMMENDATION**

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

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

Reason

To ensure a satisfactory standard of external appearance and to accord with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; and the National Planning Policy Framework. This is a pre-commencement condition to ensure that the details are considered and integrated within the development at an early stage.

3. Prior to the commencement of development detailed plans showing the provision of a minimum of two off-street parking spaces for both properties, in accordance with the standards set out in the Residential Parking Standards SPD (Adopted) December 2013 shall be submitted to the Local Planning Authority for approval. Thereafter, the development shall proceed in accordance with the agreed scheme, with the parking facilities provided prior to the first occupation of the building; and thereafter retained for that purpose.

Reason

To ensure the satisfactory provision of parking facilities and in the interest of highway safety and the amenity of the area, and to accord with Policy CS8 of the South Gloucestershire Local Plan; Core Strategy (Adopted) December 2013; and the South Gloucestershire Residential Parking Standards SPD (Adopted) December 2013. This is a pre-commencement condition to ensure that the details are considered and integrated within the development at an early stage.

4. Prior to the commencement of development a plan indicating the positions, design, materials and type of boundary treatment(s) to be erected shall be submitted to the Local Planning Authority for approval. The boundary treatment shall be completed before the building is occupied. Development shall be carried out in accordance with the approved details.

Reason

To protect the character, amenity and appearance of the area to accord with Policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework. This is a pre-commencement condition to ensure that the details are considered and integrated within the development at an early stage.

5. Prior to the commencement of the development hereby approved an Arboricultural Method Statement for all works proposed within the Root Protection areas of the existing trees including the demolition of the existing garage shall be submitted for written approval of the Local Planning Authority. The scheme shall thereafter be implemented in accordance with the details approved.

Reason

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

is a pre-commencement condition to ensure that the trees are adequately considered as an integral part of the site at an early stage of development.

6. Prior to the commencement of development hereby permitted a tree protection plan, with retention and removal plan, showing the proposed development to scale and also showing the proposed area for storage of materials on site shall be submitted to the Local Planning Authority for written approval. The scheme shall thereafter be implemented in accordance with the approved details.

Reason

To protect the character and appearance of the area and the health of the trees and to accord with Policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework. This is a pre-commencement condition to ensure that the trees are adequately considered as an integral part of the site at an early stage of development.

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

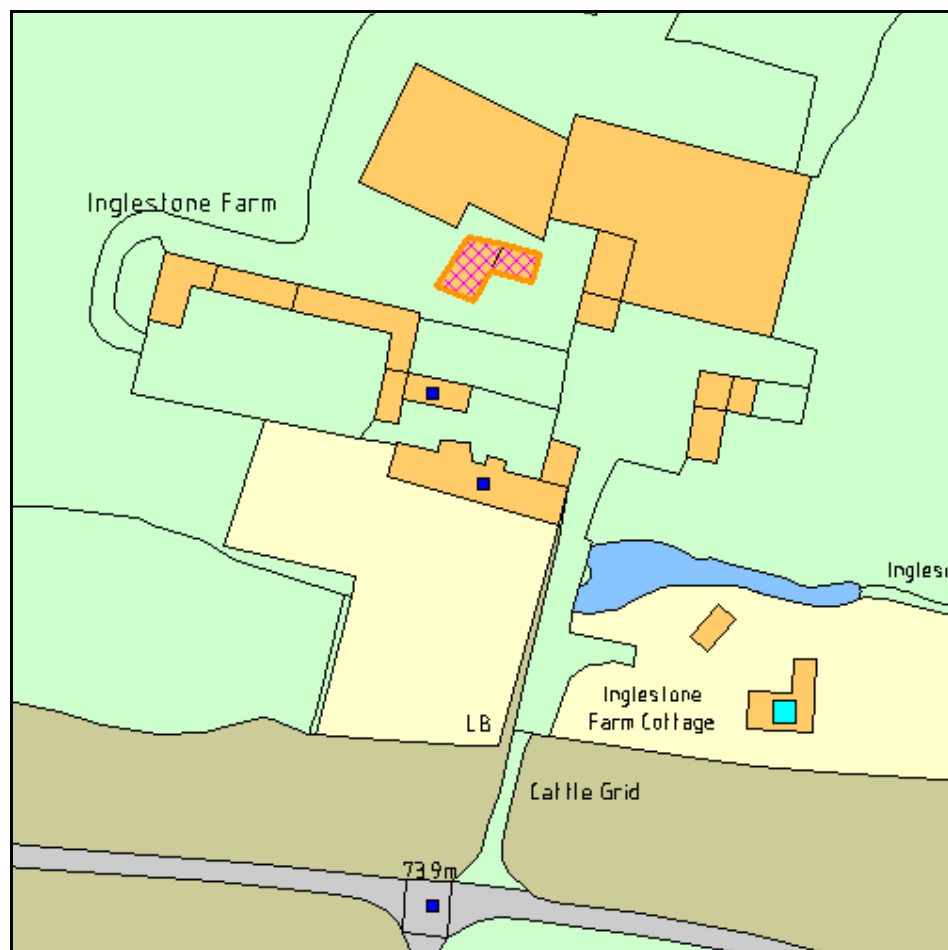
Reason

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

**CIRCULATED SCHEDULE NO. 11/16 – 17 MARCH 2016**

<b>App No.:</b>	PK15/3810/LB	<b>Applicant:</b>	Mr And Mrs S Hutchunson
<b>Site:</b>	Inglestone Farm Chase Lane Inglestone Common Badminton South Gloucestershire GL9 1BX	<b>Date Reg:</b>	4th September 2015
<b>Proposal:</b>	Conversion and restoration of existing outbuilding to provide family recreational use ancillary to main dwelling.	<b>Parish:</b>	Hawkesbury Parish Council
<b>Map Ref:</b>	374940 188626	<b>Ward:</b>	Cotswold Edge
<b>Application Category:</b>	Minor	<b>Target Date:</b>	29th October 2015

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N.T.S.

PK15/3810/LB

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

This application appears on the Circulated Schedule due to objection comments received from SPAB (Society for the Protection of Ancient Buildings).

### **1. THE PROPOSAL**

- 1.1 The application seeks listed building consent for the conversion and restoration of an existing outbuilding to provide family recreational use ancillary to the main building.
- 1.2 The application relates to a curtilage listed building situated within the curtilage of Grade II listed Inglestone Farm, Inglestone Common, outside any defined settlement boundary.
- 1.3 During the course of the application revised plans were requested and received and considered acceptable.
- 1.4 This application is to be read in conjunction with a full planning application PK15/3809/F.

### **2. POLICY CONTEXT**

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

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

The site has been subject of extensive planning applications and only the most recent are listed below with the rest being able to view on the Council's website

- |     |              |  |
|-----|--------------|--|
| 3.1 | PK15/3809/F  | Conversion and restoration of existing outbuilding to provide family recreational use ancillary to main dwelling   |
|     | Pending      |  |
| 3.2 | PK14/1132/F  | Installation of flue.  |
|     | Approved     | 20.5.14  |
| 3.3 | PK14/1156/LB | Replace rear window with double doors and  |
|     |              | Install woodburner with flue   |
|     | Approved     | 15.5.14  |
| 3.4 | PK12/0392/LB | Application to retain the works carried out for internal and external alterations including replacement of rendering with timber boarding, replacement windows. installation of double leaf doors to south elevation and installation of en-suite. (Resubmission of withdrawn PK11/3173/LB). |
|     | Approved     | 12.3.12  |

- |     |              |   |
|-----|--------------|---|
| 3.5 | PK11/2945/F  | Change of use of the main barn to mixed agricultural/equestrian use and retention of three caravans for seasonal occupancy by 5 agricultural/equestrian workers (sui generis) (Retrospective) |
|     | Approved     | 3.1.12  |
| 3.6 | PK10/1277/F  | Erection of single storey rear extension to form entrance lobby.  |
|     | Approved     | 2.7.10  |
| 3.7 | PK10/1278/LB | Internal and external alterations to facilitate new entrance lobby and rear canopy.   |
|     | Approved     | 2.7.10  |
| 3.8 | PK07/0745/LB | Replacement and refurbishment of 31 no. windows to front rear and side elevations. Replacement of existing double roman roofing tiles to front elevation.                                     |
|     | Approved     | 2.7.07  |
| 3.9 | PK06/0966/LB | Conversion of outbuilding to form holiday letting accommodation. (Renewal of Planning Permission PK00/2021/LB dated 6th April 2001).  |
|     | Approved     | 10.5.06   |

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

4.1 Hawkesbury Parish Council  
No objection

4.2 Other Consultees

Listed Building Officer  
Objection: extent of demolition unclear

*Updated comments*

Revised plans and further details have clarified the proposal and the extent of the proposed works. No objection subject to conditions

Society for the Protection of Ancient Buildings  
Objection due to demolition

The proposal initially seemed straightforward – conversion of the barn into a family recreation area – however on closer inspection the documents highlight several areas of concern and raises questions about the intention of the proposal. The extent of demolition is very unclear and the documents imply that areas of demolition will be far more substantial (possibly the whole barn) than is indicated at first glance. The fear is that substantial portions of this building will be unnecessarily and unjustifiably demolished and that a poor replica will be built instead.

*No response to updated survey, plans and statement.*

## **Other Representations**

### **4.3 Local Residents**

None received

## **5. ANALYSIS OF PROPOSAL**

### **5.1 Principle of Development**

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

### **5.2 Assessment**

The application relates to an existing outbuilding associated with the grade II listed farmhouse. The building is a redundant detached farm building, 'L' shaped with external walls of natural stone under a pantile roof. The accompanying structural appraisal states the main part of the barn has a pitched roof hipped at the rear where the lower roofed original stable building runs at right angles. This area has been previously truncated and a blockwork gable added. This proposal is to convert the building into habitable accommodation by providing a new cavity wall at the stable area gable, refurbishing the main walls, doors and windows and providing an insulated roof and ground floor.

5.3 Revisions made during the course of the application have helped to address issues raised. Although the structural report has been provided by a civil rather than a structural engineer, it is considered to be convincing and in this way it is considered to overcome many of the initial consultee concerns. Having said this Officers feel that there remain some issues regarding the replacement of the piers between the glazed screens and suggest these be retained and repaired. This can be secured by condition. Similarly, the position of the new replacement doors and windows to be set behind the external face of the corresponding wall will also be secured by condition. Notwithstanding the original comments from SPAB, (no updated comments have been received to date), revised plans with confirmatory details of the extent of the work are considered to show a sensitive approach to repair to facilitate the re-use of this building and the proposal subject to conditions can be recommended for approval.

## **6. CONCLUSION**

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



## 7. **RECOMMENDATION**

- 7.1 That listed building consent is **GRANTED** subject to conditions attached to the decision notice.

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

### **CONDITIONS**

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

**Reason**

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

2. Notwithstanding the submitted drawings, the masonry piers (between the glazed screen etc), shall be retained and carefully repaired and the glazed screens set a minimum of 100mm behind the external face of the repaired piers.

**Reason**

To maintain and enhance the character and setting of the listed building, and to accord with Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990

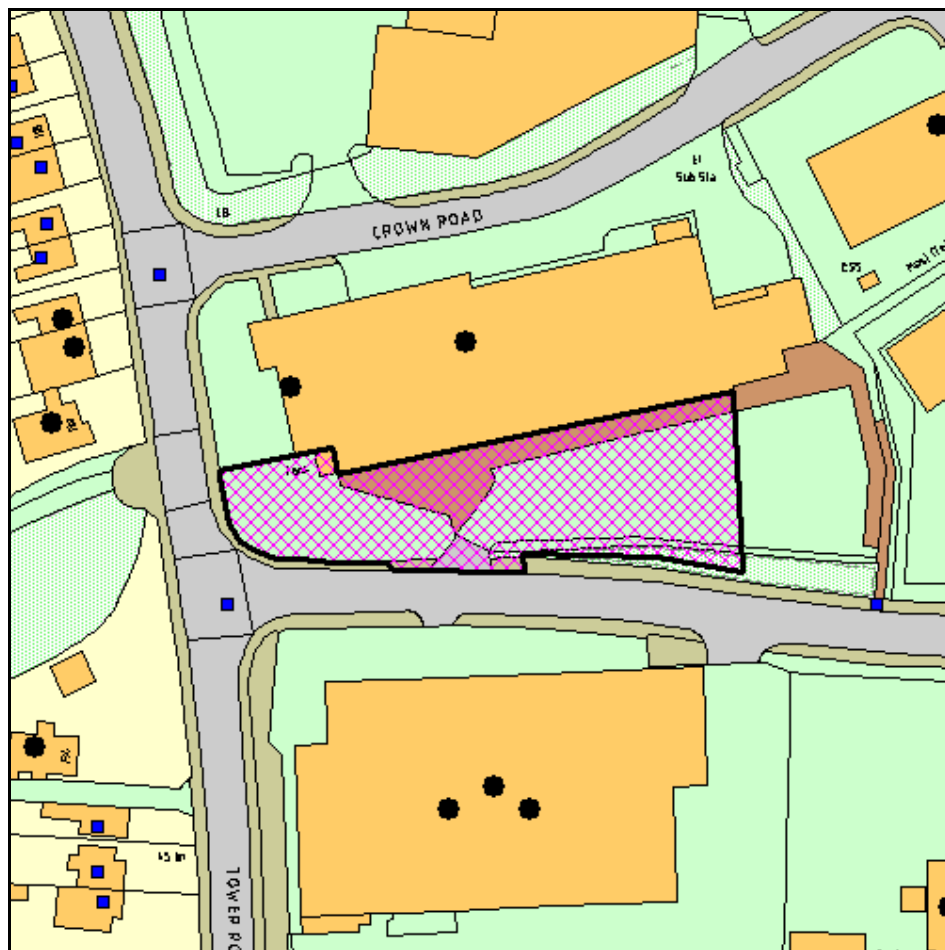
3. All new and replacement doors and windows shall be set a minimum of 100mm behind the external face of the wall in which they are located.

**Reason**

To maintain and enhance the character and setting of the listed building, and to accord with Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990

## CIRCULATED SCHEDULE NO. 11/16 – 17 MARCH 2016

<b>App No.:</b>	PK15/5345/F	<b>Applicant:</b>	Rawlings And Son (Bristol) Ltd
<b>Site:</b>	Unit 3 Crown Industrial Estate Crown Road Warmley Bristol South Gloucestershire BS30 8JJ	<b>Date Reg:</b>	4th January 2016
<b>Proposal:</b>	Erection of two storey office unit (Use Class B1) with alterations to existing access and associated parking and landscaping.	<b>Parish:</b>	Siston Parish Council
<b>Map Ref:</b>	367215 173199	<b>Ward:</b>	Siston
<b>Application Category:</b>	Minor	<b>Target Date:</b>	24th February 2016



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PK15/5345/F

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

This application has been submitted to the Council's circulated schedule procedure as comments received have been contrary to the Officer's recommendation. This application appeared on circulated schedule no.09/16 dated 04<sup>th</sup> March. It reappears on the circulated schedule in order to account for a revised recommendation, for the avoidance of doubt the recommendation continues to be one of approval, contrary to comments received in objection.

### **1. THE PROPOSAL**

- 1.1 This application seeks planning permission for the erection of a two storey office unit (Use Class B1) with alterations to the existing access, as well as associated parking and landscaping.
- 1.2 The application site is a corner plot within Crown Industrial Estate in Warmley. The existing site, known as Unit 3, is an industrial unit (Use Class B8), the unit is bounded by Crown Road to the north; Tower Road North to the west; and St. Ivel Way to the south and a neighbouring unit.
- 1.3 The site lies within the 'Existing Urban Area' as defined on the South Gloucestershire Local Plan Proposals Map. It is also located within the 'Tower Road, Warmley Safeguarded Employment Area' which is identified in Table 1 of Core Strategy Policy CS12. Warmley Conservation Area bounds the Employment Area to the west (for clarity the application site is not within the Conservation Area). A cycle and pedestrian path as identified on the Proposals Map runs from the site directly to the Bristol to Bath Cycle Path.
- 1.4 The applicant, Rawlings and Son (Bristol) Ltd, are an independent glass packing specialist who design, source and supply glass for all types of food and beverage. The glass packing specialists are relocating to Unit 3 (the application site) and are in need of a larger and higher quality office building to use in association with the main storage and distribution use at the site – Unit 3. The proposed office building is required to accommodate approximately 12 members of staff.
- 1.5 For clarity, although the office unit is likely to operate in an ancillary manner to the existing unit on the site, the applicant has requested that this proposal be assessed as if the unit is a self-contained unit – this is reflected in the submitted plans where the red line is around just the proposed unit, car parking and access.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
National Planning Policy Framework March 2012

- 2.2 Development Plans

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

CS4A Presumption in Favour of Sustainable Development  
 CS5 Location of Development  
 CS6 Infrastructure and Developer Contributions  
 CS8 Accessibility  
 CS9 Managing the Environment and Heritage  
 CS11 Distribution of Economic Development Land  
 CS12 Safeguarded Areas for Economic Development Land  
 CS29 Communities of the East Fringe of Bristol Urban Area

South Gloucestershire Local Plan Adopted January 2006 Saved Policies

L1 Landscape Protection and Enhancement  
 L12 Conservation Areas  
 L13 Listed Buildings  
 EP2 Flood Risk and Development  
 T7 Cycle Parking  
 T8 Parking Standards  
 T12 Transportation Development Control Policy for New Development  
 E1 Proposals for Employment Development and Mixed Use Schemes including Employment Development  
 E3 Criteria for Assessing Proposals for Employment Development within the Urban Area and Defined Settlement Boundaries and /or Permitted by Policies E4/E6/E7

2.3 Supplementary Planning Guidance

Trees on Development Sites SPG (Adopted) Nov. 2005

Warmley Conservation Area SPD

The South Gloucestershire Design Check List (SPD) Adopted Aug 2007

**3. RELEVANT PLANNING HISTORY**

- 3.1 PK14/0153/F Change of use of part of premises from (Class B8) to mixed use (Class A3) Café and Class (A1) Retail with ancillary bicycle repair workshop as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended).  
 Approved 21 March 2014
- 3.2 K1779/2 Construction of a loading bay.  
 Approved 21 Oct. 1985
- 3.3 K1779/1 Erection of first floor sales office extension.  
 Approved 21 Oct 1985
- 3.4 K1779 Extension of existing warehouse premises to provide additional office accommodation and toilet facilities.  
 Approved 31 May 1977

**4. CONSULTATION RESPONSES**

4.1 Siston Parish Council

No adverse comments provided sufficient off-street parking is provided. However, in earlier comments the Parish have expressed concerns with regard to an increased number of car parking spaces for staff members being required

– 12 car parking spaces. Members also requested that the building is finished in a soft grey colour or similar for external and opportunities for additional landscaping are taken.

4.2 Sustainable Transport

No objection subject to conditions regarding the proposed access; vehicular parking; and the implementation of the submitted Travel Plan. Further to this, the officer confirmed that there would be no objection to the new office unit being used in a self-contained manner.

4.3 Highway Structures

No objection subject to an informative regarding responsibility for maintenance.

4.4 Lead Local Flood Authority

No objection.

4.5 Tree Officer

No objection – subject to the development being carried out in accordance with the Arboricultural report and method statement; as well as the works being overseen by the project Arboriculturalist.

4.6 Listed Building and Conservation Officer

No objections. The current buildings on this site are not architecturally inspiring ones and I take the view that the current proposals will not cause additional harm to the setting of Warmley House or its associated listed buildings or to the setting of the Warmley Conservation Area.

4.7 Community Spaces

None received.

4.8 Landscape Officer

No objection provided conditions requesting information regarding the protection of trees and detailed planting and specification are attached to any planning permission.

4.9 Open Spaces Society

None received.

4.10 Public Rights of Way

No objection subject to a number of considerations.

4.11 Planning Enforcement

None received.

4.12 Police Community Safety

None received.

4.13 Wales and West Utilities

No objection or support comments made, the provider requested that if planning permission was granted that the applicant contacts them, and that the applicant must not build over any of their apparatus.

4.14 Economic Development

As the proposal would result in the net gain of 288 sq m of B1(a) floorspace, and the retention of a local business/employer, it is the view of the Strategic Economic Development Team at South Gloucestershire Council that we support this application.

4.15 Environmental Protection

No objection subject to a condition regarding potentially contaminated land.

**Other Representations**

4.16 Local Residents

None received.

**5. ANALYSIS OF PROPOSAL**

5.1 It is proposed to erect a detached two-storey office building (B1), of contemporary design located on the hard-standing area to the south west of the existing unit.

5.2 Principle of Development

Policy CS12 'Safeguarded Areas for Economic Development' of the South Gloucestershire Core Strategy (adopted December 2013) states designates Tower Road, Warmley a safeguarded site for economic development, the application site falls within Tower Road. Policy CS12 supports the retention of B Use Classes within safeguarded areas; as the proposed office building will support the existing B Use at the site, the proposal is considered to satisfy policy CS12.

5.3 Saved policy E3 of the South Gloucestershire Local Plan (adopted January 2006) is also material in that it sets a policy requirement for the employment uses within existing urban areas. This policy is largely supportive of the economic/employment uses within urban areas provided the development does not have unacceptable: environmental effects; traffic impacts; impact on residential amenity; and the character of the area.

5.4 The application site abuts the Warmley Conservation Area meaning officers will also consider the impact the proposed development will have on the character and setting of the Conservation Area, as required by policy CS9 of the Core Strategy and saved policy L12 of the Local Plan.

5.5 Overall the principal of development is acceptable subject to a number of requirements as set out above – such requirements will be assessed throughout the remaining report.

5.6 Conservation Area

The application site directly abuts the eastern boundary of the Warmley Conservation Area that terminates on the verge of Tower Road closest to the application site. In this way the proposal's impact on the setting of the Conservation Area must be assessed. Officers are aware that the proposal is within an industrial estate, and accordingly, the function of the

buildings within the industrial estate effectively informs its design and resultant architectural merit. With this in mind, Crown Industrial Estate is rather devoid of any buildings with aesthetically pleasing features or high quality design, from this starting point officers do not consider the proposed building to constitute any additional harm to the Conservation Area when considering the existing character of the industrial estate and the relatively poor design quality of the buildings that compose it. Especially as the proposal building is of a much higher design standard than the existing industrial estate.

5.7 Notwithstanding this, officers do recognise that the existing collection of trees and vegetation that are positioned on the western boundary of the site do form a welcome screening barrier that is a positive aspect of the street scene. With this in mind, officers will pursue the retention of this collection of trees – this will be expanded upon within the ‘Landscape and Arboricultural Considerations’ section.

5.8 Overall, officers are of the opinion that the proposal would not result in the material harm of the setting of the Warmely Conservation Area.

5.9 Design and Visual Amenity

The proposed office building is two storey in scale utilising a dual pitch roof and open gable-ends. Both the roof and the elevations will be finished in a fibre cement material which are both relatively identical in appearance; this makes for a blank and utilitarian building, however, the use of crisp fenestration compliments the rather understated elevations resulting a fairly interesting building when compared to its surroundings.

5.10 The building will be marginally higher than the existing unit on the site, however, this is not considered to represent problem due to the varying scales that are evident within the industrial estate.

5.11 In-keeping with the requirements of policy CS1, the development includes a number of mechanisms and products, such as solar panels, with the aim of achieving energy conservation.

5.12 Landscape and Arboricultural Considerations

The erection of a new office block to the south of the warehouse and relocated access will result in the removal of some mature shrub planting.

As previously stated it is important to retain a number of Beech trees which are positioned to the west of the proposed building as such trees perform a welcome screen and also contributed to the aesthetic of the street scene. There was some confusion over the retention of these trees due to conflicting stances within the submitted documents, after reviewing the documents and communicating with the agent, it was established that the submitted ‘Proposed Landscape Plan’ (dwg no. 216) provided the correct account with regard to soft landscaping. This plan shows the main cluster of Beech Trees being retained, as do the submitted arboricultural reports, this is a welcome approach and one which retains an adequate standard of landscaping on the western side of the site.

- 5.13 The site currently has quite substantial shrub/bush planting on the southern boundary of the site which is not well maintained. This will be removed should planning permission be granted. This strip of vegetation along St Ivel Way is one of the few areas of planting within the estate and helps to break up the built form and hard surfaces. Although low level replacement planting on both sides of the entrance way is proposed, there is a significant space for replacement planting which has not been taken advantage of. Accordingly, should planning permission be granted, it is recommended that a condition is imposed that requires the applicant to submit details of further planting along this southern section of the site.
- 5.14 Originally a large 2 metre high wall was proposed along the southern boundary of the site, this would have blocked views of the building and reduce opportunities for planting, the applicant was requested to reduce the height of the wall to give greater opportunity for planting and also to allow the building to have an improved relationship with St Ivel Way. The applicant obliged and now a wall is proposed along the southern elevation with a much more appropriate height that allows both the building and the planting to have a greater affirmation with St Ivel Way. To ensure the wall is constructed in accordance with the submitted boundary wall plan, a condition is suggested that requires the development to be undertaken in accordance with the submitted wall plan (dwg no. 215 A).
- 5.15 The Council's Arboricultural officer has commented on the application and has confirmed that the submitted tree protection measures are acceptable to ensure that the retained trees will not be harmed. Accordingly, should planning permission be granted, it is recommended that a condition is imposed requiring the development to be undertaken in accordance the submitted Arboricultural report and method statement.
- 5.16 Overall, subject to the aforementioned recommended conditions, the proposal will have an acceptable impact on the street scene in terms landscape; and also the existing vegetation and trees on the site.
- 5.17 Transport and Parking  
It is proposed to alter the vehicular access (off St Ivel way) by shifting it approximately 6m eastwards to accommodate the new building footprint. A row of new car parking will also be provided for the officer. The new entrance has been designed so that it maintains access to the parking and manoeuvring area for heavy goods vehicles associated with the B8 use of site parking in the eastern end of the service yard. The alteration to the existing access will involve new back of pavement retaining works, and alterations to the dropped kerb onto St Ivel Way. Plan submitted shows that visibility splays of 2.4 metres by 43 metres will be provided in both east and west directions which acceptable.
- 5.18 The Highway Authority has requested that the construction details of the new vehicular access, as well as details of any retaining structure required to support the back of the public footway that forms part of the highway is submitted for approval of the Local Planning Authority prior to the commencement of development. However, officers question the necessity and



relevance of this suggested condition. St Ivel Way is highway land and as such is subject to a number of restrictions and controls stipulated within the Highways Act 1980. Officers consider the requirements of this Act to be sufficient in ensuring that the highway is not unduly impacted in terms of highway safety – an informative note will be included with any planning permission granted to ensure that the applicant is aware of the Highways Act. Officers do however find it appropriate to recommend that the proposed access is constructed and completed in accordance with the submitted plan; and the existing access is effectively ‘blocked-up’ prior to the occupation of the office unit. This is to ensure an acceptable standard of highway safety is maintained.

- 5.19 Further to access for motor vehicles, the accessibility of the site by other modes of travelling such as walking and cycling is acceptable, officers are aware the application site is within a sustainable location with a bus stop and other services nearby, as well as this, the submitted ‘Travel Plan’ is considered to be acceptable. With this in mind, officer recommends that should planning permission be granted, a condition is imposed that require the development to be carried out in accordance with the submitted Travel Plan.
- 5.20 In terms of traffic impact, it is estimated that traffic associated with the new office to be about 7 two-way trips during morning peak times and 6 two-way trips during afternoon peak times. This level of traffic is considered to be small percentage of traffic on the highway network and as such will not affect highway safety. All other traffic associated with the existing site (including traffic by existing B8 use on site) would remain unchanged.
- 5.21 With regards to parking for existing B8 use, officers note that the level of traffic expected to result from this unit will not be materially different to the existing situation on site, and also adequate car parking for this unit is provide on the northern side of the B8 unit.
- 5.22 Officers note the Parish Council’s concerns with parking at the site; the plan submitted with this application shows a rank of 8 new car parking spaces (including a disabled space). This is considered to be acceptable in terms of the demand in car parking that will result from the construction of the office. Further to this, the number of car parking is in accordance with saved policy T8 – a maximum standard.
- 5.23 A cage store for 8 bicycles is positioned to the east of the new office unit, this is considered to be appropriate and in accordance with the minimum cycle parking standard – saved policy T7.
- 5.24 A new path will be created along the rear of the warehouses such that staffs do not have to cross the goods yard to reach their vehicles. Existing car parking to the northern elevation of the warehousing will continue to be utilised for the existing uses on the site. Accordingly, should planning permission be granted, a condition is recommended to ensure that the development is undertaken in accordance with the submitted cycle and car parking plan.
- 5.25 Overall, with regard to highway safety, the proposal is considered to be acceptable subject to the recommended conditions.

5.26 Public Rights of Way

There is public right of way that runs along the south eastern and southern boundary of the site. The Public Rights of Way Team have commented on this application stating that the proposed development is unlikely to affect the adjoining public right of way. However, the officer has requested that consideration is given to the entrance of the site to ensure that pedestrians and vehicles are aware of the potential heavy goods vehicles that may be crossing the public footpath. Officers do not consider it reasonable to require the applicant to provide signage alerting users of the highway to potential heavy goods vehicles using the access as this proposal is for an office use rather than a storage and distribution use, in this way the proposal will not materially increase the number of heavy goods vehicles using the existing access. Further to this, the Highway Authority has commented on this application and have found that the proposal is acceptable in highway safety terms.

5.27 The Public Rights of Way Team have also requested that officers consider the possibility of vegetation overhanging the public right of way; this is not considered a material planning consideration.

5.28 Further to this, the Public Rights of Way Officer also requested that the applicant is made aware of a number of generic public right of way limitations and requirements, such notes will be included as an informative note attached to any decision notice should planning permission be granted.

5.29 Environmental Protection

The historic use of the site as a depot and of adjacent land as a former landfill site may have caused contamination which could give rise to unacceptable risks to the proposed development. Accordingly, the Council's Environmental Protection Team have suggested a condition is imposed that requires the applicant to undertake a basic investigation prior to development commencing, such an investigation should form a report submitted to the Local Planning Authority for assessment, based on this report the Local Planning Authority shall then determine if further investigation or remediation works are required. With the proposed location of the development and the former land use of the site in mind, officers consider the suggested condition to be reasonable and required should planning permission be granted.

5.30 Self-contained Use

The applicant, Rawlings and Son (Bristol) Ltd, are relocating to Unit 3 (the application site) and are in need of a larger and higher quality office building to use in association with the main storage and distribution use at the site – Unit 3. Accordingly, the proposed office unit is likely to function in an ancillary manner to the main storage and distribution unit; this is reflected in the location of the proposed office unit, utilising the same access as the existing unit, and also the functioning of the unit, for example, the Design and Access Statement suggests that certain facilities will be shared between the proposed and existing unit, such as plant.

5.31 Notwithstanding the submitted Design and Access Statement, the applicant has indicated that they would like the proposal to be submitted and assessed as a self-contained office unit. As stated by the Highways Authority, the prospect of

the office being a self-contained unit does not cause any concern, the levels of parking is acceptable, as is the turning areas within the site. Further to this, the development would not result in unacceptable transport impacts. In this way, officers have no objection to the use of the office as a self-contained unit, separate to Unit 3. As elaborated on within the 'Transport and Parking' section, a condition is recommended to ensure adequate parking, manoeuvring areas and access is retained for both units in the future.

## **6. CONCLUSION**

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

## **7. RECOMMENDATION**

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

**Contact Officer: Matthew Bunt**  
**Tel. No. 01454 863131**

## **CONDITIONS**

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

Reason

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

2. Prior to the commencement of above ground level construction, details of the roofing and external facing materials (including fenestration) proposed to be used shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason

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

3. Prior to the commencement of development a scheme of landscaping, which shall include details of proposed planting; times of planting; soil preparation details;

boundary treatments and hard-surfacing; as well as a five year management plan shall be submitted to the Local Planning Authority for approval. Development shall be carried out in accordance with the agreed details.

Reason

To ensure a satisfactory standard of landscaping and the protection of the setting of the Warmley Conservation Area, and to accord with and Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; Policies L1 and L12 of the South Gloucestershire Local Plan (Adopted) 2006; and the National Planning Policy Framework. It is necessary for this condition to be prior to the commencement of development to ensure that the required landscaping can be provided within southern section of the site - this is due to the constrained nature of this section of the site.

4. Prior to the occupation of the hereby approved office unit, the boundary treatments shall be constructed in accordance with the approved 'Proposed Boundary Wall Elevations' Plan (dwg no. 215 A). The boundary treatments shall then be maintained and retained as such.

Reason

To ensure a satisfactory standard of landscaping and design and to accord with and Policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; Policies L1 of the South Gloucestershire Local Plan (Adopted) 2006; and the National Planning Policy Framework.

5. The development hereby approved shall be carried in strict accordance with the protection measures set out within the submitted revised Arboricultural Report (Silverback Arboricultural Consultancy Ltd March 2016).

Reason

To ensure the works are carried out in an appropriate manner and in the interests of the health and visual amenity of the tree, and to protect the character and appearance of the area to accord with Policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; Policies L1 and L12 of the South Gloucestershire Local Plan (Adopted) 2006; and the National Planning Policy Framework.

6. A) Previous historic uses(s) of the site may have given rise to contamination. Prior to commencement of any ground disturbance, an investigation (commensurate with the nature and scale of the proposed development) shall be carried out by a suitably qualified person into the previous uses and contaminants likely to affect the development. A report shall be submitted for the written approval of the Local Planning Authority prior to the commencement of development.  
B) Where potential contaminants are identified, prior to the commencement of development, an investigation shall be carried out by a suitably qualified person to ascertain the extent, nature and risks the contamination may pose to the development in terms of human health, ground water and plant growth. A report shall be submitted prior to commencement of the development for the written approval of the Local Planning Authority setting out the findings (presented in terms of a conceptual model) and identify what mitigation measures are proposed to address unacceptable risks.

Thereafter the development shall proceed in accordance with any agreed mitigation measures.

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

D) If unexpected contamination is found after the development is begun, development shall immediately cease upon the part of the site affected. The Local Planning Authority must be informed immediately in writing. A further investigation and risk assessment should be undertaken and where necessary an additional remediation scheme prepared. The findings and report should be submitted to and agreed in writing to the Local Planning Authority prior to works recommencing. Thereafter the works shall be implemented in accordance with any further mitigation measures so agreed.

Note: An appropriate investigation is likely to include the following:

i) A comprehensive desk study to identify all potential sources of contamination both arising on-site and migrating onto site from relevant adjacent sources.

ii) A comprehensive ground investigation including sampling, to quantify the extent and nature of contamination.

iii) An appropriate risk assessment to determine the scale and nature of the risks to human health, groundwater, ecosystems and buildings arising from the contamination. This will normally be presented in the form of a conceptual model.

iv) A report detailing the remediation options including the final proposals for mitigating any identified risks to the proposed development.

v) All works should be carried out with reference to the most relevant, appropriate and up to date guidance.

#### Reason

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

7. Prior to the occupation of the hereby approved office building, the following facilities shall be implemented, constructed and thereafter retained in strict accordance with submitted plan Proposed Site Plan (dwg no. 203 D):

Cycle storage and off-street car parking facilities for the approved office unit;  
Car and heavy goods vehicle parking and turning area to the south of Unit 3;  
The shared access for both Unit 3 and the hereby approved office building.

#### Reason

In the interests of highway safety and on-site safety; to ensure and to accord with saved Policy T7, T8 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006, and Policy CS8 of the South Gloucestershire Core Strategy (Adopted) December 2013.

8. The development should be implemented in accordance with the agreed Travel Plan prepared by Entran Ltd and received by the Council on the 15/12/2016.

Reason

In the interests of highway safety, and to accord with saved Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006, and Policy CS8 of the South Gloucestershire Core Strategy (Adopted) December 2013

9. The hereby approved office building shall not be occupied until the approved access arrangements are constructed and finished in accordance with the submitted plans: Proposed Site Plan (dwg no. 203 D) and the Proposed Boundary Wall Elevations (dwg no. 215 Rev A). For the avoidance of doubt this will mean that prior to the occupation of the office building, the existing vehicular access on site is no longer in use and is constructed as shown on the aforementioned plans.

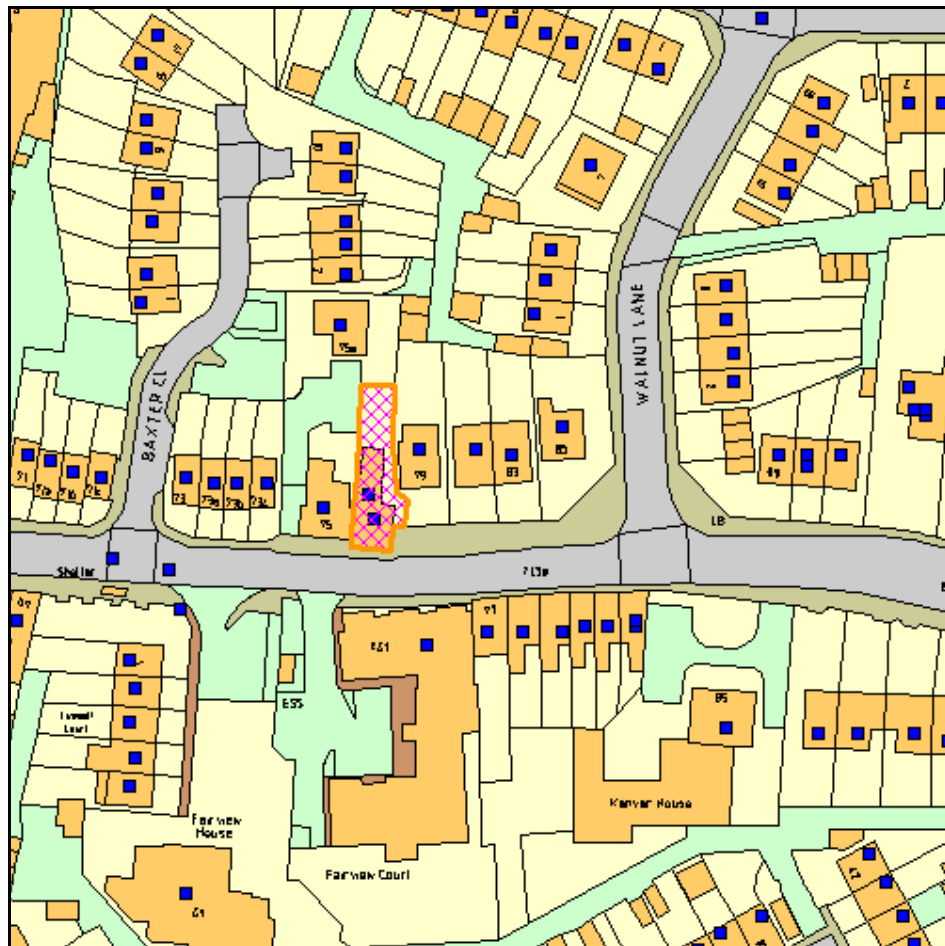
Reason

In the interests of highway safety, and to accord with saved Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006, and Policy CS8 of the South Gloucestershire Core Strategy (Adopted) December 2013.

10. The collection of trees at the western side of the application site shall be retained in accordance with the Proposed Landscape Plan (dwg no. 216).

Reason

To ensure the works are carried out in an appropriate manner and in the interests of the health and visual amenity of the tree, and to protect the character and appearance of the area to accord with Policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; Policies L1 and L12 of the South Gloucestershire Local Plan (Adopted) 2006; and the National Planning Policy Framework.

**CIRCULATED SCHEDULE NO. 11/16 – 17 MARCH 2016****App No.:** PK16/0254/F**Applicant:** Mr S Iqbal**Site:** 77 Hill Street Kingswood Bristol South  
Gloucestershire BS15 4HA**Date Reg:** 2nd February 2016**Proposal:** Change of use of ground floor from  
Retail (Class A1) to 1no. self contained  
flat (Class C3) as defined in Town and  
Country Planning (Use Classes) Order  
1987 (as amended) with associated  
works.**Parish:** None**Map Ref:** 365983 173695**Ward:** Kings Chase**Application** Minor**Target** 25th March 2016**Category:****Date:**

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PK16/0254/F

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

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

### **1. THE PROPOSAL**

- 1.1 The applicant seeks full planning permission for the change of use of the ground floor retail (Class A1) to 1 no. self-contained flat (Class C3) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended) with associated works..
- 1.2 The application site relates to a property located on the north side of Hill Street in Kingswood. It does not lie within a primary or secondary shopping frontage. The existing property consists of two floors. Although planning application PK070802/F granted the change of use to the ground floor into residential accommodation, this change was not implemented and the ground floor remained in A1 use while the first floor remained as residential. The site is within Flood Zone 1.
- 1.3 It is noted that under the recent permitted development regulations a change of use from retail to residential can be undertaken without the need for full planning permission but this subject to the development meeting the required criteria. In this case the proposal fails as it is development resulting in loss of retail space of over 150sq m and this full application is therefore required. In addition there is some uncertainty regarding when the premises was last used - the application form acknowledges that the premises is empty but the section asking when it was last used for retail purposes has been left blank. It is therefore appropriate for the proposal to be considered under a full application.
- 1.4 During the course of the application revised plans were requested to firstly revise the plans to correctly show the orientation of the building and secondly to confirm the blocking up of the ground floor window in the east elevation.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
National Planning Policy Framework March 2012  
Town and Country Planning (GPDO) (England) Order 2015  
National Planning Policy Guidance  
Technical housing standards – nationally described space standard (THS)  
March 2015
- 2.2 Development Plans  
  
South Gloucestershire Local Plan Core Strategy (Adopted December 2013)  
  
CS1            High Quality Design  
CS4a         Sustainable Development



CS5	Location of Development
CS8	Improving Accessibility
CS9	Environmental Resources and Built Heritage
CS15	Distribution of Housing
CS16	Housing Density
CS17	Housing Diversity
CS18	Affordable Housing
CS23	Community Infrastructure and Cultural Activity

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

H5	Residential Conversions
T7	Cycle Parking
T12	Transportation Development Control

Emerging PSP DPD Site and Places

PSP44	Private Amenity Space Standards
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- 2.3 Supplementary Planning Guidance  
 South Gloucestershire Design Checklist (Adopted 2007)  
 South Gloucestershire SPD: Residential Parking Standards (adopted) 2013

**3. RELEVANT PLANNING HISTORY**

- 3.1 PK07/0802/F Change of use of Off Licence (A1) to Flat (C3) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended). Installation of stair access and door on west elevation, alterations to roofline on west and east elevations with associated works.  
 Approved 27.7.07

**4. CONSULTATION RESPONSES**

- 4.1 Parish Council  
 The area is unparished.

- 4.2 Other Consultees

Archaeologist  
 No objection

Economic Development Officer  
 No objection: The proposed change of use from Class A1 Retail use to Class C3 dwelling would result in the potential loss of 75sq m of employment space in a highly sustainable location, in close proximity to the High Street. However we understand that the site is currently vacant, and has received similar planning permission in the past, and therefore we believe this proposed change of use is acceptable.

Sustainable Transport Officer  
 No objection

## **Other Representations**

### **4.3 Local Residents**

One letter has been received from a local resident expressing concerns regarding the ground floor window in the east elevation and requesting this be of obscure glazing and non-opening due to potential issues of overlooking and impact on privacy.

## **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. As mentioned above of particular relevance are the recent changes to permitted development regulations which allows changes of use from retail to dwellinghouses under Part 3 Class M of the Town and Country Planning (General Permitted Development) (England) Order 2015. Such conversions are therefore actively encouraged under government policy and so in any planning assessment substantial weight can be awarded in favour of this type of development.

5.2 The assessment would also include the impact the change of use would have on the character of the area, on the residential amenity of future occupants and existing neighbours, the impact of any changes to the overall appearance of the existing building, the impact on highway safety and parking and any adverse environmental effect.

5.3 A recent decision has determined that South Gloucestershire Council does not have a five year land supply. As such paragraph 49 of the NPPF is engaged and Policy CS5 is considered out of date. Paragraph 49 declares that housing applications should be considered in the context of the presumption in favour of sustainable development. Paragraph 14 of the NPPF goes on to state that proposals that accord with the development plan should be approved without delay, and where relevant policies are out-of-date planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF. The conversion of the underused existing retail unit into residential accommodation would add to the housing stock. This is given weight in the assessment of the proposal.

5.4 When considering the scheme as a whole, it is considered that the proposal accords with the principle of development and this is discussed in more detail below under the relevant headings:

### **5.5 Design and Appearance**

The site relates to a two-storey property situated on Hill Street within the established settlement of Kingswood. The area is characterised by a variety of properties including flats. The application site itself is a much older property which has undergone many changes over its lifetime. It is semi-detached to 75a Hill Road, again an older property and one which is in residential use. Currently the property shows remnants of its past use in the form of large shop windows to the ground floor front elevation. As part of this application, these

would be changed to become more domestic in scale and to match those of the first floor above. The existing property is pebbledash rendered and the application form states that materials to match the existing property would be used in the proposed development. It is noted that the plans show the existing window to the west elevation, currently serving the lounge is to be blocked up. Works regarding all windows will be conditioned to ensure they attain a satisfactory appearance and have no adverse impact on amenity.

- 5.6 In terms of the design, scale, massing and materials the proposal is considered to accord with policy and can be recommended for approval.

5.7 Residential Amenity and Character of the Area

The application site sits within a residential area and as such would not be out of place. The main shopping area of Kingswood is located further to the east but in between the application site and these shops are other local shops including a small supermarket. Submitted plans indicate the existing garden/amenity space, although small would be shared between the first floor flat and this newly formed flat.

- 5.8 Objections have been received from the next door neighbour at No. 75a Hill Street. Concern has been raised regarding an existing ground floor window which is they state of obscure glazing and non-opening. This window currently provides light into the existing ground floor of the shop. As the original plans showed contradictory details with the elevation plans indicating the window would remain *in situ* while the block plans showed it to be blocked up, confirmation was requested. New plans were received which showed the window would be blocked. This is considered to address the concerns raised by the neighbours.

5.9 Transportation

Planning permission has previously been granted to convert the existing ground floor retail unit into residential accommodation (PK07/0802/F). This planning permission has now lapsed. This current submission again seeks to convert the ground floor to a two-bed self contained flat. No extension is proposed to the existing footprint of the building.

- 5.10 It is noted that the site does not have any vehicular access or parking and none is proposed or can be provided as part of this development. However, the site is on a bus route and on-street parking is available within the vicinity of the site. Two cycle parking spaces have been proposed in a lockable bike storage unit in the garden and their provision will be secured by a condition attached to the decision notice. In light of the above, there is no transportation objection to the proposed development.

5.11 Environmental pollution, noise and dust

The proposed conversion of the existing retail premises into residential living accommodation would not result in any adverse environmental impact, noise or dust sufficient to raise concern, particularly as other flats are already within the building and similar conversions are evident in the area.

## 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. Prior to the first occupation of the unit, the ground floor window in the west elevation as shown on approved plan R974/04 rev A Proposed East and West elevations shall be blocked up.

Reason

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

4. Prior to the first occupation of the unit, the existing large ground floor shop windows in the front elevation (south) shall be removed and replaced by windows to match those in the first floor front elevation in terms of scale and size and detailing as shown on approved plan R974/03 Rev A Proposed ground floor plan and proposed south and north elevations.

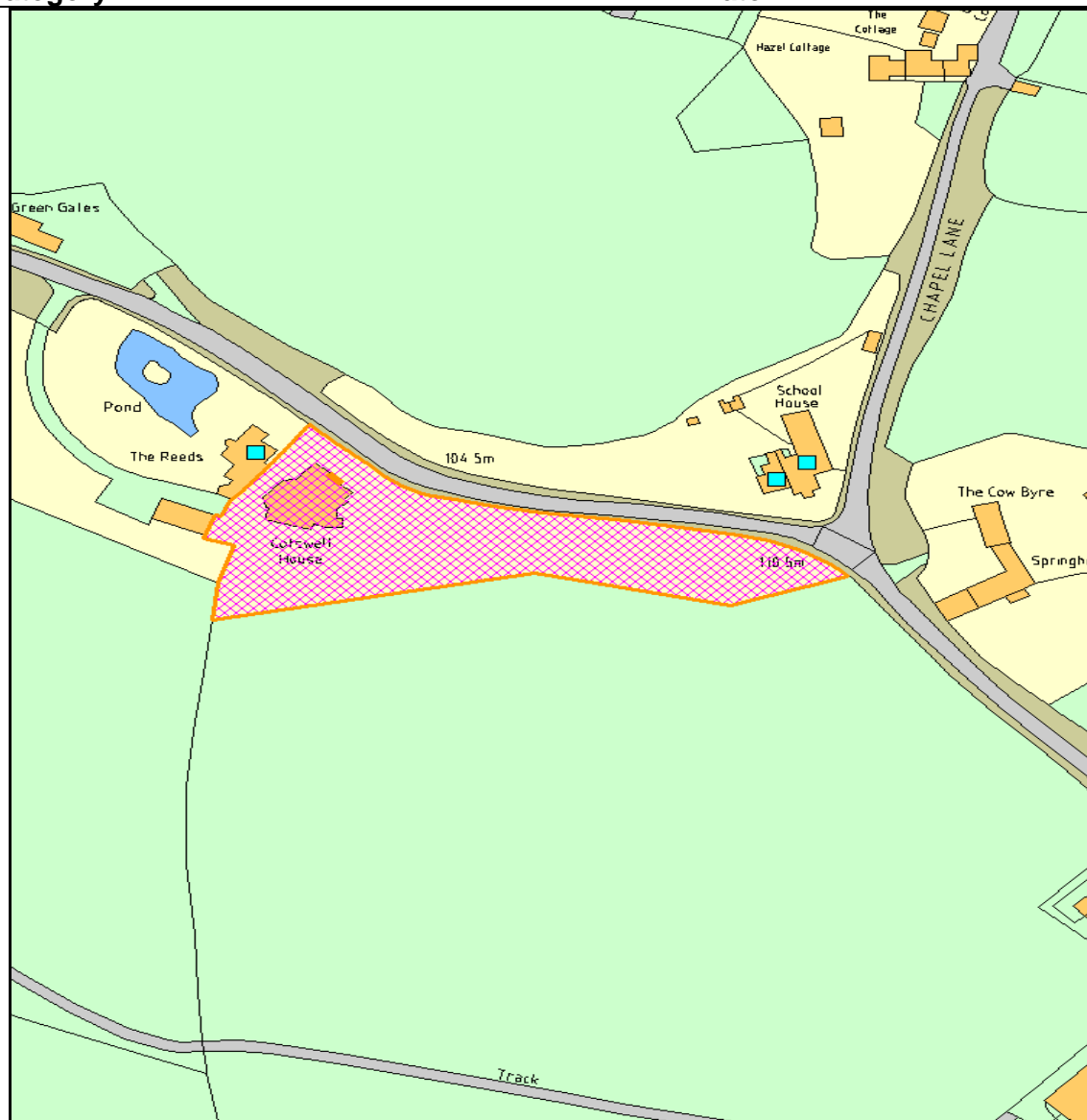
Reason

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.

5. Prior to the first occupation of the approved flat, the cycle storage unit as shown on approved plan proposed block plan R974/05 shall be erected. The storage unit shall be maintained and retained thereafter for the use of the flat.

Reason

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

**CIRCULATED SCHEDULE NO. 11/16 – 17 MARCH 2016****App No.:** PK16/0255/F**Applicant:** Mr Brendan  
Patterson**Site:** Cotswell House Dyrham Road Dyrham  
South Gloucestershire SN14 8HE**Date Reg:** 29th January 2016**Proposal:** Alterations to roof line to install  
mansard roof and 2no rear dormers  
with juliet balconies to facilitate loft  
conversion.**Parish:** Dyrham And  
Hinton Parish  
Council**Map Ref:** 373133 176379**Ward:** Boyd Valley  
**Target** 22nd March 2016**Application** Householder**Date:****Category:**

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 100023410, 2008. N.T.S. PK16/0255/F

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

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

### **1. THE PROPOSAL**

- 1.1 This application seeks planning permission for alterations to the roof line in order to install a mansard roof and 2no. rear dormer windows with a Juliet balconies. Cumulatively, the proposed works will facilitate a loft conversion.
- 1.2 The application site is Cotswell House, Dyrham Road, Dyrham, located outside of a designated settlement boundary within the Bristol/Bath Green Belt. The proposal will increase the increase the volume of property by approximately 78.54 m<sup>3</sup>.
- 1.3 Approximately 100 metres to the east of the host site is School House, a locally listed building, in addition to this there is also a public right of way which runs perpendicular to Dyrham Road to the east of the dwelling. Due to distance and the nature of the proposed works, both the locally listed building and the public right of way will be unaffected by the proposal.
- 1.4 From reviewing the planning history of the site it is clear the original dwelling now only forms a minority of the total footprint of the dwelling thanks to a rather large and sprawling rear extension.
- 1.5 Officers find it pertinent to outline that officers were involved in pre-application advice for this proposal, at this stage officers outlined that the Local Planning Authority would not be able to support the proposal if it was brought to full application stage due to reasons surrounding the Green Belt.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
National Planning Policy Framework March 2012

- 2.2 Development Plans

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

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

#### South Gloucestershire Local Plan Adopted January 2006 Saved Policies

T12 Transportation  
L9 Species Protection

- |      |   |
|------|---|
| L15  | Buildings and Structures which make a Significant Contribution to the Character and Distinctiveness of the Locality |
| LC12 | Recreational Routes   |
| H4   | Development within Existing Residential Curtilages  |

### 2.3 Supplementary Planning Guidance

Residential Parking Standard SPD (Adopted) December 2013

South Gloucestershire Design Checklist SPD (Adopted) August 2007

Development in the Green Belt SPD (Adopted) June 2007

Local List SPD (Adopted) 2007

### 3. RELEVANT PLANNING HISTORY

PK15/3969/CLP Approve 06/11/2015

Application for a certificate of lawfulness for the proposed erection of 2no. single storey side extensions and installation of rear dormer window.

PK13/2351/F                      Approve with Conditions                      17/09/2013

Change of use of agricultural land to the keeping of horses. Erection of stable block.  
Construction of manege. Formation of new vehicular access.

PK12/3516/CLP                      Approve                      19/12/2012

Application for Certificate of Lawfulness for the proposed installation of 4 no. dormer windows to the South West elevation and erection of a single storey extension to the South East elevation to form additional living accommodation.

PK00/0789/F	Approve with Conditions	16/05/2000
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Erection of detached garage and store and formation of vehicular access.

P95/2801                      Approval Full Planning                      15/01/1996

Erection of a single storey extension to provide conservatory.

P91/2845	Approval Full Planning	02/02/1992
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Erection of two storey side extension to provide enlarged lounge with additional bedroom with en-suite facilities above.

P88/2395                      Approval Full Planning                      24/08/1998

Change of use of approximately 0.4 acres of land from agricultural to residential and erection of conservatory (in accordance with the plans received by the council on 7TH july 1988 and the additional plan received on the 15TH august 1988).

N8102                      Approved                      01/07/1982

Erection of extension at rear to provide kitchen and utility room.

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

#### 4.1 Dyrham and Hinton Parish Council

No comment received.



4.2 Sustainable Transport

No objection, a plan has been submitted demonstrating adequate car parking.

4.3 Public Rights of Way

No comment, the proposal is unlikely to affect the right of way footpath.

**Other Representations**

4.4 Local Residents

Two letters have been received from members of the public have been received by the Local Planning Authority. The comments are generally in support of the application and are summarised below:

- The proposal will provide additional living accommodation;
- The proposal will give the occupiers southerly views;
- The proposal would not diminish the openness of the countryside or the beauty of the Green Belt;
- Acceptable scale and design;
- Preferable to the ugly structure that the certificate of lawfulness approved.

**5. ANALYSIS OF PROPOSAL**

5.1 This application seeks planning permission for alterations to the roof of a residential dwelling outside of a designated settlement boundary within the Green Belt.

5.2 Principle of Development

Paragraph 89 within the NPPF allows for extensions or alterations to buildings within the Green Belt, provided this does not result in disproportionate additions over and above the size of the original building. For clarity the erection of a garage within an established residential curtilage in the Green Belt is considered to fall under the definition of 'extensions or alterations'. Development which is judged to be disproportionate with regard to the original building will be viewed as inappropriate development, harmful to the Green Belt and will not be permitted. Policy CS5 of the adopted Core Strategy is supportive of the NPPF and relevant local plan policies in the protection of the Green Belt.

5.3 Section 7 of the NPPF is dedicated to ensuring new development represents good design. Policy CS1 'High Quality Design' of the South Gloucestershire Core Strategy (adopted December 2013) states development proposals will only be permitted if the highest possible standards of site planning and design are achieved. Meaning developments should demonstrate that they: enhance and respect the character, distinctiveness and amenity of the site and its context; have an appropriate density and well integrated layout connecting the development to wider transport networks; safeguard and enhance important existing features through incorporation into development; and contribute to strategic objectives.

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

5.5 Green Belt – Inappropriate Development

As stated within the principle of development section, development which is disproportionate over and above the size of the original dwellinghouse will not be permitted. Accordingly, only limited additions will be permitted. The Development in the Green Belt SPD sets the disproportionate test which has three components, the volume increase of the original dwelling, the appearance of the proposal and the existing extensions and outbuildings within the curtilage.

5.6 The first component involves a volume calculation and concludes: an addition resulting in a volume increase less than 30% or more of the original dwelling would be likely to be acceptable, and a volume increase of 50% or more of the original dwelling would be likely to be considered in excess of a reasonable definition of limited extension.

5.7 The non-original rear extension already represents a volume increase of approximately 61% above that of the original dwelling, meaning if the proposed roof alterations were permitted, a cumulative volume increase of 79.3% above that of the original dwelling would occur. Accordingly, the proposal would further increase this cumulative volume increase, and would therefore fail the disproportionate test, regardless of the remaining components of this test. With this in mind, the proposal is considered to represent a disproportionate addition to the original dwelling, however, in the interests of completeness, officers will complete the disproportionate test as set out within the Development in the Green Belt SPD.

5.8 The second component of the disproportionate test regards the appearance of the proposal: *'it should not be out of proportion with the scale and character of the original dwelling'*. The Development in the Green Belt SPD suggests the character and design of the proposal should be assessed in terms of the proposals impact on location and setting; and design and scale.

5.8.1 *Location and Siting*

Location and siting should be assessed through the proposals 'impact on views, apparent height and visibility in the landscape'. The proposal will result in an increase in the bulk of the dwelling's roof, as well as this, the proposal will result in the increase of the dwelling's ridge line by approximately 1.2 metres. In this way the proposal will result in the increased apparentness of built form within the open Green Belt – materially reducing the openness of the Green Belt.

5.8.2 *Design and Scale*

The SPD provides guidance with regard to assessing design and scale stating that 'form, scale and mass [should] integrate well with the style and character of the original dwelling'. The scale and proportions of the

proposed mansard roof are considered to be relatively out-of-scale and character with that of the original dwelling. This results in a proposal that is not in keeping with the general character of the original and existing dwelling. The proposal abandons the simple gable end form and replaces it with a bulky and garish mansard roof that fails to integrate with character of the existing dwelling. Further to this, the Green Belt SPD states that design and scale should be assessed in terms of whether the extension is subordinate to the main dwelling and appropriately proportioned. As stated the mansard roof does not lend itself to being well-proportioned to the existing dwelling, it is garish and large and disrupts the proportions of the existing dwelling. Green Belt policy and guidance consistently refers to the 'original dwelling' and officers struggle to accept that a mansard roof that completely changes the character of the dwelling can represent a proposal that respects the design of the original dwelling.

- 5.9 Accordingly, the proposal represents a development that both reduces the openness of Green Belt through its increased scale and bulk; and also fails to be in proportion, scale and character with that of the original dwelling. In this way it fails the second component of the disproportionate test.
- 5.10 The third component of the disproportionate test relates to the existing extensions and outbuildings within the curtilage. Any existing outbuildings have been included within the additions which contribute to the volume calculations.
- 5.11 Overall, proposal fails the disproportionate test set out by the Development in the Green Belt SPD, and accordingly the development is considered to represent a disproportionate addition to the original dwelling. Paragraph 89 of the NPPF sets out that disproportionate additions within the Green Belt should be considered as inappropriate development. Paragraphs 87 and 88 state that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances; and that substantial weight should be given to such harm.
- 5.12 Green Belt – Openness  
A further consideration that is outlined within paragraph 5.8 is the openness of the Green Belt. Although relatively minimal the proposal would increase the height and bulk of the dwelling and its roof. This proposed development, through its height and massing, would visibly increase the volume of development at the site. As a result, the openness of the site and the Green Belt would be reduced.
- 5.13 The proposal would materially reduce the openness of the Green Belt, impacting on one of the essential characteristics of the Green Belt. Although officers accept the impact on the openness of the Green Belt is minimal, it is still loss of openness. Paragraph 79 of the NPPF advises that openness is an essential characteristic of Green Belts. Accordingly, it adds to the harm to the Green Belt.

5.14 Design – ‘Any Other Harm’

Officers have identified that the proposal represents inappropriate development, harmful to the openness of the Green Belt. For the proposal to be permitted the applicant would have to now demonstrate very special circumstances. In accordance with paragraph 88 of the NPPF, very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. Accordingly, it is highly important for officers to identify ‘any other harm’ should the proposal contain any.

5.15 Policy CS1 ‘High Quality Design’ of the South Gloucestershire Core Strategy (adopted December 2013) states development proposals will only be permitted if the highest possible standards of site planning and design are achieved. Meaning developments should demonstrate that they have appropriate: siting, form, scale, height, massing, detailing, colour and materials which are informed by, respect, and enhance the character, distinctiveness and amenity of both the site and its context.

5.16 The host dwelling is a two storey detached house, with a dual pitched roof with gable ends. To the rear of the original dwelling is a large single storey extension, which although garish, does appear subordinate when viewing the dwelling from the front. With this in mind, the well-proportioned front elevation of the dwelling remains relatively unspoilt whereas, the proposed development would not retain this. The proposed mansard roof would increase the height of the property, further to this the proposal would produce a wider more bulky roof, and once again this is considered to be harmful in design terms. As paragraph 5.8 identifies, the proposal fails to respect the character of the dwelling through having an inappropriate scale, height and mass. In this way, the proposal embodies a low quality of design which represents further harm.

5.17 Green Belt – Submitted Very Special Circumstances

The agent has submitted that the previously approved certificate of lawfulness for proposed side extensions and rear dormer windows (ref. PK15/3969/CLP) should be afforded considerable weight as a fall-back position for the planning application.

5.18 This certificate effectively confirms that at the time this proposal was assessed the proposed side extensions and rear dormers were considered to be lawful, this assessment of lawfulness was based on the fact that the proposal conformed to Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (known hereafter as GPDO).

5.19 The submitted very special circumstances are as follows:

*‘To clarify, our position is that we will not build the single storey extension on the western boundary on the basis that the current planning application for the mansard roof is granted planning permission. This single storey extension has a cubic volume of 122.48m<sup>3</sup>. If you add this to the volume of the flat roofed dormer permitted by the CLP [PK15/3696/CLP] the combined total figure is 146.98m<sup>3</sup>. This is far less than the volume of the mansard roof proposal (78.54m<sup>3</sup>)’.*

*'The nub of this issue is all about the openness of the Green Belt, and it has been put to me on many occasions that the impact of openness is not a test of whether the subject works are highly visible but the fact that they exist per se. Therefore, I do not agree that because the extension is at ground floor level it should diminish its importance in any way'.*

*'To add certainty to the position I am outlining above may I confirm that in order to facilitate the positive determination of the current application we will provide a Unilateral Undertaking not to build the flat roofed dormer / west side extension permitted by the CLP on the basis that planning permission is granted for the proposed mansard roof'.*

*'Taking all these factors into account the current scheme will have less impact on the openness of the Green Belt than the alternative proposal of the two side extensions / large rear dormer, which have full certainty of being implemented due to the existence of a Certificate of Lawfulness'.*

5.20 In summary, the submitted very special circumstances are as follows:

- If this development is refused, the development (PK15/3969/CLP) will be implemented – this effectively is the suggested fall-back position for the site;
- If the development is approved, the development (PK15/3969/CLP) will not be implemented – this would be secured through a Unilateral Undertaking (according to agent);
- This development (PK15/3969/CLP) constitutes a volume increase greater than the development proposed within this development;
- The development (PK15/3969/CLP) is more harmful to the openness of the Green Belt than the development proposed within this development.

5.21 Paragraph 88 of the NPPF states that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. Prior to assessing whether the submitted very special circumstances conform to paragraph 88, officers find it pertinent to assess the validity of the suggested fall-back position.

5.22 Green Belt - Relevant Fall-back Position

Existing site conditions, including planning permissions, development rights or certificates of lawfulness related to land are considered to be material considerations which have an important input for decision takers. Such considerations are normally known as fall-back positions. The amount of weight to attach to a fall-back position is a matter of fact and degree, however, it is generally accepted that the weight to be given depends on the real likelihood of any fall-back actually being exercised in the event of refusal.

5.23 The agent has submitted that the previously approved certificate of lawfulness for proposed side extensions and rear dormer windows (ref. PK15/3969/CLP) should be afforded considerable weight as the fall-back position for the site. From visiting the site and communicating with the agent, this development has not yet been implemented. However, as there has been no material change in policy/legislation or the onsite situation since the certificate was approved,

officers see no reason as to not conclude that there is a highly reasonable likelihood that the works permitted under ref. PK15/3696/CLP will be implemented should planning permission for this application be refused.

- 5.24 The agent suggests the fall-back position for the site will not be implemented should planning permission be granted for this development. However, there is no reason why the side extensions approved under ref. PK15/3969/CLP cannot be implemented should planning permission be granted – the proposed development would not physically restrict the development of the side extensions. Conversely, should this development be approved, the dormer windows approved under the aforementioned certificate could not be implemented due to physical presence of the development proposed.
- 5.25 A fall-back position effectively relies on the premise that if the development proposed is refused, then the relevant fall-back position will be implemented; this is why a fall-back position constitutes a material consideration. In the case of this development, the development approved under PK15/3969/CLP could still largely be implemented should planning permission for this development be approved; as physically, this development proposes no structures to the side at ground floor level.
- 5.26 With this in mind, officers have considered other mechanisms available to restrict these side extensions. These are assessed below:
- Officers cannot condition that the side extensions considered lawful under PK15/3969/CLP could not be implemented/built if planning permission is granted. This is because such a condition would not pass the restrictions set out within paragraph 206 of the NPPF.
  - Officers have also considered the removing the householder permitted development rights through condition should planning permission be granted. Even if this was considered to pass the tests of paragraph 206, this condition would not prevent the applicant from building out their permitted development rights (including PK15/3969/CLP) prior to the implementation of the planning permission which contains the condition relating to the removal of permitted development rights. In short the applicant could build-out their permitted development rights, then implement the development subject to this planning application.
  - Further to the use of conditions, officers did consider the possibility of utilising a legal agreement to restrict the development of PK15/3969/CLP; this is elaborated on below.
- 5.27 Paragraph 203 of the NPPF states that planning obligations should only be considered where it is not possible to address unacceptable impacts through a planning condition. With this in mind, officers did consider whether a legal agreement to restrict the development (PK15/3969/CLP) would be appropriate. The agent for the application also suggested submitting a Unilateral Undertaking to effectively state that should planning permission be granted for this planning application, the development (PK15/3969/CLP) would not be implemented. Paragraph 204 of the NPPF gives further guidance as to when planning obligations should be sought, this paragraph goes on to state that

planning obligations should only be sought where they meet all of the following tests:

- *Necessary to make the development acceptable in planning terms;*
- *Directly related to the development; and*
- *Fairly and reasonably related in scale and kind to the development.'*

5.28 Officers find that a Unilateral Undertaking could be an acceptable mechanism to restrict the development of PK15/3969/CLP as it would likely accord with paragraph 204. Officers have not requested that a Unilateral Undertaking be submitted, but accept that such a legal agreement could be achieved. Such a Unilateral Undertaking would effectively state that should this proposal be approved and implemented, PK15/3969/CLP would not be built.

5.29 Green Belt – Very Special Circumstances Assessment

For very special circumstances to exist, circumstances must be present that *clearly* outweigh the substantial harm of inappropriate development in the Green Belt that results from the proposal representing a disproportionate addition.

5.30 The submitted 'very special circumstances' surround the fact that should planning permission be refused, the applicant could implement the development associated with PK15/3969/CLP - a form of development that the agent argues would be much more harmful than the development proposed. Officers accept that this development PK15/3969/CLP could be built out should this application be refused, and also officers also consider that this development (PK15/3969/CLP) could be restricted through a legal agreement should planning permission be approved. In this way, the fall-back position for the proposal constitutes a material consideration.

5.31 The only way in which this development could be found to be compliant with Green Belt policy is if the fall-back position for the site would result in clearly identifiable harm (not just to the Green Belt) which was unequivocally less desirable than the proposed development. Put simply, the key test to answer is whether the harm associated with the fall-back position would clearly outweigh the harm associated with the proposed development.

5.32 The development considered to be lawful under PK15/3969/CLP involves two flat roof side extensions and a rear box dormer. As already established the proposed development represents: inappropriate development by nature of its disproportionate nature; harm to the openness of the Green Belt; and a poor quality of design.

5.33 The side extensions permitted under PK15/3969/CLP are not considered to be largely harmful to the host dwelling in terms of design, although they are not the standard of design officers would expect, the extensions are subordinate in scale and proportion, unlike the proposed development. Further to this, the box dormer window is much less apparent than the proposed development due to the box dormer having a more appropriate scale and form. In this way, the

proposal represented a more harmful development in terms of design than the development proposed.

- 5.34 The development permitted under PK15/3969/CLP would fail the disproportionate test as set out within the Green Belt SPD. Although officers accept the associated volume of PK15/3969/CLP is larger than that of the proposed development, PK15/3969/CLP would likely be more favourable in terms of the second test '*it should not be out of proportion with the scale and character of the original dwelling*'. This is because PK15/3969/CLP retains the scale and character of the original dwelling house, whereas the proposed development does not. In this way, the development proposed is considered to be more harmful to the Green Belt than PK15/3969/CLP.
- 5.35 Further to this, officers question whether works permissible under permitted development should weigh in favour of inappropriate development in the Green Belt. Permitted development rights are not restricted in the Green Belt by the GPDO, and the aforementioned certificate of lawfulness simply confirms that the side extensions and rear dormer windows are permitted development (and therefore lawful). Accordingly, all the certificate of lawfulness does, in terms of this application, is confirm to officers the real likelihood that the only methods to increase the size of the existing dwelling, without applying for express planning permission, will be exploited should planning permission be refused for this application.
- 5.36 Accordingly, officers do not find the fall-back position for the application site to be 'very special' in itself, a real likelihood of implementation of the property's permitted development rights, which the majority of dwellings have within the Green Belt, is not considered to be personal, distinct or exclusive to the site. Further to this, the development considered lawful under PK15/3969/CLP would actually be far more preferable than the development proposed. This is because the development permitted under PK15/3969/CLP is considered to have a less harmful impact on the Green Belt and a better design than the development proposed. Accordingly, officers do not consider that the property's fall-back position is such that it clearly outweighs the substantial harm associated with the development proposed.
- 5.37 Green Belt – Summary  
Overall, officers accept the existence of a fall-back position that includes the installation of rear dormer windows and side extensions. However, officers do not find the existence of the fall-back position to constitute a material consideration that clearly outweighs the harm to the Green Belt by reason of inappropriateness, and also the harm associated with the proposal's design. In this way, in accordance with paragraph 87 of the NPPF and also policies CS5 and CS34 of the Core Strategy, officers recommend that the development is refused.
- 5.38 Residential Amenity  
Saved policy H4 seeks to protect the amenity of nearby occupiers and future residents of the host dwelling. The proposal would have rear second floor dormer Juliet balconies, these windows would not result in material loss of privacy to any neighbouring occupiers. Similarly, due to the orientation of the



dwelling, the proposed alterations to the roof would not cause a material loss of light to the neighbouring dwelling. Accordingly, the proposal is expected to have an acceptable impact on the residential amenity of the nearby occupiers.

5.39 Overall, the proposed development will not materially prejudice the residential amenity of any nearby dwellings due to its relative isolation and the nature of the proposal.

5.40 Transport and Highway Safety

The development increases the number of bedrooms within the dwelling to five, meaning a minimum of at least three off-street car parking spaces are required within the site boundary to satisfy the Council's minimum residential car parking standard. A car parking plan has been submitted that shows room for in excess of three car parking spaces within the residential curtilage of the site. With this in mind there are no transportation objections to this proposal.

## 6. CONCLUSION

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

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

## 7. RECOMMENDATION

7.1 It is recommended that planning permission is **REFUSED** for reason below and on the decision notice.

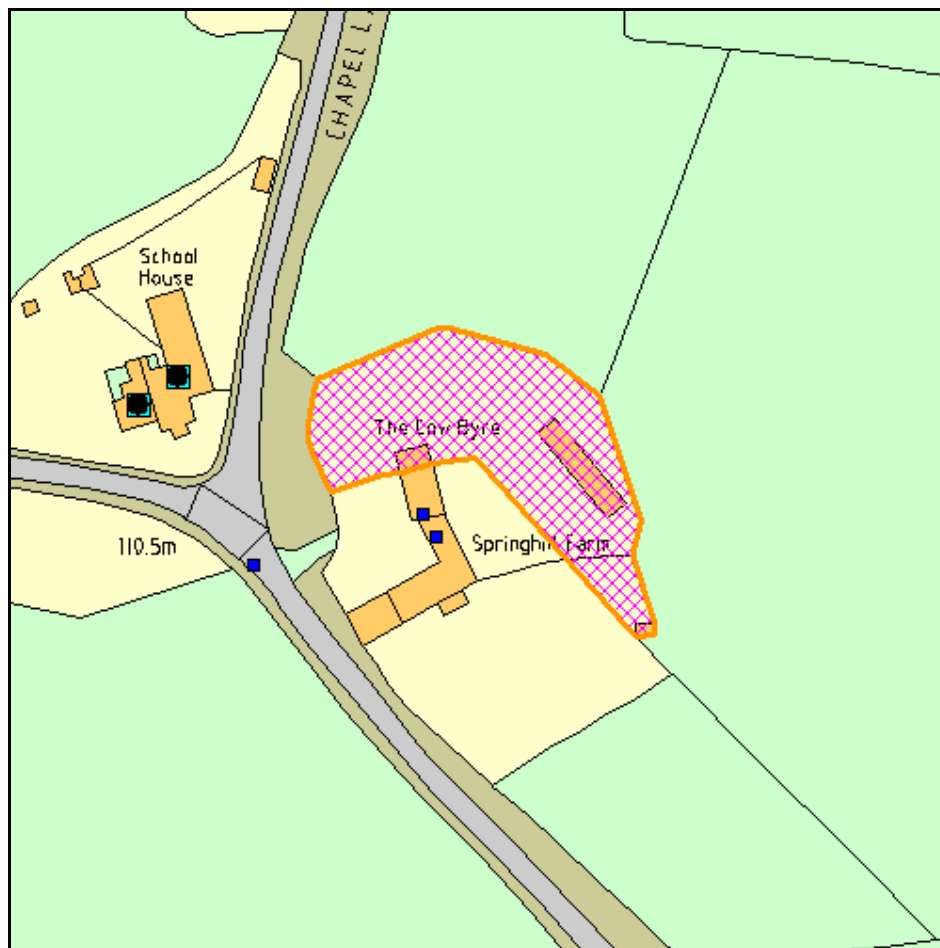
**Contact Officer: Matthew Bunt**  
**Tel. No. 01454 863131**

## REFUSAL REASON

1. The proposal constitutes a disproportionate addition to the original dwelling that is considered to be inappropriate development and harmful to the openness of the Green Belt. Further to this, the development is also considered to constitute poor design. Very special circumstances have not been demonstrated that clearly outweigh the harm of the proposed development. The proposal is therefore contrary to policy CS1, CS5 and CS34 of the adopted South Gloucestershire Local Plan Core Strategy (adopted December 2013); the adopted South Gloucestershire Development in the Green Belt SPD and the National Planning Policy Framework.

## CIRCULATED SCHEDULE NO. 11/16 – 17 MARCH 2016

<b>App No.:</b>	PK16/0539/CLE	<b>Applicant:</b>	Mr & Mrs Martin and Sharon Sasada
<b>Site:</b>	Spring Hill Farm Dyrham Road Dyrham Chippenham South Gloucestershire SN14 8HA	<b>Date Reg:</b>	16th February 2016
<b>Proposal:</b>	Application for a certificate of lawfulness for existing use of the Cow Byre as a separate self-contained dwelling (Class C3)	<b>Parish:</b>	Dyrham And Hinton Parish Council
<b>Map Ref:</b>	373293 176362	<b>Ward:</b>	Boyd Valley
<b>Application Category:</b>		<b>Target Date:</b>	5th April 2016



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## **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 a building (former cow byre) associated with the existing house on the site (Spring Hill Farm) 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 16<sup>th</sup> February 2012).
- 1.2 The site consists of a detached single storey building located to the northeast of the main farmhouse. The claimed dwelling and associated house share a drive and access onto Dyrham Road, Dyrham. The applicant claims the building has been used as a separate dwelling for a continuous period since September 2010. The site lies within the Green Belt and the Cotswolds Area of Outstanding Natural Beauty.
- 1.3 It is noted that the proposed residential curtilage of the site is quite large. Currently the area is made up of a driveway leading from the highway to the Cow Byre and includes a turning area half way along this driveway. In addition it includes a further area of parking in front of a large wooden garage which is to the south of the entrance gate. To the north of the gate is an area of grass which is heavily planted with mature trees. These help screen the Cow Byre from views across Chapel Lane. As the ground slopes up to the east the most usable residential area is that immediately around the building. A wide patio area is located to the front of the Cow Byre and given the slope of the land the garden beyond this and closer to the main farmhouse is about a metre below this patio level. The two properties are separated by a Laurel hedge. To the rear the stock proof fencing separating the Cow Byre from the fields beyond extends very close up to the building. Given the location of the Cow Byre to the east and therefore the rear of the farmhouse and being set well back off the highway it is difficult to see how the residential curtilage could be further reduced. Given the above the extent of the residential curtilage is accepted.

### **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 PK05/1618/F Erection of single storey rear extension to form

	Approved	garden room. 11.7.05
3.2	PK04/1444/F	Erection of outbuilding within garden to form ancillary residential development.
	Approved	10.11.04
3.3	PK04/1121/CLP	Application for certificate of lawfulness for proposed external works.
	Approved	1.6.04
3.4	PK04/0593/F	Installation of replacement dormer window with gable roof.
	Approved	15.4.04
3.5	PK01/1663/F	Installation of 2 No. rear dormer extension.
	Approved	23.7.01
3.6	P96/4679	Conversion of barn outbuildings to form separate residential accommodation and erection of car port.
	Approved	5.8.97
3.7	P96/1526	Conversion of outbuilding into residential accommodation
	Refused	3.6.96
3.8	N7035	Conversion of existing barn to living accommodation and erection of new link building.
	Approved	13.11.80

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

4.1 Dyrham and Hinton Parish Council  
No Comment has been received

4.2 Highway Officer  
As the property will remain in residential use we do not consider that this change is likely to materially alter the traffic movements associated with this site. Consequently, we have no highways or transportation objections to this application. We note however, that the site appears to be accessed from Dyrham Road by an unsurfaced track and that this appears to be causing mud to be carried onto the public highway. Therefore, we would wish to see at least the first 10m of this track made up in an approved bound surface material.

#### **Other Representations**

4.3 Local Residents  
None received

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

5.1 In support of the application,

- i) a front page of the tenancy agreement between Dr M P Sasada (owner and applicant) and Mr M J Muir (tenant) dated 28.2.11
- ii) an email from South Gloucestershire Council re an inspection of the Electoral Roll for the years 2011 to 2015 confirming rental to Mr M J Muir between 2012 and 2015 and A & M Wood during 2011
- iii) an email from the letting agent (Andrews, Bath Branch) confirming that tenants were found during for the Cow Byre during 2011 and that the tenancy commenced on 28.2.11 and vacated on 27.2.15.
- iv) a tenancy agreement between Dr and Mrs Sasada (owner and applicant) and Mr James Ian Prangell (the tenant) for the period 13.3.15 to 12.9.15 and a copy of an Extension Agreement between these parties agreeing to extension to the tenancy of the Cowbyrre from 1.10.15 to 1.4.16. The agreement is dated 13.3.15
- v) undated copy of the letting details from Carter Jones (letting agent)
- vi) a Council Tax letter from VOA (Valuation Office) dated 28.7.10 to include a property referred to as *The Bungalow* as a dwelling for Council Tax purposes

## **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 evidence in the form of a signed tenancy agreement between the owner and former tenants which covers the period February 2011 to February 2015. This is also further supported by an email from the Bath branch of Andrews letting agents confirming this and clearly stating the dates of that agreement covered the period 28.2.11 to 27.2.15. There follows a short gap in the letting of a period of about 2 weeks however, this does not 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

which is discussed below. In this instance, the time to allow a change of tenancy is not an unreasonable period.

- 7.4 The evidence continues in the form of a further tenancy agreement between the owner and a new tenant covering the period 13.3.15 to 12.9.15. This agreement does not show any signatures, however, the names of the parties are clearly indicated and a signed *Extension Agreement* between these same two parties dated 13.9.15 to 1.4.16 is submitted as evidence of the continuing tenancy agreement between the two.
- 7.5 Further evidence in the form of a letter from the VOA dated 2010 has been submitted but this refers to the property as *The Bungalow*. As there are no other dwellings within the curtilage of Spring Hill Farm, it is accepted that this document is referring to the single storey structure close to the main farmhouse now known as The Cow Byre. Finally the electoral roll for the period 2011 to 2015 has been submitted as evidence that the property was in residential use by parties other than the owners.
- 7.6 In this instance, the Local Planning Authority has no evidence that the building has not been occupied as claimed since September 2010. The signed tenancy agreement and the extension agreement and corroborative details in the form of the electoral roll, council tax letter, VOA and estate agent details provide evidence that the use of the building as an independent residential dwelling has occurred continuously since 28<sup>th</sup> February 2011 and the supporting evidence is effective in strengthening the applicant's position. 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: Anne Joseph**  
**Tel. No. 01454 863788**

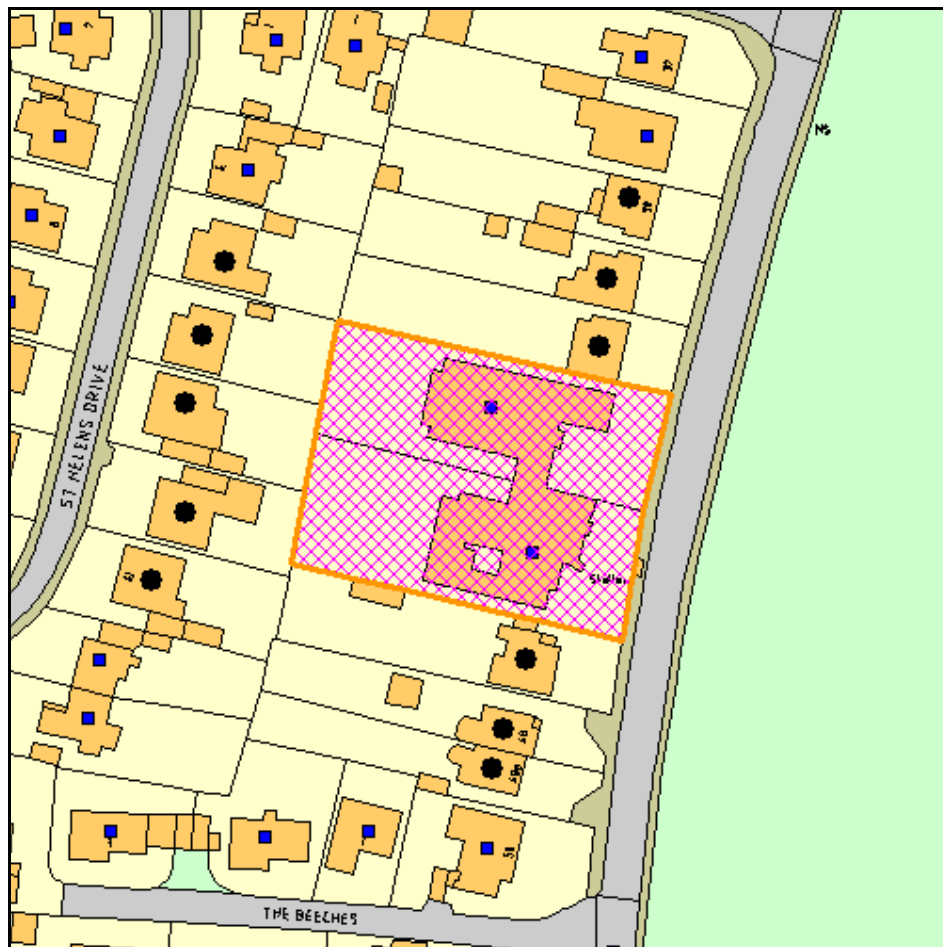
## **CONDITIONS**

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 in excess of four years.

**CIRCULATED SCHEDULE NO. 11/16 – 17 MARCH 2016**

<b>App No.:</b>	PK16/0588/F	<b>Applicant:</b>	Quality Care Homes
<b>Site:</b>	44 Barry Road Oldland Common South Gloucestershire BS30 6QY	<b>Date Reg:</b>	9th February 2016
<b>Proposal:</b>	Erection of single storey rear extension to provide new kitchen	<b>Parish:</b>	Bitton Parish Council
<b>Map Ref:</b>	367266 170926	<b>Ward:</b>	Bitton
<b>Application Category:</b>	Minor	<b>Target Date:</b>	31st March 2016

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

The application is circulated as a result of the objections from a neighbour, which conflict with the officer recommendation.

### **1. THE PROPOSAL**

- 1.1 The proposal is to extend this care home (Use Class C2) at 44 Barry Road by addition of a further single storey extension to the rear which would facilitate a larger kitchen. The existing kitchen would be replaced with a laundry room.
- 1.2 The site is located in an urban area of Oldland Common.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
National Planning Policy Framework March 2012  
National Planning Policy Guidance
- 2.2 Development Plans  
  
South Gloucestershire Local Plan (Adopted) January 2006 (saved policies)  
T8 Parking Standards  
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  
CS20 Extra Care Housing  
CS23 Community Infrastructure
- 2.3 Supplementary Planning Guidance  
South Gloucestershire Design Checklist (Adopted 2007)  
South Gloucestershire SPD: Residential Parking Standards (adopted) 2013

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

- 3.1 PK14/4830/F Approve with conditions 03/03/2015  
Erection of a single storey rear extension to form additional bedrooms and lounge.
- 3.2 PK12/1593/F Approve with conditions 11/06/2012  
Erection of single storey rear extension to form 5no. additional bedrooms. (Resubmission of PK12/1030/F).
- 3.3 PK09/5009/F Approve with conditions 10/09/2009  
Erection of single storey extension within courtyard to form bathroom.  
Installation of 2no. windows to south elevation
- 3.4 PK06/1338/F Approve with conditions 02/09/2006



Erection of single storey side and rear extensions to provide 3 no. additional bedrooms and additional communal space. (Resubmission of application PK05/2671/F)

- 3.5 PK05/2671/F Refusal 02/11/2005  
Erection of single storey rear extensions to provide additional living space and bedrooms.

*Refusal reason:*

*1- The cumulative impact of the existing and proposed single storey rear extension would result a disproportionate addition which fails to respect the character of the existing dwelling in terms of scale and is therefore considered contrary to the provisions PPS1, Policy KLP67 of the adopted Kingswood Local Plan and Policy D1 of the South Gloucestershire Local Plan (Revised Deposit Draft incorporating proposed modifications March 2005)*

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

- 4.1 Bitton Parish Council  
No objections.

- 4.2 Other Consultees

Sustainable Transport  
No objection

Highway Structures  
No objection

Lead Local Flood Authority  
No objection.

Environmental Protection  
Queries that the application has not applied for any plant and equipment.  
Informatives recommended.

#### **Other Representations**

- 4.3 Local Residents

One letter of objection has been received stating the following:

- Kitchen should have been proposed as part of previous extension
- Numbers 7, 9 and 11 will have to experience building work at the end of their garden again
- The next step may be to build above the kitchen and this would be an eyesore

## **5. ANALYSIS OF PROPOSAL**

### **5.1 Principle of Development**

The proposal is for a modest addition to an existing site and as such policy CS1 is the main policy in dealing with this application and this deals with siting, features of the site and how the proposal relates to the wider site area. Policy CS23 encourages the provision of such facilities.

### **5.2 Siting, orientation, visual amenity**

The proposal is located in the rear garden of this 40 bed care home occupying the joined buildings of 42 and 44 Barry Road. This care home has previously taken advantage of the depth of garden to extend rearwards on each property, and to the side joining together. This proposal is single storey and will extend to the rear of the existing single storey link extension, and is proposed to have a flat felted roof to match. The external walls are to be finished in render. The development is modest and would not impact on the street scene as it will be wholly within the rear garden. There are no objections from a design or visual amenity perspective.

### **5.3 Residential Amenity**

As the proposed kitchen is to be nestled in between the existing extensions to 42 and 44 Barry Road, it is unlikely to overlook or overbear onto any neighbouring properties. The proposed rear opening will be considerably smaller than the opening within the existing link extension, and is over thirty metres from the properties to the rear along St Helen's Drive. An objection was raised regarding the disruption which may be caused during construction to the properties to the rear, however due to the modest scale of the extension it is unlikely to be significant and will only cause temporary noise pollution. It would be unreasonable to refuse the application on this basis.

5.4 The Council's Environmental Protection officer has noted that no kitchen extract or plant equipment details have been submitted. None are currently proposed and the installation of any in the future would require planning permission and further assessment, as C2 uses do not benefit from permitted development rights. Overall, there is no objection with regards to residential amenity.

### **5.5 Transport**

The kitchen enlargement will not increase the overall capacity of the care home, and therefore no transportation objection is raised.

## **6. CONCLUSION**

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

6.2 The recommendation to grant permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Local Plan Core Strategy

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

## **7. RECOMMENDATION**

7.1 That planning permission is **granted** subject to the conditions set out below.

**Contact Officer: Trudy Gallagher**  
**Tel. No. 01454 862217**

### **CONDITIONS**

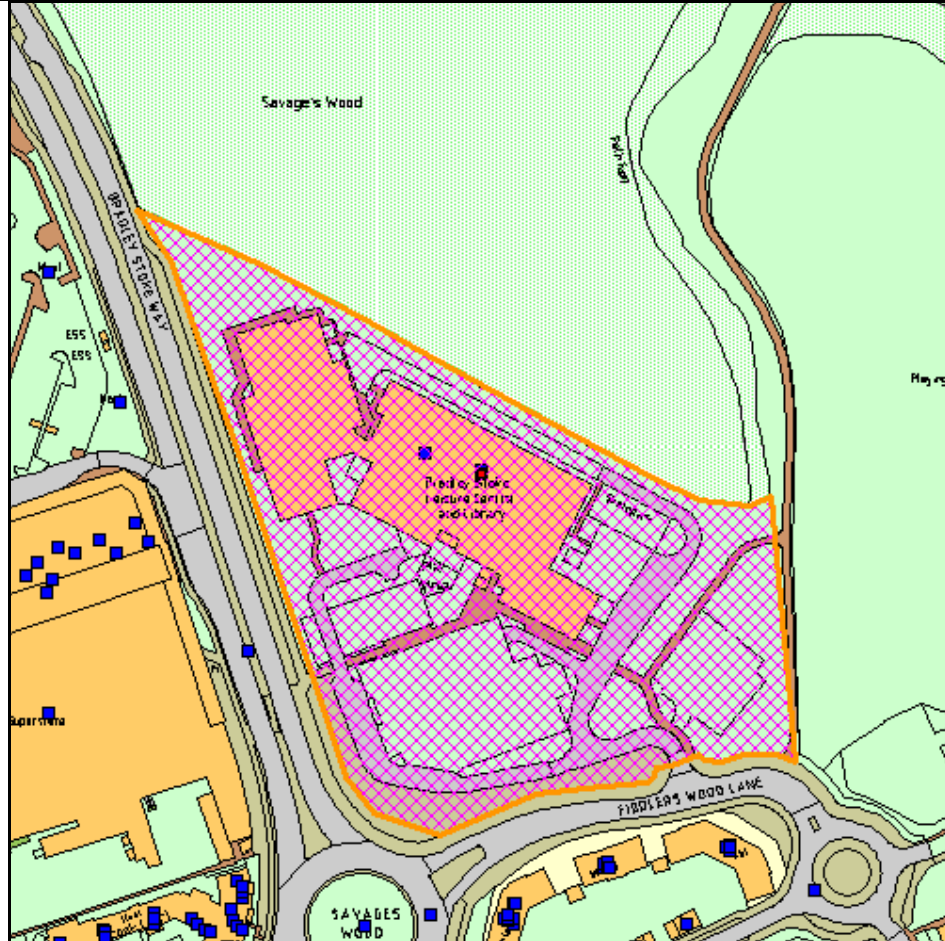
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason

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

## CIRCULATED SCHEDULE NO. 11/16 – 17 MARCH 2016

<b>App No.:</b>	PT15/5516/R3F	<b>Applicant:</b>	Mr Richard Ward 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>	4th January 2016
<b>Proposal:</b>	Erection of single storey rear extension to extend existing gym, installation of new windows and door and alterations to car park	<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>	25th February 2016



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PT15/5516/R3F

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

This application is referred to the Circulated Schedule again due to the changes need to be made on the previous suggested condition 3 regarding the parking provision. The application has been previously referred to the Circulated Schedule in accordance with procedure given that objections were received that are contrary to the officer recommendation and given also that the application is made on behalf of the Council itself.

### **1. THE PROPOSAL**

- 1.1 This application seeks planning permission for an erection of single storey rear extension and a replacement of windows and doors in order to make some changes internal layout including an extension to the existing gym, replacement of soft play area with party room and toning room, a replacement of squash courts with studio, a creation of additional seating for the café at Bradley Stoke Leisure Centre. The site is situated within the urban boundary of Bradley Stoke.
- 1.2 To support the proposal, the applicant has submitted the following reports:
- Design and Access Statement
  - Customer feedback regarding facilities and travelling to Bradley Stoke Leisure Centre

### **2. POLICY CONTEXT**

#### **2.1 National Guidance**

National Planning Policy Framework March 2012  
National Planning Practice 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  
CS23 Community Infrastructure and Cultural Activity  
CS24 Green Infrastructure, Sport and Recreation Standards

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

L1 Landscape Protection and Enhancement  
L5 Opens Areas within the Existing Urban Areas and Defined Settlement  
L8 Sites of Regional and Local Nature Conservation Interest  
L9 Species Protection  
L11 Archaeology  
T8 Parking Standards  
T12 Transportation Development Control Policy for New Development  
LC3 Proposals for Sports and Leisure Facilities within the Existing Urban Area and Defined Settlement Boundaries

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

The site has been subject to a number of planning applications in the past, and the following are the most relevant to the determination of this application.

- 3.1 PT16/0713/R3F Erection of front entrance foyer, external cladding and alterations to front facade and extension to existing carpark. *Pending consideration.*
- 3.2 PT15/2646/F Construction of a concrete skatepark with associated works. Approved 06.11.2015
- 3.3 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. Decision: DEEMED, Date of Decision: 05-FEB-10.
- 3.4 PT07/3731/R3F Construction of bus only access road, additional carparking and re-alignment of main access road. Decision: PERDEV, Date of Decision: 21-JAN-08
- 3.5 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). APPROV, Date of Decision: 17-APR-03
- 3.6 PT01/3462/R3F Erection of extension to form swimming pool, health suite and fitness room. Decision: DEEMED, Date of Decision: 09-APR-02

### **4. CONSULTATION RESPONSES**

- 4.1 Bradley Stoke Town Council  
No objection.

- 4.2 Other Consultees

Ecology Officer: No ecological objection.

Highway Officer No highway objection subject to conditions.

#### **Other Representations**

- 4.3 Local Residents  
Four letters of objections have been received and the residents' concerns have been summarised as follow:

- Not enough parking spaces in the area, especially during rush hours
- Not a transparent consultation as a member of Bradley Stoke Squash Club was not made aware of the consultation process. We were only informed of it days before a closed session of the public meeting to decide the fate of the squash courts. No notices were put on the squash noticeboard in 2014.
- Significant investment in the squash court and it appears counterintuitive to consider closing them.
- The club regularly uses the courts, and benefit the wider community
- The Centre does offer dual use of the courts during off-peak times, opening an alternative revenue stream negating any need to close the courts.
- Alternative courts at school in Patchway would only be available in the evenings and weekends and is not acceptable alternative.
- Piecemeal development, namely skate park, current application, application for entrance foyer and front façade, and possible further application which are mentioned in D&A Statement, is unacceptable as it is part of the designated town centre area of Bradley Stoke, e.g. the approved skate park was treated as a separate entity. There are detailed discussions among South Gloucestershire Council, Circadian Trust and Bradley Stoke Town Council about a 'masterplan' and the general public has not been consulted on this 'masterplan'.
- Main concerns relates to the use of car park and landscaping of the site
- Concerns regarding the fairness of the public consultation exercise conducted by the Council
- The relative merits of using the available space within the grounds for additional car parking or a skate park or to allow improved access to the site or a more user-friendly and safer internal layout of the car park have not been analysed and put out to public consultation. That is a serious deficiency for such an important publicly-owned site that forms part of a designated town centre.
- Inadequate discussion in the D&A statement including no discussion of design principles and concerns, any factors have influenced the design, no mention of local plans, how the outcome of this consultation has informed the proposed development, no categorisation or analysis of the consultation responses, and no explanation of how any specific issues might affect access to the proposed development have been addressed.
- Worthless statement
- There is a shortfall in parking provision for the existing facilities (before any further development)
- Does this address the predevelopment shortfall or the additional parking requirement caused by the development proposed?
- It does not create the maximum no. of parking spaces possible within the boundaries of the existing parking plan
- Currently there are 203 existing car parking spaces. On completion of phase 1 of the works there will be an additional 46 spaces." I am not sure this figure is correct. The lost spaces are not properly shown in the new parking plan. Comparing the old and new parking plans, a number of spaces in the overflow parking area are lost without explanation.

- a press release put out by SGC on 5/11/15 in which it is stated that 130 additional spaces will be provided, it is evident that the total desired additional spaces is already known by the applicant. Why withhold this information?
- No mention is made of the skate park development, which is under and likely to run concurrently with the proposed project, what are the implications of this concurrent working??
- The DAS does not explain why the applicant chose to release this land for skate park without consulting the public
- We are not told when and how this feedback was obtained.
- The applicant needs to assess the adequacy of parking provision at peak times, not averaged over all operating times.
- The SGC consultation on Bradley Stoke Leisure Centre gives no suggestion that some sport facilities might be lost entirely e.g. squash court

## 5. **ANALYSIS OF PROPOSAL**

### 5.1 Principle of Development

The proposal is to erect a single storey extension to the rear of the leisure centre building, install a number of windows and doors, and to re-arrange the existing parking layout in order to create additional 46 no. parking spaces. In addition, it is also proposed to change the internal layout of the building. Core Principles of the National Planning Policy Framework states that planning should take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs.

Policy CS24 of the adopted Core Strategy also highlights that the green infrastructure assets are integral to sustainable communities.

Saved Policy LC3 of the adopted South Gloucestershire Local Plan (Adopted January 2006) supports proposals for Sports and Leisure Facilities within the Existing Urban Area and Defined Settlement Boundaries subject to the proposal would be highway accessible by public transport, on foot and by bicycle, and would not prejudice residential amenity, natural environment and public highway safety and would not give rise to unacceptable levels of on-street parking to the detriment of the amenities of the surrounding area and highway safety.

As the proposal is to improve the existing leisure facilities and to provide additional parking spaces within the site, therefore there is no principle objection to the proposal.

### 5.2 Background of the proposal

The proposal is part of refurbishment and improvement programme of the existing leisure centre. The proposal is to erect a single storey extension at the rear elevation in order to extend the existing gym facilities within the building. In addition, it is also proposed to re-arrange the existing parking facilities and the former skate park in order to provide additional 46 no. parking spaces.



### 5.3 Design and Visual Amenity

The proposed extension would be approximately // square metres and situated between the existing Dance Studio / Plant Room and the Gym. The extension would be single storey in height with a lean-to roof and is located at the rear elevation. The building would be finished with matching brickwork under a single ply roof membrane with aluminium powder coated with matching colour. It is considered that the design of the proposed extension is acceptable.

There would be 2 no. new windows on the high level of the rear elevation of the host dwelling, these windows are acceptable and would not have any adverse impact upon the character or appearance of the building.

The proposed additional car parking spaces will be allocated on the existing hardstanding area or grass kerb within the existing parking facilities and the former skate park, therefore it is considered that there is no adverse impact upon the character or appearance of the locality.

### 5.4 Residential Amenity

The nearest residential properties to the site would be the apartment blocks and of Champs Sur Marne and a retail superstore. The proposed extension and new windows and door would be adjacent to Savage's Wood, therefore there is no adverse impact upon the amenity of the residential properties. The proposed additional parking spaces would be within the existing parking area and the former skate park, it is therefore considered that the proposal would not cause any material adverse impact upon the amenity of the neighbouring properties, in terms of overlooking, overbearing or any noise and disturbance.

### 5.5 Landscaping and ecological impact

The proposed extension would be in-filling structure at the rear elevation of the host building between the gym and Dance Studio/Plant room, therefore there are no landscaping issues.

The additional parking spaces will be on the existing hardstanding, grass kerb and landscaped area. Although it would result in a loss of some shrubs and grassed area, it is considered that the impact would not be significant to be detrimental to the landscape character of the area.

In terms of the ecological issues, the southern part of Savages Wood lies adjacent to the existing access road at the northern section of the leisure centre. The road appears to be currently unlit and the proposals do not appear to include road lighting. The woodland is highly likely to be used by foraging bats, and the slight increase in ambient light in this area from the installation of windows to the proposed new gym facility, is unlikely to have a detrimental impact on bats which may forage in this area due to the extensive nature of the rest of the woodland. The rest of the site affected by the proposals includes little or no vegetation. Therefore there are no objections to this application on ecological grounds.

## 5.6 Highway Issues

Officers acknowledge residents' concerns regarding the parking and highway issues of the proposal, and the Highway Officer has considered these particular concerns as part of the consideration of this application.

Whilst the proposed extension is very modest at circa 76 sq m the planning consultation has highlighted a number of issues that surround the existing site in relation to car parking in particular. It should be noted that it is not appropriate for this development to overcome the existing problems, the applicant does recognise that the existing car parking provision is often used to capacity. Officers consider that the proposal, due to the scale of the proposed extensions and improvement works, would not exacerbate material harm or impact to the existing parking issues. Although officers acknowledge that there will be some disruptions during the construction periods, the proposal would provide additional parking spaces within the site for the leisure centre as a whole.

Officers also acknowledge the concerns regarding the maximum parking spaces within the site. As the site is situated within a town centre location and Policy CS8 of the adopted Core Strategy and the National Planning Policy Framework encourage development that is located where everyone can access services or facilities on foot, bicycle or public transport, rather than having to rely on access by the car. Policy T8 of the adopted Local Plan advises proposals should not exceed the maximum parking spaces. On this particular site, the maximum required parking spaces for the whole leisure centre including the proposed single storey extension would be 264 no. parking spaces and the proposal, as a result, would provide a total of 239 no. parking spaces. Although the proposed number would be below the maximum parking requirement, officers do not consider that there is any substantive reason to refuse this application on the ground of the provision of parking given that the site is situated within a town centre location. Officers therefore support the proposed increased number of parking spaces within the existing parking area and the former skate park. Officers acknowledge that there are on-going works to the existing leisure centre, therefore, it is considered that it would be more appropriate to amend the previously suggested condition (Condition 3) to allow the proposed car parking to be provided within 12 months from the decision of this application and to ensure that these parking spaces will be provided to accord with the submitted plan.

Regarding the construction traffic issues, a planning condition is imposed to seek a detailed traffic management plan to be submitted, which will need to detail as a minimum compound locations, delivery times, contractor parking etc. Subject to the above conditions, there is no transportation objection to this proposal.

## 5.7 Other issues

Officers noted that there are a number of concerns regarding the proposal. Regarding the loss of the existing squash courts, the applicant has confirmed that the Patchway School, which is within the proximity of leisure centre, provides similar facilities. Officers therefore do not consider that the loss of such facilities would cause significant adverse impact in the wider community of

Bradley Stoke, also it is largely a commercial judgement. Furthermore, it would be unreasonable to prescribe specific sport facilities within the same use class. As such, there is no objection to the proposal.

Officers acknowledge that a number of planning applications recently submitted regarding the Bradley Stoke Leisure Centre, it is considered that these individual applications can be determined on their own merits. provided that they individually comply with the national and local planning policies and all other relevant materials have been taken into consideration. In addition, the planning history is also taken into account on each occasion.

The Local Planning Authority undertook the requisite consultation in relation to this planning application; criticism of the applicant's consultation exercise are noted, however, this would not be a reason itself to resist the proposal.

## **6. CONCLUSION**

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

## **7. RECOMMENDATION**

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

**Contact Officer: Olivia Tresise**  
**Tel. No. 01454 863761**

## **CONDITIONS**

- 1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
  
Reason  
To comply with the requirements of Section 91 of the Town & Country Planning Act 1990 (as amended).
- 2. The bricks to be used externally in the proposed extension hereby permitted shall match those of the existing building in colour and texture.

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. By twelve months of this decision and the proposed car parking spaces shown on drawing reference 35001 20 D shall be provided and maintained as such thereafter.

Reason

In light of the overall construction management plan and 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 saved Policy T8 of the South Gloucestershire Local Plan (Adopted) January 2006.

4. Prior to the commencement of the development a detailed construction traffic management plan including a minimum compound locations, delivery times, contractor parking etc, shall be submitted to and approved in writing by the Local Planning Authority. The approved construction traffic management plan shall be carried out accordingly.

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 saved Policy T8 of the South Gloucestershire Local Plan (Adopted) January 2006.

5. The hours of working on site during the period of construction shall be restricted to 07.30am to 18.00pm Mondays to Fridays, and 08.00am to 13.00pm 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.

Reasons:

- a. This is a pre-commencement condition in order to avoid any unnecessary remedial works in the future.
- b. To protect the residential amenity of the neighbouring occupiers and to accord with National Planning Policy Framework March 2012

## CIRCULATED SCHEDULE NO. 11/16 – 17 MARCH 2016

App No.: PT16/0144/F

Applicant: Mr C A Riaz

**Site:** Crantock Filton Lane Stoke Gifford  
Bristol South Gloucestershire  
BS34 8QN

**Date Reg:** 21st January 2016

**Proposal:** Erection of 2no Detached dwellings  
with associated works.

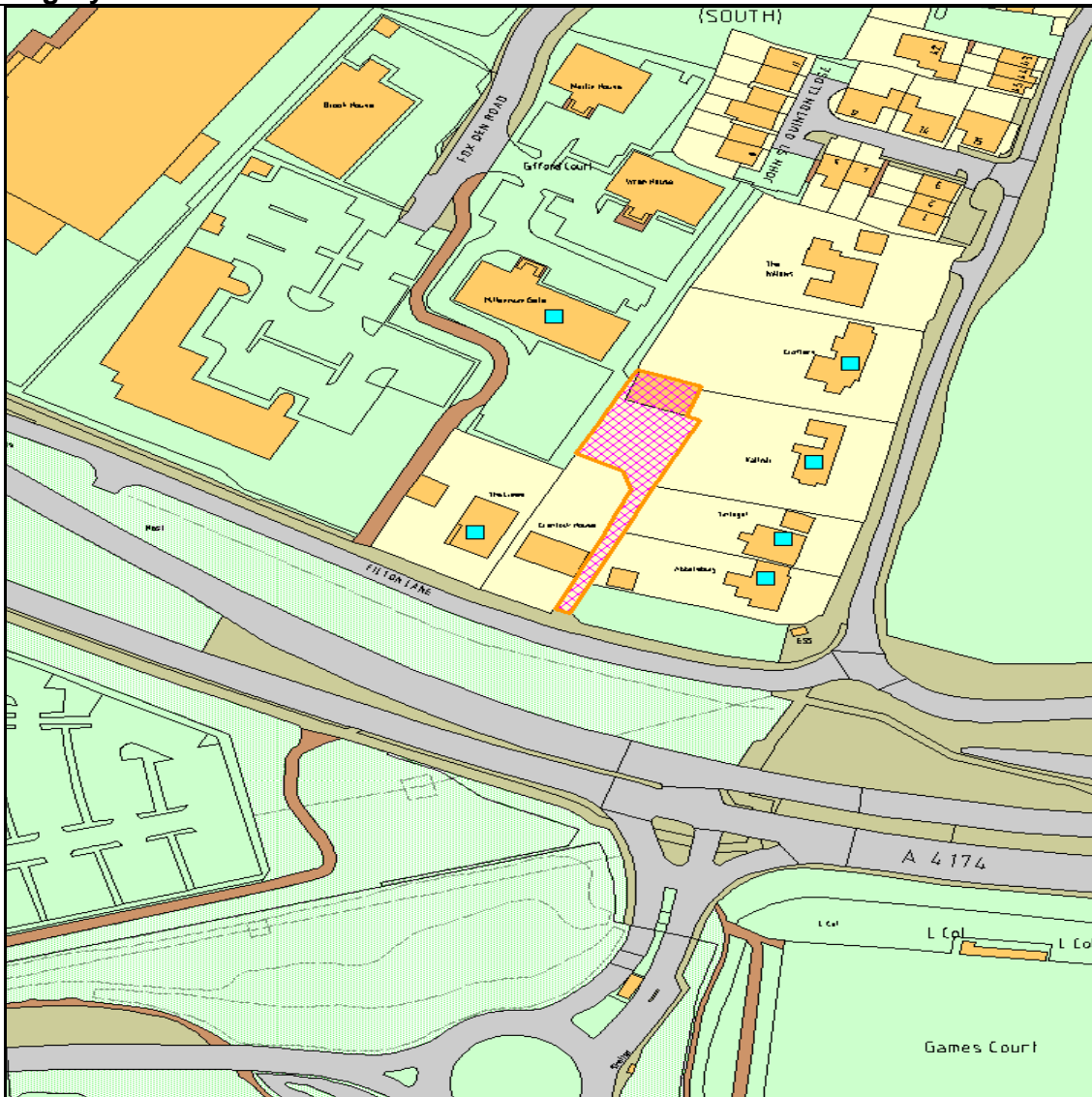
**Parish:** Stoke Gifford  
Parish Council

**Map Ref:** 361925 178649

**Ward:** Frenchay And  
Stoke Park

**Application Category:** Minor

**Target Date:** 14th March 2016



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PT16/0144/F

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

This application is to appear on Circulated Schedule due to a number of objections from local residents, contrary to the Officer's recommendation.

### **1. THE PROPOSAL**

- 1.1 The application seeks planning permission for the erection of 2no. detached dwellings with associated works.
- 1.2 The application lies to the rear of Crantock House, which fronts the main road and is a detached house. The application site is bound on three sides by residential properties on Harry Stoke Road, in particular their rear gardens.
- 1.2 The application site for the proposed 2no. houses is L-shaped, measuring approximately 20.2m by 28.2m long. The site will be accessed via an existing residential driveway beside Crantock House.
- 1.3 Officers from the Private Sector Housing Team have visited the existing property and confirmed it is currently a residential dwelling (Class C3) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended), but has the potential to provide occupancy for 9no. people. The agent has verbally confirmed a separate planning application has been submitted for a change of use from a residential dwelling (Class C3) to a house in multiple occupation (HMO) (sui generis).
- 1.4 Comments have been received in relation to the future occupancy of the two proposed dwellings. However, such comments do not carry significant weight in this planning decision because the application does not seek planning permission for a change of use. Therefore, the application has been assessed as 2no. housing units based on the merits of the site and the prevailing adopted national and local policy.
- 1.5 During the course of the application, the Officer advised the agent in respect of concerns about the proposed parking arrangement and revised plans have been submitted.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
National Planning Policy Framework March 2012  
National Planning Policy Guidance 2014
- 2.2 Development Plans  
South Gloucestershire Local Plan Core Strategy (Adopted) December 2013  
CS1 High Quality Design  
CS4a Presumption in Favour of Sustainable Development  
CS5 Location of Development  
CS8 Improving Accessibility

CS9 Managing the Environment and Heritage  
CS15 Distribution of Housing  
CS16 Housing Density  
CS17 Housing Diversity  
CS25 Communities of the North Fringe of Bristol Urban Area

South Gloucestershire Local Plan (Adopted) January 2006 Saved Policies

L1 Landscape Protection & Enhancement  
T12 Transportation for New Development  
H4 Development within Existing Residential Curtilages  
T7 Cycle Parking

2.3 Supplementary Planning Guidance

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

**3. RELEVANT PLANNING HISTORY**

3.1 *Crantock House: Change of use application from residential dwelling (Class C3) to HMO (sui generis) submitted, but not yet registered.*

3.2 P92/2626                                      Refused                                      10/021993  
Erection of two detached dwellings; construction of vehicular and pedestrian accesses (outline).

**4. CONSULTATION RESPONSES**

4.1 Stoke Gifford Parish Council

Objection (Local Member to call to sites). Concerns expressed regarding over massing and future parking arrangements should further development take place on site.

4.2 Sustainable Transport

No Objection subject to issues raised being addressed.

Update

No Objection subject to an informative and condition.

4.3 Highway Structures

No Comment

4.4 Drainage

No Objection subject to a condition.

4.5 Environmental Protection

No Objection subject to a condition.

4.6 Archaeology Officer

No Objection

- 4.7 Tree Officer  
No Objection subject to a condition.

### **Other Representations**

4.8 Local Residents

4no. local residents have objected:

- Crantock House is being converted into a 10 bed house of multiple occupation (HMO). Concerns proposed 2no. dwellings will be converted to 6 bed HMOs.
- Land proposed for development is subject to a covenant restricting the number of houses to 4no. Currently, the covenanted land has 3no. houses, which would only permit 1no. more dwelling to be constructed.
- No detail on materials and finishes to the houses and boundaries.
- There is currently a 4m rendered wall with the Crofters and Kallisti. When the wall is demolished for development, both would like it to be replaced with a 2m rendered wall.
- Increase in vehicular movement
- Established trees along the boundaries with the Crofters and Kallisti. Concerns that building works will damage the roots.
- Parking and turning area in front of the new houses would not allow a vehicle to turn 180 degrees if all the parking space is used up. Will result in multi-point manoeuvres, causing unnecessary noise pollution and exhaust pollution.
- Drawings show 2 windows proposed in the southeast elevation of house 2. These windows serve an upstairs bathroom and downstairs cloakroom. In order to maintain privacy, these windows must be obscure glazed and top openers only.
- Plans are incorrect as they show the rear gardens are on land that is not part of the site. If built at the shown location, the rear gardens will be smaller than shown.
- Negative effect on resale property values.
- Current hedgerow boundary with the Limes should be maintained.
- Development will cause drainage issues. Present sewer system will not cope with new connections and soakaways will not work with the clay soil on site.

## **5. ANALYSIS OF PROPOSAL**

5.1 Principle of Development

The proposal for the erection of 2no. detached four bed dwellings is to be assessed against the above listed policies all material considerations. A recent appeal decision declared that South Gloucestershire Council does not have a 5 year land supply and for this reason Policy CS5 is considered to be out of date and therefore paragraph 14 of the NPPF is engaged. Given the above the NPPF requires that planning be granted for development unless:



– any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole. This means that decision takers must still take into account overall design, location, amenity and transport and are directed to resist inappropriate development.

- 5.2 Policy CS1 of the South Gloucestershire Core Strategy (Adopted) 2013 states that all development will only be permitted where the highest possible standards of design and site planning are achieved. Proposals will be required to demonstrate that they respect and enhance the character, distinctiveness and amenity of the site and its context; is well integrated with existing and connected to the wider network of transport links; safeguards existing landscape/nature/heritage features; and contributes to relevant strategic objectives. Saved policy H4 of the South Gloucestershire Local Plan (Adopted) 2006 is supportive in principle of proposals for alterations and extensions to existing dwellings within their curtilage, including the erection of new dwellings, providing that the design is acceptable and that there is no unacceptable impact on residential and visual amenity. In addition, saved policy T12 of the Local Plan and policy CS8 of the Core Strategy seek to ensure that development will have no adverse impact on highways.

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

5.3 Efficient Use of Land and Access to Services

Planning policy dictates that the most efficient use of land should be sought and development directed to areas where there is already a good provision of services, shops and public transport routes.

- 5.4 Being located within the existing urban area of Filton, the site is considered to be a sustainable location for development. There is good access to existing infrastructure and local services and amenities in this location. The development site is considered large enough to accommodate the level of development proposed. Although the density proposed is low at 2no. units, the properties would be modest, detached houses; this is considered to be the most suitable form of development to its backland location and shared access. In this respect, the application site would be unsuited to a higher density given its location and site constraints. Overall, the site is considered a sustainable location to development and the proposal would contribute to creating a mix of types and density of housing in the locality.

5.5 Design

The proposed dwellings would be four bedroom modern, detached houses with a front porch, private rear gardens and parking spaces at the front of the property. The dwellings would measure approximately 7m wide by 13.1m in length, with an eaves height of 4.9m and a maximum ridge height of 7m. The dwellings will be rendered, with double Roman tiles and permeable block pavers. The proposed dwellings will be divided by 1.8m close-boarded wooden fencing. Local residents have requested that if the existing 4m rendered wall on the north east and south east site boundaries is demolished, it is replaced with

a 2m rendered wall. However, the agent has verbally confirmed that the existing boundary treatments would generally be left unchanged.

- 5.6 The layout of the proposed two dwellings would be the same and mirrored, aside from the garden sizes for both plots. The ground floor would include a study, kitchen/dining room, WC and a lounge. The first floor would include four bedrooms and a bathroom.
- 5.7 The proposed layout is not considered to be out of character with the locality, which is largely made up of detached bungalows and large detached houses along Filton Lane and Harry Stoke Road. The shared access is in the same position and alignment as the original driveway for Crantock House. Parking spaces will be to the front of the dwellings. The proposed dwellings are considered suitable in terms of scale, form and appearance. They are smaller in scale and size than the original properties along the front of Filton Lane and Harry Stoke Road. Overall, the proposed dwellings are considered appropriate additions to the locality that would not harm the character of the area.
- 5.8 Site Location and Impact on Residential Amenity  
Residential amenity should not be prejudiced as a result of new development. This plot consists of the rear parking area and garaging of Crantock House. Due to the backland location of the development, the proposed dwellings would effectively be tertiary development. To the southwest is a detached bungalow and to the north and southeast are large houses, with generous gardens. The proposed dwellings are considered to afford a good standard of amenity.
- 5.9 Kallisti is over 20m from Plot 2 and Crofters is over 25m from Plot 2. The proposed dwellings would unlikely have an overbearing impact on the existing properties to the northeast and southeast.
- 5.10 Concerns regarding loss of privacy and overlooking in respect of Plot 2 have been received by a neighbouring occupier. The proposed design includes three small windows in the side elevation to provide light to the bathrooms and stairwell. As such the windows do not serve primary living accommodation. In the interests of privacy, these windows should be obscure glazed. It is not considered that obscure glazing would have a prejudicial impact on the living conditions of the occupiers. Therefore, conditions will be attached to any planning permission granted restricting the bathroom windows to be obscure glazed only and non-opening unless the opening is 1.7m above floor level and new windows are not to be inserted into this elevation.
- 5.11 Trees  
A number of trees are located in adjacent gardens along the north east and south east boundaries and their root protection areas may extend into the application site. From discussions with the Council's Tree Officer, it is considered reasonable and necessary to ensure that an arboricultural survey is conducted prior to the commencement of development to confirm the root extension. This will form a condition attached to the decision notice.

5.12 Drainage

The Council's Drainage Engineer has considered the application and there are no objections to the proposal subject to a condition relating to the submission of surface water details including SUDS for flood prevention, pollution control and environmental protection. Subject to this condition there are no objections to the proposal on grounds of drainage.

5.13 Environment

The site itself is not currently subject to excessive levels of noise, pollution, smell, dust or contamination; it is a redundant site. However, historic uses within 250m of the site may have caused contamination which could give risk to unacceptable risks to the proposed development. Given the circumstances of surrounding the site, the Environmental Protection Officer has suggested a condition is attached to ensure prior to the commencement of development the land is investigated for contamination.

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

5.15 Access and Parking

The main transportation issue relating to the proposal is the provision of adequate off-street parking spaces for the additional and existing dwellings, particularly because there is a material loss of the parking area. Access to the two proposed dwellings would be via the existing access off Filton Lane, which serves Crantock House. Filton Lane is covered by double yellow lines resulting in restricted parking in the immediate area. The access is largely 4.2 metres, widening to 4.8 metres. The access will serve a total of three dwellings and is considered adequate for this level of vehicular movement.

- 5.16 Both dwellings will benefit from two off-street parking spaces, but they would replace the applicant's garages and parking area. Based on the standards set out in the Council's adopted Residential Parking Standards SPD, the minimum parking provision is 2no. spaces per dwelling – the proposed development meets this requirement. The scheme also makes provision for secure cycle storage and refuse bin storage within the curtilage of the site.

- 5.17 A new vehicular access and parking area will be created in front of Crantock House to counter-act the loss of their garages and parking. The existing dwelling would have three parking spaces.

- 5.18 There are no highway objections to the proposal subject to a planning condition stating the new development provides off-street parking in accordance with the approved plan prior to the occupation of the dwellings.

5.19 Other Matters

Concerns relating to design, residential amenity, highway safety and landscaping have been discussed within this report and have been given

weight according to the relevant adopted policies. Concerns relating to other matters are discussed in the following paragraphs.

- 5.20 A number of local residents have raised concerns that Crantock House and the two proposed dwellings will be converted from residential dwellings (Class C3) to HMOs (sui generis). The agent has verbally confirmed that a planning application for such a change of use has been submitted for Crantock House, but this will be determined on its own merits. In this case, the application has been assessed as 2no. housing units, but it is important to note that the change of use for properties used as a HMO for fewer than 6 residents is likely to be permitted development and therefore would not require a planning application.
- 5.21 The valuation or potential de-valuation of a property as a result of development is not a material consideration when determining an application and as such has not been given any weight.
- 5.22 Concern has been raised by a local resident that the rear gardens on the proposed plans are shown partially on land belonging to another. However, the applicant has completed the certificate declaring they are the sole owner of all the land concerned. Any development over land belonging to another is unacceptable, unless their consent has been acquired prior to undertaking the development.
- 5.23 Covenants and other restrictions on titles to land is not a planning consideration. If there are any restrictive covenants or any other potential constraints on the title to the land, the applicant will have to ensure they have all the appropriate land rights in addition to obtaining consent. An informative to this effect will appear on the decision notice.

## **6. CONCLUSION**

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

## **7. RECOMMENDATION**

- 7.1 It is recommended that planning permission is **GRANTED** subject to the conditions listed 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 07:30 to 18:00 Mondays to Fridays (inclusive); 08:00 to 13:00 Saturdays; and no working shall take place on Sundays or Public Holidays. The term 'working' shall, for the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the curtilage of site.

### **Reason**

In the interests of the residential amenity of neighbouring occupiers, to accord with Saved Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006 (Saved Policies) and Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013.

3.
  - A) Previous historic uses(s) of the site may have given rise to contamination. Prior to commencement, an investigation (commensurate with the nature and scale of the proposed development) shall be carried out by a suitably qualified person into the previous uses and contaminants likely to affect the development. A report shall be submitted for the written approval of the Local Planning Authority prior to the commencement of development.
  - B) Where potential contaminants are identified, prior to the commencement of development, an investigation shall be carried out by a suitably qualified person to ascertain the extent, nature and risks the contamination may pose to the development in terms of human health, ground water and plant growth. A report shall be submitted prior to commencement of the development for the written approval of the Local Planning Authority setting out the findings (presented in terms of a conceptual model) and identify what mitigation measures are proposed to address unacceptable risks. Thereafter the development shall proceed in accordance with any agreed mitigation measures.
  - C) Prior to occupation, where works have been required to mitigate contaminants (under section B) a report verifying that all necessary works have been completed satisfactorily shall be submitted to and agreed in writing by the Local Planning Authority.
  - D) If unexpected contamination is found after the development is begun, development shall immediately cease upon the part of the site affected. The Local Planning Authority must be informed immediately in writing. A further investigation and risk assessment should be undertaken and where necessary an additional remediation scheme prepared. The findings and report should be submitted to and agreed in writing to the Local Planning Authority prior to works recommencing. Thereafter the works shall be implemented in accordance with any further mitigation measures so agreed.

Note: An appropriate investigation is likely to include the following:

- i) A comprehensive desk study to identify all potential sources of contamination both arising on-site and migrating onto site from relevant adjacent sources.
- ii) A comprehensive ground investigation including sampling, to quantify the extent and nature of contamination.
- iii) An appropriate risk assessment to determine the scale and nature of the risks to human health, groundwater, ecosystems and buildings arising from the contamination. This will normally be presented in the form of a conceptual model.
- iv) A report detailing the remediation options including the final proposals for mitigating any identified risks to the proposed development.
- v) All works should be carried out with reference to the most relevant, appropriate and up to date guidance.

#### Reason

This is a pre-commencement condition to avoid any unnecessary remedial action in the future and to ensure that adequate measures have been taken to mitigate against contaminated land to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

4. No development shall commence until surface water drainage details including SUDS (Sustainable Drainage Systems e.g. soakaways if ground conditions are satisfactory), for flood prevention; pollution control and environmental protection have been submitted, including a detailed development layout showing surface water and SUDS proposals, and approved in writing by the Local Planning Authority. The development shall be carried out strictly in accordance with the approved details.

#### Reason

This condition is prior to commencement of development to avoid the need for future remedial action and to ensure that a satisfactory means of drainage is provided to accord with Policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and National Planning Policy Framework 2012.

5. The dwellings shall not be occupied until the access and car and cycle parking arrangements have been provided strictly in accordance with the submitted details (Proposed Site Plan PL02A, received by the Council on 23/02/2016) and thereafter, shall be permanently retained for that purpose.

#### Reason

To ensure the satisfactory provision of parking facilities and in the interest of highway safety, and to accord with saved policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006 (saved policies), Policy CS8 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013, and the Council's adopted Residential Parking Standards SPD (December 2013).

6. Prior to the commencement of development, an Arboricultural Report shall be submitted to the Local Planning Authority for approval. Development shall be carried out strictly in accordance with the agreed details.

Reason

This is a pre-commencement condition to avoid any unnecessary remedial action in the future and to protect the character and appearance of the area to accord with Saved Policies H4 and L1 of the South Gloucestershire Local Plan (Adopted) January 2006 (Saved Policies) and Policies CS1 and CS9 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013.

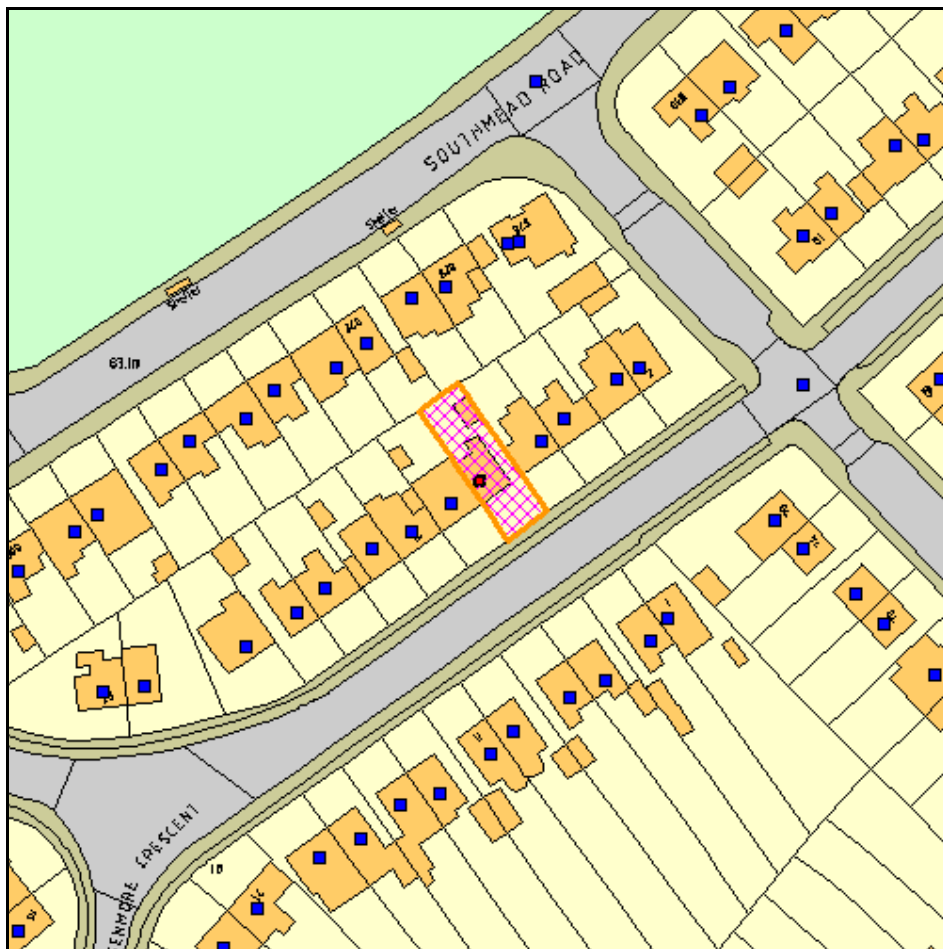
7. Prior to the use or occupation of the new dwellings hereby permitted, and at all times thereafter, the proposed ground floor and first floor bathroom windows on the north west and north east elevations shall be glazed with obscure glass to level 3 standard or above with any opening part of the window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

Reason

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

## CIRCULATED SCHEDULE NO. 11/16 – 17 MARCH 2016

<b>App No.:</b>	PT16/0311/F	<b>Applicant:</b>	Mr Adamo Missiato
<b>Site:</b>	10 Kenmore Crescent Filton Bristol South Gloucestershire BS7 0TN	<b>Date Reg:</b>	11th February 2016
<b>Proposal:</b>	Demolition of existing garage. Erection of single storey side and rear extension to from additional living accommodation and garage. Installation of rear and side dormer to create loft conversion.	<b>Parish:</b>	Filton Town Council
<b>Map Ref:</b>	359433 178469	<b>Ward:</b>	Filton
<b>Application Category:</b>	Householder	<b>Target Date:</b>	6th April 2016



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PT16/0311/F



## 1. **THE PROPOSAL**

- 1.1 The applicant seeks full planning permission for the demolition of an existing garage, the erection of a single storey side and rear extension to form additional living accommodation and the erection of a garage. In addition the erection of a rear and side dormer are proposed to facilitate a loft conversion.
- 1.2 The application site relates to a two-storey semi-detached property situated within the established settlement of Filton. The site is part of a residential street of similar styled properties.

## 2. **POLICY CONTEXT**

### 2.1 National Guidance

National Planning Policy Framework March 2012

### 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy (Adopted December 2013)

CS1	High Quality Design
CS4a	Sustainable Development
CS5	Location of Development
CS8	Improving Accessibility
CS9	Environmental Resources and Built Heritage
CS15	Distribution of Housing
CS16	Housing Density
CS17	Housing Diversity
CS18	Affordable Housing

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

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

### 2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted 2007)

South Gloucestershire SPD: Residential Parking Standards (adopted) 2013

## 3. **RELEVANT PLANNING HISTORY**

- 3.1 No planning history

## 4. **CONSULTATION RESPONSES**

### 4.1 Filton Town Council

No objection

## 4.2 Other Consultees

### Sustainable Transport

No objection subject to a condition regarding parking provision and an informative regarding the potential removal of a kerb.

## **Other Representations**

### 4.3 Local Residents

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

- Not in-keeping with other properties
- Over development for size of property
- Top of the house would be a square box
- Roofline will decrease the amount of sun-light coming into our garden
- Rear extension will bring the living area closer with an increase in noise
- Gardens are small and would mean loss of privacy to us
- Revised plan still overdevelopment and dormers equally obtrusive

## 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 importance is the overall resulting appearance (CS1); the impact on the amenities of the application site and that of its neighbours (H4) and the impact on highway safety and parking provision within the site (T12; SPD: Residential Parking Standards),

The proposal is considered to accord with policy and this is discussed in more detail below.

### Design and Visual Amenity

5.2 The application site is part of an attractive residential road of two-story properties in Filton. The street is characterised by double bay frontages, main hipped roofs with small gabled roof features above the entrances and low brick front boundary walls. The houses are separated from the highway by a pavement and grass verge. Some of the properties have single garages to the side, some of which are attached to the corresponding neighbouring garage.

5.3 The application site benefits from such an attached garage and as part of the development this would be replaced. As it is attached to its neighbour, Certificate B and a letter signed by the neighbour have been submitted to acknowledge the party wall element of the works. It is understood that given that the neighbouring garage at No. 8 will need to be demolished due to this development it will be re-built under permitted development rights.

5.4 The proposal comprises a number of elements to achieve what is undeniably a sizeable extension to this property. Comments from concerned locals have cited that the scheme would result in something out of keeping with the existing street scene and amount to overdevelopment of the site. From the road the proposed hipped side dormer would be the main change. Although the hipped

roofs are retained in many of the houses along this road and are an attractive feature, other examples of side dormer windows can be found here. Notwithstanding this, the use of dormer windows to facilitate loft conversions is common and a refusal reason on the basis of changing the street scene due to the introduction of such a feature could not be substantiated. To further accommodate the additional room in the loft space, a dormer is proposed in the rear elevation. Revised plans now show these as being separate entities and not connected externally. This is an improvement on the original design. It is acknowledged that together these would amount to substantial changes to the roof but again, such methods of conversion are not unusual. Good quality materials to match those of the existing dwelling would assist in the integration. It must further be recognised that the development would be within the existing residential curtilage of the property where extensions and additions are supported in both national and local planning policy. A condition attached to the decision notice would ensure the side dormer is of obscure glazing and non-opening below a certain height.

- 5.5 Moving on, a single storey rear extension to the main house and a single storey addition to the rear of the garage are also proposed. The resulting flat roof structure would therefore extend across the entire width of the property achieving a height of about 3.0 metres, 8.4 metres in width and 4.2 metres in depth. A large lantern roof light would bring natural light into the structure supplementing the large full height doors in this elevation. The existing single storey garage attached to the side, would be replaced by a similar structure.
- 5.6 Comments from neighbouring properties to the rear of the application site are acknowledged. However, for reasons covered above the proposed scheme, although resulting in a substantial addition to the property, is not considered to represent overdevelopment of the site and it must be noted that many other similar examples of such additions can be found in South Gloucestershire. In terms of its design, scale, massing and proposed use of materials the scheme is considered to accord with policy and can be recommended for approval.
- 5.7 Residential amenity  
Concern has been expressed that the proposed dormer window to the side would decrease the amount of sunlight entering a neighbour's garden. The neighbour in question is located to the north east, and therefore to the rear of the application site. The consequence of the proposed dormer could amount to some changes. However, the current situation, given the angle of the sun shining through the small gap in between No. 8 and 10, must be one where sunlight into the garden of No. 264 Southmead Road can only be limited to certain times of the day and year. The introduction of a side dormer window in the existing roof slope is not considered to result in an adverse impact on the amenity of this neighbouring property sufficient to warrant a refusal of the application.
- 5.8 Other comments regarding the proposed development have stated that it would result in more noise and loss of privacy. The single storey extension would achieve a depth of approximately 4.2 metres resulting in a distance of about 16 metres between the application site and its closest neighbours to the rear while the dormer would be over 20 metres away. In built-up urban areas such as

Filton this distance is not considered inappropriate. Furthermore, it must be noted that a single storey extension of up to 4 metres in depth from the rear building line could be achieved under permitted development rights without the need for planning permission and similarly permitted development also allows rear dormers that could be even larger than the one proposed here. One neighbour has cited loss of privacy but again development within existing curtilages is supported and the introduction of rear dormer windows, although would result in changes, is not considered to have an adverse impact on the amenity of neighbours over and above the existing situation,. In addition, openings in the single storey extension would be to the north facing the garden: this is neither unusual nor unacceptable for a single storey rear extension given the existing typical boundary treatments and planting between the sites. With regards to noise, the extension is to a family home and similarly, is not considered to result in any additional noise over and above that typically associated with domestic use.

#### 5.9 Sustainable Transport

The proposed development will increase the number of bedrooms within the dwelling to four. Vehicular parking for a dwelling is assessed on the number of bedrooms. A dwelling with up to four bedrooms would require a minimum of two parking spaces to be provided within the site boundary. Part of the development proposes to demolish the existing detached garage and a replacement garage adjoining the dwelling will be provided in line with the frontage of the dwelling. New build garages are required to have a minimum internal width of 3m. The proposed garage does not comply with these requirements and is therefore considered unsuitable for the parking of a standard size vehicle. However, the site does show that two parking spaces can be provided to the frontage of the site. Therefore subject to a condition regarding the provision of two parking spaces being provided prior to the first occupation of the extensions there are no objections to the scheme.

### 6. CONCLUSION

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

### 7. RECOMMENDATION

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

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

## **CONDITIONS**

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

### **Reason**

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

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

### **Reason**

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

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

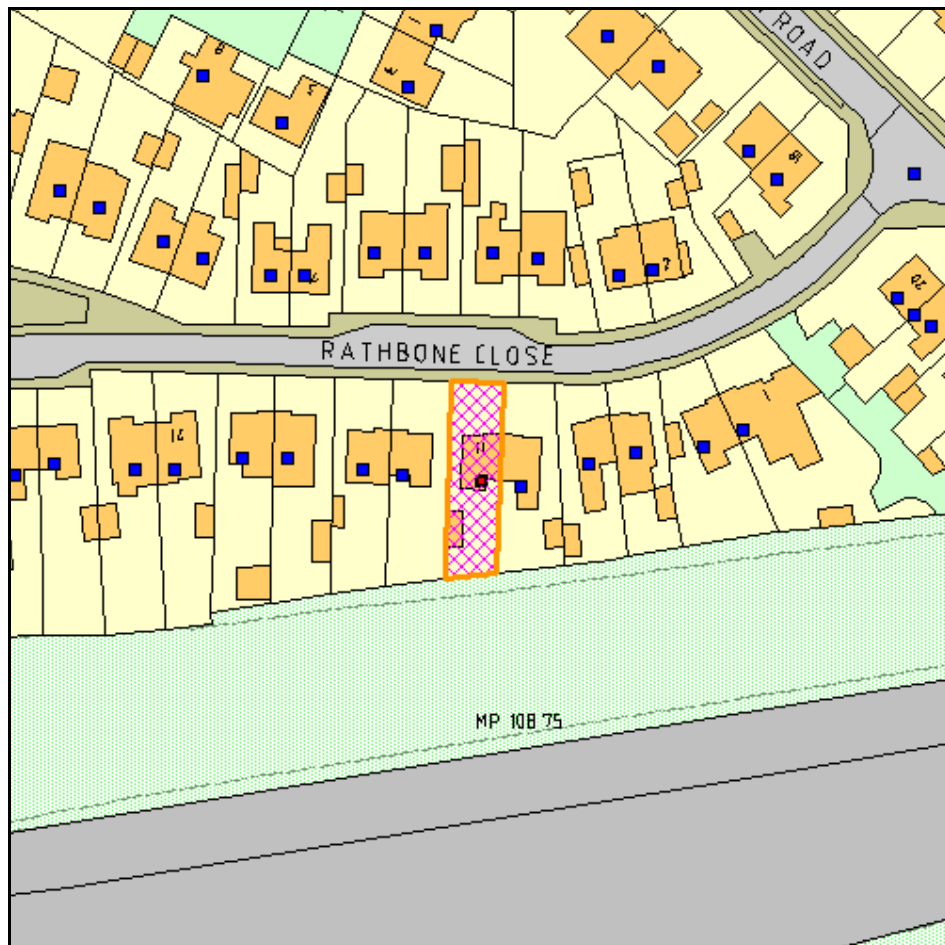
### **Reason**

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

4. Prior to the first occupation of the extension, the off-street parking facilities shown on the plan Proposed Site Plan - 812/100 Rev R01 for two vehicles hereby approved shall be provided and thereafter retained for that purpose.

### **Reason**

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

**CIRCULATED SCHEDULE NO. 11/16 – 17 MARCH 2016****App No.:** PT16/0424/CLP**Applicant:** Mr Gary Harvie**Site:** 11 Rathbone Close Coalpit Heath  
Bristol South Gloucestershire BS36  
2TW**Date Reg:** 11th February  
2016**Proposal:** Application for Certificate of Lawfulness  
for the proposed erection of a single  
storey rear extension to provide  
additional living accommodation and  
side and rear dormers to facilitate loft  
conversion**Parish:** Westerleigh Parish  
Council**Map Ref:** 367267 180293  
**Application  
Category:****Ward:** Westerleigh  
**Target  
Date:** 4th April 2016

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PT16/0424/CLP

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

This 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 erection of a single storey rear extension and side and rear dormer windows at 11 Rathbone Close, Coalpit Heath would be lawful. This is based on the assertion that the proposal falls within the permitted development rights normally afforded to householders under the Town and Country Planning (General Permitted Development) (England) Order 2015.
- 1.2 This 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 on the facts presented.

### **2. POLICY CONTEXT**

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

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

- 3.1 No planning history.

### **4. CONSULTATION RESPONSES**

- 4.1 Westerleigh Parish Council  
No comment received.
- 4.2 Other Consultees  
None received.

#### **Other Representations**

- 4.3 Local Residents  
None received.

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

- 5.1 Site Location Plan; Existing Floor Layout; Elevations; Elevations 2; Sections; Proposed Floor Layout; Elevations 3; Proposed Ground Floor Layout. All received on 30<sup>th</sup> January 2016

## 6. ANALYSIS OF PROPOSAL

### 6.1 Principle of Development

This 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 planning application is based on the facts presented. The submission is not a planning application and thus the Development Plan is not of relevance to the determination of this application.

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

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

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

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

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

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

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

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

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

(d) **The enlarged part of the dwellinghouse would extend beyond a wall which—**

(i) **forms the principal elevation of the original dwellinghouse;**  
**or**

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

The extension would extend beyond the rear elevation not fronting a highway.



- (e) **Subject to paragraph (g), the enlarged part of the dwellinghouse would have a single storey and—**
- (i) **extend beyond the rear wall of the original dwellinghouse by more than 4 metres in the case of a detached dwellinghouse, or 3 metres in the case of any other dwellinghouse, or**
  - (ii) **exceed 4 metres in height;**
- The application relates to a semi detached dwellinghouse. The proposed extension would be attached to an existing extension the maximum depth which is 3 metres beyond the rear wall. The maximum height of the extension is 3.5 metres. The development therefore meets these criteria.
- (f) **Until 30th May 2019, for a dwellinghouse not on article 2(3) land nor on a site of special scientific interest, the enlarged part of the dwellinghouse would have a single storey and—**
- (i) **extend beyond the rear wall of the original dwellinghouse by more than 8 metres in the case of a detached dwellinghouse, or 6 metres in the case of any other dwellinghouse, or**
  - (ii) **exceed 4 metres in height;**
- Not applicable.
- (g) **The enlarged part of the dwellinghouse would have more than a single storey and—**
- (i) **extend beyond the rear wall of the original dwellinghouse by more than 3 metres, or**
  - (ii) **be within 7 metres of any boundary of the curtilage the dwellinghouse opposite the rear wall of the dwellinghouse;**
- The extension would be single storey.
- (h) **The enlarged part of the dwellinghouse would be within 2 metres of the boundary of the curtilage of the dwellinghouse, and the height of the eaves of the enlarged part would exceed 3 metres;**
- The extension would be within 2 metres of the boundary but the eaves would be less than 3 metres.
- (i) **The enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse, and would—**
- (i) **exceed 4 metres in height,**
  - (ii) **have more than a single storey, or**
  - (iii) **have a width greater than half the width of the original dwellinghouse; or**
- The development would not extend beyond the side elevation.
- (j) **It would consist of or include—**
- (i) **the construction or provision of a verandah, balcony or raised platform,**

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

The development would not include any of the above.

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

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

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

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

The plans confirm that the materials will match the existing dwelling with the exception of the roof, which is a conservatory style roof and therefore is not necessary to match the host dwelling. The proposal therefore meets this criterion.

- (b) any upper-floor window located in a wall or roof slope forming a side elevation of the dwellinghouse must be—

- (i) obscure-glazed, and
- (ii) non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed; and

The upper floor dormer window in the side elevation is to be obscure glazed. The proposal therefore meets these criteria.

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

Not applicable.

**B.1 Development is not permitted by Class B if –**

- (a) Any part of the dwellinghouse would, as a result of the works, exceed the height of the highest part of the existing roof;

The proposed dormer windows would, at their highest point, be the same height as the existing ridge height. Therefore, the development meets this criterion.

- (b) Any part of the dwellinghouse would, as a result of the works, extend beyond the plane of any existing roof slope which forms the principle elevation of the dwellinghouse and fronts a highway;**

For the purpose of this application, it is considered that the principle elevation of the property is the elevation facing onto Rathbone Close, which is the north elevation. The alterations to the roofline do not extend forward of the existing front elevation roof slope. The roof light proposed on the forward facing slope are to be considered against Class C of Part 1 of the GPDO.

- (c) The cubic content of the resulting roof space would exceed the cubic content of the original roof space by more than-**

**(i) 40 cubic metres in the case of a terrace house, or**

**(ii) 50 cubic metres in any other case;**

The dormer windows have a combined volume of approximately 25 cubic metres; this is below 50 cubic metres and therefore the proposal meets this criterion.

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

**(i) The construction or provision of a veranda, balcony or raised platform, or**

The proposal does not include the construction of any of the above.

**(ii) The installation, alteration or replacement of a chimney, flue or soil and vent pipe;**

The proposal does not include any alterations to the chimney, or the installation of a flue or soil and vent pipe.

- (e) The dwellinghouse is on article 2(3) land.**

The dwellinghouse is not on article 2 (3) land.

## **Conditions**

### **B.2 Development is permitted by Class B subject to the following conditions**

- (a) The materials used in any exterior work shall be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse.**

The applicant has stated in the plans that the hanging pantiles of the dormer window will match the colour of the existing dwelling. The flat roof of the rear dormer window will not match, however according to the Technical Guidance for the GPDO, as the dormer roof will not be visible from ground level, this is acceptable. The roof of the side dormer window will match the existing property and therefore the proposal meets this condition.

- (b) Other than in the case of a hip to gable enlargement, the edge of the enlargement closest to the eaves of the original roof shall, so far as practicable, be not less than 20cm from the eaves of the original roof; and**

Both dormer windows are more than 20cm from the eaves of the original dwelling, and therefore the development meets this condition.

- (c) Any window inserted on a wall or roof slope forming the side elevation of a dwellinghouse shall be-**

- (i) Obscure glazed; and**

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

The plans state that the side windows will be obscure glazed, and the application form confirms they will be non opening unless over 1.7 metres from the floor of the room in which the window is installed.

**C.1 Development is not permitted by Class C if-**

- (a) The alteration would protrude more than 150mm beyond the plane of the slope of the original roof when measure from the perpendicular with the external surface of the original roof**

The application form has confirmed that the roof light windows on the front elevation of the roof slope will not protrude more than 150mm from the roofline.

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

The proposal does not exceed the highest part of the original roofline at any point, and therefore meets this criterion.

- (c) It would consist of or include-**

- (i) The installation, alteration or replacement of a chimney, flue or soil and vent pipe;**

- (ii) The installation, alteration or replacement of solar photovoltaics or solar thermal equipment.**

The proposal does not include any of the above.

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

- (a) obscure glazed; and**

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

The rooflight is on the front elevation, and therefore this condition does not apply in this case.

**7. RECOMMENDATION**

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

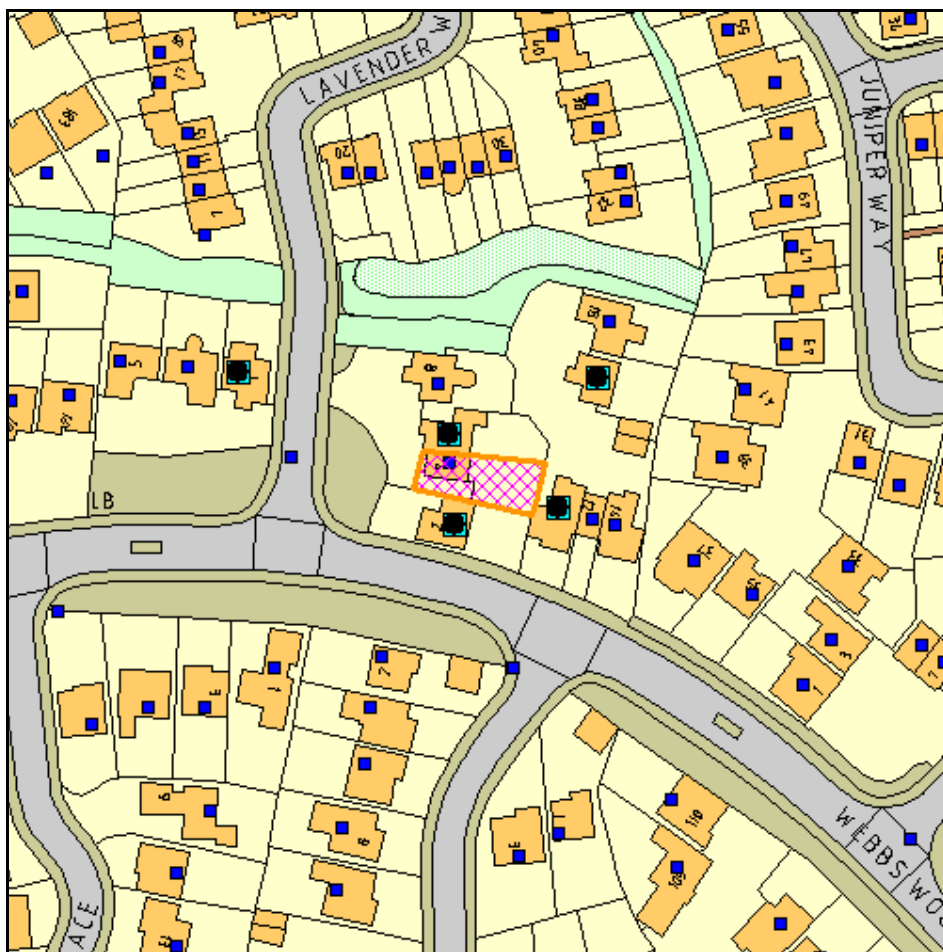
Evidence has been provided to demonstrate that the development falls within permitted development within the curtilage of the dwellinghouse under Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015

**Contact Officer: Trudy Gallagher**  
**Tel. No. 01454 862217**

## CIRCULATED SCHEDULE NO. 11/16 – 17 MARCH 2016

<b>App No.:</b>	PT16/0711/F	<b>Applicant:</b>	Mr Elis Owen
<b>Site:</b>	4 Lavender Way Bradley Stoke Bristol South Gloucestershire BS32 0LW	<b>Date Reg:</b>	18th February 2016
<b>Proposal:</b>	Erection of two storey side and single storey rear extension to provide additional living accommodation.	<b>Parish:</b>	Bradley Stoke Town Council
<b>Map Ref:</b>	362979 181226	<b>Ward:</b>	Bradley Stoke South
<b>Application Category:</b>	Householder	<b>Target Date:</b>	11th April 2016

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PT16/0711/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 rear extension to provide additional living accommodation and integral garage.
- 1.2 The application site relates to a modest two-storey semi-detached property in the established settlement of Bradley Stoke at No. 4 Lavender Way.
- 1.3 This application follows a recently refused scheme for a similar but larger addition to the property. Following the refusal, discussions and advice occurred between the agent and the council and this resulting current application has sought to address the previous concerns: the two-storey rear extension has been removed and the parking issues have been resolved with the introduction of a car port rather than an enclosed garage and the number of additional bedrooms has been reduced.

### **2. POLICY CONTEXT**

#### **2.1 National Guidance**

National Planning Policy Framework March 2012

#### **2.2 Development Plans**

South Gloucestershire Local Plan Core Strategy (Adopted December 2013)

CS1 High Quality Design

CS4A Presumption in Favour of Sustainable Development

CS5 Location of Development

CS8 Improving Accessibility

CS15 Distribution of Housing

CS16 Housing Density

CS17 Housing Diversity

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

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

T12 Transportation Development Control

#### **2.3 Emerging PSP DPD Site and Places**

PSP44 Private Amenity Space Standards

#### **2.4 Supplementary Planning Guidance**

South Gloucestershire Design Checklist (Adopted 2007)

South Gloucestershire SPD: Residential Parking Standards (adopted) 2013

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

- 3.1 PT16/0669/F Erection of a two-storey side extension and two-storey rear extension and single storey rear extension to provide additional living accommodation and integral garage  
Refused 26.3.15

Reason 1:

The proposed development would result in an insufficient amount of off street parking to serve the property to the detriment of highway safety. The proposal is therefore contrary to Policy CS8 and the SPD: Residential Parking Standards of the South Gloucestershire Local Plan: Core Strategy (Adopted) 2013 and saved Policy T12 of the South Gloucestershire Local Plan (Adopted) 2006.

Reason 2:

The proposal by virtue of its bulk and massing would have a detrimental impact on the amenity of neighbours due to adversely impacting on the amount of and functionality of the space outside the neighbouring garage and turning/manoeuvring area at the end of the cul-de-sac. As such the proposal fails to accord with the NPPF, Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) 2013 and saved Policy H4 of the South Gloucestershire Local Plan (Adopted) 2006.

- 3.2 P97/1735 Erection of 94 dwellings and associated works  
Approved 21.8.97
- 3.3 P84/0020/1 Residential, shopping & employment development inc. roads & sewers and other ancillary facilities on approx.1000 acres of land.  
Approved 3.12.86

### 4. **CONSULTATION RESPONSES**

4.1 Bradley Stoke Town Council

Objection:

The proposal is out of keeping, over-development and over-massing on the site.

4.2 Other Consultees

Highway Engineer

No objection

Archaeologist

No objection: Although the proposal lies close to the remains of a Roman settlement, given the level of previous ground disturbance and the limited nature of the work proposed there are no objections to this proposal on archaeological grounds



## **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 proposal comprises two main elements, a two-storey side extension and a single storey rear extension.

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

The application site is a two-storey pale yellow brick dwellinghouse. It is semi-detached and the proposed two-storey extension would be to the southern side. The neighbouring dwelling to the south is a detached property separated from the application site by its own attached single garage which is stepped back from the front building line by 2.5 metres. The neighbouring property is at a slight angle towards the application site making a tapering space between the two with the minimum gap of 2.5 metres to the west.

- 5.3 Good design principles encourage extensions to be able to be read as such by being subservient to the main dwelling. Under this current application the extension would be stepped back from the main front building line by 0.60 metres and have a ridge height 0.20 metres lower than that of the main house. Under the original application the difference in height and front building line between the original and that proposed were criticised and have subsequently been increased under this scheme to achieve a greater 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. This change is appropriate as one of the criticisms of the previous scheme was the extent of the bulk and massing created by the originally proposed two-storey rear addition. The new extension would incorporate a car port at ground floor rather than be of solid form which would further reduce the mass and bulk. Openings would be a 'bonnet' style dormer window in the first floor west elevation and window to match existing first floor windows in the east elevation. A door would lead from the car port below and give access into the proposed single storey rear extension. Materials would be to match the host property.
- 5.4 Given the above changes which include the reduction in height and being set back from the front building line, the removal of the first floor rear addition and the open nature of the ground floor element to facilitate a car port it is considered that the overall bulk and massing of the two storey side extension

has been sufficiently reduced to result in an acceptable form of development that can be supported.

*Single storey rear extension:*

- 5.5 This would stretch across the entire width of the property including the proposed side addition. It would measure approximately 3.6 metres deep, 7.1 metres in length and achieve a maximum height of 3.65 metres. Two banks of full height bi-fold doors would be positioned in the east elevation and two further roof lights would bring additional light into the structure. Again materials used would be of good quality and to match the existing dwelling. The single storey rear extension is considered to be of a standard design and size and on this basis it is acceptable.
- 5.6 Comments from the Town Council are noted in terms of the development being out of keeping, resulting in over development and over massing. However, the above assessment has shown that both two-storey side and single storey rear additions are typical and established methods of extending properties. Many 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.
- 5.7 Although in totality the scheme would result in a large addition to this modest property it must be noted that the overall size of the subservient two-storey side extension has been reduced and a single storey rear addition larger than that proposed here could have been erected if the permitted development rights had not been removed under an condition covering the whole of the estate. In design terms the scheme is representative of a typical two-storey side and a not uncommon rear extension. As such a refusal reason on the grounds of overdevelopment or over massing could not be defended in an appeal situation. In planning terms the scheme is considered acceptable and is recommended for approval.
- 5.8 Sustainable Transport  
The application site is within a small cul-de-sac serving 4no. houses. The property is the last but one house and the turning head at the end of the cul-de-sac is very small making manoeuvring of vehicles difficult. The neighbouring dwelling at No. 2 has a single garage attached to its north elevation. This garage is stepped back from the front building line by approximately 2.5 metres, but the house and garage are angled slightly towards the application site. This limits the space in between the two properties. Concerns regarding the amount of parking and impact on the neighbouring dwelling in terms of ease of access to their own garage were highlighted in the previous application. To address those issues this current proposal has firstly reduced the number of bedrooms resulting in a property of 3 bedrooms, has substituted a garage of substandard size for a car port which means it can function better as a parking space and confirmed that a parking space can be achieved to the front of the property.
- 5.9 Submitted plans show two parking spaces, one to the front and one within the car port. These measures are acceptable and it is therefore considered that there would be sufficient parking to meet the adopted standards for a three bed house. Given the above there are no transportation objections to the scheme.

#### 5.10 Residential Amenity

To the rear closest neighbours fronting Webbs Wood Road are side onto the application site. Given these neighbours have one obscure first floor window in the opposing elevation and are also separated from the application site by their own attached garage it is considered the proposal would not be to the detriment of these neighbours. Although small, the amount of resulting residential amenity space remaining to serve the existing dwelling would be approximately 76 sq m. The emerging Policy sites and places DPD suggests a three bedroom property should have 60 sq m of usable amenity space and a four bed house should have 70 sq m. On this basis the proposal is acceptable.

### 6. CONCLUSION

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

### 7. RECOMMENDATION

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

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

### CONDITIONS

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

Reason

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

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

Reason

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with saved Policy H4 of the South Gloucestershire Local Plan (Adopted) January

2006; Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) 2013 and the provisions of the National Planning Policy Framework.

3. The off-street parking facilities (for all vehicles, including cycles) shown on the plan Parking Plan - 007 hereby approved shall be provided before the extension is first occupied, and thereafter retained for that purpose.

Reason

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