



**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.07/16

Date to Members: 19/02/16

Member's Deadline: 25/02/16 (5.00pm)

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

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

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

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

NOTES FOR COUNCILLORS - FORMAL ARRANGEMENTS

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

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

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

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

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

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

GUIDANCE FOR 'REFERRING' APPLICATIONS

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

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

CIRCULATED SCHEDULE 19 February 2016

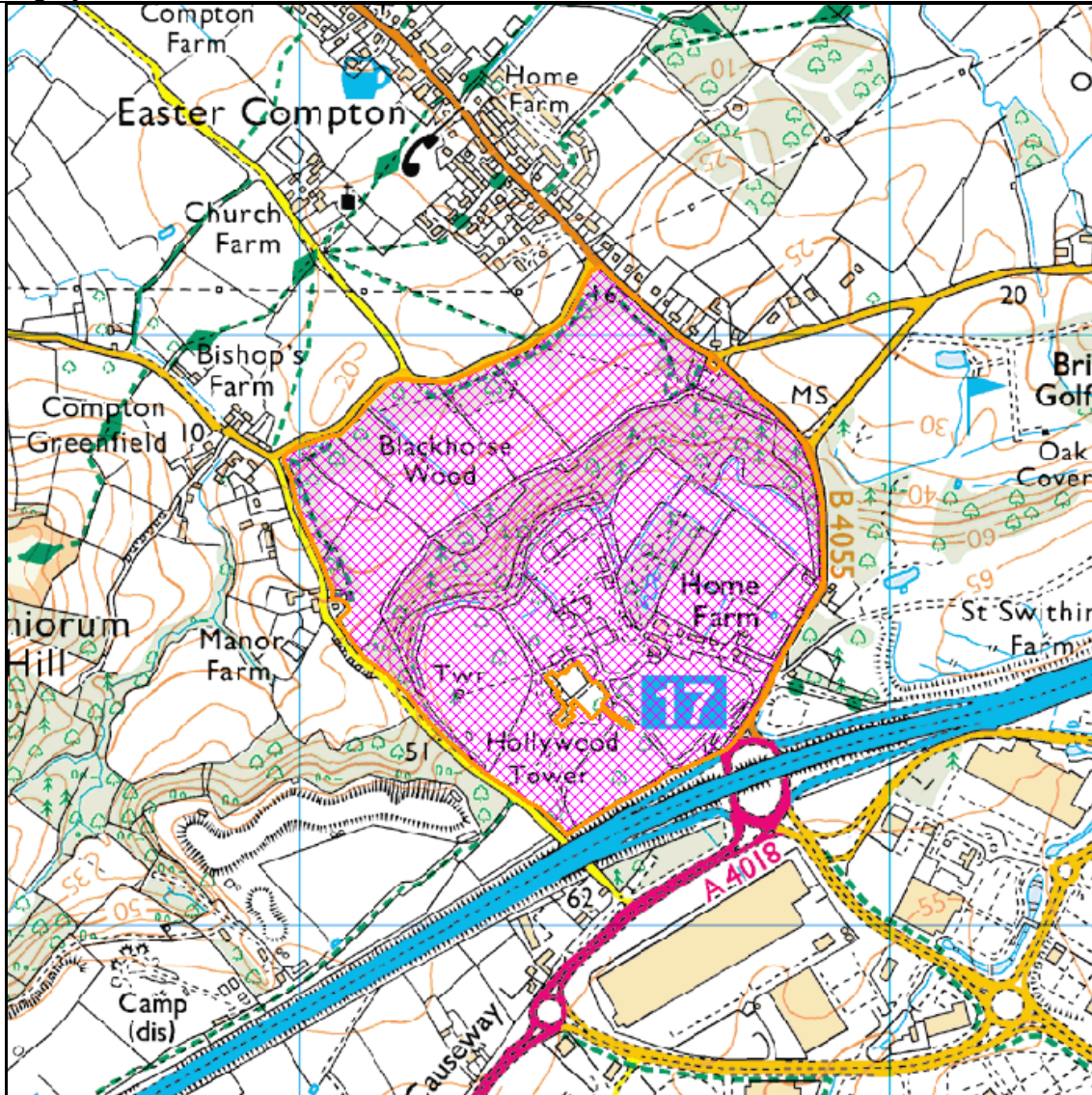
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ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
1	MODT15/0004	No Objection	Bristol Zoo National Wildlife Conservation Park Blackhorse Hill Easter Compton South Gloucestershire BS10 7TP	Almondsbury	Almondsbury Parish Council
2	PK15/3321/F	Approve with Conditions	Castle Cottage 44 Willsbridge Hill Willsbridge South Gloucestershire BS30 6EY	Longwell Green	Hanham Abbots Parish Council
3	PK15/4081/F	Approve with Conditions	3 Rock Road Wick South Gloucestershire BS30 5TW	Boyd Valley	Wick And Abson Parish Council
4	PK15/4168/F	Approve with Conditions	1 Coombes Way North Common South Gloucestershire BS30 8YW	Oldland	Bitton Parish Council
5	PK15/4530/F	Approve with Conditions	2 Webbs Heath Siston South Gloucestershire BS30 5LZ	Siston	Siston Parish Council
6	PK15/4772/F	Approve with Conditions	Upper Farm West Littleton Road Marshfield Chippenham South Gloucestershire SN14 8JE	Cotswold Edge	Tormarton Parish Council
7	PK15/5509/RVC	Approve with Conditions	25A Tyndale Avenue Yate South Gloucestershire BS37 5EU	Yate North	Yate Town
8	PK16/0011/F	Approve with Conditions	Windy Ridge Burton Road Acton Turville Badminton South Gloucestershire GL9 1HN	Cotswold Edge	Acton Turville Parish Council
9	PK16/0015/F	Refusal	Land At 99 Crispin Way Kingswood South Gloucestershire BS15 4SH	Rodway	None
10	PK16/0067/CLP	Approve with Conditions	36 Court Road Oldland Common South Gloucestershire BS30 9SP	Oldland	Bitton Parish Council
11	PK16/0201/PDR	Approve with Conditions	16 Bye Mead Emersons Green South Gloucestershire BS16 7DL	Emersons	Emersons Green Town Council
12	PT15/3348/F	Approve with Conditions	Church Farm Northwick Road Pilning South Gloucestershire BS35 4HE	Pilning And Severn Beach	Pilning And Severn Beach Parish Council
13	PT15/3352/LB	Approve with Conditions	Church Farm Northwick Road Pilning South Gloucestershire BS35 4HE	Pilning And Severn Beach	Pilning And Severn Beach Parish Council
14	PT15/3522/F	Approve with Conditions	The Parade Coniston Road Patchway South Gloucestershire BS34 5LP	Patchway	Patchway Town Council
15	PT15/4637/F	Approve with Conditions	Lavenham Farm Nibley Lane Iron Acton South Gloucestershire BS37 9UR	Frampton Cotterell	Iron Acton Parish Council
16	PT15/4827/F	Approve with Conditions	Land Off Redham Lane Pilning South Gloucestershire BS35 4HQ	Severn	Olveston Parish Council
17	PT15/5302/O	Refusal	The Park Hotel Gloucester Road Whitfield Wotton Under Edge South Gloucestershire GL12 8DR	Charfield	Falfield Parish Council
18	PT15/5425/F	Approve with Conditions	Meadow View Farm Devil's Lane Charfield South Gloucestershire GL12 8BN	Charfield	Charfield Parish Council

ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
19	PT15/5429/F	Approve	Wellfield Cottage Kington Lane Thornbury South Gloucestershire BS35 1NA	Thornbury North	Thornbury Town Council
20	PT16/0016/F	Approve with Conditions	1 Field Farm Close Stoke Gifford South Gloucestershire BS34 8XX	Stoke Gifford	Stoke Gifford Parish Council

CIRCULATED SCHEDULE NO. 07/16 – 19 FEBRUARY 2016

App No.:	MODT15/0004	Applicant:	Osborne Clarke
Site:	Bristol Zoo National Wildlife Conservation Park Blackhorse Hill Easter Compton South Gloucestershire BS10 7TP	Date Reg:	21st May 2015
Proposal:	Deed of Variation of S106 Agreement attached to planning application PT14/4573/RVC.	Parish:	Almondsbury Parish Council
Map Ref:	357850 181587	Ward:	Almondsbury
Application Category:		Target Date:	14th July 2015



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 100023410, 2008. N.T.S. MODT15/0004

REASON FOR REPORTING TO CIRCULATED SCHEDULE

The application appears on the circulated schedule as it proposes a variation of the existing s106 legal agreement related to planning permission PT14/4573/RVC as detailed in section 4 of this report.

1. THE PROPOSAL

- 1.1 The application relates to land associated with the Hollywood Tower Estate located due North and Northeast of Junction 17 of the M5 Motorway.
- 1.2 Planning Permission (PT08/2900/F) was granted on 23rd July 2010 for the development of a major new visitor attraction on the site that would provide buildings, structures exhibits and associated parking and infrastructure on the land used as zoological gardens under planning permission SG.8742. The approval was subsequently varied under planning permission PT14/4573/RVC (dated 25th March 2015) so as to allow a phased approach to the development of the site. Essentially, the planning permission allows the development of a new visitor attraction on the site referred to as The National Wildlife Conservation Park.
- 1.3 The application is submitted to vary the s106 legal agreement associated with planning permission PT14/4573/RVC. It is not a planning application, but is a written request to the Local Planning Authority to vary the s106. The variation request relates to transportation measures in particular the scope of the obligations secured under the s106 agreement.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework
Planning Policy Guidance

- 2.2 Development Plans

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

T12	Transportation Development Control Policy for New Development
L1	Landscape Protection and Enhancement
L8	Sites of Local and Regional
L9	Species Protection
L10	Historic Parks and Gardens
L11	Archaeology
EP2	Flood Risk and Development

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1	High Quality Design
CS5	Location of Development
CS8	Improving Accessibility

CS9	Managing the Environment and Heritage
CS25	Communities of the North Fringe of Bristol
CS26	Cribbs/Patchway New Neighbourhood
CS34	Rural Areas

- 2.3 Supplementary Planning Guidance
 Development in the Green Belt (adopted) 2007
 South Gloucestershire Design Checklist (adopted) 2007

3. **RELEVANT PLANNING HISTORY**

- 3.1 There is a varied planning history relating to the Hollywood Tower Estate. The most relevant history, in that it is related to the use of the land and associated buildings for zoological gardens/attraction are listed below;
- 3.2 SG.8742 Change of Use from Agricultural Estate to Zoological Gardens
 Approved with conditions, 2nd March 1967
- 3.3 PT06/0339/F Construction of new roundabout junction at Hollywood Tower Estate with alterations to existing access and associated works.
 Approved with conditions, 28th March 2008
- 3.4 PT08/2839/LB Internal and external alterations, including partial demolition of curtilage Grade II listed Model Farm buildings.
 Approved with conditions, 11th December 2008
- 3.5 PT09/5657/FDI Diversion of Footpath No. OAY79 in association with proposed development of the National Wildlife Conservation Park.
 Footpath Diversion Order confirmed, 24th August 2010
- 3.6 PT11/3846/LB Internal and external alterations, including partial demolition of curtilage Grade II listed Model Farm buildings.
 Approved with conditions, 24th January 2012
- 3.7 PT13/0156/CLE Application for Certificate of Lawfulness for the retention of four animal shelters/buildings.
 Approved with conditions, 5th July 2013
- 3.8 PT13/0772/LB Minor internal and external works to Model Farm buildings.
 Approved with conditions 3rd May 2013
- 3.9 PT08/2900/F Erection of built facilities, fencing, enclosures and other ancillary facilities pursuant to planning permission SG8742 (Change of Use from Agricultural Estate to Zoological Gardens). Part full application and part

outline application with the following matters reserved: appearance, landscaping, layout and scale.

Approved with conditions and subject to a s106 agreement, 23rd July 2010

- 3.10 PT14/4573/RVC Variation of Conditions for PT08/2900/F no. 7, 8, 9, 10, 13, 14, 15, 18, 19, 20, 21, 22, 25, 26 and 29 as stated in schedule of variations in planning statement

Conditions varied 25th March 2015

4. CONSULTATION RESPONSES

- 4.1 The application proposes a Deed of Variation of an existing s106 legal agreement. This is not a process requiring formal consultation under the Town and Country Planning Act.

4.2 Highway Authority

Notwithstanding the above, the Deed of Variation relates to triggers for transportation obligations relating to the development of the National Wildlife Conservation Park as a major visitor attraction. As such, the Sustainable Transport Team has been consulted and the comments are summarised as follows;

No Objection to the Proposed Deed of Variation.

The Highway Authority acknowledge the significant material change to the visitor attraction on offer and that the projected visitor numbers has significantly reduced from 600,000 visitors per annum to 195,000 visitors per annum by 2023.

The Highway Authority considers that the extant s106 obligations are now unreasonable, unnecessary and out of scale with the revised scope of the National Wildlife Conservation Park development.

The Highway Authority is satisfied that the existing transport infrastructure is capable of accommodating up to 250,000 visitors, well in excess of the predicted 195,000 visitors by 2023.

The Highway Authority is satisfied that the revised Travel Plan sets appropriate triggers for provision of appropriate further transportation measures and provides robust methods for the monitoring of the impact of the visitor attraction in respect of informing the trigger points.

The Highway Authority is satisfied that that given the significant reduction in visitor numbers the obligations within the extant S106 to the National Wildlife Conservation Park are not needed to be implemented prior to the opening of the development; and that the revised Travel Plan provides security and confidence that appropriate measures can be introduced as the attraction develops.

5. ANALYSIS OF PROPOSAL

- 5.1 The application seeks approval for the variation of the s106 legal agreement associated with Planning Permission PT14/4573/RVC through a Deed of Variation. It is not a planning application, but is a written request made by the applicant to vary the s106 agreement.
- 5.2 Principle of Development
The principle of the development of the National Wildlife Conservation Park (NWCP) is established through planning permission PT14/4573/RVC.
- 5.3 This approval varied the original planning permission approved under PT08/2900/F so as to enable a phased approach to the implementation of the National Wildlife Conservation Park. At the time that the original application was approved, the NWCP represented an ambitious and major visitor attraction for the region, and at the time attracted funding options which may have allowed a relatively short period of implementation. Nonetheless, the subsequent down turn in the economy is such that the implementation of the project is now envisaged to take place over a longer period of time. The approval to allow a phased approach to the development (PT14/4573/RVC) reflects this change in circumstances.
- 5.4 The economic climate has also affected the numbers of projected visitor numbers significantly. The initial aspirations for the NWCP as a visitor attraction were of a national and regional scale with anticipated visitor numbers reaching 600,000 per annum by the year 2020. The travel plan initially submitted to support the approved development was based upon this visitor number projection. However, based upon visitor information gathered from the current operation (Wild Place Project) at the site, the visitor forecast has now been revised to be 195,000 visitors per annum by 2023; and the visitor attraction has been 're-graded' as a more local attraction.
- 5.5 Accordingly, the submitted Deed of Variation seeks to introduce a trigger for the requirement of obligations secured under the original s106 agreement. The proposed trigger is 250,000 visitors per annum or where the target ratio of a least 3 persons to a single vehicle is not achieved for a consecutive period of three years.
- 5.6 The extant s106 legal agreement secures 5 obligations relating to transportation matters and 2 obligations relating to public art and ecological/arboricultural staff respectively.
- 5.7 *Transportation Obligations*

Essentially, the extant s106 agreement secures the following;

- i) Highway Improvements in the form of a bus turning area and bus stop layby with passenger waiting facilities and pedestrian access off Hollywood Lane, and; a signalised left turn junction and bus only access from the site onto Hollywood Lane from the site (including footway and visibility splays).

- ii) Provision of a new public transport service. This would be a service running every 20 minutes during the summer period and school holidays; and reduced services outside those periods.
 - iii) The provision of a Travel Plan and appointment of a Travel Plan Co-ordinator.
 - iv) A financial contribution towards Highway Improvements.
- 5.8 The purpose of the above obligations is to ensure that the development of (what was at the time) a substantial National and Regional Visitor attraction. The key test for consideration of the proposed Deed of Variation is whether or not the changing circumstances of the case are such that the obligations would continue to be reasonable.
- 5.9 The extant obligations are based upon the original visitor projections of 600,000 visitors per year. At the time that the original application was considered such measures were considered to be proportionate to the scale of the development approved.
- 5.10 The proposed Deed of Variation (this application) seeks to secure the following;
- i) Obligation to comply with revised travel plan
 - ii) The planning obligations under the earlier agreement will not be triggered, subject to the review mechanisms outlined in points iii), iv), and v) below;
 - iii) If the average visitor to vehicle ratio (3 per car) is not achieved consistently over three years or visitor numbers exceed 250,000 annually consistently over three years, then a review mechanism will be triggered to see whether any measures identified in the Travel Plan have become necessary;
 - iv) Review mechanism will also be triggered upon submission of a reserved matters application for each subsequent phase of development;
 - v) If these measures prove insufficient, then only at this point will consideration be given to the planning obligations under original unilateral undertaking and section 106 agreement
- 5.11 As noted above, the projected visitor numbers has dropped considerably (to 195,000 per annum by 2023) and the development approved is now consented on the basis of a phased approach; again reflecting the changes in the circumstances of the development.
- 5.12 Officers are satisfied that the reduced visitor projection is not of a scale that would require the implementation of the transportation obligations secured in the current s106 agreement. Similarly, the phased implementation of the development is such that visitor numbers would grow over a long period of time

rather than having an immediate impact. On this basis, officers are satisfied that the current s106 obligations no longer serve a reasonable purpose. However, this judgement is made in the knowledge that the longer term aspirations for the development is one of growth and as such any Deed of Variation must cater for circumstances where visitor numbers increase to the point that suitable measures of transportation can be secured that respond to growth in the longer term.

- 5.13 By way of background, the current operation on this site relates to the Wild Places Project (WPP). This is being operated under the original planning permission approved under SG.8742 (the 1967 planning permission). There is no obligation under that consent to operate a Travel Plan. Nonetheless, the operator of the attraction is implementing a Travel Plan that is proportionate to the attraction as it is currently operated and this includes provision for alternative modes of transport to and from the site for both staff and paying visitors. The revised Travel Plan submitted with the proposed Deed of Variation builds upon the current approach and would also introduce initial measures that are proportionate and respond to the projected 195,000 visitors per year, including substantial increase in the number of cycle parking and details of cycle routes and initiatives.
- 5.14 The revised Travel Plan submitted with the proposed Deed of Variation provides comprehensive measures for the monitoring of visitor numbers and methods of transport to and from the visitor attraction. Such monitoring would be provided to South Gloucestershire Council on a six monthly basis in order to allow constant review of the need to introduce further measures in the event that the 250,000 visitor per annum trigger is reached or that the targets of the revised Travel Plan are not achieved. It should be noted that whilst the projected visitor numbers are not currently expected to exceed 195,000 officers are satisfied that the current arrangement and initial Travel Plan measures are sufficient to cater for up to 250,000 visitors per annum and this has informed the proposed visitor number trigger. At this stage, a further consideration of necessary further measures would be considered and agreed with South Gloucestershire Council. Although the proposed Deed of Variation would put the current obligations on hold, officers are satisfied that adequate mechanism is in place within the proposed Deed of Variation and the revised Travel Plan to introduce further measures; and ultimately revert back to the current obligations if the visitor numbers related to the attraction does reach 600,000 in the long term.
- 5.15 Essentially, the proposed Deed of Variation allows for the implementation of transport appropriate measures in proportion to the development as it grows over the long term and is consistent with the phased approach approved under planning permission PT14/4573/RVC. To this end, the proposed Deed of Variation would provide a more flexible approach to the provision of transportation measures as part of the development.
- 5.16 On this basis, officers consider that the provision of the extant obligations would be disproportionate to the scope of the development and would not be reasonable at this stage in the growth of the visitor attraction. A flexible approach as proposed is considered acceptable. Officer are satisfied that the

proposed Deed of Variation would not act to undermine the long terms objectives for providing a sustainable development in transport terms at this site; and would not result in a detrimental impact upon the wider transportation network.

5.17 *Viability Considerations*

Notwithstanding the above, the effect of the extant obligations for transportation measures is such that there would be a considerable financial burden placed upon the operator of the site. The above assessment concludes that, given the revised scope and nature of the development; and the reduced impact in terms of visitor numbers, the obligations are not necessary at this stage.

5.18 Officers consider that the development of the National Wildlife Conservation Park, even at the reduced scope, would provide positive economic development in a sustainable way. The costs involved in providing physical improvements in the highway (such as the bus stop and turning facilities) would impact upon the viability of the development and potentially cause delay in terms of its implementation. Officers consider that the proposed Deed of Variation would positively assist the provision of the development in the greater public interest without undermining the long term sustainability objectives of the development.

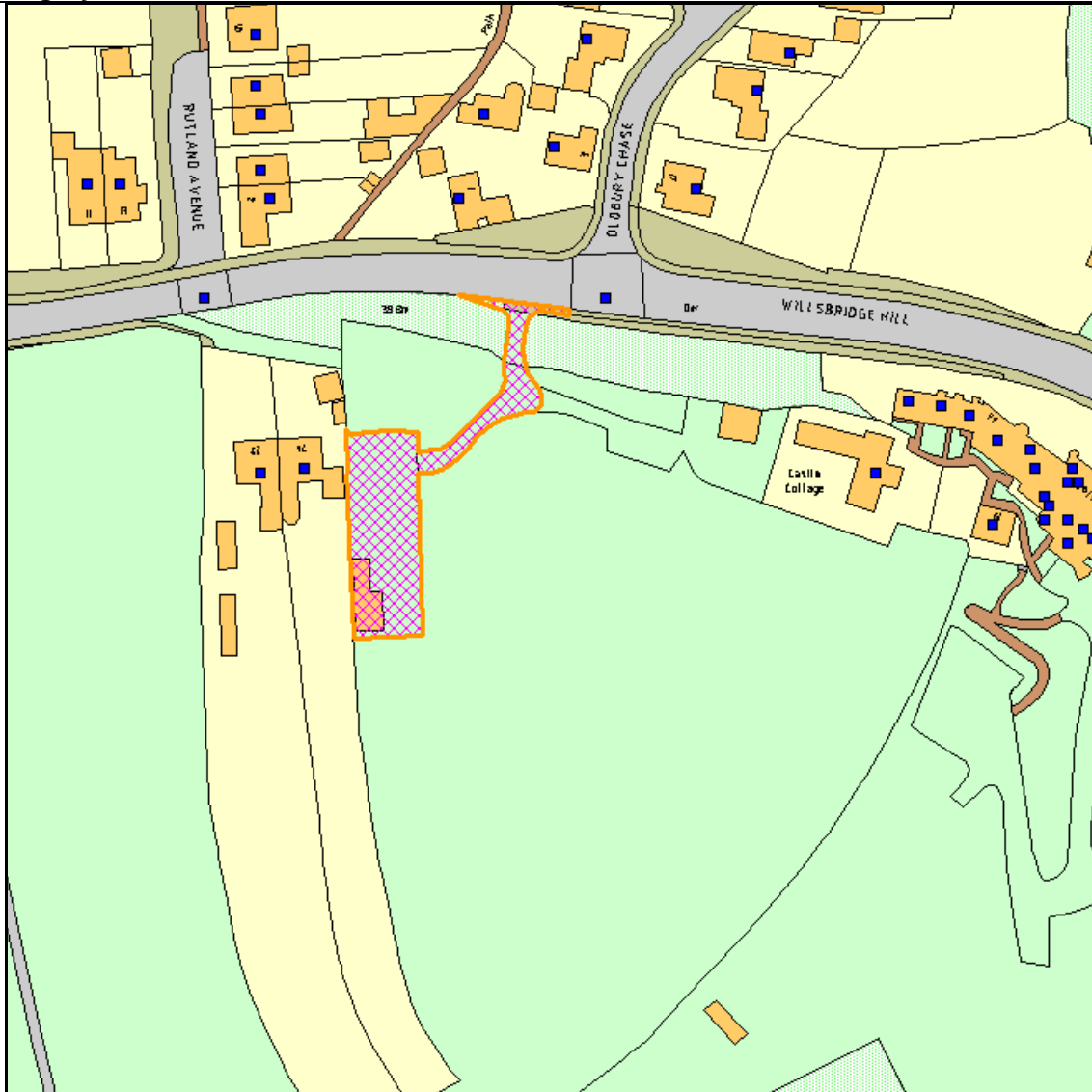
6. **RECOMMENDATION**

- 6.1 That authority is delegated to the Director of Environment and Community Services to continue to negotiate with the applicant over the precise wording of the Deed of Variation.
- 6.2 That authority is delegated to the Director of Environment and Community Services to vary the s106 legal agreement dated 22nd July 2010 (associated with planning permission PT14/4573/RVC) in order to secure the following;
- i) Obligation to comply with revised travel plan
 - ii) The planning obligations under the earlier agreement will not be triggered, subject to the review mechanisms outlined in points iii), iv), and v) below;
 - iii) If the average visitor to vehicle ratio (3 per car) is not achieved consistently over three years or visitor numbers exceed 250,000 annually consistently over three years, then a review mechanism will be triggered to see whether any measures identified in the Travel Plan have become necessary;
 - iv) Review mechanism will also be triggered upon submission of a reserved matters application for each subsequent phase of development;
 - v) If these measures prove insufficient, then only at this point will consideration be given to the planning obligations under original unilateral undertaking and section 106 agreement

Contact Officer: Simon Penketh
Tel. No. 01454 863433

CIRCULATED SCHEDULE NO. 07/16 – 19 FEBRUARY 2016

App No.:	PK15/3321/F	Applicant:	Mr Frank Francis
Site:	Castle Cottage 44 Willsbridge Hill Willsbridge Bristol South Gloucestershire BS30 6EY	Date Reg:	4th August 2015
Proposal:	Conversion of existing storage building and erection of single storey extension to form self contained holiday let accommodation (Class C3)	Parish:	Hanham Abbots Parish Council
Map Ref:	366344 170651	Ward:	Longwell Green
Application Category:	Minor	Target Date:	25th September 2015



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application has been referred to the Circulated Schedule due to the receipt of residents' objection.

1. THE PROPOSAL

- 1.1 The application seeks permission for the conversion of an existing storage building in order to provide 1no. holiday let (Class C3).
- 1.2 The application building is situated to the south side of Bath Road, Willsbridge. And the site is situated within the adopted Bath/ Bristol Green Belt in the open countryside.
- 1.3 During the course of the application, a revised plan has been submitted showing a smaller site area and the existing and proposed western elevation and the omission of access drive running through the front gardens of the neighbouring properties No. 22 and No 24. In addition, the agent also responded to the neighbours' comments on the revised proposal:
 - One section of the existing wall is set forward of the boundary line and the remaining section of the wall is on the boundary. The proposal will not affect this wall and all works will be carried out by the applicant from his side of the wall.
 - The boundary walls will not be touched or altered as part of the proposal and therefore there will not be a Buildings Regulation issue.
 - The applicant is happy to appoint a surveyor to seek mutual agreement regarding the condition of the wall prior to the commencement of the project.
 - According to the deeds of the applicant, the gate has been constructed on his land. The applicant is prepared to forego his right of way over the land to block up the gate, and this would be a considerable planning gain for the neighbours.
 - Mrs Allen's garage would not be affected by the current application.
 - The proposed dwelling would be at least 20 metres away from her house, the proposed roof would only be 150mm above the garden wall, and could hardly be more inconspicuous.
 - Any further extension will be subject to further planning applications

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 Environment and Heritage
CS34 Rural Areas

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

L1 Landscape Protection and Enhancement
T12 Transportation Development Control Policy
E7 Conversion and Re-Use of Rural Buildings
E11 Tourism
H10 Conversion and Re-Use of Rural Buildings for Residential Purposes

2.3 Emerging Plans

South Gloucestershire Local Plan - Proposed Submission: Policies, Sites and Places Plan (March 2015)

PSP7 Development in the Green Belt
PSP21 Flood Risk, Surface Water and Watercourse Management
PSP29 Rural Economy
PSP41 Residential Development in the Countryside
PSP44 Private Amenity Space Standards

Supplementary Planning Guidance

Residential Parking Standards SPD (Adopted) 2013
Design Checklist SPD (Adopted) 2013
Development in the Green Belt SPD (Adopted) 2007

3. RELEVANT PLANNING HISTORY

- 3.1 PK00/2440/O Erection of 1 no. detached dwelling (outline). Refused 12.12.00 and subsequently dismissed by the Planning Inspector.

a. The site lies within the Bristol to Bath Green Belt. The proposal does not fall within the limited categories of development normally considered appropriate within the Green Belt nor has the applicant demonstrated that very special circumstances apply such that the normal presumption against development in the Green Belt should be overridden. The proposal is therefore contrary to Policy KLP.36 of the Kingswood Local Plan, Policy GB1 of the South Gloucestershire Local Plan (Working Deposit Draft), and the advice contained within Planning Policy Guidance Note 2 'Green Belts'

b. The proposed development by virtue of its position would have a detrimental impact upon the visual amenities of the Green Belt, and the applicant has not demonstrated that very special circumstances apply such that the normal presumption against development in the Green Belt should be overridden. The proposal is therefore contrary to Policy KLP.36 of the Kingswood Local Plan, Policy GB1 of the South Gloucestershire Local Plan (Deposit Draft), and the advice contained within Planning Policy Guidance Note 2 'Green Belts'.

- 3.2 PK02/0663/CLE Application for Certificate of Lawfulness for existing use as builders yard, storage and sales. Refused 17.05.02
Reason: That on the balance of probability the use of the site outlined in the first schedule has not been demonstrated in excess of a ten year period, or the land outlined in the second schedule.
- 3.3 PK03/0771/CLE Application for Certificate of Lawfulness for existing use of land for the storage of plant and reclaimed building materials. Refused. 27.05.03
Reason: It has not been demonstrated, that on the balance of probability, that the development described in Schedule One has been undertaken for a period of ten years on the land indicated in Schedule Two.
- 3.4 PK06/3550/F Alteration and extensions to existing farm building including increase in height, erection of pitched roof and insertion of doors and windows to form building to be used for the keeping of livestock and agricultural storage. Refused 06.07.07 for the following reasons:
- A *By reason of its urban and residential appearance, the proposed building would have a detrimental impact on the visual amenity of the Green Belt and landscape in general, which would be contrary to Policies GB1, L1 and D1 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.*
 - B *The scale of the building is excessive for the agricultural enterprise proposed, furthermore the applicant has failed to justify the need for such a building. The proposal would therefore be detrimental to the visual amenity of the Green Belt and landscape in general, which would be contrary to Policies GB1, L1 and D1 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.*
 - c. *There are existing underused buildings on the site and in the absence of any justification for the building proposed the development would be contrary to Policy E9 (A) of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.*
 - d. *The proposed development by reason of its position, mass and height would have an overbearing effect on the occupiers of the adjoining property no.24 Willsbridge Hill, which would be to the detriment of residential amenity and would therefore be contrary to Policy E9 (D) of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.*

Recent planning history of the replacement dwelling (i.e. No. 44 Willsbridge Hill Castle Cottage)

- 3.5 PK10/0321/F Change of use of paddock to residential curtilage and change of use of residential curtilage to agricultural land. Erection of 1 no. replacement dwelling with access and associated works. (Resubmission of PK09/5861/F) Approved 21 June 2010
- 3.6 PK10/1938/NMA Non-material amendments to PK10/0321/F to insert roof lights, render walls and use upvc windows. No objection 05 August 2010.

- 3.7 PK11/0127/F, Change of use of paddock to residential curtilage and change of use of residential curtilage to agricultural land. Erection of 1 no. replacement dwelling with access and associated works. Approved 03 May 2011.

4. CONSULTATION RESPONSES

- 4.1 Hanham Abbots Parish Council
No comment.
- 4.2 Transport Officer
No objection subject to condition seeking the parking and turning area to be provided within the site prior to the use of the building.
- 4.3 Archaeology Officer
No comment.
- 4.4 Drainage Officer
No objection subject to condition seeking details of sustainable drainage
- 4.5 Environmental Protection Team
No objection subject to condition seeking site investigation report including necessary mitigation measures if contaminants are found.
- 4.6 Highway Structure
Advised that a formal Technical Approval will be required if the proposal would include a structure that will support the highway or support the land above a highway.
- 4.7 Landscape Officer
No objection to the proposal due to its discreet location.

Other Representations

- 4.8 Local Residents
Five letters of objection from residents have been received and a letter from a solicitor acting on behalf of a resident. The concerns are summarised as follows:
- The western elevation appears to be on neighbouring boundary
 - The proposed wall looks like it is inside the neighbouring property
 - The gate is inside the neighbouring property and half of the gate opens over the old Right of Way would be acting as access using the neighbour's drive. This was pointed out to the applicant when it was put up, and he refused to remove it.
 - The occupiers of any holiday cottage would not be able use the access track running across the garden of the neighbouring property.
 - The dwelling is so close to the neighbour's house and the residents are certain it will be extended outwards and upwards in the near future.
 - Painted road layout has not been updated

- Speed of traffic has not changed
- Learner lorries are still stopping
- Holiday makers could be in danger due to the speed of traffic
- Solicitor advised that the applicant does not own the access track which runs through the front gardens of both 24 and 22 Willsbridge and use over the right of way cannot have been for a holiday cottage

Comments on the revised proposal:

- The proposal will more encroach on Green Belt land
- The yard and buildings were always for agricultural use
- No western elevation
- Overlooking
- This garage stands one metre inside the neighbour's boundary and one metre inside the boundary was on the instruction of planning department and there was a field hedge as the boundary
- The holiday cottage should be built at a greater distance from the neighbouring and it would not be entitle to use the neighbours' private drive.
- Access has very poor visibility to fast moving traffic coming up Willsbridge Hill
- Willsbridge Hill has become a route for learners of HGV's and Buses and both of which are to be found regularly parked just below the entrance to practice hill starts
- This will not remain as a single holiday let for long

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The application seeks to convert an existing storage building in order to form 1no. holiday let. It however should be noted that the previous applications for the certificate of lawfulness for the use of builders yard, sale, and storage (including the storage of plant and reclaimed building materials) have been refused in 2002 and 2003, and therefore the building should be considered to be an agricultural building although officers note that there is no agricultural operation within the proximity of the building.

5.2 The building is situated in the open countryside and falls within the adopted Bath/ Bristol Green Belt. The principle of the development therefore stands to be assessed against sections 9 (Green Belt) of the NPPF 2012, saved policies H10 and E11 of the South Gloucestershire Local Plan (Adopted) 2006, and policies CS5 and CS34 of the South Gloucestershire Local Plan Core Strategy (Adopted) 2013.

5.3 Green Belt

The application seeks to convert an existing building without a major reconstruction of the building. The applicant submitted an engineer's structural report, which indicated the building is structurally sound and the existing walls are good in condition and can be used for the internal walls of the new proposal, and it is concluded that an exterior surface can be attached to existing walls incorporating insulation and the building can be refurbished and

used for holiday accommodation without any need to alter the existing walls which offer support to the replacement roof. Officers are satisfied with the submitted detail, and in this instance, the development therefore falls under the fourth bullet point identified in paragraph 90 of the NPPF which states that the re-use of buildings (of permanent and substantial construction) is not inappropriate development provided it preserves the openness of the Green Belt and does not conflict with purposes of including land within the Green Belt.

- 5.4 The development includes some operational development consisting of the installation of windows and doors but would be largely within the existing footprint or built form of the building. The building is surrounded by hardstanding. As the development would be contained within the existing building with no additional areas of hardstanding over the existing, it is considered that the development would have no material impact on the openness of the Green Belt. It is therefore considered that the principle of the development in the Green Belt is appropriate.

5.5 Business Use

Whilst the proposed development consists of a holiday let, given the close similarity of the use and due to it falling within use class C3, saved policy H10 is considered relevant in the determination of the application. It is noted however that this is a saved policy and as such weight is only afforded to the policy tests that are not consistent with the provisions of the NPPF. Saved policy H10 requires applications to demonstrate that all reasonable attempts have been made to secure a suitable business re-use or that the conversion is part of a business re-use. Saved Policy E11 states that in the case of proposals for the conversion of rural buildings to holiday accommodation applications will be required to demonstrate that alternative business re-uses cannot be achieved, including other tourist related development. Paragraph 28 of the NPPF is supportive of economic growth in rural areas including farm diversification and rural tourism and does not apply the same specific policy tests outlined in H10 and E11. These saved Local Plan policies are therefore not directly consistent with the NPPF and as such carry less material weight.

- 5.6 Policy PSP29 of the Council's emerging Policies, Sites and Places Plan (PSP) does retain the same policy tests as E11 and H10. PSP27 states that the conversion of existing rural buildings for holiday accommodation will only be permitted where it can be demonstrated that a business use, including other tourist related activity, cannot be achieved. It should be noted however that at this stage the proposed submission PSP Plan only carries limited material weight given that its soundness has not yet been tested. At this time the NPPF therefore continues to carry the greatest weight in the determination of this application.

- 5.7 Although the applicant has not made any attempt to explore alternative business uses, specific research into the need for holiday accommodation in this location has been explored. A detailed statement has been submitted with the proposal. At this stage, greater weight is afforded to the fact that the NPPF does support the growth of all types of rural business including rural tourism the category of which this development would fall under. It is therefore considered that the proposed use would not be contrary to the NPPF in this respect and as

such a refusal on these grounds could not be sustained as the proposed holiday let would make a contribution to the rural economy of the locality.

5.8 Structural Integrity

The application relates to a block work building covered in corrugated metal sheeting and it is proposed to replace the existing roof sheeting. There would also be a number of minor alterations to the existing openings. Saved policy H10 states that conversions will not be permitted unless the building is of permanent and substantial construction and structurally sound, and capable of conversion without major reconstruction. The applicant has submitted an engineer's structural report and the engineer has concluded the existing walls are good in condition, the building can be refurbished and used as a holiday let. Officers are satisfied that the proposal would meet the criteria of saved Policy H10.

5.9 Design

The application relates to a single storey building, which is constructed of breeze block and corrugated roof sheeting. It is an unremarkable building but is distinctly functional in its appearance. The proposal includes the infilling of the existing openings with doors and the insertion of new windows on the front and side elevations and a metal roof with shallow rooflights will replace the existing roof. Although the proposal would introduce domestic appearance to the building, it is considered that its simple and functional appearance would respect its rural setting.

5.10 There is a large hardstanding area surrounding the existing building and the applicant submitted a revised plan showing a much smaller curtilage for the proposed holiday let. As the building would be located in a discreet location and it would not be highly visible in the greater landscape, there are no landscaping issues provided that a planning condition is imposed to seek details of boundary treatment along the site boundary.

5.11 A condition is also recommended in order to remove some of householders permitted development rights from the building in order to prevent further alteration and extension without the prior permission of the Council. This is considered necessary in the interests of visual amenity and the openness of the Green Belt.

5.12 Residential Amenity

Officers acknowledge the residents' concerns regarding overlooking.

The application proposes 1 no. holiday let and there is no new window on the west elevation of the building. In addition, the proposal would only marginally raise the roof, it is therefore considered that the proposal would not raise any issues in terms of overlooking. In addition, the converted holiday let building would be located at a reasonable distance from the neighbouring properties, therefore there is no issue in terms of overbearing impact.

5.13 It is however considered that it would be necessary to remove permitted development rights in order to protect the residential amenity of the neighbouring residents given that the proximity of the neighbouring properties.

5.14 Parking/ Highway Safety

Officers acknowledge that the proposed conversion of the existing building to a holiday let accommodation would result in some additional traffic to and from the site, but this would not be significant. Officers also acknowledge residents' concerns regarding the access and the highway safety issue.

5.15 The applicant has submitted a revised plan, which identifies the access to the development site to be via a gated entrance opposite and staggered with Oldbury Chase junction. The applicant is currently using this access, which joins the public highway on Willsbridge Hill, which is subject to 30mph speed limit and the speeding can be enforced by the police. It is considered that the site does provide good forward visibility on Willsbridge Hill. The visibility splays from the site access onto the main road meets the visibility standards as required in 'Manual for Streets' documents. Additionally, the Highway Officer has also consulted with accident records and confirmed that there is no 'personal injury accident' associated with this existing access. In view of this, it is unreasonable to refuse the application on safety grounds.

5.16 In terms of traffic issues, it is considered that the amount of traffic associated with the proposed 'holiday let' would be small and may not be dissimilar to the extant storage use of the building. In view the above mentioned therefore, there is no highway objection to this application subject to conditions seeking adequate parking and turning spaces to be provided within the site before the development is brought into the approved used.

5.17 Foul Sewage

The applicant confirmed that a new package treatment plant will be used to comply with EN12556-3 and discharge the waste to an approved soak away. The Drainage Engineer is satisfied with the proposed drainage method subject to a planning condition seeking details of sustainable surface water drainage.

5.18 Other issues

Officers have considered if it would be reasonable or necessary to impose a condition to restrict the use of the building to be holiday let only. Given that there would not be significant material difference between a permanent residential use and holiday let in terms of the amount of traffic, impacts upon the neighbouring properties, in addition, a condition is imposed to remove permitted development rights of the proposed holiday let, it is considered that it would be unreasonable to impose a condition to secure the holiday-let nature of the development.

5.19 Officers acknowledge there is a dispute regarding the ownership boundary and the use of rights of way, as the agent has also confirmed that the gate is situated within the applicant's ownership. The agent has confirmed that the applicant will appoint a surveyor to deal with the works along the boundary. It should be noted that the existing gate does not now form part of the application site area. Officers are also mindful that the dispute of ownership would be a private civil matter between the applicant and the adjoining owners, and planning permission also does not confer any land ownership rights to the applicant to carry out any works outside the ownership boundary. In addition, officers are satisfied that it would be acceptable to use the existing access,

which is currently used by Castle Cottage, for the proposed holiday let and this is the basis upon which the application has been assessed. It is therefore considered that the closure of the double gate regardless the ownership of the gate, would not cause an unacceptable transportation issue.

In this instance, officers are satisfied that the application can be determined on its own merits in terms of the site contained within the revised red line, and the dispute of ownership remains a private civil matter between the applicant and the adjoining owners.

- 5.21 In order to address the neighbours' concerns, the applicant voluntarily proposes to replace the gate with a new wall. As the existing gate is outside the application site area, it is considered that it would be unreasonable to impose condition to seek the details of the new wall. An informative will however be attached to the decision notice to advise that planning permission does confer ownership rights, as such the applicant is recommended to resolve the ownership issues with the adjoining owners prior to any works commencing.

6. CONCLUSION

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

7. RECOMMENDATION

- 7.1 That the application is APPROVED 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. 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, E and G), 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 safeguard the residential amenity of the neighbouring residents and the openness of the Green Belt and to accord with Policy CS1, CS5 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013) and the National Planning Policy Framework March 2012.

3. Prior to the commencement of development details of the roofing materials, a colour sample of the render and details of roof lights 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.

Reasons

- a. This is a pre-commencement condition to avoid unnecessary remedial works in the future.
 - b. To ensure a satisfactory standard of external appearance and to accord with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; and the National Planning Policy Framework.
4. A) The previous use of the building(s) and adjacent land may have given rise to contamination. Prior to commencement, an investigation shall be carried out by a suitably qualified person, into the previous uses and contaminants likely to affect the development. A report shall be submitted for the written approval of the Local Planning Authority prior to the commencement of development.

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

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

Reasons:

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

5. Prior to the first occupation of the proposed development hereby approved, the parking and turning area shall be provided within the site and shall be maintained as such thereafter.

Reason

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

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

Reasons:

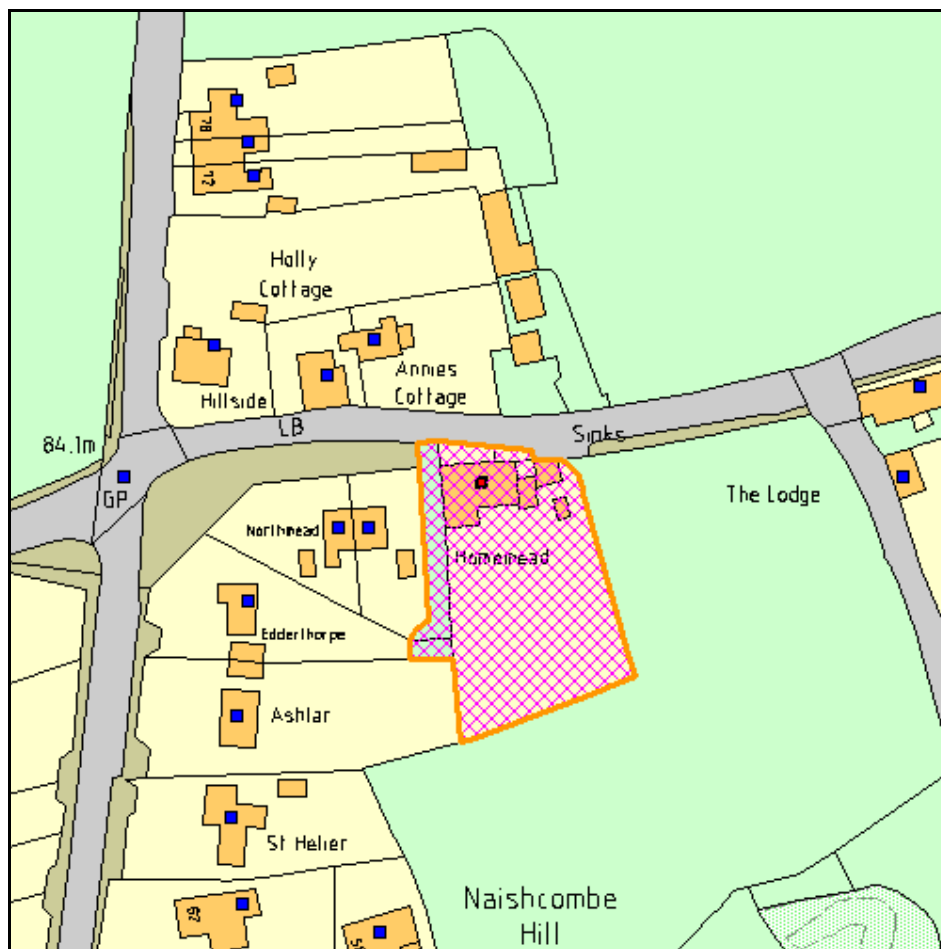
- a. This is a pre-commencement condition in order to avoid any unnecessary works in the future.
 - b. In the interest of nature environment and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013).
7. Prior to the commencement of development a plan indicating the positions, design, materials and type of boundary treatment to be erected shall be submitted to the Local Planning Authority for approval. The boundary treatment shall be completed before the use hereby permitted is commenced. Development shall be carried out in accordance with the approved details.

Reasons;

- a. This is a pre-commencement condition to avoid any unnecessary remedial works in the future.
- b. To safeguard the residential amenity of the neighbouring residents and the openness of the Green Belt and to accord with Policy CS1, CS5 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013) and the National Planning Policy Framework March 2012.

CIRCULATED SCHEDULE NO. 07/16 – 19 FEBRUARY 2016

App No.:	PK15/4081/F	Applicant:	Mr M Purnell
Site:	3 Rock Road Wick Bristol South Gloucestershire BS30 5TW	Date Reg:	20th November 2015
Proposal:	Erection of single storey side extension and two storey rear extension to provide additional living accommodation. Installation of glazed juliet balcony to rear. Alterations to roof and chimneys to enable loft conversion.	Parish:	Wick And Abson Parish Council
Map Ref:	370372 173476	Ward:	Boyd Valley
Application Category:	Householder	Target Date:	13th January 2016



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 The application seeks consent for the erection of a single storey side extension and two storey rear extension to provide additional living accommodation including installation of a glazed juliet balcony to the rear and alterations to the roof and chimneys to enable a loft conversion.
- 1.2 The property is a detached dwelling, set within relatively large private curtilage, and is located on Rock Road, Wick. The application site is located within the settlement boundary of Wick which is also located within the Green Belt. The dwelling is constructed in a mix of block work, render and some brickwork.

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 (Adopted) January 2006
H4 – Development within Residential Curtilages, including Extensions and New Dwellings
T12 – Transportation Development Control Policy for New Development

South Gloucestershire Local Plan Core Strategy (Adopted December 2013)
CS1 High Quality Design
CS5 Location of Development
CS34 Rural Areas
- 2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist SPD August 2007
South Gloucestershire Development in the Green Belt SPD 2007
South Gloucestershire Residential Parking Standards (Approved December 2013).

3. RELEVANT PLANNING HISTORY

- 3.1 N5557 – Erection of first floor extension. Approved 17th May 1979.
- 3.2 PK00/1937/F – Conversion of barn to self contained living accommodation. Erection of single storey extension and car port. Withdrawn 21st August 2000.
- 3.3 PK08/2301/F – Erection of single storey extension to converted barn to form additional living accommodation, ancillary to main dwelling. Approved 22nd September 2008.

- 3.4 PK09/5989/NMA – Non material amendment to PK08/2301/F to reduce pitch of main roof to 20 degrees and to revise lean-to on west elevation to gable feature. No Objection 18th December 2009.

4. CONSULTATION RESPONSES

4.1 Wick and Abson Parish Council

No comments received

4.2 Sustainable Transportation

Insufficient information has been provided to fully assess this planning application. The proposed development will increase the bedrooms within the dwelling to five. The Council's residential parking standards state that a minimum of three parking spaces would be required for the size of the proposed dwelling. This parking would need to be provided within the site boundary and all the parking should not be within a garage building. No detail has been submitted on the existing and proposed vehicular parking within the site boundary. A revised block plan needs to be submitted clearly showing the size of the proposed parking spaces.

Other Representations

4.3 Local Residents

One letter of objection has been received as follows:

'We would like to object to the planning application submitted for 3 Rock Road. This property overlooks the rear of our property and therefore the proposed 3rd floor and balcony would not be acceptable. Already the owners have cut down trees that mean that the 2nd floor can see into our lounge and study. If the 3rd floor and balcony were to be built our privacy would be greatly impacted. Also the height of the building is not in keeping with the surrounding properties. We would also request that the building works cannot take place during the evening and at weekends. This is a quiet spot and building and radio noise greatly impacts the enjoyment of our property and gardens. This is especially important as we understand the extension will be built over a long period of time. We would also like to ensure that we have notice of any bonfires.'

5. PRINCIPLE OF DEVELOPMENT

- 5.1 Policy H4 of the SGLP indicates that extensions to dwellings within residential curtilages are acceptable in principle subject to detailed development control considerations in respect of local amenity, design and transportation. The issues for consideration in this respect therefore are whether the proposals have an adverse impact on the amenities of nearby occupiers and whether the design of the proposal is sufficiently in keeping with the site and surroundings. The site is also located within the designated Green Belt, so will need to be assessed against Green Belt policy.

5.2 Green Belt

The principle of residential extensions within the Green Belt is acceptable provided that they are not disproportionate or impact upon the openness of the

Green Belt. Taking into account the previous extension referred to in the planning history it is considered that the total extension for the property would amount to less than 35% of the original dwelling. It is considered in this respect that the proposed extensions in their own right would not contribute to an issue of disproportionality to the original large detached dwelling nor impact upon the openness of the Green Belt and when combined with any previous development on the dwelling, it is considered that the volume and nature of building remains acceptable in context with the Green Belt designation, and is therefore acceptable in this respect. The proposals are therefore considered appropriate development in the Green Belt and therefore acceptable on this basis.

5.3 Residential Amenity.

The rear building line of the dwelling will remain virtually as existing, rear facing windows will be the same orientation as exist currently and windows will be no nearer to any surrounding properties or boundaries. Additional windows are proposed in the roof area of the twin gable end, essentially providing a 'third' floor or habitable attic space, however the outlook and orientation would be rear facing, as the other windows on this elevation. The balcony referred to would be a 'Juliet' balcony and as such would not protrude beyond the building line or provide outdoor access, and would not give rise to additional overlooking over and above a standard window. The proposed roof ridge is within the limits of the existing roof height of the property however the proposals do incorporate rooms in the second floor, higher than existing. Notwithstanding this the rear facing windows of these rooms are not in direct line of view or orientation with any other properties. The nearest properties and associated curtilage is located to the west and the angles and distances are such that it is not considered that there would be a significant or material impact of overlooking over and above other rear facing windows in the vicinity such as to warrant or sustain an objection and refusal of the planning application. Sufficient amenity space exists to serve the property. A condition is recommended to restrict hours on working on the proposed extension, control over bonfires however is not considered appropriate to this planning application and is considered too prescriptive.

5.4 Design

The existing rear elevation of the property is somewhat complicated in its design, heights, materials and roof pitches, with no particular design attributes. The proposals seek to extend to the existing rear building line and would provide a double gable end finish at two storey level. The roofspace in the gable would be utilised for bedroom space with windows on the rear elevations. A revised plan has been submitted reducing the length of glazing associated with and linking the two Juliet balconies and there are now two separate smaller areas of glazing, which is considered to be an improvement. The extensions are considered acceptable in design terms and are an acceptable addition to the existing dwelling and the plot. Materials used would match those of the existing dwelling.

5.5 Sustainable Transportation

From site visits it is clear that sufficient space and scope exists for provision of adequate parking space. This can therefore be subject to a condition illustrating

and retaining adequate parking. On this basis there are not considered to be any highways/transportation implications associated with 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 It is considered that the proposals are satisfactory in terms of Green Belt, design and local amenity and as such are in accordance with Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006 and CS1, CS5 and CS34 of the South Gloucestershire Local Plan Core Strategy (Adopted December 2013).
- 6.3 The recommendation to grant permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 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 recommended.

Contact Officer: Simon Ford
Tel. No. 01454 863714

CONDITIONS

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

Reason
To comply with the requirements of Section 91 of the Town & Country Planning Act 1990 (as amended).
2. The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.

Reason
To ensure a satisfactory standard of external appearance and to accord with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; and the National Planning Policy Framework.
3. The hours of working on site during the period of construction shall be restricted to 08.00 - 18.00 Mondays to Thursdays; 08.00 -13.00 Saturdays and no working shall take place on Sundays or Public Holidays. The term 'working' shall, for the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or

other), the carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the curtilage of site

Reason

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

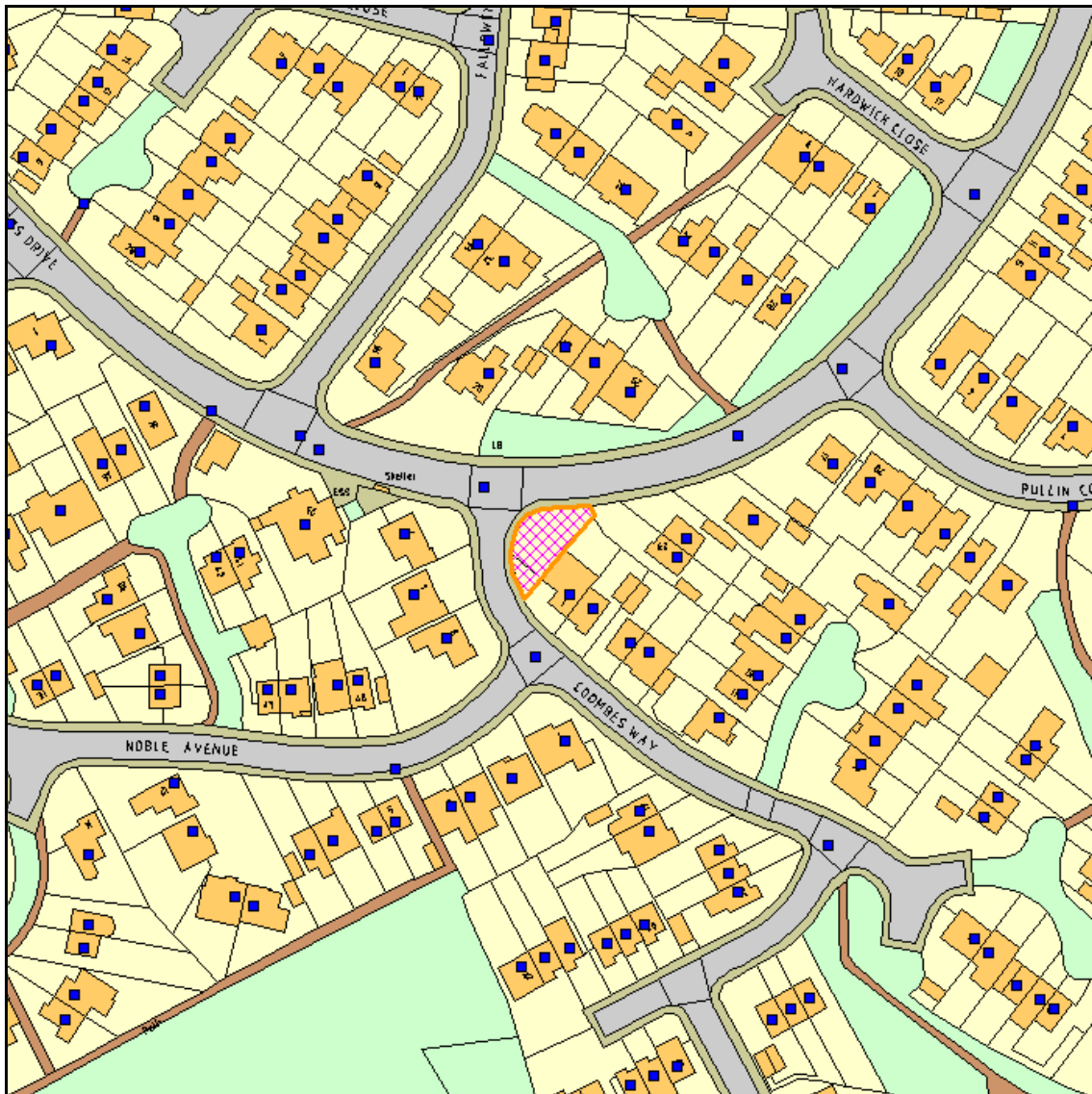
4. Prior to the commencement of development detailed plans showing the provision of a minimum of 3 off-street car parking spaces, in accordance with the standards set out in the Residential Parking Standards SPD (Adopted) December 2013, shall be submitted to the Local Planning Authority for approval. 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 adequate parking is provided within the development at an early stage.

CIRCULATED SCHEDULE NO. 07/16 – 19 FEBRUARY 2016

App No.:	PK15/4168/F	Applicant:	Mr Robert Wade
Site:	1 Coombes Way North Common Bristol South Gloucestershire BS30 8YW	Date Reg:	9th October 2015
Proposal:	Erection of 1no detached dwelling with access and associated works	Parish:	Bitton Parish Council
Map Ref:	367529 171951	Ward:	Oldland Common
Application Category:	Minor	Target Date:	3rd December 2015



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PK15/4168/F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

The application appears on the Council's Circulated Schedule following objections from local residents and the Parish Council which are contrary to the recommendations within this report.

1. THE PROPOSAL

- 1.1 This application seeks planning permission for the erection of 1 no. new detached dwelling within the side garden of 1 Coombes Way, North Common.
- 1.2 The site is within the established settlement boundary forming the East Fringe of Bristol. A Public Right of Way runs on the footpath which surrounds the corner plot, and the site is on an area used for coal mining in the past. No other statutory or non-statutory designations cover the site.
- 1.3 Amendments have been received during the course of the application, including, a reduction in the size of the house, slight amendments to the fenestration, the reduction in height of a proposed boundary treatment and changes to the Coal Mining Risk Assessment. With the exception of seeking further advice from the Coal Authority, the other changes were considered to be non-material in nature or of a reduced scope to the original consultation period and did not require a period of re-consultation.

2. POLICY CONTEXT

- 2.1 National Policy
National Planning Policy Framework 2012
National Planning Policy Guidance
- 2.2 South Gloucestershire Local Plan (SGLP) (Adopted) 2006 (Saved Policies)
H4 Development within Existing Residential Curtilages
T12 Transportation
T7 Cycle Parking
- 2.3 South Gloucestershire Local Plan Core Strategy (Adopted) 2013
CS1 High Quality Design
CS4A Presumption in Favour of Sustainable Development
CS5 Location of Development
CS8 Improving Accessibility
CS9 Environment and Heritage
CS15 Distribution of Housing
CS16 Housing Density
CS17 Housing Diversity
CS29 Communities of the East Fringe of Bristol Urban Area
- 2.4 Supplementary Planning Documents
Residential Parking Standards SPD (Adopted) 2013
South Gloucestershire Design Checklist SPD 2007

3. **RELEVANT PLANNING HISTORY**

3.1	PK11/1350/F	Refusal Appeal Allowed	19/07/2011 21/11/2011
	Erection of 1.9 metres high timber fence		
3.2	PK00/1950/F	Approved	27/09/2000
	Erection of rear conservatory		
3.3	K7315	Approved	21/12/1992
	Two storey side extension and erection of 2m high brick wall		

4. **CONSULTATION RESPONSES**

4.1 Bitton Parish Council

Objection for the following reasons:

- Original house has already been extended – overdevelopment of the site
- Too close to junction and is dangerous for drivers and pedestrians
- Out of keeping with the street scene
- Open space should be retained

4.2 Other Consultees

Sustainable Transport

Revised plan should be submitted to show adequate parking and visibility.

Public Rights of Way

Informative recommended.

Open Spaces Society

No comment received.

The Coal Authority

Withdrew their objection following amendments to the coal mining risk assessment.

Highway Structures

No comment.

Lead Local Flood Authority

No objection.

Other Representations

4.3 Local Residents

Six objections have been received from local residents stating the following:

Design

- Bungalow is preferable
- Squeezed into a small plot
- Will remove openness which is common on the corner plots of Millers Drive

Residential Amenity

- View and sunlight to no. 3 Coombes Way is reduced
- View from no. 31 Fallowfield and 23 Millers Drive will be obstructed

Highway Safety

- House is proposed on blind bend to a busy junction so there are highway safety issues
- Where would visitors park? There is already a parking issue
- No. 1 is currently let and causes highway safety issues
- White road markings should be extended towards no. 1, or better still replaced with double yellow lines
- Children use the footpath
- Access for emergency vehicles will be compromised
- Safety concerns during period of construction

Other Concerns

- Previous owners took over common land when fence was erected, have they gained this extra ground?
- Will set a precedence
- 2 Coombes Way has experienced subsidence and this development may have an impact on it

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

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

5.2 Design

The application site relates to a semi-detached pair of dwellings which are mostly simple in their design with a gable roofline and a brick finish, typical of the area. The host dwelling has had a two-storey side extension, which extends towards to proposed plot. Following amendments requested by officers, the proposed dwelling is to mirror the majority of dwellings in the locality with a simple design and matching materials, with a side door and a curved feature window on the principal elevation, however it is to be detached. Any approval of this application will have a condition attached to the decision notice to ensure that the materials used do indeed match the tiles, brickwork and other external materials of 1 Coombes Way. The dwelling proposed is of a slightly reduced height to the host dwelling, allowing it to remain subservient in this prominent corner plot location, but it maintains the same angle of the roof slope, enabling it to fit into the street scene well.

- 5.3 The impact of the plot being subdivided into two residential curtilages would be minimal due to the retention of the majority of a 1.9 metre boundary fence, which was approved at appeal in 2011. Objections stating that the dwelling would break up the open gap between 1 Coombes Way and Millers Drive, an openness which the local residents argue is typical of the area and other junctions with Millers Drive. When considering this issue, the following quote from the Inspector report from the 2011 appeal at the site is relevant:

“Development in both roads generally took place on open-plan principles with open front gardens and areas of open space, including an area to the north of Millers Drive and close to the appeal site. However, the principle was not universally applied and there are walls and fences adjacent to the roads in a number of places including walls at 9 Coombes Way and along the Millers Drive frontage of 1 Hawkins Close and 39 Noble Avenue that appear to have been part of the original development. Residential curtilages are also defined by a number of other screen fences and hedges that effectively enclose the road. These include high thick hedges to the north of the site in Millers Drive and in a comparable nearby corner location at 1 Pullin Court. In summary, the street scenes in the vicinity of the site are characterised as much by their enclosure as by their openness.”“

- 5.3 It is considered that this assessment is still relevant to this application for a new dwelling at the same site, and it is apparent that there are other examples of dwellings situated closer to the highway. No. 2 Coombes Way, immediately opposite the application site, shows a similar distance from the northern corner of the dwelling to Millers Drive as the proposed dwelling will have, and the corner plot location is also comparable to 1 Pullin Court, which is very close to the highway, and has a similarly small plot.
- 5.4 The site has also previously been enclosed by a large number of medium sized trees and hedging, on the inside of the fence. According to objections received, some of this vegetation has since been removed, however none of the trees are worthy of a tree protection order and so there is no objection to this. A condition on the decision notice will ensure a landscaping plan for the rear garden, to include some small trees, shall be submitted for approval in order to soften the impact of the new build dwelling, and to retain the existing view point from Millers Drive as much as is possible.
- 5.5 Objections have been received stating that a bungalow design would have been preferable, however the Local Planning Authority is required to consider the proposal put forward, with changes only being made if they are necessary to meet policy.
- 5.6 Residential Amenity
Several objections have been received stating that a loss of sunlight and privacy will be experienced by the surrounding dwellings. As the dwelling is in a corner plot location, it is not considered that it will overbear or overshadow any other properties as any loss of light will fall primarily to the north, across the highway and the proposed garden for the new dwelling itself at differing points

of the day. It is likely there would be some views into the garden of the host dwelling, no 1 Coombes Way, as well as the rear garden of no 23 Millers Drive, however these are primarily indirect views which are common in high density residential areas such as North Common. The only direct view point would be from the rear windows of the proposed dwelling into the very end of the garden at no. 23, however this would be at a much lesser extent than the existing rear views from the host dwelling. Comments have been received to state that privacy would be lost from numbers 2-6 Coombes Way, however these properties are on the opposite side of the highway and therefore not considered to be significantly overlooked, as their front windows are already exposed to the highway.

5.7 It is acknowledged that some views from surrounding properties will be altered due to the provision of a new dwelling where previously there was only a residential garden. The right to a view is not ordinarily a planning consideration and as the residential amenities of the surrounding properties remains in tact, this issue has been given very limited weight in the decision making process.

5.8 The proposed garden space for the new dwelling is approximately 65 metres, which exceeds the guidance in policy PSP44 within the emerging Policies Sites and Places Development Plan Document (PSP DPD) for a three-bedroom house. The existing dwelling will be reduced to approximately 60 metres, which is 10 square metres less than the recommended 70 square metres for a four or more bedroom property. Whilst this shortfall is not ideal, it is noted that the property is a very modest four bed and also has a large conservatory, which provides additional recreational space, and this has been taken into account. Furthermore, the PSP DPD document and the policies within it are not yet adopted and can only be given very limited weight, and on balance a slight reduction in the amount of garden space is considered acceptable given the high density urban fringe location.

5.9 The location of the bin store for the proposed house is unacceptable, as it would require residents to drag the bins across a grassed area around the house and out the front, and it would be easier for the bin store to be located within the proposed side garden behind the fence. A condition will request details are submitted to show a new location.

5.9 Transport

The transport officer raised concerns with the originally submitted plans as it showed the parking to be rather crammed in to the plot due to the tapered front garden, and as the parking spaces were flush with the proposed dwelling it was likely that vehicles would overhang the footpath. To address this, amendments were received showing a slight reduction in the size of the dwelling (from four bedrooms to three bedrooms) to create larger parking spaces at the front which, whilst still being flush to the building line, exceed the minimum standards for a parking bay in order to compensate for the overhang. A slight error on the plans shows one side of the parking area to overlay part of the proposed feature window, however this parking space is stepped away from the footpath due to the tapering of the front garden, and so there is room for a vehicle to be positioned two metres back from the building line without interfering with the footpath and the highway. Adequate parking has also been

provided for the host dwelling, utilising the front garden to provide the second parking space. Many of the front gardens along Coombes Way have been replaced with a hard surface to provide parking and so this is considered acceptable.

- 5.10 The access to the parking for the proposed dwelling is being constructed close to the junction with Millers Drive than the existing. The existing 1.9 metre fence is primarily being retained however the part of the fence to the front of the dwelling is to be removed and replaced with a low boundary wall, no higher than 0.9 metres in height to provide a visibility splay all the way to the junction with Millers Drive. The visibility created will be improved by the slight slope down in topography towards the junction, reducing the height of the wall further.
- 5.11 There is space to provide cycle parking and the details of this will be conditioned on the decision notice.
- 5.12 Coal Mining
The application site falls within the defined Development High Risk Area; therefore within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application, specifically actual and probable shallow coal workings. The Coal Authority records indicate that worked coal seams underlie the site at a depth of 26m with an extraction thickness of 2m, which were last worked in 1900.
- 5.13 The Coal Authority has previously objected to this planning application on more than one occasion. Following a revised Coal Mining Risk Assessment received on 2nd February 2016, the objection was withdrawn. Accordingly, no precautionary measures or intrusive investigation is considered to be necessary, as the risk posed is very low. In light of this, it is highly unlikely that there will be any subsidence issues at the site, which was one of the concerns raised by objectors to the proposal.
- 5.14 Other Issues
Concerns have been raised that the previous owners took over common land when the fence was retrospectively approved in 2011, and that they do not own the whole of the site. This is a civil issue and not a planning matter, and so this has been given very limited weight in the decision making process. Several of the objection letters submitted in response to the consultation period made reference to the fact this development would set precedence for other similar plots to be developed. This is not the case as each application for planning permission must be considered on its own merits against the national and local adopted policy at the time the decision is made.
- 5.15 Planning Balance
Following an appeal decision on 8th June 2015 (APP/P0119/1/14/22202915) relating to a site in Charfield, the Inspector came to the conclusion that the Local Planning Authority in South Gloucestershire could not demonstrate a 5-year supply of deliverable housing land, and therefore paragraph 49 of the NPPF is currently engaged. Housing applications should be considered in the context of the presumption in favour of sustainable development, and that the

Local Planning Authority should grant planning permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. This proposal will add one dwelling to the housing supply, and it is not considered to make a significant contribution. When balancing the benefits to the housing supply that one house will provide alongside the objections raised, it is concluded that none of the issues raised are so significant that they weigh against the application being approved, in the context of the presumption in favour of sustainable development. In conclusion it is recommended that the application be approved subject to the aforementioned conditions.

6. CONCLUSION

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

7. RECOMMENDATION

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

Contact Officer: Trudy Gallagher
Tel. No. 01454 862217

CONDITIONS

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

Reason

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

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

Reason

In the interests of visual amenity and to prevent the unnecessary removal of vegetation, in accordance with policy CS1 of the South Gloucestershire Core Strategy

(Adopted) December 2013. Details are required prior to commencement in order to prevent remedial works later on.

3. The materials to be used in the construction of the external surfaces of the dwelling hereby permitted shall match those used in the host dwelling, known as 1 Coombes Way.

Reason

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

4. Prior to the first occupation of the dwelling hereby approved, the parking area for the proposed dwelling and the two parking spaces for the existing dwelling shown on drawing number 1534-02 Rev PL3 shall be implemented in a permeable bound surface 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.

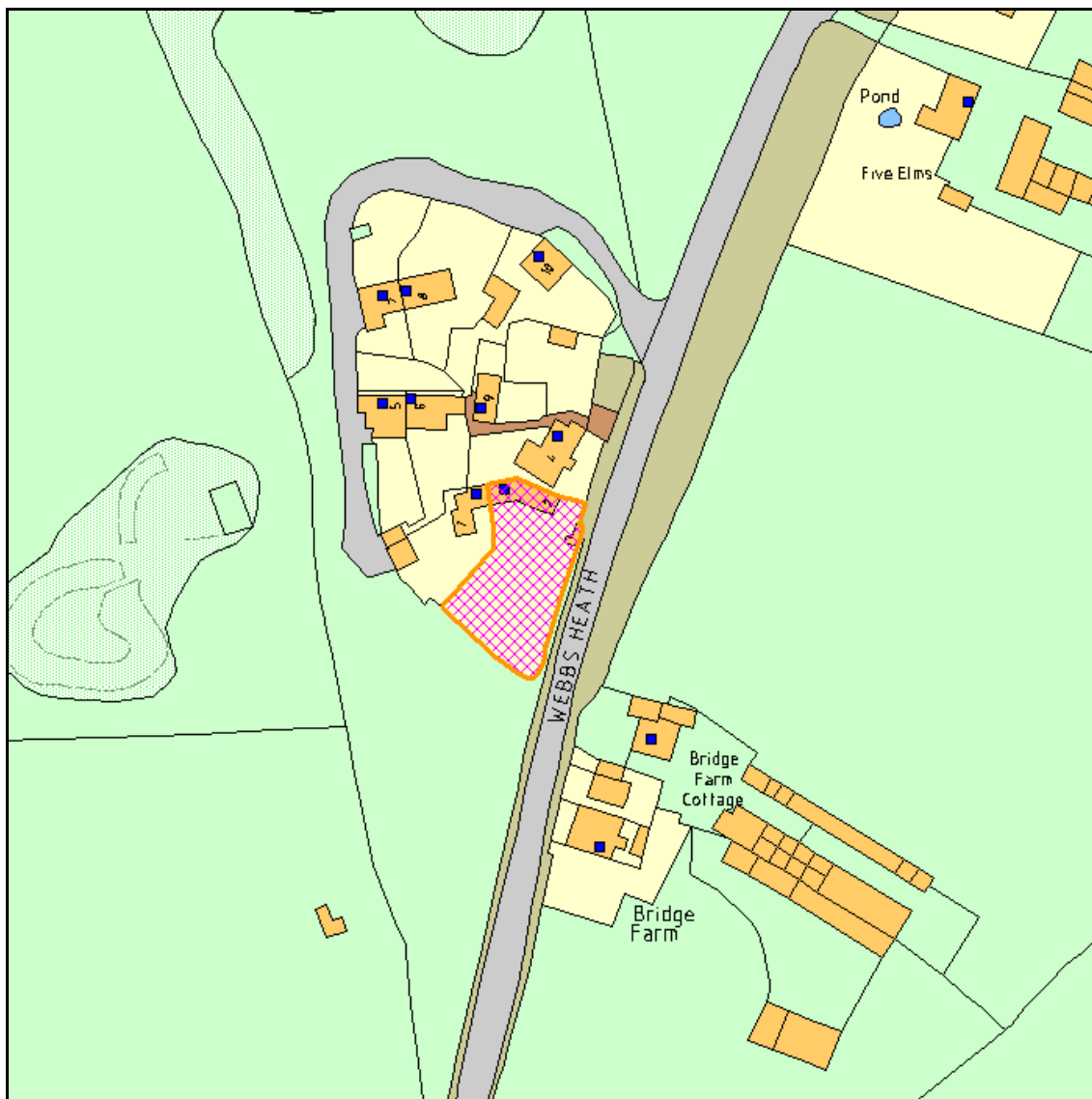
5. Notwithstanding the submitted details, and prior to the first occupation of the dwelling hereby approved, details of the bin store and details of secure and covered parking for two cycles shall be submitted to the Local Planning Authority for written approval and implemented prior to first occupation of the new dwelling. For clarity, the bin and cycle store should be located in a location which is easily accessible.

Reason

In order to provide adequate storage for waste in the interests of visual amenity and to encourage sustainable transport choices, in accordance with policy CS1 and CS8 of the South Gloucestershire Core Strategy (Adopted) December 2013 and policy T7 of the South Gloucestershire Local Plan (Adopted) January 2006.

CIRCULATED SCHEDULE NO. 07/16 – 19 FEBRUARY 2016

App No.:	PK15/4530/F	Applicant:	Mr Steve Langhorne
Site:	2 Webbs Heath Siston Bristol South Gloucestershire BS30 5LZ	Date Reg:	26th October 2015
Proposal:	Erection of two storey front extension to provide additional living accommodation. Erection of detached store and 2.3 meter maximum height boundary wall and entrance gates. Creation of new vehicular access.	Parish:	Siston Parish Council
Map Ref:	368065 173693	Ward:	Siston
Application Category:	Householder	Target Date:	18th December 2015



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 100023410, 2008. N.T.S. PK15/4530/F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

The planning application has been referred to the Council's Circulated Schedule procedure due to an objection received from Siston Parish Council.

1. THE PROPOSAL

- 1.1 The application seeks planning permission for the erection of a two storey front extension, the erection of a detached store, a 2.3 metre maximum height boundary wall and entrance gates and the creation of new vehicular access at the property of 2 Webbs Heath Siston.
- 1.2 The host dwelling is a two storey semi-detached locally listed cottage situated within the Bristol/Bath Green Belt. The property is currently vacant. The dwelling is situated at a perpendicular angle to Webbs Heath Road, there is currently no vehicular access to no. 2. There is an existing small pedestrian gateway from the public footpath to the property.
- 1.3 To the south of the property there is a large garden, this runs perpendicular to the highway. The garden is currently overgrown and the whole development looks unmaintained.
- 1.4 The site is located near a Site Of Nature Conservation Interest and is situated outside of a designated settlement boundary.
- 1.5 The application is materially the same as a previous application (PK12/2406/F) which was approved in 2012, the permission of which has now expired.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework (adopted) March 2012
National Planning Policy Guidance 2014

2.2 Development Plans

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

EP2 Flood Risk
H4 Development within Existing Residential Curtilages
L6 Sites of International Nature Conservation Interest
L7 Sites of National Nature Conservation Interest
L8 Sites of Regional and Local Nature Conservation Interest
L15 Buildings and Structures Which Make a Significant Contribution to the Character and Distinctiveness of the Locality
T12 Transportation

South Gloucestershire Local Plan Core Strategy Adopted December 2013

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

- 2.3 Supplementary Planning Guidance
Development in the Green Belt Supplementary Planning Document (adopted) June 2007
Design Checklist Supplementary Planning Document (adopted) August 2007
The South Gloucestershire Local List Supplementary Planning Document (adopted) February 2008
Residential Parking Standards Supplementary Planning Document (adopted) December 2013

3. **RELEVANT PLANNING HISTORY**

- 3.1 PK14/3367/F Refusal 09/02/2015
Erection of 1no detached dwelling with associated works.
- 3.2 PK12/2406/F Approve with Conditions 08/10/2012
Erection of two storey side extension to provide additional living accommodation to include raising of roof line, new chimney, new vehicle and pedestrian access and associated works. Erection of detached store room. (Resubmission of PK12/0211/F).
- 3.3 PK12/0211/F Withdrawn 09/03/2012
Erection of two storey side extension to provide additional living accommodation to include raising of roof line, new chimney, new vehicle and pedestrian access and associated works.

4. **CONSULTATION RESPONSES**

- 4.1 Siston Parish Council
Objection has been raised because it is a listed/ protected property and the suggested alterations would be out of character with the local rural environment. The site is also within a Green Belt location.
- 4.2 Sustainable Transport
Issues were originally raised with the proposal because visibility distances were not provided.
Following correspondence with the applicant and the Sustainable Transport Officer, the objection has been withdrawn.
- 4.3 The Ecology Officer Natural and Built Environment Team
Originally the Ecology Officer for South Gloucestershire Council stated that the application cannot be determined due to insufficient information, this is because the bat survey which was provided with the application was out of date, a survey which is three years old or more cannot be considered as valid. This comment is now withdrawn as a new bat survey was submitted in January 2016. The Ecology Officer has been reconsulted and now has no objection on ecology grounds to the proposal subject to conditions.
- 4.4 The Conservation Officer Natural and Built Environment Team
No objections, the proposed scheme is materially the same as the previous approval (PK12/2406/F). Subject to the conditions attached to the previous

decision being reapplied for this application there is no objection. The site and its history has previously been considered and as considered in 2012 although the extension will result in a degree of harm to the historic character, scale, layout and form of this terrace of cottages, the need to provide a viable scheme of refurbishment and sustainable use is considered to weight against this harm.

Other Representations

4.5 Local Residents

No objection in principle, however the plans show that the applicant would like to move their pedestrian access across number 2 they require confirmation that this would be changed on both deeds at the applicants cost. Furthermore they believe that the applicant should indicate where they intend to connect to the sewerage as Wessex Water have just installed a Mains Sewerage to the surrounding properties at Webbs Heath.

5. **ANALYSIS OF PROPOSAL**

5.1 The application is for the erection of a two storey front extension, a detached store, a 2.3 metre maximum height boundary wall with entrance gates and a new vehicular access.

5.2 Principle of Development

Planning permission (PK12/2406/F) has previously been granted at the site for the materially the same development now proposed under this application. Whilst this permission has now expired this is very recent and the previous decision remains a material consideration in the assessment of this application that should be given weight. Whilst there has been policy change since the previous approval with the adoption of the South Gloucestershire Local Plan, Core Strategy (December 2013) has been adopted since the previous planning permission was granted. However, the scope of the Core Strategy is such that the assessment of this application is not likely to be materially changed to the point that the application should now be refused in principle.

Saved Policy H4 of the South Gloucestershire Local Plan (adopted January 2006) is also relevant and sets out that residential development within the curtilage of existing dwellings is acceptable in principle.

5.3 Green Belt

The applicant site is situated within the Bristol/Bath Green Belt. It is noted that the proposed development has benefits from a previous planning permission which is now expired. There has been no material change in Green Belt Policy where it relates to householder extensions since the previous planning permission. On this basis, the previous planning permission is afforded weight in the consideration of this planning application.

The National Planning Policy Framework provides limited categories of development that is appropriate within the Green Belt. This includes extensions or alterations to existing buildings provided development does not result in a disproportionate addition over and above the size of the existing building. The Development in the Green Belt Supplementary Planning Document (adopted

June 2007) sets out that additions to existing dwellings should only be considered acceptable if the proposal is not disproportionate; the proposed development compliments the existing character and it does not harm the openness of the Green Belt. Disproportionality is assessed on a case-by-case basis, but a proportionate house extension would be approximately 30% of the original volume. However, extensions of up to 50% can be considered proportionate provided that careful design solution is applied.

The host dwelling is considered to be the 'original dwelling' whilst planning permission has previously been granted no work has been carried out, this permission has now expired. The proposed two storey front extension and detached store will see a volume increase of approximately 47%. As the volume increase will exceed 30% careful consideration will be given to the impact the proposal will have in terms of appearance and whether or not the proposal will be out of scale and character with the original dwelling. It is of note that the proposal now submitted has not changed in relation to the previous approval, which was considered acceptable at that time. Officers are satisfied that this proposal remains acceptable and is proportionate to the original dwelling in design terms and as such would represent a proportionate extension. On this basis, the proposed development is considered acceptable in Green Belt terms.

5.4 Design, Visual and Conservation Amenity

Policy CS1 of the South Gloucestershire adopted Core Strategy is the main policy to consider with regards to design and visual amenity. Policy CS1 requires development to be of the highest possible design. Under policy CS1 developments should enhance and respect the character, distinctiveness and amenity of the site and its context. As the dwellinghouse is locally listed the proposal should comply with policy L15 of the South Gloucestershire Local Plan (adopted) January 2006 which highlights that proposals will be expected to retain buildings and structures which contribute to the character and distinctiveness of the locality.

The subject building is a two-storey semi-detached cottage and part of a row of locally listed miner cottages. The building is run down and is in need of repair. The proposal is for a two storey front extension, the erection of a detached store, a 2.3 metre maximum height boundary wall with entrance gates and the creation of new vehicular access. Again, It is noted that the same development was previously granted permission under PK12/2406/F but has now expired. The proposed two storey front extension will help modernise the run down cottage, whilst the proposal will be visible from the highway the materials proposed will be in keeping with the existing cottage and respect and enhance the character of the site as a result of this the development will retain the existing building and structure that is locally listed.

The existing cottage walls are natural rubblestone and sand/ cement render, the proposed extension will be finished in rubblestone and roughcast render, with similar roof tiles to the existing. In order to confirm the stone it is considered acceptable to condition a stone sample panel be submitted, the Conservation Officer highlights that this should be for the elevations of the building as well as the proposed natural stone boundary wall. The proposed

detached store will utilise similar materials as the proposed two storey front extension.

The proposed two storey front extension will be subservient to the existing dwelling, with the ridge line set lower, the proposed front extension will have a gable end. The plans submitted show that the ridge line of the existing dwelling will increase by approximately 0.2 metres, the ridge will still remain lower than neighbouring dwelling no.1. It is important that the scale of the proposal does not appear overbearing this is firstly because the cottage is Locally Listed, and secondly the impact of overbearing can be detrimental to residential amenity. Officers acknowledge that the proposed development will result in a limited degree of harm to the historic character, scale, layout and form of this terrace of cottages. However the positive opportunity for refurbishment and sustainable use is considered to outweigh the limited harm.

It is considered that the proposal complies with policy L15 of the adopted Local Plan as the proposal retains the existing structure which is part of the character of the area. Furthermore it is considered that the proposal is of a high quality design and satisfies Policy CS1 of the adopted Core Strategy the proposal is considered to respect the character of the site and the surrounding area which in this case incorporates a locally listed building situated with the Bristol/ Bath Green Belt. The proposal is considered to be of an appropriate scale and proportion, whilst it will be visible from the streetscene it is considered to be subservient to the existing dwelling. As such the proposal satisfies policy CS1 of the adopted Core Strategy and L15 of the adopted Local Plan.

5.5 Residential Amenity

Saved policy H4 of the adopted Local Plan states that proposals for development within existing residential curtilages will only be permitted where they would not prejudice the amenity of nearby occupiers. The proposed scheme is not materially different to previously approved scheme (PK12/2406/F).

There is an existing hedge situated towards the south-east of the property which is acting as the boundary treatment between the highway and public footpath and the main highway. The proposal seeks permission for the erection of a 2.3 metre maximum height boundary wall and entrance gates which would act as the boundary treatment directly east of the dwelling. The wall would be recycled natural stone rubble.

The host dwelling no.2 is attached to no.1 Webbs Heath, this is also a locally listed miner's cottage. There is a 1 metre fence to the west of the host dwelling which is the boundary treatment between the host dwelling and no.1. There are no windows proposed in the western elevation, this significantly reduces the potential for overlooking from the host dwelling to no.1, in order to protect the private amenity of no.1 a condition can be added to prevent the future insertion of windows into this elevation.

The proposed development is unlikely to result in a loss of privacy as no windows have been proposed in the western elevations, there is however a rooflight proposed, however because of the angle of the rooflight it is not

considered to dramatically increase overlooking. The proposal will see four new rooflights inserted into the existing dwelling, these are considered to be acceptable. There are also new windows proposed in the east and south ground floor elevations, these are not considered to result in any adverse overlooking because they will view the amenity space of the host dwelling. The windows proposed in the first floor are also situated in the east and south elevations. The proposal is not considered to result in any adverse overlooking.

It is also important to consider whether or not the proposal will be overbearing or create a loss of light to neighbouring dwellings. The proposal will not result in a significant overbearing impact on no.4 Webbs Heath as this is situated to the rear of the host dwelling. The proposed extension extends from the front wall of the existing dwelling by 4.7 metres, which is similar to the front extension at no.1 Webbs Heath, alongside this there is approximately 10 metres between the extensions, as such this reduces the impact on overbearing. Due to the positioning of the property it is unlikely that the proposal will dramatically affect the right to light of the neighbouring dwellings.

It is considered that there is adequate amenity space remaining for the present and future occupiers of No. 2 Webbs Heath. As such, the proposal is considered to accord with saved policy H4 of the adopted Local Plan 2006.

5.6 Highways

The proposal includes the creation of a new vehicular access. There is no existing vehicular access into the property. As well as the vehicular access the proposed development will provide an area of hardstanding to the east of the dwellinghouse for parking this will provide space for two vehicles as well as a turning area; there have been no material changes to the previously approved scheme of PK12/2406/F.

The plans submitted indicate that the two storey front extension will provide a bedroom, making the dwellinghouse a three bedroom property. In relation to the Residential Parking Standards Supplementary Planning Document (adopted) December 2013 and saved policy T12 of the Local Plan (adopted) 2006 the proposal correlates with the number of parking spaces required in relation to bedrooms.

With regards to the creation of a new vehicular access an objection was originally raised by the Sustainable Transport Officer for South Gloucestershire Council because visibility splays were not submitted with the application. However this has now been withdrawn following correspondence regarding the previous permission.

Officers have no objection to the proposal in relation to highway safety or parking provision subject to conditions.

5.7 Ecology

Ecology issues have been raised as the Ecology Officer for South Gloucestershire Council stated that although a bat survey was submitted with the application it is out of date. Following correspondence with the applicant a new bat survey was submitted during January 2016 which found that whilst

bats are active within the area, no evidence was found to show bats within the building, similarly no evidence of breeding birds was found within the building, but surrounding vegetation has potential to support nesting birds. Further to this new survey being submitted a period of re-consultation was offered, and the Ecology Officer for South Gloucestershire Council no longer objects to the proposal on ecology grounds subject to conditions.

5.8 Conservation and Heritage

The applicant site is a Locally Listed building which dates back to the 19th century. Whilst the proposal will have an impact on the historic character, scale, layout and form of the locally listed cottage the Listed Building and Conservation officer believes that the need for a viable refurbishment and sustainable use scheme weighs out this harm. As such there is no objection to the proposal which is materially the same as PK12/2406/F subject to conditions.

5.9 Other Issues

Other issues have been raised with the proposed development, whilst there is no formal objection a neighbouring occupier has stated that because the applicant would like to move their pedestrian access across no.2 they request this is changed on the deeds at the applicants cost, this is not a material consideration and should be discussed with the applicant and the land registry as it is a civil matter rather than a planning matter. They also believe the applicant should indicate where they are intending to connect to the sewerage this will be dealt with using a condition.

It should be noted that a condition of the previous application (PK12/2406/F) was for permitted development rights to be removed to protect the openness of the Green Belt. It is not considered necessary to do remove the permitted development rights.

6. CONCLUSION

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

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

7. RECOMMENDATION

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

Contact Officer: Fiona Martin
Tel. No. 01454 865119

CONDITIONS

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

Reason

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

2. Sample panels of stone walling for the stone elevations and natural stone boundary of wall of at least one square metre in size, demonstrating the coursing, bonding, colour, texture, mortar colour, pointing and where applicable, treatment of corners, shall be erected on site and approved in writing by the Local Planning Authority before the relevant parts of the work are commenced. The approved sample panel shall be kept on site for reference until the stonework is complete. Development shall be carried out in accordance with the agreed sample.

Reason

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

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

Reason

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

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

Reason

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

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

Reason

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

6. The off-street parking facilities (for all vehicles, including cycles) shown on the Existing and Proposed Site Plans No. 42/01 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.

7. The extension shall not be occupied until the associated vehicle parking areas and manoeuvring areas have been drained and surfaced in accordance with the details approved in writing by the Local Planning Authority. The facilities so provided shall not be used, thereafter, for any purpose other than the parking and manoeuvring of vehicles.

Reason

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

8. The development hereby approved shall be carried out in strict accordance with the recommendations regarding bat enhancements and precautions, and breeding bird precautions provided in Sections 6.1 to 6.5 of the Update Bat Survey (Country Contracts, dated January 2016).

Reason

To ensure the works are carried out in an appropriate manner and in the interests of the protected species, and to accord with Policy L9 of the South Gloucestershire Local Plan (Adopted) January 2006 and the National Planning Policy Framework.

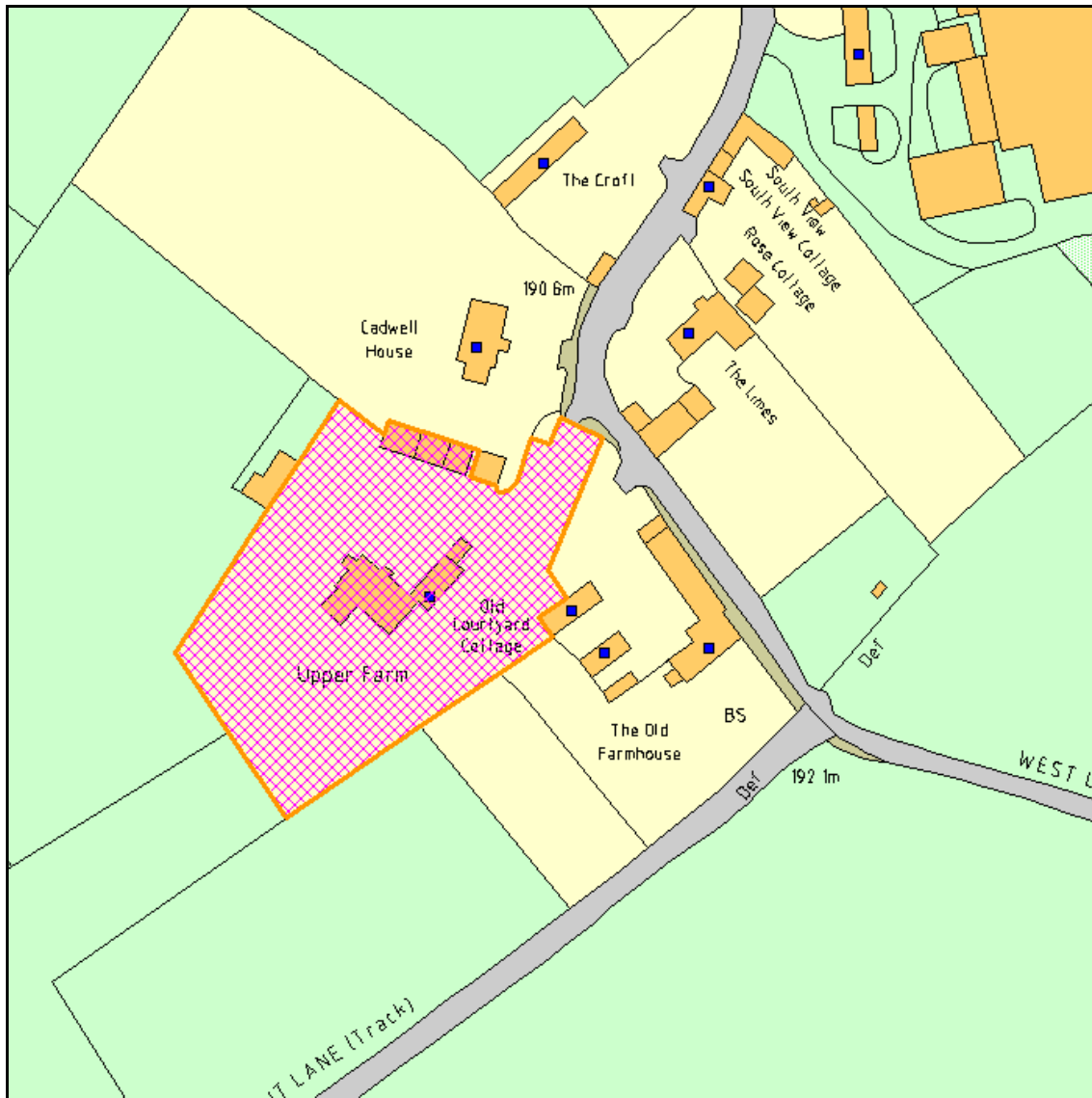
9. Notwithstanding the plans submitted, any new boundary wall, fence or hedge either side of the new access shall be set back from the edge of the road (or it is kept low in height) in order to provide visibility splays of 2.4m by 70m on to the public highway.

Reason

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

CIRCULATED SCHEDULE NO. 07/16 – 19 FEBRUARY 2016

App No.:	PK15/4772/F	Applicant:	Mr And Mrs M Conze
Site:	Upper Farm West Littleton Road Marshfield Chippenham South Gloucestershire SN14 8JE	Date Reg:	24th December 2015
Proposal:	Alterations to main house (Amendment to previously scheme PK14/4608/F and PK15/2743/F). Erection of car port and outbuilding (Retrospective).	Parish:	Tormarton Parish Council
Map Ref:	376099 175221	Ward:	Cotswold Edge
Application Category:	Householder	Target Date:	16th February 2016



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 100023410, 2008. **N.T.S.** **PK15/4772/F**

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application appears on the Circulated Schedule because the officer's recommendation to approve is contrary to three objections received from local residents and one objection from the Parish Council.

1. THE PROPOSAL

- 1.1 This proposal includes alterations to a previously approved scheme in the form of the position of the first floor windows and ground floor door on the front elevation of a two-storey extension (previous app. PK14/4608/F). The application also includes the erection of a car port outbuilding and a sauna outbuilding. Every aspect of the application is retrospective and the application arises from an investigation by the Planning Enforcement Team.
- 1.2 The application site relates to a large, detached property within the Cotswold Area of Outstanding Natural Beauty. The application site is an historic but unlisted dwelling house located within the West Littleton Conservation Area. The application site can also be considered to be located within the setting of the neighbouring Grade II listed building, The Old Farmhouse.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework March 2012
Planning (Listed Buildings and Conservation Areas) Act 1990
Historic Environment Planning Practice Guide March 2010
National Planning Practice Guidance – Conserving and Enhancing the Historic Environment;

2.2 Development Plans

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

L1 Landscape Protection and Enhancement
L2 Cotswold Area of Outstanding Natural Beauty
L9 Species Protection
L12 Conservation Areas
L13 Listed Buildings
EP2 Flood Risk and Development
T12 Transportation
H4 Development within Residential Curtilages

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design
CS5 Location of Development
CS9 Managing the Environment and Heritage
CS34 Rural Areas

2.3 Supplementary Planning Guidance

West Littleton Conservation Area SPD
The South Gloucestershire Design Checklist (SPD) – Adopted August 2007

3. **RELEVANT PLANNING HISTORY**

- 3.1 PK15/2743/F - Construction of extended horse walking track and alterations to design of timber storage building. (Partially Retrospective). (Amendment to previously approved scheme PK14/4608/F) – Approved 28 September 2015.
- 3.2 PK14/4608/F - Change of use of land from agricultural to use of land for the keeping of horses and construction of manege with associated works. Erection of a single storey extension to the existing stable block and erection of a single storey timber storage building. Erection of a two storey side extension to dwellinghouse to provide additional living accommodation – Approved with conditions 13 February 2015.
- 3.3 PK04/2772/F - Erection of side conservatory – Approved with conditions 27 September 2004
- 3.4 P87/2067 Erection of detached dwelling with attached residential annex and erection of stables - Approved September 1987
- 3.5 P85/2068 Erection of detached dwellinghouse with attached residential annex - Approved October 1985
- 3.6 P84/2304 Erection of detached dwellinghouse and conversion and extension of agricultural buildings to form garaging: store and workshop - Approved October 1984

4. **CONSULTATION RESPONSES**

4.1 Tormarton Parish Council

1. We object to the repeated retrospective application which undermines the whole planning process. None of the structures applied for are emergency requirements and could have been seen and applied for in the normal way.

2. The gateway and increased wall height are completely out of character with the Conservation Village of West Littleton and the stonework does not match with the existing wall.

4.2 Other Consultees

Archaeology Officer – No objections

Conservation Officer –

Windows - Due what appears to be a result of a desire to achieve a higher ceiling level at ground level than exists in the main house, due to the requirements of Building Regulations that require windows to be at a certain height in relation to the floor, although the scale and form of the gables has been repeated and the design and scale of the mullion windows also match, the 2no. windows that would have been set below the gables have been elevated so they are positioned within the gables themselves. This creates the impression that the rooms at first floor level are at attic level, which is a significant distortion of the building's character and scale. As a consequence,

the resultant appearance of the front elevation is no longer one of pleasant repetition; the completely avoidable failure to deliver consistency to the fenestration now gives the building a character of visual incoherence.

Along with distorting the scale or character of the building, the elevated position of the 2no. first floor windows has also had a significant and negative impact on its proportions, for as noted above, along with distorting the character of the building, the result of pulling the windows up into the gables is that you are left with a rather ungainly expanse of stonework between the openings at first and ground floor level. This further exacerbates the disparate nature of the extension's window position. Overall in direct views of the front elevation to my mind the appearance of the building has been significantly compromised.

It is regrettable that the consequence of an uninformed, misguided and regrettable decision to lift the first floor level is that the quality of the building's appearance has been degraded.

To conclude, in respect of the aesthetic impact to the existing building of what has been undertaken, the elevation position of the 2no. windows have been significantly harmful. However, as an unlisted property I am mindful of what works can be undertaken under the provisions of permitted development.

In assessing the impact on the setting of the adjacent listed building, the impact of what at best could be seen as something of a curiosity would not be significant. In respect of the impact on the conservation area, the views of the building are limited and so again although in what public views there are the elevation will appear as a contrived and clumsy composition, it is difficult to conclude that the harm is so significant that it could be considered to have detracted from what can be considered to be the significance of the conservation area.

Garage - There are no objections to the garage due to the visually recessive scale, siting and design.

Sauna - The outbuilding however does appear as a rather stark addition by virtue of its scale, form and materials. The untreated timber does make the building stand out more than it necessarily needs to in the limited views that can be publically accessed – from the south and across the curtilage of the listed building.

I would suggest either the timber is toned down through staining or additional landscape is proposed to ensure in views to the south, the prominence of the building reduced or screened. The objective should be that in views from the south and from the adjacent listed building, the large sauna building should read as a standard outbuilding that you could expect to see within a rear garden. The orientation of the building helps in this regard.

Conclusion - Although the elevated position of the 2no. windows can be considered harmful to the architectural character and aesthetic appearance of this building, in light of limited prominence of the building or views of the

extension, it is not considered that the retention of the 2no. windows insitu would prove to be harmful to the conservation area or listed building.

There are no objections to the garage, but the outbuilding/sauna structure needs visual mitigation if retention is to be supported.

Other Representations

4.3 Local Residents

3 letters of objection have been received from local residents. The following comments are made as grounds of objection;

Windows

- Second retrospective application for the site in the last year
- None of the matters subject to the application needed to be carried out before permission was sought
- Retrospective applications should only be needed in extremes
- There is an apparent discrepancy in the length of the building
- There can be no question that the two new windows at first floor level as part of a dormer could be acceptable in any form other than exactly matching the existing in all aspects of their design.
- The varied windows on the rear are full height windows and as such the impact is very different
- Changes in windows are incorrectly referred to as the rear elevation
- The extension is not subservient
- There are inconsistent reasons for the changed height of the windows
- The window height has increased by more than 1m and it is incorrect to say that the windows have not altered in the elevation. They are completely out of keeping with the character of the village and conservation area
- The increase in sill heights makes the extension more prominent. The windows overlook the garden to the rear and invade privacy
- Due to the quality of the information submitted the mistake on the front elevation and first floor plan was not easy for others to spot but should have been clear to the designers and client.
- Safety glass, although more expensive than normal glass is not excessively priced and the additional cost for three small windows in two dormers would have been negligible when taken as a percentage of the total build cost and is not a reason to change the window position without permission.
- A raised floor level may well increase the possibility of overlooking the neighbouring house.
- Less mature tree cover leaves views more exposed, particularly in winter months
- During the winter months, the extension is also clearly visible from the right of way.

Car Port

- Wonder why the tree was retained insitu. Has room been allowed for expansion

- Contributes to the development mass and is visible from first floor windows.
- There was existing car port provision and this has been converted to residential accommodation.

Sauna Outbuilding

- Although the finish when weathered will tone down and be in-keeping with the shed like appearance it does seem to be a rather large structure for its prominent location and one very visible from the road.
- Had this been sited to the rear of the house as planning dictates it would have had minimal impact on neighbours and the village environment.
- It is a full 1-1.5m higher than the existing wall and is clearly visible from the listed building property.
- It generates noise and light pollution something that is of singular importance given it is in an area with a significant bat population.
- It is also positioned within the canopy of a number of mature trees which will create pressure to have these trees removed.
- Given the size of the building we can only be concerned that over time it will form basis of some future development.

Other

- There is now a considerable development mass at the front of the house. There is a concern re. light and noise levels and also, importantly, the effect of all this development on wildlife - particularly the significant bat population in this area of the village.
- There are historically important lime trees around the properties on this corner of the road in the village. They were planted as a windbreak for the adjoining properties and they still perform this very important function today. These trees are an important part of the local landscape.
- Entrance gates and wall do not benefit from permission
- The stonework does not match and the combination gives a gated feel to the community
- 4 retrospective applications represents a lack of respect for the regulations

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policy H4 of the South Gloucestershire Local Plan (Adopted) 2006 deals with the principle of development within existing residential curtilages. It asserts that development must respect the existing property and the character of the street scene and not prejudice the amenity of nearby occupiers. The policy relates closely to Policy CS1 of the South Gloucestershire Local Plan Core Strategy (Adopted December 2013), which states that 'development will only be permitted where the highest possible standards of design and site planning are achieved'. The NPPF asserts that the Government attaches great importance to the design of the built environment.

5.2 Policy L13 of the Local Plan (Adopted) 2006 protects the setting of a listed building stating that alterations affecting a listed building or its setting will not be

permitted unless the building and its setting would be preserved. Core Strategy Policy CS9 (2013) supports this and expects new development to ensure that heritage assets are conserved, respected and enhanced in a manner appropriate to their significance. Policy L2 protects against development that would harm the natural beauty of the Cotswolds AONB.

5.3 The alterations to the extension – windows and door

A two-storey side extension was permitted in February 2015. The approved drawings for the front elevation showed a consistent pattern of fenestration with two first floor windows and two ground floor windows to match heights and sizes of existing windows.

5.4 On the Ground floor the approved plans proposed the re-positioning of an existing door to allow for two sets of windows which would have matched the first floor windows. However the development as constructed has retained the position of the original door and installed just one ground floor window set.

5.5 On the first floor, the original proposal was for two sets of windows at the same height as the existing windows in horizontal alignment. In development however, these windows have been raised a full window height above that level (some 1.3m higher). The result is, at best, a rather odd and discordant appearance to the extension which is also not helped by the fact that the ground floor/first floor windows furthest west on the front elevation are also slightly out of vertical alignment. The principle issues are design and any overlooking.

5.6 The character of the existing house is largely drawn from its Cotswolds vernacular style, which (following a previous extension) now features a row of 3no. stone gables set above the eaves at attic level. Below each gable is either a 2 or 3no. light mullion window with drip mould over. The two-storey extension approved in 2014 would see an additional 2no. gables added to give a total of 5no. With matching scale, design and materials, this would have given the front elevation an attractive sense of rhythm which would have reinforced its aesthetic appearance.

5.7 The submissions with the application explain that there is a variation in floor levels of two steps between the main dwelling and the extension. This appears to have come about from a desire to achieve a higher ceiling level at ground level than exists in the main house, due to the requirements of Building Regulations that require windows to be at a certain height in relation to the floor. The Design and Access statement asserts that had the windows been installed as per the approved plans then they would have been at floor level. The same statement later states that sill levels for the amended window positions are at head height, however as pointed out by an objector, this does not make sense if they have only been raised a little over a metre from floor level. Whilst the officer was unable to gain access to the building at the time of the site visit with the Agent, a photograph was later provided which shows that the windows sit just above radiator level as would be expected and as would corroborate with the raised floor level of two steps.

- 5.8 Although the scale and form of the gables has been repeated and the design and scale of the mullion windows also match, the 2no. windows that would have been set below the gables have been elevated so they are positioned within the gables themselves. This creates the impression that the rooms at first floor level are at attic level, which is a significant distortion of the building's character and scale. As a consequence, the resultant appearance of the front elevation is no longer one of pleasant repetition. Your officer shares the view of the Conservation Officer, that this seemingly avoidable failure to deliver consistency to the fenestration now gives the building a character of visual incoherence. The design quality of the building has inevitably been degraded to a degree.
- 5.9 Whilst the building is of historic character and is in the Conservation area and the AONB, views of this dwelling are limited and views of the extension are also very limited. Whilst the building is in the setting of the neighbouring listed building, this elevation is not visible in the setting of the listed building and this dwelling is not listed itself. Whilst officers clearly favour the originally approved design therefore, this application requires an assessment of the submitted scheme and whether there is sufficient justification to merit a recommendation for refusal in the wider context.
- 5.10 Given that the property is unlisted, some consideration must also be given to the works that might have been undertaken as permitted development. These could have included later alterations to the positioning, size and even materials of the windows without a planning application being required.
- 5.11 The Conservation Officer concludes that in assessing the impact on the setting of the adjacent listed building, the impact of what at best could be seen as something of a curiosity would not be significant. In respect of the impact on the conservation area, the views of the building are limited and so again although in what public views there are, the elevation will appear as a contrived and clumsy composition, it is difficult to conclude that the harm is so significant that it could be considered to have detracted from what can be considered to be significance of the conservation area.
- 5.12 There have been several objections to the proposal, particularly in respect of the windows. Several objectors have commented on the repeated retrospective nature of the application, however this is not a matter for the Officer to consider in the assessment of the proposal. It is not an offence to undertake works without planning permission and the retrospective planning application exists to address breaches of planning control. An applicant relies on such an approach at their own risk.
- 5.13 Your Officer shares the view of some of the objection comments that this is the front and principal elevation of the building. It contains two front doors, the access driveway and the access to the road and has been consistently considered as the front elevation in previous applications.
- 5.14 An isolated view of the extension is afforded from the main road just to the side of the gates over the neighbouring garden, but otherwise views from the public realm are negligible. The Planning and Conservation Officers walked along the

Public Right of Way and even with the thinned winter vegetation, there were only a couple of points where you could look back to see the extension. At these points, the remainder of the dwelling was largely obscured.

- 5.15 Owing to the limited views and the unlisted nature of the building, it is difficult to support a case that the alterations are detrimental to the character of the Conservation Area and AONB to the extent that the application should be recommended for refusal.
- 5.16 The other primary consideration for the windows is the potential for overlooking and photographic evidence has been submitted from an objecting party and from the Agent.
- 5.17 The boundary of the neighbouring property is some 25m from the extension and the windows afford no overlooking of habitable rooms. The photograph submitted from the garden of Cadwell House suggests that some overlooking of part of the garden would be afforded but this would be from considerable distance and obscured by significant mature planting on the boundary. Even without such planting the limited overlooking of such a large garden space from this distance would not amount to a material harm to merit a refusal of planning permission.
- 5.18 In summary therefore, it is considered that whilst the window alterations do not enhance the scheme and on the contrary, detract from the originally approved scheme, the scheme nonetheless remains acceptable taking account of the status of the building, the scope for comparable works by permitted development, the limited views from the public realm and the lack of material overlooking.
- 5.19 Car Port
The white painted timber car port is an open sided, flat-roof structure which somewhat uniquely, retains a mature tree through the centre of the roof of the structure. It is sited to the north-west of the extension in the courtyard of the site and requires permission by virtue of being forward of the principal elevation. It appears that the owners believed that the construction of both this and the sauna would have benefitted from permitted development and but for the fact that they are technically in front of the principal elevation, by virtue of its distortions, they would otherwise have met the criteria.
- 5.20 The car port stands approximately 2.5m in height and is in keeping with the stables behind it and the annexe building adjacent to the boundary.
- 5.21 Objections have been made about the scale of development on the site and it is reported that previous car port provision has been converted to ancillary residential use. This is a large residential and equestrian plot however and whilst there has been a significant extension, there is a sizeable annexe and there are now two separate outbuildings, there is not a sense that the site is overdeveloped, not least given the scope for what could have been done under permitted development had the owners been more tactful with the siting of these buildings.

- 5.22 The car port is considered to be an appropriate domestic design which is in keeping with existing outbuildings and is in keeping with the character of the site and the locality. A photograph has been provided of the First Floor view from Cadwell House, which shows the visibility of the stables and the annexe and to a much lesser extent, part of the car port. All are low level buildings and the most prominent feature is the permitted stables. There is no impact from the car port on residential amenity.
- 5.23 Sauna Outbuilding
The Sauna outbuilding and external hot pool is finished with a stained timber. It has a maximum height of 3.2m on the north-west elevation, nearest to the host property. The height is 2.4m on the south-east elevation which is a significant elevation given that it is visible in the setting of the neighbouring listed building.
- 5.24 The orientation of the building, with the principal elevation facing up the rear garden helps with this setting such that the smaller end elevation is visible in the listed building setting. The square timber faade is visible from the track that runs in front of 'The Old Farmhouse' and sits beneath several mature evergreen trees which already afford some helpful screening.
- 5.25 Objections have been received in respect of noise and lighting and it was evident on the site visit that there were some small lights fixed to the principal elevation which appeared to project up and down this elevation. Given the distance to habitable room of neighbours, the screening from trees and the orientation of this elevation away from the neighbouring property however, it seems extremely unlikely that any nuisance through lighting could arise. Given that the building and hot pool are ancillary domestic features and afford the further enjoyment of the garden, the noise arising from the ancillary residential use of them is not inappropriate and not above and beyond the permitted use.
- 5.26 Your officer has sought further advice from the Council's Ecology Officer given the specific concern raised about the potential impact on the local bat population. The Ecology Officer has confirmed that he has been aware of bats in this area previously and that the Cotswold Edge offers a good environment for them generally. Light overspilling upwards above buildings would therefore be resisted. On this basis it has been suggested that a condition be imposed to protect against any upward spill of light from lights affixed to the Sauna and that any upward projection be covered or redirected down.
- 5.27 The Agent has confirmed that the shallow raft foundations were hand dug in the interests of protecting the trees. The Conservation Officer comments share concerns from residents that the building currently stands out as a rather stark addition by virtue of its scale, form and materials but suggests that appropriate staining and/or landscape screening could mitigate this impact on what is a limited view from the south across the garden of the listed property. A condition will be imposed to require submission and implementation of a planting schedule to protect the setting of the listed building.
- 5.28 The building is otherwise very evidently kitted out as a sauna with a hot pool decking and is not of an inappropriate size and scale in the context of the plot. As residents have recognised, a similar building could have been erected just a

few metres further back from the line of the principal elevation without any planning permission being required and all things considered it is an acceptable addition subject to the aforementioned condition.

5.29 Other

Concerns have been expressed about the wall and gates that have been erected at the front of the property. These were recognised and discussed at the time of the site visit but neither forms part of this planning application and these are not therefore formally considered or decided upon in this report. It is the officer's view that a planning permission is required for these however and the Agent will be notified and the matter referred back to the Planning Enforcement Officer.

5.30 Numerous objections were raised about the repeated submission of retrospective planning applications and this has been addressed above. It is not an offence to undertake works in breach of planning control and seek to regularise these with a retrospective application. This application is a legitimate tool within the Town and Country Planning Act 1990 (as amended) and no weight can be afforded either way to an applicant's intent in proceeding with this approach.

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 be granted subject to the following conditions;

7.2 Within three months from the date of this decision, a scheme of landscaping for the screening of the south-east elevation of the sauna outbuilding shall be submitted to the Local Planning Authority for approval. The agreed planting shall be carried out no later than the first planting season after approval in writing and the planting will thereafter be retained in accordance with the agreed plans.

Reason: To protect the setting of the neighbouring Grade II listed building, The Old Farmhouse in accordance with Policy L13 of the South Gloucestershire Local Plan (Adopted) 2006 and Policy CS9 of the South Gloucestershire Local Plan Core Strategy (Adopted) 2013.

- 7.3 Within three months from the date of this permission covers shall be fitted to the lights affixed to the sauna outbuilding so as to protect against any upward spill of light.

Reason: In the interests of neighbouring occupiers and to protect against disruption to any existing bat population in accordance with Policies H4 and L9 of the South Gloucestershire Local Plan (Adopted) 2006.

Contact Officer: James Cooke
Tel. No. 01454 863429

CONDITIONS

1. Within three months from the date of this decision, a scheme of landscaping for the screening of the south-east elevation of the sauna outbuilding shall be submitted to the Local Planning Authority for approval. The agreed planting shall be carried out no later than the first planting season after approval in writing and the planting will thereafter be retained in accordance with the agreed plans.

Reason

To protect the setting of the neighbouring Grade II listed building, The Old Farmhouse in accordance with Policy L13 of the South Gloucestershire Local Plan (Adopted) 2006 and Policy CS9 of the South Gloucestershire Local Plan Core Strategy (Adopted) 2013.

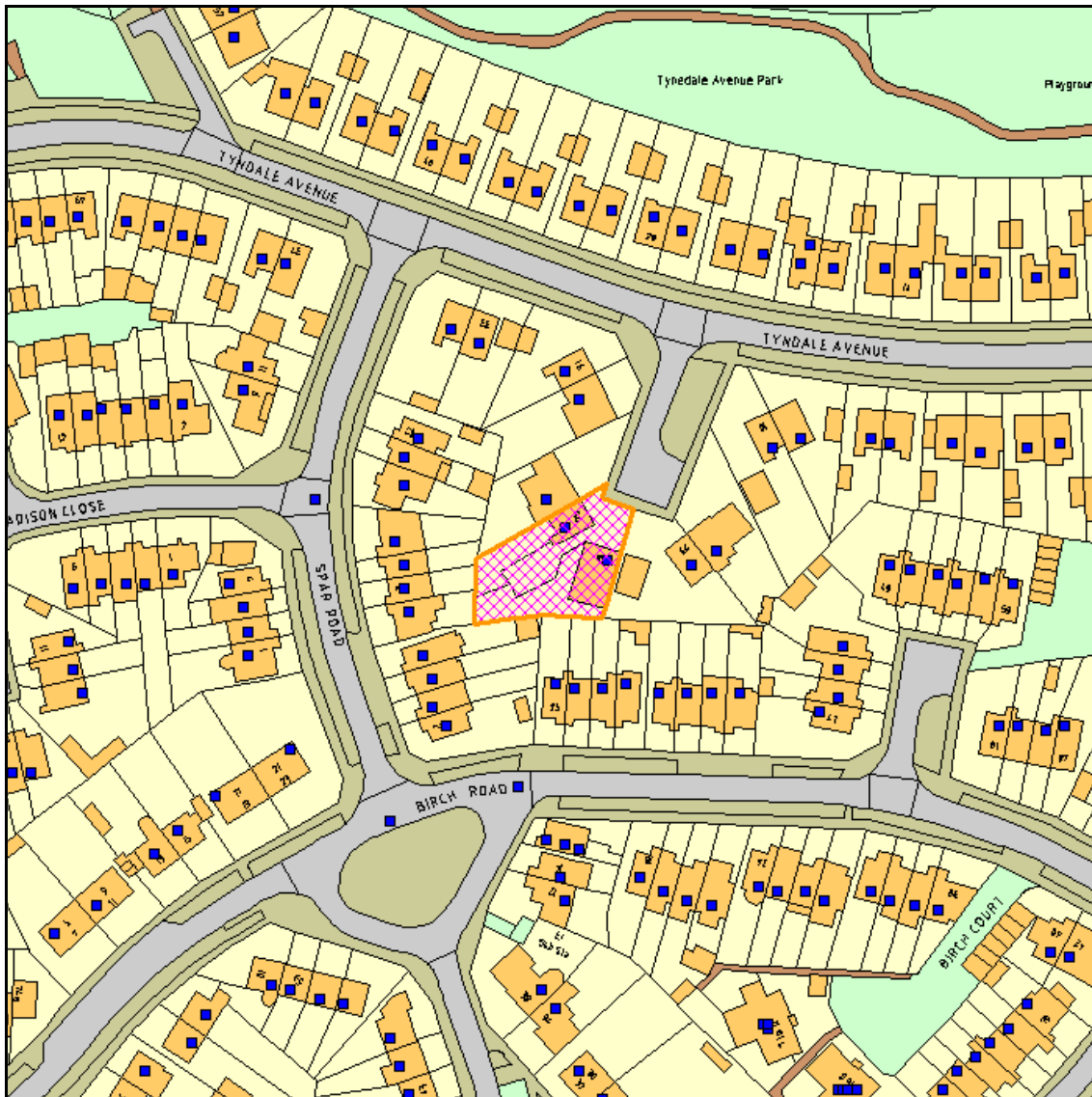
2. Within three months from the date of this permission covers shall be fitted to the lights affixed to the sauna outbuilding so as to protect against any upward spill of light.

Reason

In the interests of neighbouring occupiers and to protect against disruption to any existing bat population in accordance with Policies H4 and L9 of the South Gloucestershire Local Plan (Adopted) 2006.

CIRCULATED SCHEDULE NO. 07/16 – 19 FEBRUARY 2016

App No.:	PK15/5509/RVC	Applicant:	Mr John Clode
Site:	25A Tyndale Avenue Yate South Gloucestershire BS37 5EU	Date Reg:	7th January 2016
Proposal:	Variation of condition 2 attached to planning permission PK09/0799/F to alter car parking layout and associated works (Retrospective)	Parish:	Yate Town Council
Map Ref:	370884 182946	Ward:	Yate North
Application Category:	Householder	Target Date:	2nd March 2016



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REASON FOR REPORTING TO THE CIRCULATED SCHEDULE

This application is referred to the Circulated Schedule as objections have been received which are contrary to the officer recommendation for approval.

1. THE PROPOSAL

- 1.1 The application site is located within the established residential area of Yate and sited at the top of a cul-de-sac. The application site comprises of a 2 bedroom small detached dwelling number 25a Tyndale Avenue and 25 Tyndale Avenue a semi detached dwelling house.
- 1.2 Planning permission was granted following an appeal (APP/P0119/A/08/2086715) in 2008 for the erection of a dwelling within the large residential curtilage of 25 Tyndale Avenue replacing an existing detached garage. The permission has been implemented and a 2 bedroom detached dwelling erected within the former residential curtilage of 25 Tyndale Avenue.
- 1.3 Following the appeal decision a further application was submitted PK09/0799/F to amend the parking scheme allowed on appeal. Condition number 2 states "The off street parking facilities for all vehicles shown on the plan for the existing and proposed dwelling hereby approved shall be provided before the building is first occupied, and therefore retained for that purpose".
- 1.4 This application seeks retrospective permission to vary condition 2 of PK09/0799/F to amend the parking lay out to provide only 1 parking space for the use of 25a Tyndale Avenue, this is a reduction from the 2 spaces permitted by PK09/0799/F. Two parking spaces will be retained for the original dwelling 25 Tyndale Avenue although these spaces will be sited towards the front of the property.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework March 2012
- 2.2 Development Plans
South Gloucestershire Local Plan (Adopted) January 2006 (saved policies)
T8 Parking Standards
South Gloucestershire Local Plan Core Strategy Adopted December 2013
CS1 High Quality Design
CS8 Improving Accessibility
- 2.3 Supplementary Planning Guidance
Residential Parking Standards Adopted December 2013

3. RELEVANT PLANNING HISTORY

- 3.1 PK08/1804/F. Erection of dwelling refused August 2008 allowed on appeal Jan 2009.

- 3.2 PK09/0799/F Erection of detached dwelling with associated works (Amendment to previously approved scheme PK08/1804/F).

4. CONSULTATION RESPONSES

- 4.1 YateTown Council
No objection

- 4.2 Transportation Officer
No objection subject to conditions that front dwarf wall is removed to widen the entrance and that the front gardens are kept as a shared space with no physical obstructions between the boundaries.

Other Representations

- 4.3 Local Residents
2 letters of objections have been received from local residents which are summarised below:
- There is no space for further parking within the cul-de-sac
 - Any reduction in parking spaces would be completely unacceptable
 - Even with the current 2 car parking spaces there is unacceptable congestion and limited parking within the cul-de-sac
 - There is a requirement for 2 parking spaces for a three bedroom dwelling

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The properties are located within the residential area of Yate and within a quiet cul-de-sac of Tyndale Avenue in a sustainable location within easy walking distance of Yate town centre. In 2009 permission was granted following an appeal to the planning inspectorate for the erection of a dwelling within the curtilage of 25 Tyndale Ave, a further application PK09/0799/F amended the parking lay out. Within this application the planning officer attached a condition specifically concerning the car parking for the new dwelling. The relevant condition reads:

Condition 2. The off street parking facilities for all vehicles shown on the plan for the existing and proposed dwelling hereby approved shall be provided before the building is first occupied, and therefore retained for that purpose.

- 5.2 The reason for this condition was to ensure the satisfactory provision of parking facilities in the interest of highway safety and to accord with Policy T8 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006. The pertinent issue to consider are transportation issues relating to parking and highway safety.

5.3 Transportation

It is not considered that the development is harmful to highway safety; no objection has been raised on the grounds of highway safety by the Councils Transportation Officer. The properties are located within a quiet cul-de-sac with

no parking restrictions. The Council's Transportation Officer has no objection to the development subject to conditions concerning the removal of a small dwarf wall to the front of 25 Tyndale Avenue to widen the existing access and a condition to ensure no physical barrier e.g. wall, hedge etc. is introduced to the front garden areas of 25 and 25a Tyndale Avenue.

- 5.4 Since the decision in 2009 that required 2 car parking spaces to be provided for the new dwelling the Council have in December 2013 adopted a supplementary planning document entitled Residential Parking Standards. This document gives guidance to the public and developers to understand what parking provision is required for new residential development. The Councils Residential Parking Standards Supplementary Planning Document recommends a minimum of 2 car parking spaces for a three bedroom dwelling and requires 1.5 (generally rounded down to 1) space for a 2 bedroom dwelling. Number 25 Tyndale Avenue is a three bedroom dwelling and 2 car parking spaces are to be retained to serve this dwelling, 25a Tyndale Avenue is a 2 bedroom dwelling although there is a room downstairs that has been used as a bedroom but the applicant has clarified that at present the dwelling has 2 bedrooms upstairs and the downstairs room is used a dining room. Therefore the development meets the minimum standards set out in the Councils Residential Parking Standards Supplementary Planning Document.
- 5.5 Policy CS8 requires car parking and vehicular site access should be well integrated and situated to support the street scene and that it does not compromise walking, cycling public transport infrastructure and highway safety. The Councils Transportation Officer has no objection to the development subject to suitable conditions that will widen the front access and ensure no physical barriers are introduced between the parking spaces to allow easy access and manoeuvring to ensure no conflict with other users within the street. To accord with Policy CS8 conditions have been attached to ensure the front dwarf wall is removed and no boundary fence, wall, hedge or other means of enclosures are provided between the parking spaces.
- 5.6 Objections have been received from local residents regarding the loss of the one car parking space and highlighting the parking problems within the existing road. Tyndale Avenue is a quiet cul-de-sac with no parking restriction in place and a certain amount of off-street parking is available in the near vicinity. The Councils Transportation Officer has no objection to the development provided suitable conditions are attached to the permission ensuring a total of 3 parking spaces are retained. One of the objections raises the question of the new dwelling being a 3 bedroom dwelling but the applicant has confirmed there are 2 bedrooms on the first floor and a further room on the ground floor is at present used as a dining room.
- 5.7 On balance the variation of condition 2 of PK09/0799/F to reduce the number of parking spaces by 1 are considered not to cause any harm to highway safety and accord with Policy CS8 of the South Gloucestershire Local Plan Core Strategy Adopted December 2013 and Saved Policy T8 of the South Gloucestershire Local Plan (Adopted) January 2006 and meets the requirements of the Councils Residential Parking Standards Supplementary Planning Document.

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 previous planning consent be varied subject to the following conditions

Contact Officer: Kevan Hooper
Tel. No. 01454 863585

CONDITIONS

1. The off-street parking facilities shown on plan reference DRG II dated 23rd December 2015 hereby approved shall be retained for that purpose.

Reason

In the interests of highway safety and to ensure the satisfactory provision of parking facilities and to accord with Policy CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013, and Policy T8 of the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Council Residential Parking Standards Document December 2013

2. Within 30 days of the date of the decision notice the front boundary wall to number 25 Tyndale Avenue shall be permanently removed to widen the access and shall be maintained thereafter.

Reason

In the interests of highway safety and to ensure the satisfactory provision of parking facilities and to accord with Policy CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013, and Policy T8 of the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Council Residential Parking Standards Document December 2013.

3. No boundary fence, wall, hedge or other means of enclosure shall be erected between the parking spaces marked A,B and C on the proposed plan reference DRG II received on the 23rd December 2015 between the properties 25 and 25a Tyndale Avenue.

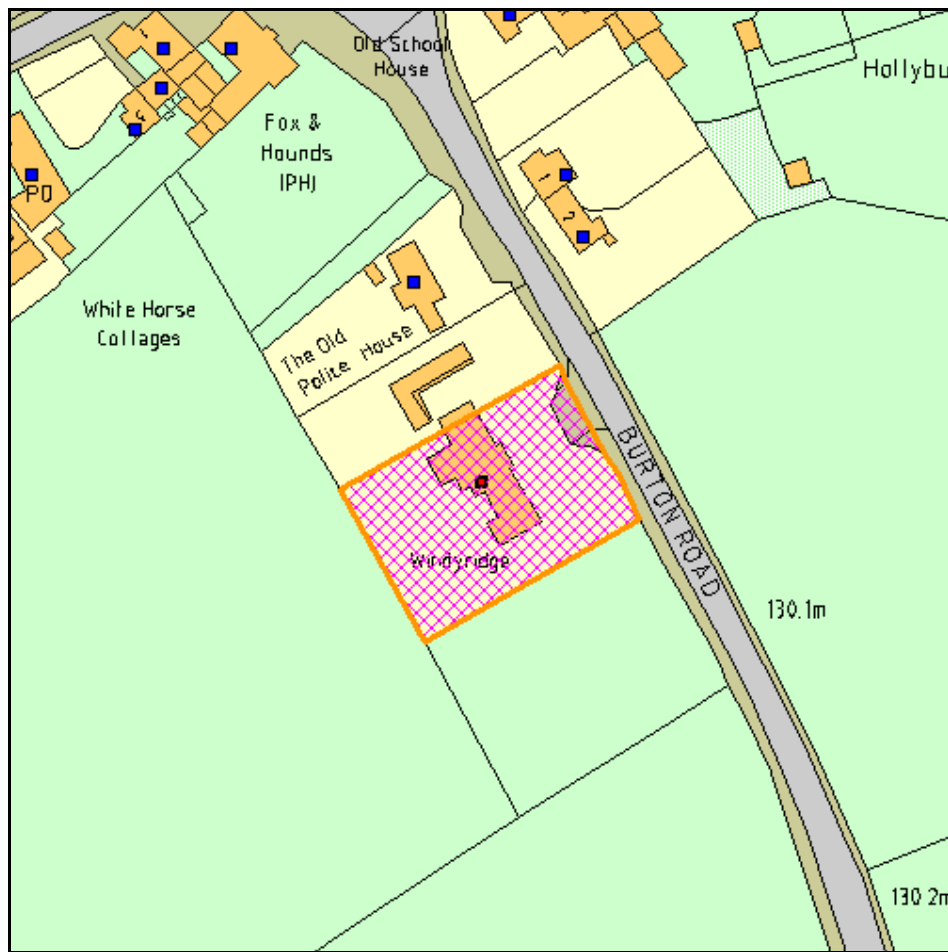
Reason

In the interests of highway safety and to ensure the satisfactory provision of parking facilities and to accord with Policy CS8 of the South Gloucestershire Local Plan: Core

Strategy (Adopted) December 2013, and Policy T8 of the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Council Residential Parking Standards Document December 2013.

CIRCULATED SCHEDULE NO. 07/16 – 19 FEBRUARY 2016

App No.:	PK16/0011/F	Applicant:	Mr Scott Wallbridge
Site:	Windy Ridge Burton Road Acton Turville Badminton South Gloucestershire GL9 1HN	Date Reg:	7th January 2016
Proposal:	Demolition of conservatory and office and erection of single storey rear and single storey side extensions to form additional living accommodation. External alterations including re-cladding and installation of 2no. replacement chimney stacks.	Parish:	Acton Turville Parish Council
Map Ref:	380868 180664	Ward:	Cotswold Edge
Application Category:	Householder	Target Date:	2nd March 2016



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REASON FOR APPEARING ON CIRCULATED SCHEDULE

The application has been submitted to the Council's Circulated Schedule procedure following an objection from a local resident which is contrary to the recommendation detailed in this report.

1. THE PROPOSAL

- 1.1 This application seeks planning permission for the demolition of the conservatory and office at Windy Ridge, Burton Road, to facilitate the erection of a single storey rear and single storey side extension to form additional living accommodation. Other external alterations are proposed such as the re-cladding of the building in coursed Bath stone rubble and the installation of 2 no. replacement chimney stacks. A semi circular 'turret' style roof is proposed atop one of the existing bay windows.
- 1.2 Other alterations to the elevations are proposed which do not require planning permission, such as the installation of bath stone 'arrow slots' into the principal elevation, so these will not be assessed within the report.
- 1.3 The application site is situated in the open countryside, within the Cotswold's Area of Outstanding Natural Beauty.
- 1.4 Amendments were received on 14th February 2016 to show a new parapet wall and the removal of a section of steel balustrade which did not appear to serve a purpose. Due to the slight nature of the changes, a period of re-consultation was not required.

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
CS8 Improving Accessibility
CS9 Environment and Heritage
CS34 Rural Areas

South Gloucestershire Local Plan Adopted January 2006 Saved Policies
T12 Transportation
H4 Development within Existing Residential Curtilages
L1 Landscape
L2 AONB
- 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 *Relating to adjacent site:*
PK13/1417/F Approve with Conditions 09/07/2013
Demolition of stables and outbuildings to facilitate the erection of 1no. dwelling with associated works.
- 3.2 P87/2736 Approval 02/12/1987
Erection of two storey side extension to provide lounge with en-suite bedroom above

4. **CONSULTATION RESPONSES**

- 4.1 Acton Turville Parish Council
No comment received.
- 4.2 Other Consultees
- Archaeology
No objection.

Other Representations

- 4.3 Local Residents
One letter of objection has been received from a local resident stating the following:
- Building work at the site has been going on for two years creating noise pollution from 8am every morning
 - Highway safety issues from construction vehicles
 - Construction workers temporary toilet facing neighbouring house and smells badly
 - Dust and debris falls into neighbouring gardens from the site and mud and mess is left on the road

5. **ANALYSIS OF PROPOSAL**

- 5.1 Principle of Development
Saved Policy H4 of the South Gloucestershire Local Plan is supportive in principle of proposals for alterations and extensions to existing dwellings within their curtilage, providing that the design is acceptable and in accordance with policy CS1 of the Core Strategy, and that there is no unacceptable impact on residential and visual amenity, and also that there is safe and adequate parking provision and no negative effects on transportation. Due to the sites location within the AONB and the open countryside, policies L1 and L2 of the Local Plan are also relevant to ensure that the beauty of the landscape is retained, as well as policy CS34 of the Core Strategy which relates to rural areas. Therefore, the proposal is acceptable in principle but should be determined against the analysis set out below.

5.2 Design and Impact upon Area of Outstanding Natural Beauty

The changes proposed are considered to improve the appearance of the existing dwelling, which is currently finished in reconstituted stone and clay tiles. Many of the materials proposed are more common in rural areas, and so the impact on the Cotswold's AONB will be reduced from the extant situation. The extensions proposed are modest in size and are to replace existing structures of a less sympathetic design.

5.3 The area exhibits a variety of building designs, most of which are finished in natural stone, including the adjacent new build to the north which is currently under construction, so it is appropriate that coursed Bath stone is used for the majority of the elevations. The roof of Windy Ridge is proposed to be removed and replaced with Marshfield graduating stone tiles, which is considered acceptable, as is the rendered gable ends and side elevations of the property. The turret-style alteration to the principle elevation is unusual, but with each house in the vicinity being of a differing design and Windy Ridge having no neighbours to the south, there is potential to install an unusual feature without interrupting an existing pattern or street scene. Overall, the proposed external alterations and extensions are considered acceptable in terms of policy CS1 of the Core Strategy, and policies L1 and L2 of the Local Plan.

5.4 Residential Amenity

Amendments have been sought and received to remove the proposed steel balustrade creating additional balcony space which would provide views directly into the rear garden of the new dwelling to the north, which is currently under construction. This has now been removed from the north elevation of the scheme and the parapet wall has been increased in height to enclose the terrace area. The remainder of the roof which has not been identified as 'existing external terrace' or 'proposed external terrace' will be subject to a condition preventing its use as such. All new windows either face into the highway, into the rear garden, or to the south of the site which does not border any other residential properties, and so it is not considered that the proposal will lead to overlooking or loss of privacy, subject to the aforementioned condition. The extensions have minimal impact on the extensive plot available for use as private amenity space for present and future occupiers, and therefore the development is acceptable in terms of policy H4 of the Local Plan.

5.5 Transport

The office proposed could potentially be utilised as an additional bedroom by future occupiers, creating a five bedroom property. There is adequate space on the driveway for at least three vehicles, and so there is no transportation objection to the proposal.

5.6 Other Issues

An objection from a nearby resident has been received with regards to disruption from building works already happening at the site over recent months and years. This building work relates to the previously approved house to the north of the site, which was once within the residential curtilage but is now under different ownership. The disruption caused therefore does not relate to the development under assessment here, and so the comments raised by the neighbour have been given very limited weight as they do not affect the site in

question. It is acknowledged that construction works do cause some disruption, and this may be the case with the proposed extensions and alterations under consideration here, however this is temporary and does not weigh against the development being granted approval.

6. CONCLUSION

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

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

7. RECOMMENDATION

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

Contact Officer: Trudy Gallagher
Tel. No. 01454 862217

CONDITIONS

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

Reason

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

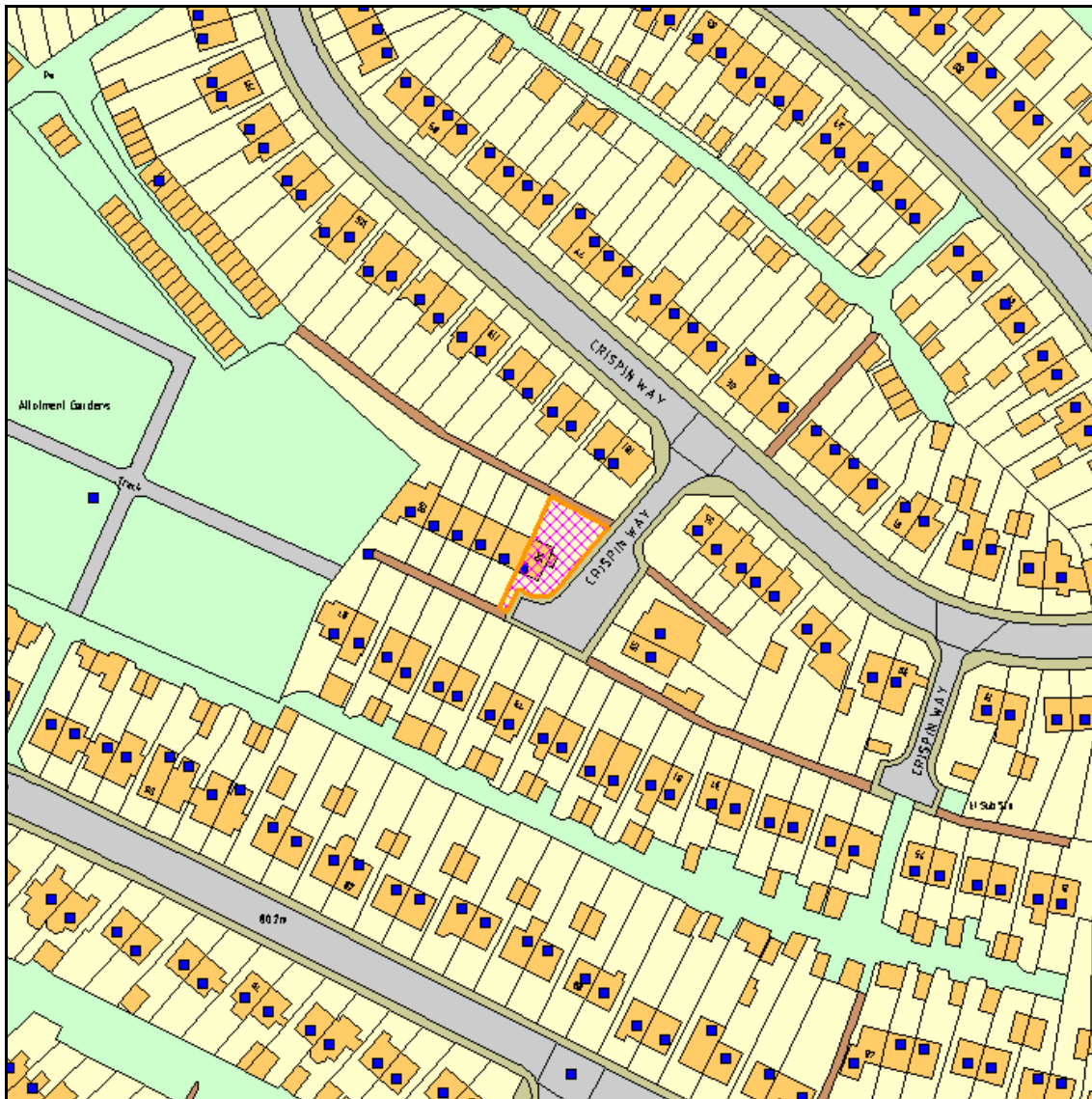
2. Only the areas marked on drawing number PR/1034/12 Rev D as 'Proposed External Terrace' or 'Existing External Terrace' shall be used as a terrace/balcony area, and no other areas of flat roof shall be used as such.

Reason

To prevent overlooking into neighbouring windows and gardens, in the interests of residential amenity and in accordance with policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

CIRCULATED SCHEDULE NO. 07/16 – 19 FEBRUARY 2016

App No.:	PK16/0015/F	Applicant:	Mr Ian Hamilton
Site:	Land At 99 Crispin Way Kingswood Bristol South Gloucestershire BS15 4SH	Date Reg:	15th January 2016
Proposal:	Demolition of existing side porch. Erection of 1 no. attached dwelling with new access and associated works	Parish:	None
Map Ref:	365845 174749	Ward:	Rodway
Application Category:	Minor	Target Date:	10th March 2016



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application appears on the Circulated Schedule following a support comment received from a local resident, contrary to Officer recommendation.

1. THE PROPOSAL

- 1.1 The applicant seeks full planning permission for the demolition of an existing side porch and the erection of 1 no. attached dwelling with new access and associated works.
- 1.2 The application site relates to No. 99 Crispin Way, a two-storey end of terrace property located in a small cul-de-sac in Kingswood. The site is on a hill and the property is on the east side of the road.

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, Including Extensions and New Dwellings
T12	Transportation Development Control

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted 2007)

South Gloucestershire SPD: Residential Parking Standards (adopted) 2013

3. RELEVANT PLANNING HISTORY

3.1 Pre application advice

PRE15/0891 Development of new build end terrace house with garden and off road parking space

Advice:

The above has indicated that there are concerns regarding the overall design of the proposed new dwelling, the impact on on-street parking and highway safety

and possible adverse residential amenity issues. As such it is Officers opinion that the proposal is unlikely to receive support should an application be submitted.

4. CONSULTATION RESPONSES

4.1 Parish/Town Council
The area is unparished

4.2 Other Consultees

Sustainable Transport

No objection subject to conditions relating to parking and relocation of the lamp column

Coal Authority

Objection: the applicant needs to submit the required Coal Mining Risk Assessment Report, or equivalent, to the LPA.

Highway Drainage

No objection subject to an informative relating to the proximity of a public sewer.

Highway Structures

Objection: details of excavations and temporary support required.

Street Lighting Team

No objection.

Other Representations

4.3 Local Residents

Nine letter of objection have been received from local residents. The concerns raised are summarised as:

- Parking – general: Another dwelling squeezed into the existing garden will mean cul-de-sac will become inaccessible to serve vehicles, particularly emergency vehicles
- Parking – highway safety: already a congested, very busy road, on a steep hill, with not many spaces
- Parking – specific to site: insufficient parking for both existing and new property
- Proposed access to parking for both is adjacent to the access path. Poses danger to children and others using the path
- The proposed new driveway will take away the existing disabled parking bay allocated to a resident
- Huge impact on surrounding residents with arrival of machinery, skips, lorries etc
- Current owner is not the occupant – property is rented out therefore owner will not be affected by the works

- The proposal is about greed and has not taken into consideration the needs of the street
- New property will further reduce amount of green space in the street which will have an impact on rain absorption and will increase surface run off and the potential for flooding
- Concerned about it being so close to my property
- Concerned about the lamp post having to be moved – would shine into bedrooms and give more opportunities for burglars
- The new house would look upon my house and impact on my privacy
- Design – houses here are from the 1950s – a new build would look completely out of place and not fit in
- Loss of sunlight into my garden and entire back of my house. Not a healthy environment in which to bring up children
- Loss of outlook – will lose any outlook from my dining room and kitchen windows – these areas will look out onto a brick wall
- Loss of privacy – the upstairs windows will look directly into my garden and through my house. We have the right to privacy and should not have to live with the curtains shut
- Will reduce the amount of evening sunlight in the street
- Photo of plan is incorrect and out of date

One letter of support has been received from a local resident. Although this comment was received after the end of the consultation period it has been included in the report and the points summarised as:

- no overlooking for no. 97
- young children should not be allowed to play in the road
- the Council will have made arrangements to move the genuinely disabled persons bay
- all residents of Crispin Way have access to garage parking, some to double garages but choose to park in the road
- disabled bays are not for the use of any specific person. They are not legally enforceable

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The application stands to be assessed against the above listed policies and all material considerations. Of particular relevance here is the pre-application planning advice given to the applicant in August 2015 for the same set of plans. The advice strongly discouraged an application. Although extensions and additions, including new dwellings are supported within existing residential curtilages this is dependent of a set of criteria which among other things requires the highest possible standards of design (CS1), there to be no adverse impact on residential amenity (H4) and no negative impact on highway safety or parking (CS8, T12, SPD: Residential Parking Standards).

5.2 It is acknowledged that following a recent appeal decision Policy CS5 is regarded as being out of date as the Council was found not to have a 5 year land supply. As such paragraph 14 of the NPPF is engaged which states that sustainable development should be approved unless it can be shown that it

would fail in respect of any other part of the NPPF: good design is one of these other elements.

- 5.3 The proposed attached dwelling raises concerns regarding visual amenity and impact on amenity and for these reasons it is not considered to accord with policy and must be resisted.

Design and Visual Amenity

- 5.4 The application site is an end of terrace two-storey property of modest proportions and simple, uncomplicated design. The property is part of a small cul-de-sac, situated on a steep hill off the main Crispin Way. The terrace has a north/south orientation with the front elevation facing up the hill to the south. The land also slopes up to the west. Properties to the north, south and east of the site are of a dormer chalet style with those to the north (rear) being at a considerably lower level than the application site.
- 5.5 The proposal would be for the erection of a two-storey dwelling attached to the east of No. 99 Crispin Way. The house benefits from a rear garden and also a further small area of garden to the side which given its corner position is restricted by its curved shape, rather than being 'squared off'. Clearly this limits any development that might take place to the side and this is evident in the overall design. The property would have a roofline set down from No. 99 thereby following the pattern of the terrace but in addition would be set back from the front building line which is at odds with the other houses in this row. Furthermore, given the restrictions of the plot size and shape, the proposed new dwelling would achieve a width of approximately 3.4 metres, much narrower than main front elevations of the other properties along this row which measure approximately 5.4 metres. This width would however, be increased to the rear to approximately 4.6 metres, but even so would not achieve the same width as its neighbour. This is regarded as a rather contrived design, constrained by the size and shape of the plot. The appearance of the dwelling would be further at odds with the street scene given that the main entrance would be to the side.
- 5.6 Plans show that due to the topography of the site the internal layout of the house would be on a number of different levels and to provide the second bedroom, the proposal includes a large rear dormer. It is noted that dormer windows are present in the properties to the front and rear of the site. However, these were an intentional feature of those particular style of houses, being small, flat roof windows within the original roofs and not large pitched roof, modern additions of the scale proposed here.
- 5.7 As mentioned above, this scheme is presented exactly as that submitted under the pre-application proposal. The advice given at the time stated that the proposal for a new dwelling in this location would be considered unacceptable in terms of its design and scale. The advice went on to state that in both national and local policy, design and its impact on the character of an area are extremely important considerations. Furthermore, the Officer declared that *It is therefore Officer opinion that the proposal for a new dwelling in this location would not represent good design and would result in a cramped form of development that would be harmful to the visual amenity of the area.* Other

concerns were identified and these will be dealt with in the forthcoming sections.

- 5.8 Given that the proposal has not changed, this part of the assessment corresponds with the pre-application advice. For reasons of poor design resulting in an overcrowded and contrived form of development that has been shoe-horned into the site it would be detrimental to the character of the host property and be harmful to the visual amenity and character of the area in general; the proposal cannot be supported.

Residential Amenity

- 5.9 The proposed new dwelling would sit at the end of an existing terrace. It would have openings in three elevations with its main entrance to the side. Due to the topography of the area the ground floor of No. 99 Crispin Way is above the first floor level of properties to the north at Nos. 101 and 103 Crispin Way. Comments from the local residents are noted but given the low boundary wall of the application site some degree of inter-visibility between properties must already occur, particular to No. 101 Crispin Way. It could therefore be argued that the introduction of new windows would not create significant changes for the neighbours. A similar conclusion was reached in the pre-application advice. However, that advice was based on a desk top study without the benefit of an actual site visit. If the proposed development were an extension to the existing dwellinghouse, then the argument for no change to impact on residential amenity would hold more weight. As we are, however, assessing a brand new dwelling/household then the bearing is different, and the impact and effect must surely be increased. No. 101 Crispin Way would be especially affected due to the large rear dormer and its height, towering above the rear of this property. It is considered that the introduction of this feature would be intrusive and have a negative impact on the privacy of existing occupants of No. 101.
- 5.10 It is considered that the erection of a new dwelling bringing in more people would increase the opportunity for inter-visibility for this neighbour to the north and would therefore have an adverse impact over and above the existing situation to the detriment of occupants and, for this reason cannot be supported.
- 5.11 Local residents have expressed concern regarding the impact the proposal would have on the general amount of evening sunlight entering the cul-de-sac and more specifically loss of sunlight into the garden and house of the property next door. With regard to the evening sun, the proposed new dwelling would be attached to the east side of an existing terrace, the impact on the level of evening sun would be negligible. Similarly, although the new dwelling would be stepped forward of the rear building line of No. 99 by a small degree, (approximately 20cm) given its orientation and separation from this neighbouring property, it is considered that there would be no unacceptable adverse impact on the amenity of this property due to loss of natural light. There would be no issues of inter-visibility for No. 97 which is attached to the other side of No. 99 and within the terrace.

Transportation

- 5.12 Development is encouraged within existing residential curtilages and also within existing urban areas which are regarded as being sustainable locations. However it is clearly important that any new proposal does not adversely impact on an existing situation. The cul-de-sac is very small and although some, but not all of the semi-detached properties here have off-street parking, the terrace of properties itself does not have dedicated parking within the cul-de-sac. The application site, No.99 Crispin Way, however, does benefit from its end of terrace location and is in the fortunate position of being able to utilise its rear/side garden for the parking of vehicles.
- 5.13 The submitted Design and Access Statement states that No.99 has a single garage located in a block some distance away that would be transferred into the ownership of the proposed new dwelling to provide further parking. The plan showing this was submitted in the form of a photograph (which a local resident has declared to be inaccurate). The quality is very poor and it is not to scale so it has not been possible to accurately measure the distance, however using other means the garage is judged to be approximately 100 metres distant. Although the garage is not situated in a very convenient distance from the property it would be unreasonable to assume that it would not be used as parking.
- 5.14 No. 99 has a dropped kerb allowing vehicular access into the existing drive and this driveway would be retained for use of the proposed dwelling. The proposed block plan indicates that the existing garden area would be divided off to provide off-street parking for both the existing and the proposed properties. However, no detailed measurements have been provided on the small scale plan. To count as parking spaces, each should measure 4.8 metres by 2.4 metres. The existing property would need two parking spaces and the proposed dwelling one parking space. The poor quality of the plans does not confirm that the required parking can be achieved but on balance it is likely that the site could provide the required amount of parking.
- 5.15 The position of a lamp post outside the existing garden area is noted and it is considered that this could be moved at the expense of the applicant working with the Highway Team to achieve access into the rear garden. The applicant has indicated that the lamp post would be removed, however, there has been no express agreement with regard to this but if the application were approved this could be secured by condition. Concern has been expressed by a neighbour regarding the potential for the light cause a nuisance but it must be recognised that the lamp post would only be moved a very small distance, under 2 metres from its current location and as such is highly unlikely to cause significant changes to the existing situation.
- 5.16 Plans indicate that the small boundary wall retaining the side garden is to be removed to create the new vehicular access to the serve the existing dwelling. Neighbours have commented that this access would be outside an area marked on the road for disabled parking. It is noted that a second such disabled parking space is located further into the cul-de-sac. Although officers have sympathy with the local residents who use the disabled parking bay, it must be recognised that this disabled parking bay is advisory only and has not

been secured through a Traffic Regulation Order. It cannot therefore be taken into consideration as part of this planning application. Having said this, should the application be approved then it is possible that the disabled parking bay can be relocated within the cul-de-sac. This would be a matter for the Council's Traffic Management Department.

- 5.17 Comments have been received from local residents stating the cul-de-sac is already busy and experiences a high volume of traffic. There are concerns regarding access for emergency vehicles. It is acknowledged that the road is busy but this proposal includes off-street parking to serve both properties. As this accords with adopted residential parking standards there can be no objection to the scheme on this basis. As an existing situation should indiscriminate or inconsiderate parking cause difficulty for residents or for emergency vehicles then the police authority should be contacted.

Drainage

- 5.18 Given the proposed development would be within an existing residential area, the drainage team have raised no objections. Should the proposal have been considered acceptable, the proximity of a public sewer would have been highlighted to the application through an informative attached to the decision notice. Comments from a local resident express concern that the new property will have an impact on rain absorption and will increase the surface water runoff giving the potential for flooding. The scale of the development within an existing residential garden must be remembered and it is considered that this small scale development would not have such an adverse impact on the existing drainage/flooding situation to warrant a refusal of the scheme on these grounds.

Coal Authority

- 5.19 The Coal Authority records indicate that within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application. The site is in the likely zone of influence from recorded coal mine workings at shallow depth and is in an area of likely historic unrecorded underground coal mine workings at shallow depth.
- 5.20 The applicant has submitted some coal mining information to accompany the planning application; however, the Coal Authority does not consider this adequately addresses the impact of coal mining legacy on the proposed development. A Coal Mining Risk Assessment Report, prepared by a suitably qualified person is therefore required as without such a risk assessment, the Coal Authority does not consider that the LPA has sufficient information to determine this planning application and therefore objects to this proposal. Given the in-principle objection to the scheme as detailed above, no further details were requested of the applicant with regards to a coal mining risk assessment.

Highway Structures

- 5.21 From the submitted plans it is likely that the new building is within 3m of adopted highway. Where this is the case then details of excavations and the temporary support that is to be provided to the highway/pavement during

construction are required. No such details have been requested given the in-principle objection to the scheme.

Street Lighting

- 5.22 The location of a lamp post outside the application site is noted. It is considered likely that the lamp post could be moved a few metres away from its current position. No further details have been requested from the Street Lighting Team given the in-principle objection to the scheme.

Other Matters

- 5.23 Comments have been received regarding the fact that the applicant does not live in the property and is not concerned with the welfare of the cul-de-sac and its occupants. This is not a planning matter and cannot be considered under the remit of this planning report.

6. CONCLUSION

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

7. RECOMMENDATION

- 7.1 That the application is **REFUSED**.

Contact Officer: Anne Joseph
Tel. No. 01454 863788

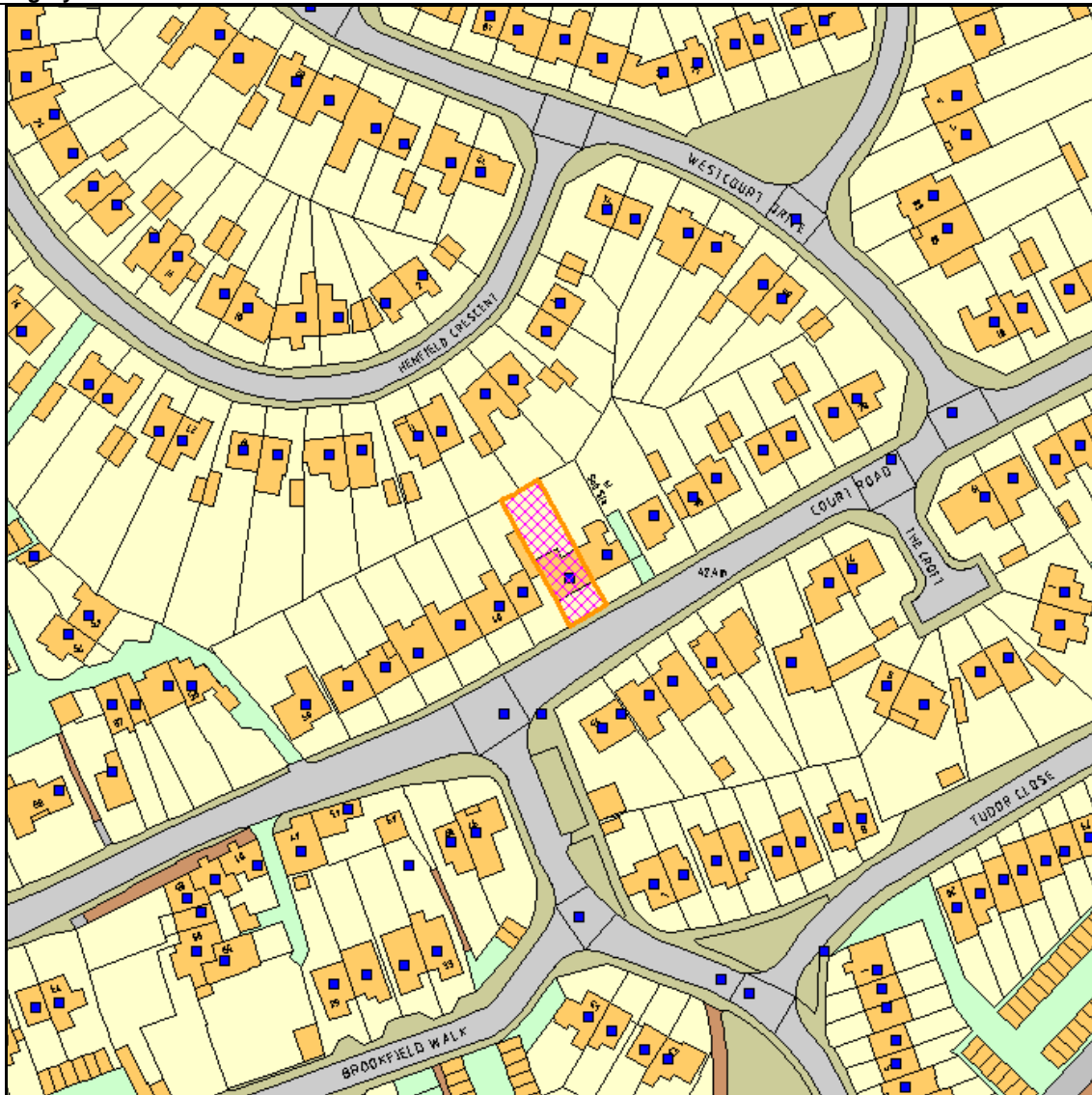
REFUSAL REASONS

1. The proposed development site is restricted in size and the development of the land as proposed, would result in a cramped and disproportionate form of development to the detriment of visual amenity and contrary to good quality design principles as set out in CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) 2013; Policy H4 of the South Gloucestershire Local Plan (Adopted) 2006 and the NPPF (2012).
2. The proposal represents an over-development of the site which would result in a situation of overlooking over and above the existing situation that would be detrimental to the amenities of the occupiers of neighbouring residential properties, in particular No. 101 Crispin Way. The proposal is therefore contrary to saved Policy H4 of the South Gloucestershire Local Plan (Adopted) 2013 and the NPPF (2102).

3. The site is located within a defined high risk area of mining. The applicant has submitted a Coal Mining Report (in this case a Residential Coal Mining Report) in support of this planning application. The submission of a Coal Mining Report is not a Coal Mining Risk Assessment. The Coal Mining Report provides the basic coal mining information in relation to the application site; it does not provide an assessment of the risks to any proposed new development on the site. In the absence of a Coal Mining Risk Assessment the application is contrary to the requirements as set out in the NPPF (2012) and Policy CS9 (12) of the South Gloucestershire Local Plan: Core Strategy (Adopted) 2013.

CIRCULATED SCHEDULE NO. 07/16 – 19 FEBRUARY 2016

App No.:	PK16/0067/CLP	Applicant:	Mr Peter Slinn
Site:	36 Court Road Oldland Common Bristol South Gloucestershire BS30 9SP	Date Reg:	8th January 2016
Proposal:	Application for a certificate of lawfulness for proposed hip to gable roof extension/loft conversion with rear dormer including 2no. rear and 2no. front roof windows. Replacement of roof, window and door over part original part existing garage/utility with the installation of 3no. roof windows and the erection of a single storey rear extension.	Parish:	Bitton Parish Council
Map Ref:	367076 171388	Ward:	Oldland Common
Application Category:		Target Date:	3rd March 2016



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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 side extension at 36 Court Road, Oldland Common would be lawful development. 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 The application is 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 Act 1990 (As Amended) 1990 section 192
Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO)

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

3. RELEVANT PLANNING HISTORY

There is no relevant planning history at the site.

4. CONSULTATION RESPONSES

Bitton Parish Council
No Comment

- 4.1 Other Consultees
No Comment Received

Other Representations

- 4.2 Local Residents
No Comment Received

5. SUMMARY OF EVIDENCE IN SUPPORT OF APPLICATION

- 5.1 Application Form; Site Location and Block Plans; Existing Elevations; Proposed Plans; Existing Plans; Proposed Elevations.

6. ANALYSIS OF PROPOSAL

6.1 Principle of Development

The application for a Certificate of Lawfulness is purely an evidential test and is a formal way of establishing whether or not the proposed development can be implemented lawfully, without the need for planning permission. Accordingly there is not consideration of planning merit, the application is based on the facts presented. This submission is not an application for planning permission and as such the development plan is not of relevance to the determination of this application; the decision rests upon the evidence that has been submitted. If the evidence submitted demonstrates that the proposed use is lawful, on the balance of probabilities, the Local Planning Authority must grant a certificate confirming that the proposed development is lawful.

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

- 6.3 The description of development indicates that the proposed extension would be a rear extension. The provided plans show the extension will not extend beyond the rear wall of the original dwelling instead this will project from the rear of a side extension and as such it has been assessed as a side extension.

- 6.3 The proposed development consists of a single storey extension to the side of the property; hipped to gable conversion; and the introduction of a number of windows and rooflights to facilitate a loft conversion. This development would be within Schedule 2, Part 1 Classes A and B of the GPDO (2015), Class A allows for the enlargement, improvement or other alterations of dwellinghouse; whilst Class B allows for the enlargement of a dwellinghouse consisting of an addition or alteration to its roof provided the proposal meets the criteria detailed below:

A. The enlargement, improvement or other alteration of a dwellinghouse:

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 the ground covered by the buildings (other than the original dwellinghouse) would be less than 50% of the total area of the properties 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 extension would not exceed the height of the existing dwellinghouse.

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

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

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

The extension does not project beyond a wall which forms the principle elevation nor does it form a side elevation of the original dwellinghouse which fronts a highway.

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

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

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

(ii) exceed 4 metres in height;

Not applicable.

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

The extension proposed is a single storey.

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

The extension would be within 2 metres of the boundary, and the eaves would not exceed 3 metres in height.

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

The proposal does not have more than a single storey; a width greater than half of the original dwellinghouse or a height over 4 metres.

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

The proposal does not include any of the above.

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

- (a) it would consist of or include the cladding of any part of the exterior of the dwellinghouse with stone, artificial stone, pebble dash, render, timber, plastic or tiles;**

- (b) the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse; or
- (c) the enlarged part of the dwellinghouse would have more than a single storey and extend beyond the rear wall of the original dwellinghouse.

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

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

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

The proposal will be finished to match the existing dwelling. The proposed materials would therefore have a similar appearance to the materials in the host dwelling.

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

Windows which may open will be more than 1.7 metres above the floor of the room in which they are to be installed.

- (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. The enlargement of a dwellinghouse consisting of an addition or alteration to its roof:

Development not permitted

B.1 Development is not permitted by Class B 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) any part of the dwellinghouse would, as a result of the works, exceed the height of the highest part of the existing roof;

As a result of the works the highest part of the roof would not exceed the highest part of the existing roof.

(c) any part of the dwellinghouse would, as a result of the works, extend beyond the plane of any existing roof slope which forms the principal elevation of the dwellinghouse and fronts a highway;

No part of the dwellinghouse would, as a result of the works, extend beyond the plane of the existing roof slope which forms the principal elevation of the dwellinghouse and fronts a highway.

(d) 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 cubic context of the resulting roof space would be approximately 42.2 m³ and does not exceed 50 m³.

(e) it would consist of or include-
i) the construction or provision of a verandah balcony, or raised platform, or
ii) The installation, alteration or replacement of a chimney, flue or soil and vent pipe; or

The proposal does not consist of or include the construction of a verandah, balcony or raised platform, nor would it include the installation, alteration or replacement of a chimney, flue or soil and vent pipe.

(f) the dwellinghouse is on article 2(3) land.

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

7. RECOMMENDATION

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

Evidence has been provided to demonstrate that the proposed extension and roof alterations would be allowed as it is considered to fall within the permitted rights afforded to householders under Schedule 2; Part 1, Classes A and B of the Town and Country Planning General Permitted Development Order 2015.

Contact Officer: Hanni Osman
Tel. No. 01454 863787

CIRCULATED SCHEDULE NO. 07/16 – 19 FEBRUARY 2016

App No.:	PK16/0201/PDR	Applicant:	Mr & Mrs Keziah & Oliver Sheppard
Site:	16 Bye Mead Emersons Green Bristol South Gloucestershire BS16 7DL	Date Reg:	20th January 2016
Proposal:	Erection of rear conservatory	Parish:	Emersons Green Town Council
Map Ref:	366466 177784	Ward:	Emersons Green
Application Category:		Target Date:	14th March 2016



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

The planning application has been referred to the Council's Circulated Schedule procedure due to an objection comment received from a neighbouring resident.

1. THE PROPOSAL

- 1.1 The application seeks planning permission for the erection of a rear conservatory at 16 Bye Mead which is situated within the settlement boundary of Emersons Green.
- 1.2 The host dwelling is a two-storey end of terrace dwellinghouse with a gable roof end. The dwelling is attached to no.15.
- 1.3 The application would have been permitted development under the General Permitted Development Order (England) (2015), had the permitted development rights not been previously removed under application no. P97/4731.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework March 2012
National Planning Policy Guidance 2014

2.2 Development Plans

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

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

South Gloucestershire Local Plan Core Strategy Adopted December 2013

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

2.3 Supplementary Planning Guidance

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

3. RELEVANT PLANNING HISTORY

- | | | | |
|-----|------------|---|------------|
| 3.1 | P97/4463/A | Advert Approval | 09/09/1997 |
| | | Retention of 6 No. flagpoles. | |
| 3.2 | P96/4731 | Approval of Reserved Matters | 29/05/1997 |
| | | Erection of 140 no. dwellings (reserved matters). | |
| 3.3 | K7578 | Approval of Outline | 07/05/1996 |

Comprehensive development for residential, public house, commercial, school site, roads, footpaths, open space and other associated uses (outline). (prev id K7578).

4. CONSULTATION RESPONSES

4.1 Emersons Green Town Council

No objection to the proposal.

Other Representations

4.2 Local Residents

One letter of objection from a neighbouring resident has been received regarding this application the highlighted points are as follows:

- A solid 7ft brick wall against our boundary fence will significantly reduce the level of late afternoon sunlight to our existing patio area this is coupled with an even higher roof structure.
- We have concerns with how close the footings will need to be dug to the boundary and we believe that the proposal will result in our rotary clothes line needing to be replaced to receive the current level of sun/drying.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policies CS1 of the South Gloucestershire Core Strategy (adopted December 2013) and Saved Policy H4 of the South Gloucestershire Local Plan (adopted January 2006) are both supportive in principle. Saved Policy H4 is supportive providing development is within the curtilage of existing dwellings, the design is acceptable with relation to policy CS1 of the Core Strategy, that there is safe and adequate parking, and also providing the development has no negative effects on transport.

Policy CS1 of the Core Strategy exists to make sure developments enhance and respect the character, distinctiveness and amenity of the site and its context. The proposal shall be determined against the analysis below.

5.2 Design and Visual Amenity

The application site is a two storey end of terrace red brick house. The property is situated within the settlement boundary of Emersons Green. The proposed rear conservatory is to extend beyond the rear elevation by 3 metres, the total height to of the proposal would be 3.5 metres (2.3 metres from the ground level to eaves). The proposed conservatory will span the width of the property, measuring 4.8 metres. The materials utilised will be face bricks which match the existing dwelling and white UPVC.

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

5.3 Residential Amenity

Saved policy H4 of the adopted Local Plan aims to ensure that residential development within established residential curtilage does not prejudice the residential amenity of any neighbouring occupier.

The proposed development is for a single storey rear conservatory, the residential amenity of neighbouring properties should not be detrimentally impacted by this development as it does not cause a material loss of light to neighbouring properties, however an objection has been received from a neighbouring resident stating the 7ft (2.1 metre) brick wall against the boundary fence will significantly reduce the level of late afternoon sunlight to our existing patio area. It should be noted that the existing boundary treatment is a 1.8metre fence, as such there will be 0.3 metres of wall visible from the neighbouring dwelling and 1 metre of glass roof which is a pitched roof, this will reduce the impact of overbearing on the neighbouring dwelling. The objector goes on to state that they are concerned with how close the footings will need to be dug to the boundary and we believe that the proposal will result in our rotary clothes line needing to be replaced to receive the current level of sun/drying, this is not a material consideration.

With regards to the loss of light, it is important to note the positioning of the property the gardens are west of the dwellings, as the sun rises in the east and sets in the west it is unlikely that the proposed single storey rear conservatory with a glazed roof will adversely impact the light to no.18.

Furthermore, there is also adequate amenity space remaining for the present and future occupiers of No. 16 Bye Mead.

Therefore the proposal is considered to accord with saved policy H4 of the adopted Local Plan 2006.

5.4 Transport

No new bedrooms are proposed within the development, furthermore the proposed extension does not affect the existing parking provision. Thus there are no transportation objections to the proposal.

6. CONCLUSION

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

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

7. RECOMMENDATION

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

Contact Officer: Fiona Martin
Tel. No. 01454 865119

CONDITIONS

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

Reason

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

CIRCULATED SCHEDULE NO. 07/16 – 19 FEBRUARY 2016

App No.:	PT15/3348/F	Applicant:	Mr And Mrs R Roper
Site:	Church Farm Northwick Road Pilning South Gloucestershire BS35 4HE	Date Reg:	4th August 2015
Proposal:	Erection of first and second floor rear extension to provide additional living accommodation	Parish:	Pilning And Severn Beach Parish Council
Map Ref:	355909 186756	Ward:	Pilning And Severn Beach
Application Category:	Householder	Target Date:	25th September 2015



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REASON FOR REPORTING TO THE CIRCULATED SCHEDULE

This application is referred to the circulated schedule for determination to take into account the comments of the Parish Council. These could be construed as an objection and the case officer recommendation is for approval. The associated application for listed building consent has also been referred to the schedule.

1. THE PROPOSAL

- 1.1 This application seeks planning permission for the erection of a first and second floor rear extension at a listed farmhouse in Northwick. The proposed extension would be located over an existing single storey extension.
- 1.2 The application site is grade II listed building, Church Farm, on Northwick Road. The site lies within the Bristol and Bath Green Belt and Flood Zone 3. The site is located outside any defined settlement and is therefore in the open countryside.
- 1.3 A concurrent application for listed building consent (PT15/3352/LB) has been submitted for consideration.

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)

L1 Landscape
L13 Listed Buildings
EP2 Flood Risk and Development
T12 Transportation
H4 Development within Existing Residential Curtilages

- 2.3 Supplementary Planning Guidance
Development in the Green Belt SPD (Adopted) June 2007
Residential Parking Standard SPD (Adopted) December 2013

3. RELEVANT PLANNING HISTORY

- 3.1 PT15/3352/LB *Pending Decision*

Erection of first and second floor rear extension to provide additional living accommodation

- 3.2 P95/1610/L Approval of Listed Building Consent 03/10/1995
Erection of single storey side extension together with conversion of existing outbuilding to form annex. detached double garage.
- 3.3 P95/1609 Approval of Full Planning 03/10/1995
Erection of single storey side extension together with conversion of existing outbuilding to form annex. Erection of detached double garage.

4. CONSULTATION RESPONSES

- 4.1 Pilning and Severn Beach Parish Council
No objection to appearance; however, consider there to be an amenity impact.
- 4.2 Archaeology Officer
No objection
- 4.3 Conservation Officer
Design revision required; revision received.
- 4.4 Lead Local Flood Authority
Flood mitigation measures acceptable
- 4.5 Public Rights of Way
No objection

Other Representations

- 4.6 Local Residents
None received

5. ANALYSIS OF PROPOSAL

- 5.1 This application seeks planning permission for the erection of a first floor and second floor rear extension at a farmhouse in Northwick.
- 5.2 Principle of Development
Extensions and alterations to existing buildings are managed by policy H4 of the Local Plan. This policy is broadly supportive of development subject to an assessment of design, amenity and transport. However, as the building is listed, the proposal must also preserve the special architectural or historical interest of the property in order to be policy compliant. Furthermore as the site is located in the green belt, it must also accord with the limited categories of development that are appropriate in the green belt. Therefore the development is acceptable in principle but should be determined against the analysis set out below.

Green Belt

- 5.3 The site lies in the Bristol and Bath Green Belt. The government attaches great importance to green belts with the fundamental aim of preserving the open nature of the land. In order to preserve openness, development in the green belt there is a general presumption against development unless it falls into one of the predefined exception categories.
- 5.4 Listed in the NPPF, the exception categories include 'the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building'. To assist in determining what may be considered a disproportional addition, the council published the Development in the Green Belt SPD. The SPD does two important things; it defines the date on which the building would be considered to be in its 'original' form. This is the building as it stood on 1 July 1948 or (if constructed after that date) as built. The second thing the SPD does is provide guidance on what would be considered disproportionate in terms of a percentage volume increase over and above the volume of the original building.
- 5.5 The proposal is to erect a first and second floor extension over an existing rear extension. At present there is a catslide roof over the first floor section leading to a lean-to element on the ground floor. There is no planning history for this and whilst not original, only a broad assumption can be made as to when this was added to the property. It is noted from the planning history that permission has previously been granted for an extension to the property to form an annex. The volume of the annex and the rear extension would be an increase in the volume of the dwelling over and above the original volume of the dwelling. Whilst the increase to the volume of the building through the erection of these extensions is material, using solely a volume calculation in this instance would be a crass and crude interpretation of the impact on openness.
- 5.6 Church Farm is a historic and enclosed collection of buildings which wrap around the corner of the road. The rear of the building is well screened by other buildings including the farm house to the front, other traditional buildings to either side and modern agricultural buildings to the rear. Although located in the rural areas of the district, this particular site is actually quite densely developed. Given that the proposed extension is on the back of the building in an area of development and above existing built form, it is considered that the proposal would have a minimal impact on the openness of the green belt and would not compose a disproportionate addition over and above the size of the original building.
- 5.7 The proposal is not considered to be inappropriate development in the green belt and no objection is raised on this basis.

Heritage

- 5.8 Church Farm is a seventeenth century farmhouse with nineteenth and later additions and alterations. The building is a relatively late addition to the statutory list (only listed in 1984) and in light of the lack of statutory protection, the building has lost some of its original details. In particular, the rear elevation has lost all its historic windows and features a crude and visually harmful first

floor dormer extension with catslide roof. The modern domestic window and timber lapboard cladding in particular jars with historic character and appearance of the building. The insitu roof dormer is also built into and spans the width the roof of an existing lean-to ground floor extension to the eastern side of the rear elevation. The aesthetic appearance of the rear extension itself is somewhat undermined by the quality of its construction – coursing of stonework; concrete lintels over windows and the plain nature of the windows themselves.

- 5.9 Therefore although the views of the principal elevation can be considered to reflect a traditional vernacular that helps makes positive contribution to the rather dispersed settlement, the rear elevation in its current form significantly detracts from its character and appearance. The proposed scheme would see a first and second floor extension built over the footprint of this existing ground floor extension and so the dormer and the roof of the lean-to extension would be removed. Along with providing additional accommodation on three floors, the proposed scheme would also see the attic converted into further living accommodation.
- 5.10 The potential loss of historic fabric has been raised by the Society of the Protection of Ancient Buildings. Historic cartographic evidence confirms that the lean-to extension is a modern mid-twentieth century addition. Consequently the loss of the lean-to roof structure is acceptable as it is of no historic interest. The existing window at first floor level is modern and so its loss is acceptable. Internally no new openings are being created at ground and first floor level. The proposed extension is to be constructed of matching rubble stone, the design of the extension would feature a projecting gable roof that would create an imposing new wing. The eaves of the extension are correctly set below the host building, as would the roof ridge of the extension. The fenestration is also considered acceptable, but large scale details would be required, as they would for the verge and eaves.
- 5.11 A reduction has been made to the width of the extension to ensure that it sits comfortably in proportion with the main dwelling. This was also required to protect the prominence and appearance of the staircase tower on the rear elevation.
- 5.12 More changes were being made to the historic fabric of the building with the conversion of the attic into living accommodation. The two trusses that make up the main roof frame have had their tie beam lowered in the past. There is clear evidence of this with 25mm deep notches higher up the principle rafters. The low height of the tie beams makes them a significant intrusion into the roof space and so the proposed conversion would see the tie beam repositioned to the original higher position and with existing notches reused. Why the tie beam were lowered is unclear as there is no evidence of any structural defects. The removal of the two existing tie beams would not result in the loss of original fabric or fabric considered to be a historic significance, and so there is no objection tot his part of the proposals.
- 5.13 The proposed conversion of the attic space would link through to the second floor of the extension. A new doorway will therefore be formed and there is

sufficient head height below what are likely to be original purlins and so they will be retained insitu. The new doorway into the proposed en-suite will however impact on two common rafters. One however has failed and stops just below the purlins and so one will only require partial removal. These rafters are considered to be of historic interest but the limited scale of the proposed loss will not materially affect the significance of the building.

- 5.14 Subject to the conditions proposed and the amendments to the proposals received there is no objection on the basis of heritage and the proposal is considered to accord with policy L13.
- 5.15 Design
Much of the design considerations are addressed above in relation to heritage. It is only further to say that the use of rubble stone is appropriate and the design of the extension reflects the character and appearance of the existing building and therefore complies with both policies CS1 and H4.
- 5.16 Residential Amenity
Concern has been raised by the parish council that the development would have a prejudicial impact on the amenities of the adjacent occupier. Development should not have an undue impact on the amenities of nearby occupiers in order to gain planning permission.
- 5.17 The concern primarily is based on the relationship between the farmhouse and the Coach House, adjoined to the northeast elevation of the building. The Coach House is a much smaller building with lower eaves and a lesser depth resulting in a step in the rear elevation of the two properties.
- 5.18 As a result of the extension, there would be a 2-storey projection of 4 metres from the rear wall of the dwellinghouse. It is acknowledged that a projection of this distance is likely to result in a significant impact to the amenities of the occupiers of the adjoining property. The question therefore is whether this impact is so significant that it would warrant the refusal of the planning application.
- 5.19 A 4 metre projection at ground floor only is unlikely to be considered prejudicial, especially given that the proposed extension is being built over an existing projection to the building. Consideration should therefore be given to the first floor extension and the roof form. The eaves of the roof have been dropped below those on the main dwelling and this assists in reducing the impact of the proposal. Furthermore, the closest first floor window in the adjoining property serves a bathroom from which a reduced outlook is less likely to be prejudicial than for a window which serves primary living accommodation.
- 5.20 The primary amenity space (i.e. the garden immediately to the rear of the dwelling) for the Coach House is, due to the alignment and orientation of the existing built form, is already overshadowed. Whilst the proposed extension may lead to some additional overshadowing it is not considered that the difference between the existing situation and the resulting situation would be so significant that it would be prejudicial.

5.21 Officers note the concern with regard to residential amenity and find the concern to be founded. However, given the particular circumstances of the site and the comparison between the existing and resulting amenity impacts it is not considered that the development would result in such a harmful impact on amenity that planning permission should be withheld.

5.22 Transport and Parking

With householder development, highways considerations mainly relate to the provision of sufficient off-street parking to meet the needs arising from the proposal. To this extent, the council has produced the Residential Parking Standard SPD. This document requires development to provide off-street parking commensurate with the size of the dwelling (measured in number of bedrooms).

5.23 The maximum provision required by the SPD is 3 parking spaces for dwellings containing 5 or more bedrooms. To the rear of the site is the farmyard and within this parking is provided for the residence. It would not, in terms of heritage and design, be acceptable to require parking within the front of the dwelling and therefore parking at the rear should be accepted. The size of the area at the rear of the dwelling would be sufficient to provide over 3 parking spaces and therefore no objection is raised with regard to transport and parking.

5.24 Drainage

Located within an area designated as being at high risk of flooding by the Environment Agency, the development must take measures to ensure that the risk of flooding is adequately managed.

5.25 The applicant has submitted flood mitigation measures which are deemed to be acceptable and therefore no objection is raised to the development on the basis of the inherent flood risk associated with the site.

6. CONCLUSION

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

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

7. RECOMMENDATION

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

Contact Officer: Griff Bunce
Tel. No. 01454 863438

CONDITIONS

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

Reason

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

CIRCULATED SCHEDULE NO. 07/16 – 19 FEBRUARY 2016

App No.:	PT15/3352/LB	Applicant:	Mr And Mrs R Roper
Site:	Church Farm Northwick Road Pilning South Gloucestershire BS35 4HE	Date Reg:	4th August 2015
Proposal:	Erection of first and second floor rear extension to provide additional living accommodation	Parish:	Pilning And Severn Beach Parish Council
Map Ref:	355909 186756	Ward:	Pilning And Severn Beach
Application Category:	Minor	Target Date:	25th September 2015



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REASON FOR REPORTING TO THE CIRCULATED SCHEDULE

This application is referred to the Circulated Schedule for determination to take into account the comments of the Parish Council. This application accompanies PT15/5348/F which seeks planning permission for the proposal and which is also referred to the schedule for determination.

1. THE PROPOSAL

- 1.1 This application seeks listed building consent for the erection of a first and second floor rear extension at a grade II listed building in Northwick, Pilning.

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

- 3.1 PT15/3348/F *Pending Decision*
Erection of first and second floor rear extension to provide additional living accommodation
- 3.2 P95/1610/L Approval of Listed Building Consent 03/10/1995
Erection of single storey side extension together with conversion of existing outbuilding to form annex. detached double garage.
- 3.3 P95/1609 Approval of Full Planning 03/10/1995
Erection of single storey side extension together with conversion of existing outbuilding to form annex. Erection of detached double garage.

4. CONSULTATION RESPONSES

- 4.1 Pilning and Severn Beach Parish Council
No objection as sympathetic to listed building. However, scale of enlargement would dominate neighbouring house.
- 4.2 Conservation Officer
No objection subject to conditions
- 4.3 Society for the Protection of Ancient Buildings
Concern over structure and loss of historic fabric and potential for water ingress

Other Representations

- 4.4 Local Residents
None received

5. ANALYSIS OF PROPOSAL

- 5.1 This application seeks listed building consent for alterations to the grade II listed Church Farm in Northwick, Pilning.
- 5.2 Principle of Development
This is an application for listed building consent. As such, the only consideration is what impact the proposed development would have on the special historic or architectural features of the property.
- 5.3 Assessment of Impact on Heritage Asset
Church Farm is a seventeenth century farmhouse with nineteenth and later additions and alterations. The building is a relatively late addition to the statutory list (only listed in 1984) and in light of the lack of statutory protection, the building has lost some of its original details. In particular, the rear elevation has lost all its historic windows and features a crude and visually harmful first floor dormer extension with catslide roof. The modern domestic window and timber lapboard cladding in particular jars with historic character and appearance of the building. The insitu roof dormer is also built into and spans the width the roof of an existing lean-to ground floor extension to the eastern side of the rear elevation. The aesthetic appearance of the rear extension itself is somewhat undermined by the quality of its construction – coursing of stonework; concrete lintels over windows and the plain nature of the windows themselves.
- 5.4 Therefore although the views of the principal elevation can be considered to reflect a traditional vernacular that helps makes positive contribution to the rather dispersed settlement, the rear elevation in its current form significantly detracts from its character and appearance. The proposed scheme would see a first and second floor extension built over the footprint of this existing ground floor extension and so the dormer and the roof of the lean-to extension would be removed. Along with providing additional accommodation on three floors, the proposed scheme would also see the attic converted into further living accommodation.
- 5.5 The potential loss of historic fabric has been raised by the Society of the Protection of Ancient Buildings. Historic cartographic evidence confirms that the lean-to extension is a modern mid-twentieth century addition. Consequently the loss of the lean-to roof structure is acceptable as it is of no historic interest. The existing window at first floor level is modern and so its loss is acceptable. Internally no new openings are being created at ground and first floor level. The proposed extension is to be constructed of matching rubble stone, the design of the extension would feature a projecting gable roof that would create an imposing new wing. The eaves of the extension are correctly set below the host building, as would the roof ridge of the extension. The fenestration is also considered acceptable, but large scale details would be required, as they would for the verge and eaves.
- 5.6 A reduction has been made to the width of the extension to ensure that it sits comfortably in proportion with the main dwelling. This was also required to

protect the prominence and appearance of the staircase tower on the rear elevation.

- 5.7 More changes were being made to the historic fabric of the building with the conversion of the attic into living accommodation. The two trusses that make up the main roof frame have had their tie beam lowered in the past. There is clear evidence of this with 25mm deep notches higher up the principle rafters. The low height of the tie beams makes them a significant intrusion into the roof space and so the proposed conversion would see the tie beam repositioned to the original higher position and with existing notches reused. Why the tie beam were lowered is unclear as there is no evidence of any structural defects. The removal of the two existing tie beams would not result in the loss of original fabric or fabric considered to be a historic significance, and so there is no objection tot his part of the proposals.
- 5.8 The proposed conversion of the attic space would link through to the second floor of the extension. A new doorway will therefore be formed and there is sufficient head height below what are likely to be original purlins and so they will be retained insitu. The new doorway into the proposed en-suite will however impact on two common rafters. One however has failed and stops just below the purlins and so one will only require partial removal. These rafters are considered to be of historic interest but the limited scale of the proposed loss will not materially affect the significance of the building.
- 5.9 The proposed resin and steel plate repairs to 1no. purlin are acceptable as its defective condition was noted onsite and such a repair helps keep historic fabric insitu; however, the plans should be clearly identify the location of the purlin within the existing frame and also the position of the plate on the purlin, as it is not clear where it is being attached – i.e. rather than be to the front of the purlin, it should either be behind, below or on top.
- 5.10 The plans however also include details of the internal finishes which show what was a lath and plaster ceiling is to be reinstated, but with a plasterboard and skimmed finished. This is not acceptable and the starting point should be a lath and plaster reinstatement. The cost of this is noted and alternative options could also be considered - such as a reed or timber fibre board, either of which importantly allow for a lime plaster finish.
- 5.11 Subject to conditions the proposal is considered to preserve the special architectural and historical interest of the property and is therefore acceptable. An informative note shall also be added to remind the applicant that any structural works beyond what is being proposed within this application will likely require listed building consent.

6. RECOMMENDATION

- 6.1 It is recommended that listed building consent is GRANTED subject to the conditions listed below.

Contact Officer: Griff Bunce
Tel. No. 01454 863438

CONDITIONS

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

Reason

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

2. Prior to the commencement of the purlin repair, the following further shall be submitted in and approved in writing by the Local Planning Authority:

- a) Plan of roof structure indication location of purlin
- b) Clear details of position of the steel plate on the purlin, as it should be located either to the rear or above or under the purlin

The development shall be carried out in strict accordance with the approved details.

Reason

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

3. Prior to the commencement of the relevant works, details of the internal finishes shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in strict accordance with the approved details. For the avoidance of doubt the specification of finish should enable a lime plaster finish to be applied.

Reason

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

4. Prior to the commencement of development a representative sample panel of natural facing stone to be used for all elevations of the extension, of at least one metre square, showing the stone, coursing, mortar and pointing, shall be erected on site and approved in writing by the Local Planning Authority. The development shall be carried out in strict accordance with the approved panel, which shall be retained on site until completion of development, for consistency.

Reason

To maintain and enhance the character and appearance of the Conservation Area, and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

5. Prior to the commencement of development, the detailed design of the following items shall be submitted to and approved in writing by the Local Planning Authority:
 - a) All new windows and fixed glazing (including cill, head, reveal and glass details)
 - b) Rooflights
 - c) All new doors (including frames and furniture)
 - d) All other internal joinery such as skirtings
 - e) All new vents and flues

f) Eaves (including rainwater goods), verges and ridges

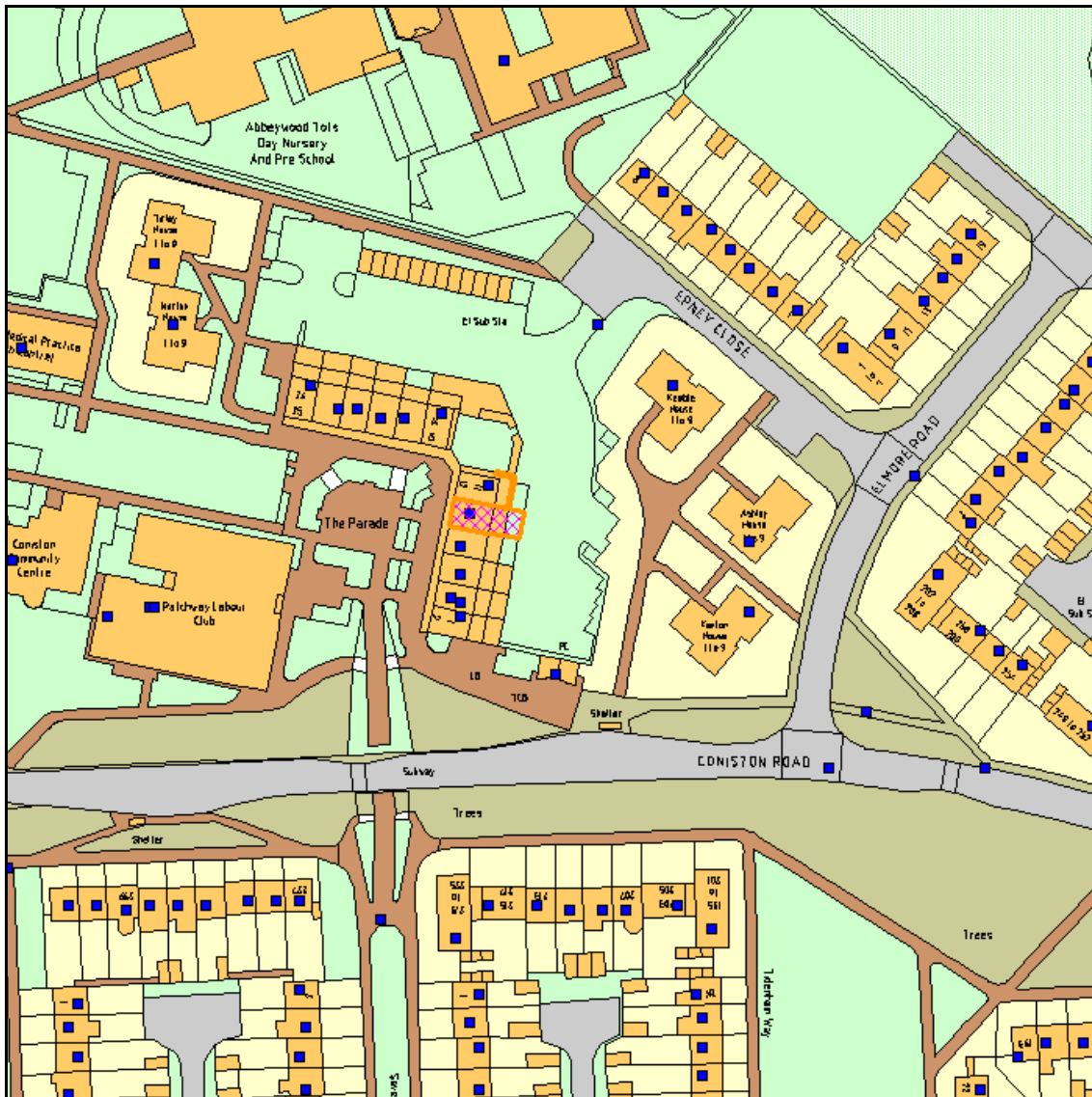
The details shall be submitted via elevation and section drawings at a scale of 1:10, and the development shall be completed strictly in accordance with the agreed details.

Reason

To maintain and enhance the character and appearance of the Conservation Area, and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

CIRCULATED SCHEDULE NO. 07/16 – 19 FEBRUARY 2016

App No.:	PT15/3522/F	Applicant:	Mr C Tuncel
Site:	The Parade Coniston Road Patchway South Gloucestershire BS34 5LP	Date Reg:	19th August 2015
Proposal:	Change of use of hairdressers (Class A1) to takeaway (Class A5) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended)	Parish:	Patchway Town Council
Map Ref:	359685 182293	Ward:	Patchway
Application Category:	Minor	Target Date:	13th October 2015



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 The application seeks permission for the change of use of the existing premises from Retail (Class A1) to Hot Food Takeaway (Class A5).
- 1.2 The site is an existing retail premises, formerly used as a hairdressers, but currently not in use. The premises is located on a rank known as The Parade, off Coniston Road, Patchway, which contains various other commercial premises including shops/newsagent, other food outlets – fish and chips and a bakers/hot food takeaway, housing association office, launderette/dry cleaners. There is also a social club and surgery within the immediate vicinity of the Parade. The shop fronts face into a pedestrianised area and contain residential flats above.

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 (saved policies)
RT11 – Change of use of Local Shops, Parades, Village Shops and Public Houses

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

Draft Policies Sites and Places DPD
Policy PSP31 – Hot Food Takeaways

- 2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist

3. RELEVANT PLANNING HISTORY

- 3.1 There are various permissions and consents along The Parade including changes of use of premises from retail to financial/professional, conversion to area housing office and various landscape improvement works.

4. CONSULTATION RESPONSES

- 4.1 Patchway Town Council
The Town Council forwarded the petition referred to below, and request sympathetic consideration of the request.

Environmental Protection

Full details of the proposed extraction and odour abatement system should be provided. This should include details on the specification and location of all fans, filters, plant and flues, including a detailed schematic diagram of the ventilation system and its location inside and outside the building. The plan should also show scaled details of where the flue will terminate in relation to adjoining premises (residential and commercial). To ensure dispersion and dilution of odours, it is recommended that the flue should not terminate less than 1m above the roof ridge of any building within 20m of the building housing the commercial kitchen, and discharge vertically upwards. If this cannot be complied with for planning reasons, then the extracted air shall be discharged not less than 1m above the roof eaves or dormer window of the building housing the commercial kitchen and additional odour control measures may be required. If neither of these can be complied with for planning reasons, then an exceptionally high level of odour control will be required*.

A maintenance/cleaning schedule of the proposed extraction and odour abatement system, written in accordance with the manufacturers' instructions and recommendations should be incorporated as part of the application.

In addition to information on odour abatement, details should be provided on predicted noise levels from the extraction system (fan and air movement, through and leaving the ducting). Flues should be well insulated and sited to minimise the effects of vibration transmission and noise to any adjacent building. It may be necessary to install anti vibration mounts, flexible couplings, silencers etc. Full details should be provided to show how any potential noise nuisance will be prevented through the design.

Approval of this application does not imply compliance with Food Safety or Health & Safety at Work Legislation. You are therefore advised to contact the Environmental Services Section to discuss these matters, as well as the suitability of access for disabled people, before work commences.

The change of use also has the potential to increase the quantity of fats being disposed of in the foul drainage system. This has the potential to result in blockages due to a build up of fats in the sewer. I would therefore advise that full details be provided outlining the proposed grease traps to be installed on site, in order to minimise the risk of blockages. Grease should be prevented entering the sewer by achieving compliance with BS EN 1825 or other suitable means.

Further to these comments, additional details on odour and the systems proposed were submitted:

In this respect it was considered that the system proposed will meet the criteria defined by DEFRA and that odour has been sufficiently considered. However, although the issue of noise was also considered, it is difficult to predict the possible impact of the noise emanating from the extraction system without knowing what the background noise is. Conditions have therefore been recommended to address noise issues as follows:

The fan and motor should be sited within the building's structure to minimise outdoor noise.

The fan and motor unit should be fixed on anti-vibration mounts and be joined to ductwork using flexible couplings to prevent the transmission of vibrations either to the structure or along the ducting.

The fan and motor unit should not be fitted on to walls or ceilings adjoining residential premises.

The extract ducting should be rigid in construction and installed with anti-vibration mountings. Large section ducts may need bracing or stiffeners to prevent drumming.

It is recommended that during normal daytime hours (0700 to 2300 hours), the BS4142 rating level, measured over 1 hour, should be 5dB below the background (LA90). During the night-time period (2300 to 0700 hours), the BS4142 rating level, measured over 5 minutes should be 5dB below the background (LA90).

Lead Local Flood Authority

No comment

Other Representations

4.2 Local Residents/Occupiers

Two letters of objection and a petition have been received. The first letter was from a nearby business operator, as follows:

'I am writing in as the manager of the parade fish and grill 25 the parade Patchway to go against the application for the change of use to the hair dressers on the parade I would of objected sooner but there were no notices or signs to let me know it was happing I have only just found out last night as a small food business just across the rank I feel letting another takeaway in this small location will be detrimental to our business there have been 3 other take always opened in last year in a half mile radius that have affected us badly now another wants to open almost next door to us we are barely getting enough trade to stay open as it is I feel if this application goes ahead it could be the end of our business and force us to close and put me and my staff out of work we have a petition in place from last night and have a lot of support from locals and our customers but the opening of another takeaway would honestly be detrimental to our business we have been on the parade for years selling kebabs and burgers and I feel it unfair to do this to us'

A petition was also submitted, with the heading 'please help us stop another take-away opening on the Parade. There were approximately 260 signatures on the petition.

A further letter of objection was received from a resident as follows:

'I object to the takeaway being put directly underneath my maisonette. I have lived here for a year and a half the only reason I took this property is because

it was a hairdressers under us. I have 4 young children eldest being only 8 and i am concerned with noise, smell and the heat from outlets. plus we already have a takeaway on the parade which opens good hours not to disturb residents and I know kebab shops open long hours and until late at night or even early hours of the morning. also my neighbours are un-happy about the situation, we don't have a garden just a little balcony for our kids to play on with neighbours kids but i will not let them out there with this take away directly below us they will be prisoners in there own home. Thank your for taking the time to read this and hopefully you can put a stop to this for my family's well-being.'

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The NPPF sets a presumption in favour of sustainable development. This means that development proposals that accord with the development plan should be approved and where relevant policies are absent, silent or out-of-date, permission should be granted unless – any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies within the NPPF taken as a whole.

5.2 The site or local parade as a whole is not designated as a Primary or Secondary shop frontage in the Local Plan. In this respect Policy RT11 of the SGLP is the most relevant policy. It states that the change of use of existing retail premises should not be permitted unless the proposed use would not result in an overconcentration of non-shop uses, there are satisfactory alternative retail uses within the locality, it can be demonstrated that the premises would be incapable of supporting a retail use and the use would not result in unacceptable environmental or transportation effects and would not prejudice residential amenity.

5.3 The site or parade as a whole does not form an identified primary or secondary shop frontage. It is clear that there are other retail uses within the immediate vicinity that provide satisfactory alternative retail opportunity within the locality. Given therefore the availability of other retail premises in the vicinity and the premises as existing not in use, it is considered that the premises is unlikely to support a retail use in the immediate future. The potential for retail use would not be lost by any consent as permitted development rights would remain for the premises to be able to revert back to A1 retail use.

5.4 There are clearly other takeaways and food premises within the immediate area, although not a pizza takeaway as proposed, whilst an A5 use would cover hot food takeaways generally, the proposals would potentially provide additional variety. Concern has been raised that the proposal would have an adverse impact upon existing business however, the issue of competition or shares of a particular private market would be a private concern and would not be a matter for the determination of this planning application. Notwithstanding this the NPPF does also encourage sustainable growth, and the application demonstrates re-use of a currently closed premises.

It is not considered that the proposals would result in what could be considered an overconcentration of hot food uses (A5), within the immediate area, that would have an impact such as to warrant or sustain a refusal of the planning permission.

5.5 In respect of the above it is considered that the principle of the location of the proposal is acceptable, subject to detailed development control criteria.

5.6 Local Amenity

The site is essentially located on a rank with shops and other commercial uses at ground floor level and residential flats on the first floor above, including at this application site. Within The Parade are other food outlets at ground floor level. Concerns relating to noise and amenity issues, referred to above, have been raised from a resident above the application premises and these are noted. An extraction/flue unit is proposed the specification and details of which are acceptable in noise and emissions terms. Conditions, as recommended by the Councils' Environment Protection officer would secure compliance with the system proposed and hours of operation conditions would limit the use of the site. This system and the recommended conditions would be considered acceptable to satisfactorily limit and address amenity issues in this respect. Given the location and nature of the site and its relationship with the surrounding area, as well as the requirement for a suitable flue/extraction system and mitigation measures, it is not considered that the proposals would prejudice the local amenity of the area to any material degree that could justify and sustain a refusal of the planning application.

5.7 Transportation

The site forms part of a rank known as The Parade. There are no specifically designated parking spaces for the existing premises or the rank as a whole. The Parade itself is a pedestrian precinct and the application site forms one of about a dozen commercial units on The Parade along with other community facilities opposite. The site is therefore easily accessible by foot with the pedestrianised area and a subway, as with the other facilities located in the area and there is also localised public parking to serve the area. As such the location is considered sustainable and the presumption in favour of development stands. Cycle parking shall be provided within the premises. The site, as existing could utilise the communal parking and cycle facilities for the area and in this respect is considered acceptable.

5.8 Design

The design changes to the frontage of the premises associated with the change of use are considered to be relatively modest with a relatively small new shop front and are not out of keeping with the site or surroundings at this location. The necessary addition of a flue is not considered to give rise to any material visual amenity issues in this instance.

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 application is considered to be acceptable in terms of its location, local amenity, design and transportation, and is in accordance with Policy RT11 of the South Gloucestershire Local Plan (Adopted) January 2006 and Policy CS1 of the South Gloucestershire Local Plan Core Strategy Adopted December 2013.

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

Contact Officer: Simon Ford

Tel. No. 01454 863714

CONDITIONS

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

Reason

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

2. The fan and motor of the extraction system shall be sited within the building's structure to minimise outdoor noise, shall be fixed on anti-vibration mounts and be joined to ductwork using flexible couplings to prevent the transmission of vibrations either to the structure or along the ducting. The fan and motor unit should not be fitted on to walls or ceilings adjoining residential premises. The extract ducting should be rigid in construction and installed with anti-vibration mountings. Large section ducts may need bracing or stiffeners to prevent drumming.

Reason

In the interests of visual amenity and to protect the amenity enjoyed by those living in the locality to accord with Policy RT11 of the South Gloucestershire Local Plan (Adopted) January 2006, CS9 of the South Gloucestershire Core Strategy and the provisions of the National Planning Policy Framework.

3. During normal daytime hours (0700 to 2300 hours), the BS4142 rating level, measured over 1 hour, should be 5dB below the background (LA90). During the night-time period (2300 to 0700 hours), the BS4142 rating level, measured over 5 minutes should be 5dB below the background (LA90).

Reason

In the interests of visual amenity and to protect the amenity enjoyed by those living in the locality to accord with Policy RT11 of the South Gloucestershire Local Plan (Adopted) January 2006, CS9 of the South Gloucestershire Core Strategy and the provisions of the National Planning Policy Framework.

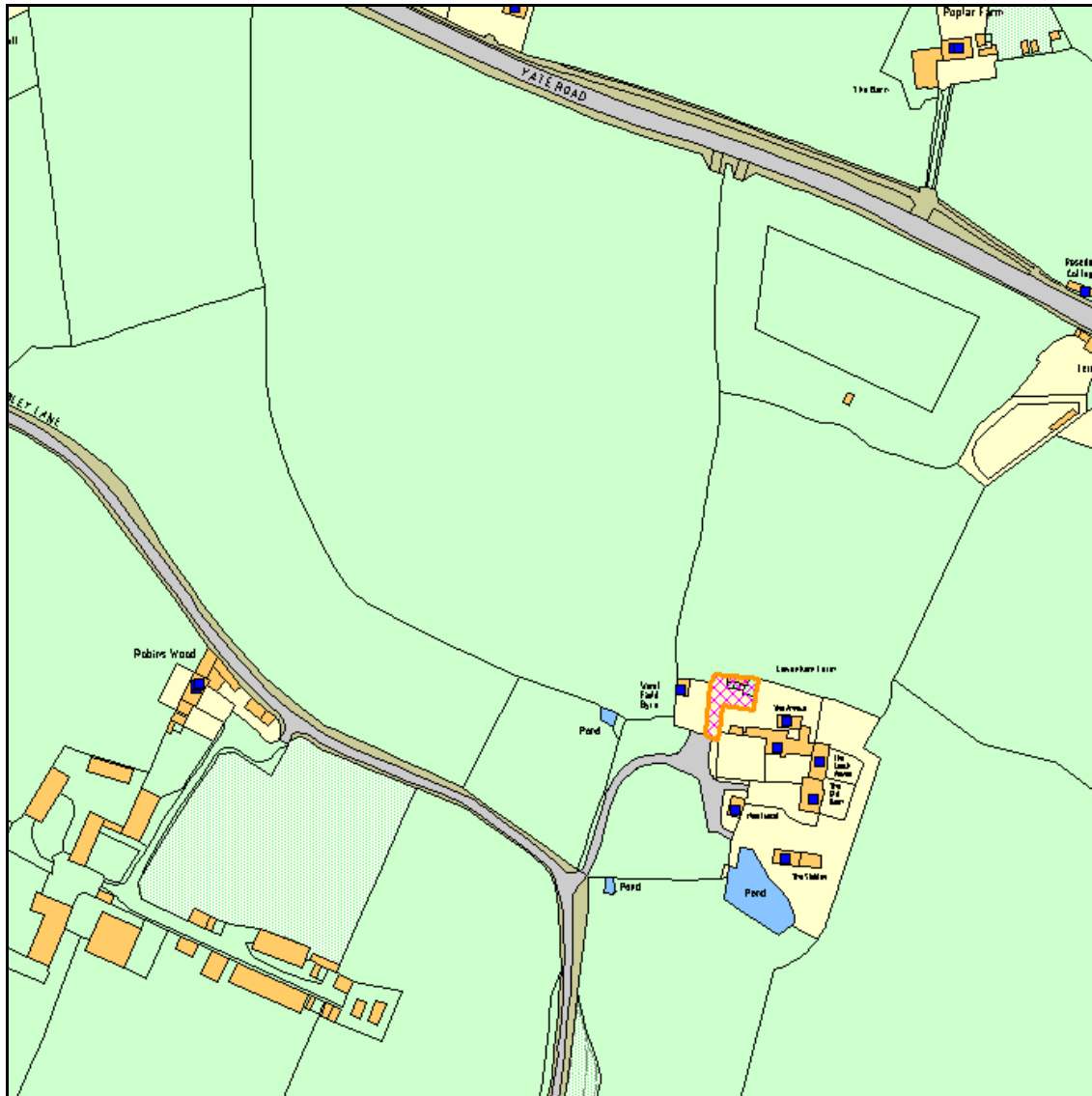
4. The use hereby permitted shall not be open to customers outside the following times: 11.00 - 23.00 hours Mondays to Saturdays and 11.00 - 22.00 hours on Sundays.

Reason

To minimise disturbance to occupiers of and to accord with Policy RT11 of the South Gloucestershire Local Plan (Adopted) January 2006, CS9 of the South Gloucestershire Core Strategy and the provisions of the National Planning Policy Framework.

CIRCULATED SCHEDULE NO. 07/16 – 19 FEBRUARY 2016

App No.:	PT15/4637/F	Applicant:	Mr C Ross
Site:	Lavenham Farm Nibley Lane Iron Acton Bristol South Gloucestershire BS37 9UR	Date Reg:	27th October 2015
Proposal:	Conversion of existing holiday let to form 1no. self contained dwelling.	Parish:	Iron Acton Parish Council
Map Ref:	368696 183130	Ward:	Frampton Cotterell
Application Category:	Minor	Target Date:	17th December 2015



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 Planning permission PK06/0769/F was granted to convert the complex of traditional farm buildings at Lavenham Farm to residential properties and these works have now been implemented. The current proposal relates to a former single-storey, stone built, Summerhouse that lies to the rear of what was the original farmhouse. The Summerhouse was granted planning permission in June 2011 and replaced a former dilapidated storage building. Planning permission PK13/0206/F was subsequently granted in March 2013 to convert the Summerhouse to a one-bedroom holiday let. The site lies within the Green Belt and is surrounded by open countryside but is not within a Conservation Area or Established Settlement Boundary. A PROW utilises the shared access off Nibley Lane and runs to the back of the overall site.
- 1.2 It is now proposed to convert the holiday let to a 1no. bed dwelling house, although no works to the building are required to facilitate the conversion.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework - NPPF March 2012

The National Planning Practice Guidance - NPPG 2014

The Town and Country Planning (General Permitted Development) Order 2015 (as amended) - GPDO

2.2 Development Plans

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

L1 - Trees and landscape

L9 - Species Protection

EP2 - Flood Risk and Development

T7 - Cycle Parking

T12 - Highway Safety

H10 - Conversion and Re-Use of Rural Buildings for Residential Purposes.

LC1 - Provision for Built Sports, Leisure and Community Facilities (Site Allocations and Developer Contributions)

LC12 - Recreation Routes

The South Gloucestershire Local Plan Core Strategy (Adopted) 11 Dec. 2013

CS1 - High Quality Design

CS4A – Presumption in Favour of Sustainable Development

CS5 - Location of Development

CS6 - Infrastructure and Developer Contributions

CS8 - Improving accessibility

CS9 - Managing the Environment and Heritage

- CS17 - Housing Diversity
- CS18 - Affordable Housing
- CS23 - Community Infrastructure and Cultural Activity
- CS34 - Rural Areas

2.3 Supplementary Planning Guidance

The South Gloucestershire Design Check List (SPD) Adopted Aug 2007.
Affordable Housing SPD Adopted Sept.2008.
South Gloucestershire Council Residential Parking Standards (SPD) Adopted.
Development in the Green Belt SPD (Adopted) June 2007

2.4 Emerging Plan

Proposed Submission : Policies, Sites & Places Plan March 2015

- PSP1 - Local Distinctiveness
- PSP2 - Landscape
- PSP6 - Onsite Renewable & Low Carbon Energy
- PPS9 - Residential Amenity
- PSP11 - Active Travel Routes: Identification and Safeguarding of Existing and Proposed Routes.
- PSP12 - Development Related Transport Impact Management
- PPS17 - Parking Standards
- PSP18 - Heritage Assets
- PSP21 - Environmental Pollution and Impacts
- PSP41 - Residential Development in the Countryside
- PSP44 - Private Amenity Space Standards

3. **RELEVANT PLANNING HISTORY**

- 3.1 PK11/1035/F - Erection of Summer House and Garden Store.
Approved 7 June 2011
- 3.2 PK13/0206/F - Conversion of Summer House to form 1no. holiday let.
Approved 22 March 2013

4. **CONSULTATION RESPONSES**

4.1 Iron Acton Parish Council

Object - Do not believe it is an existing holiday home - In the Green Belt Area - Access issues would potentially increase the use of a shared access of a single track country lane - Drainage and associated matters.

4.2 Other Consultees [including internal consultees of the Council]

Highway Structures

No comment

Lead Local Flood Authority

No objection

Transportation D.C

No objection.

Other Representations

4.3 Local Residents

No response

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

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

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

5-Year Land Supply

5.2 A recent appeal decision APP/P0119/A/14/2220291 – Land South of Wotton Road, Charfield, established (para. 146) that the Council can currently only demonstrate a 5-year housing land supply sufficient for 4.64 years; NPPF para. 14 is therefore engaged. As there is provision for windfall sites in the calculation, this weighs in favour of the proposal, which would make a positive contribution, to the housing supply within South Gloucestershire.

5.3 In accordance with para.187 of the NPPF, Core Strategy Policy CS4A states that; when considering proposals for sustainable development, the Council will take a positive approach and will work pro-actively with applicants' to find solutions, so that sustainable development can be approved wherever possible. NPPF Para.187 states that Local Planning Authorities should look for solutions rather than problems and decision-takers at every level should seek to approve applications for sustainable development where possible.

5.4 Paragraph 50 of the NPPF sets out the importance of delivering a wide range of residential accommodation. This policy stance is replicated in Policy CS17 of the Core Strategy which makes specific reference to the importance of planning for mixed communities including a variety of housing type and size to accommodate a range of different households, including families, single persons, older persons and low income households, as evidenced by local needs assessments and strategic housing market assessments.

5.5 The acceptance in principle of the conversion and use of the building as (C3) Holiday Accommodation i.e. a quasi-residential use; was previously established with the grant of planning permission PK13/0206/F in March 2013.

Green Belt Issues

- 5.6 In Green Belt terms, the re-use of such buildings is not inappropriate development in the Green Belt provided that they preserve the openness of the Green Belt and do not conflict with the purposes of including land in the Green Belt and the building is of permanent and substantial construction (see NPPF para.90). The building is only two years old and therefore meets this criterion.
- 5.7 It is proposed to allow the occupation of the building as a dwelling house C3; no physical works to the building are required to facilitate its use as a dwelling. The proposal would however involve the creation of a separate planning unit with its own residential curtilage and separate parking areas. The same shared access arrangements would be utilised as for the holiday let.
- 5.8 The site was previously residential curtilage and still has the appearance of such, being well contained within the existing group of residential properties. Parking areas already exist within the yard area and it is not proposed to extend the building in any way. Any concerns about the curtilage taking on a more domesticated and urban appearance, if the building is used as a permanent dwelling, can be mitigated by imposing a condition to remove permitted development rights for the erection of extensions and outbuildings etc. Subject to this condition there are no Green Belt objections.

Analysis

- 5.9 The proposal falls to be determined under Local Plan Policy H10. Policy H10 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 does not permit the re-use of existing buildings for residential purposes outside the existing settlement boundaries unless:
- A. All reasonable attempts have been made to secure a suitable business re-use or the conversion is part of a scheme for business re-use; and
 - B. The buildings are of permanent construction and structurally sound and capable of conversion without major or complete reconstruction; and
 - C. The buildings are in-keeping with their surroundings in terms of character, form, bulk and overall design; and
 - D. Development, including any alterations, extensions or the creation of a residential curtilage would not have a harmful effect on the character of the countryside or the amenities of the surrounding area; and
 - E. The building is well related to an existing settlement or other groups of buildings.
- 5.10 It is evident from the submitted Design and Access Statement that there has been no marketing exercise regarding alternative business uses for the building. Furthermore the only justification put forward by the applicant for the proposed change of use is that the proposal would make “better use of an existing building”. Officers consider that given the small size of the building and its proximity directly adjacent to other houses, the potential for alternative business uses other than holiday accommodation, would be very limited indeed.

- 5.11 The original permission for the Summerhouse related to the replacement of a dilapidated traditional rural building and the Summerhouse, which already lay within the residential curtilage of Lavenham Farmhouse, was subsequently converted to holiday accommodation as a modern construction. Conversion to a solely residential property at that time would only have been considered as a last resort if no other suitable business re-use could be found (see Policy H10A). The use of the building for holiday let purposes, although a quasi-residential use, would in the absence of any marketing exercise, have been considered to be a satisfactory alternative business use that would make a positive contribution to the promotion of tourism and the rural economy. To ensure the continued contribution to the promotion of tourism and the rural economy, a condition (2) was imposed to restrict the occupation of the building to ensure that it was occupied as a holiday let only, rather than a permanent dwelling.
- 5.12 The Proposed Submission: Policies, Sites & Places Plan was introduced in March 2015; this will eventually replace the South Gloucestershire Local Plan (Adopted) 6th Jan 2006. The PSPD is a material consideration but as a draft document, the policies therein can only at this stage be given limited weight, it is however an important indication as to the direction that the Council's Policy regime will be going in the not too distant future. More recently the Government has introduced a raft of changes to the permitted development rights regarding the change of use of buildings in rural areas. Officers consider that these policy changes weigh in favour of the proposal.
- 5.13 Regarding the PSPD, Policy PSP41 relating to Residential Development in the Countryside; the policy permits such development outside defined settlement boundaries where it relates to the conversion and re-use of existing buildings subject to the following criteria:
- In the case of an isolated location, the building is of permanent construction and structurally sound and capable of conversion without major or complete reconstruction; or
 - The building is well related to an existing settlement or other group of buildings; and
 - The building is in keeping with their surroundings in terms of character, form bulk and overall design;
 - The development, including any alterations, extensions or creation of a residential curtilage would not have a harmful effect on the character of the countryside or the amenities of the surrounding area.

It is noted that the policy does not require the marketing exercise currently required under Policy H10(A) and neither is it a requirement of the NPPF. It has already been established under PK13/0206/F that the proposal meets the first and third criteria. Being located close to a number of other residential dwellings, the scheme also meets the second criteria. The works to convert the building to a holiday let were considered acceptable in PK13/0206/F and no further works to the building are required to occupy it as a separate house. The extent of the residential curtilage, as enclosed by the red line shown on the submitted plans, is modest in size so on balance the criteria listed above are met.

- 5.14 Regarding the recent changes to the permitted development rights, it is noted that under the GPDO Part 3 Class J the change of use of B1(a)(offices) to C3 (dwelling houses) is now permitted. Similarly Class MB now permits the change of use of an agricultural building to a dwelling house (C3) and the building operations reasonably necessary to convert the building subject to conditions relating to:
- a) transport and highways impacts
 - b) noise impacts of the development
 - c) contamination on the site
 - d) flood risks on the site
 - e) whether the location or siting of the building makes it otherwise impractical or undesirable for the building to change from agricultural use to a use falling within Class C3 (dwelling houses) of the Schedule of the Use Classes Order.
- 5.15 In either of the above two cases, the subject building could be within the open countryside and/or Green Belt. Notwithstanding the fact that the building, the subject of this current application, started life as a Summerhouse that replaced an agricultural building and was subsequently granted permission for holiday accommodation use; these permitted development rights were of course not available to the applicant at the time of application PK11/1035/F. Furthermore, because the site was not in agricultural use on the 20th March 2013 or the building in B1(a) office use immediately before 30th May 2013; the permitted development rights are not currently available to the applicant. Nevertheless, these changes to permitted development rights clearly reflect a relaxation in the previous policy constraints relating to the change of use of existing buildings to dwelling houses in the open countryside and Green Belt.

Transportation Issues

- 5.16 Chapter 4 of the NPPF promotes sustainable transport and states that development should only be prevented on transport grounds where the residual cumulative impacts of development are 'severe'.
- 5.17 Following on from the application to convert the Summer House to a holiday let via PK13/0206/F where no transportation objection was raised; there is no transportation objection to this proposal to convert the holiday home to a single dwelling. The proposal would generate a more consistent traffic generation than the holiday home, but this minor increase is considered acceptable and would not present a transportation objection. The access and turning areas previously considered acceptable under PK13/0206/F would again be utilised. Two separate parking spaces are shown within the curtilage of the proposed dwelling and a further 3no. spaces maintained in the yard to serve Lavenham Farmhouse; this level of parking provision is sufficient to satisfy the Residential Parking Standards SPD. The existing bin collection area located near the access off Nibley Lane would continue to be used, thus preventing the need for a bin lorry to enter the site. There are therefore no transportation objections.

5.18 Landscape Issues

The site is already adequately landscaped and the existing boundary walls would be retained. It is proposed to enhance the existing garden area with

additional tree and shrub planting. There are therefore no landscape objections.

5.19 Environmental Issues

The site does not lie within a zone at high risk of flooding. The existing septic tank and drainage system would be utilised. The site does not lie within a Coal Referral Area. The proposed parking areas would be surfaced with permeable pavements.

5.20 S106 Issues

The scheme falls below the thresholds for contributions to affordable housing and new communities.

5.21 Community Infrastructure Levy

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

Other Issues

5.22 The authorised use of the building is Holiday Let (C3). Notwithstanding the Parish Council's suggestion that the building is already being occupied as a permanent dwelling, this should not prejudice the determination of this planning application, which must be determined on its individual merits.

Summary

5.23 It is noted that the NPPF puts considerable emphasis on delivering sustainable development and not acting as an impediment to sustainable growth, whilst also seeking to ensure a high quality of design and good standard of amenity for all existing and future occupants of land and buildings. The NPPF encourages efficient use of land and paragraph 47 requires the need to *'boost significantly the supply of housing'*. The proposal would make a small contribution to the supply of housing.

5.24 Policy CS4 of The South Gloucestershire Local Plan Core Strategy replicates the NPPF in enforcing the presumption in favour of sustainable development. In accordance with para.187 of the NPPF, Core Strategy Policy CS4A states that:- 'when considering proposals for sustainable development, the Council will take a positive approach and will work pro-actively with applicants to find solutions so that sustainable development can be approved wherever possible'. NPPF Para.187 states that Local Planning Authorities should look for solutions rather than problems and decision-takers at every level should seek to approve applications for sustainable development where possible.

5.25 Given the circumstances outlined in the preceding paragraphs of this report and the changes in policy since the earlier approvals, officers consider that the proposed use of the building as a residential dwelling could not now be reasonably resisted. Indeed, such buildings where in agricultural or B1a use can now be converted to residential dwellings under permitted development rights, regardless of whether they are in the open countryside or Green Belt.

- 5.26 The building already has permission for a quasi-residential C3 use. Any concerns about the intensification of use of the residential curtilage, would be off-set by a condition to remove householder permitted development rights. Furthermore, the site lies close to other residential dwellings so a domestic curtilage would not look out of place in this location.
- 5.27 In line with Para. 14 of the NPPF, any adverse impacts of the proposal would not significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework.
- 5.27 On balance therefore, officers consider that the use of the building as a separate dwelling house is now justified and any harm to result from the proposed use would be outweighed by the positive aspects of the development described above.

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 conditions listed on the Decision Notice.

Contact Officer: Roger Hemming
Tel. No. 01454 863537

CONDITIONS

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

Reason
To comply with the requirements of Section 91 of the Town & Country Planning Act 1990 (as amended).
2. Notwithstanding the provisions of Schedule 2 of the Town & Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no development as specified in Part 1 (Classes A, B, D, E) or any minor operations as specified in Part 2 (Class A),

other than such development or operations indicated on the plans hereby approved, shall be carried out without the prior written consent of the Local Planning Authority.

Reason

To protect the openness of the Green Belt and the rural character of the building and its location in general, to accord with Policies CS1, CS5 and CS34 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11th December 2013 and Policies L1 and H10(D) of The South Gloucestershire Local Plan (Adopted) 6th Jan 2006, Development in the Green Belt SPD (Adopted) June 2007 and the requirements of the NPPF.

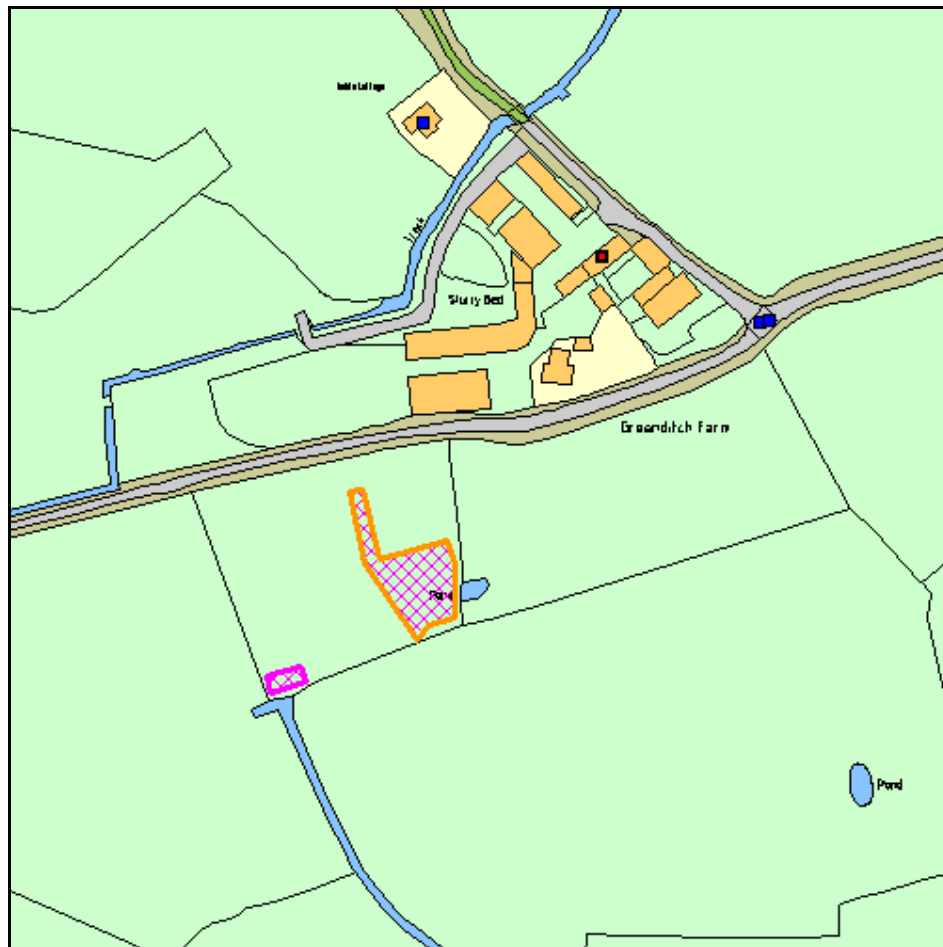
3. Prior to the first use of the dwelling house hereby approved, the car parking spaces shall be implemented in full accordance with the approved Proposed Site Plan Drawing No. 1736/501 and thereafter retained as such and used only for their intended purpose.

Reason

To ensure a satisfactory level of parking provision to serve the dwelling in the interests of highway safety and the amenity of the area and to accord with Policy CS8 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11th Dec. 2013, Policy T12 of The South Gloucestershire Local Plan (Adopted) 6th Jan 2006 and The South Gloucestershire Residential Parking Standards SPD (Adopted) Dec 2013.

CIRCULATED SCHEDULE NO. 07/16 – 19 FEBRUARY 2016

App No.:	PT15/4827/F	Applicant:	Miss Carrie Vinson
Site:	Land Off Redham Lane Pilning Bristol South Gloucestershire BS35 4HQ	Date Reg:	10th November 2015
Proposal:	Construction of all-weather turnout area with associated access track (retrospective). Erection of hay store and 2.3m high access gates.	Parish:	Olveston Parish Council
Map Ref:	358036 186211	Ward:	Severn
Application Category:	Minor	Target Date:	1st January 2016



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 100023410, 2008. N.T.S. PT15/4827/F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 The application site relates to two fields, comprising in total 3.239 ha (8.0 acres) of land which were recently granted consent for the change of use of agricultural land to riding school (D2) and land for the associated keeping of horses. The fields are located immediately to the south of Redham Lane, Pilning. The application site lies in open countryside and forms part of the designated Bristol/Bath Green Belt. Vehicular access is from Redham Lane.
- 1.2 Full planning permission is sought for the construction of an all-weather turnout area located adjacent to the all-weather arena approved under PT15/0842/F, with associated pathway; a small hay store, to be located in the south western corner of the northernmost field; and 2.3m high access gates to replace the 1.1m high gates approved under PT15/0687/F. The turnout area and path have already been constructed and on this basis the application is in part retrospective.
- 1.3 The Hay Store would have a foot-print measuring 4m x 12m with a mono pitch roof of maximum height 3m. The building would be constructed of featherboard cladding on a timber frame with a corrugated sheet metal roof. The all-weather turnout area and path would be surfaced with mulch on a hardcore membrane. The gates would be timber post and frame with a shiplap skin.

2. POLICY

2.1 National Guidance

The National Planning Policy Framework (NPPF) March 2012
National Planning Practice Guidance (NPPG) 2014
Technical Guidance to the NPPF March 2012

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) 6th January 2006

L1	-	Landscape Protection and Enhancement
L9	-	Species Protection
L16	-	Protecting the Best Agricultural Land
EP2	-	Flood Risk and Development
E10	-	Horse related development
T8	-	Parking Standards
T12	-	Transportation
LC5	-	Proposals for Outdoor Sports and Recreation outside Existing Urban Area and Defined Settlement Boundary
LC12	-	Recreational Routes

- 2.3 South Gloucestershire Local Plan Core Strategy (Adopted) 11 Dec. 2013
CS1 - High Quality Design
CS4A - Presumption in Favour of Sustainable Development
CS5 - Location of Development
CS8 - Parking and Accessibility
CS9 - Managing the Environment and Heritage
CS34 - Rural Areas

2.4 Emerging Plan

Proposed Submission : Policies Sites and Places Plan – March 2015

- PSP2 - Landscape
PSP7 - Development in the Green Belt
PSP12 - Development Related Transport Impact Management
PSP17 - Parking Standards
PSP21 - Flood Risk, Surface Water and Watercourse Management
PSP22 - Environmental Pollution and Impacts
PSP31 - Horse Related Development

2.5 Supplementary Planning Guidance

- The South Gloucestershire Design Checklist (SPD) – Adopted August 2007
Development in the Green Belt SPD – Adopted June 2007

3. RELEVANT PLANNING HISTORY

- 3.1 PT14/4049/F - Change of use of agricultural land to land for the keeping of horses with access including erection of 1.1m high gates, parking and associated works. Erection of 2no. stable blocks and storage container, siting of a static caravan for use as a site office. (Retrospective).
Withdrawn 9 Dec. 2014
- 3.2 PT15/0687/F - Change of use of agricultural land to riding school (D2) and land for the associated keeping of horses with access including erection of 1.1m high gates, parking and associated works. Erection of 2no. stable blocks and 10,000 litre water tank. (Retrospective). (Resubmission of PT14/4049/F).
Approved 1 Sept. 2015
- 3.3 PT15/0842/F - Construction of an outdoor equestrian arena. (Retrospective)
(Re-submission of PT14/4048/F)
Approved 1 Sept 2015

The Following Relates to neighbouring Willbeards Farm to which the application site was, until recently, part of.

- 3.4 PT01/0531/F - Change of use of land to equestrian. Erection of stable block and construction of access track, retention of manege and stationing of caravan for use as office.
Approved 17 August 2001

4. CONSULTATION RESPONSES

4.1 Olveston Parish Council

Olveston Parish Council object to this application for the following reasons:

Olveston Parish Council note that Planning Permission for this site was recently granted (PT15/0687/F) with conditions attached, including a specific limit of 8 horses. The Council understands that sufficient equipment/facilities were included in the granted application and therefore questions why additional facilities are now needed.

The Parish Council also expresses concern at further Hay storage and would question the size of the intended store and ask that South Glos. Council ensure that it is commensurate with the maximum of eight horses stipulated.

The entrance/exit to the property is onto a narrow single track road, the original application approved 1.1m high gates, and the Parish Council fails to see the need for 2.3m high gates. If further gating is to be approved, then the Parish Council suggest that suitable off-road provision be made between the gates and the road edge to temporarily park a vehicle and trailer whilst the gates are being opened so as to prevent blocking of the single track road.

The Parish Council have received unsubstantiated reports that the owner has on several occasions had more than eight horses on the premises and ask the planning authorities continue monitoring the conditions set on PT15/0687/F.

The Parish Council again re-iterate its concerns that this low lying land has been historically used to contain flood waters from higher areas of the Parish and surrounding areas, and question how this water will be managed in future.

Other Consultees

Highway Structures

No comment

Lead Local Flood Authority

Although a Flood Risk Assessment (FRA) should have been submitted, we are happy that no ground levels have been raised and that there is no significant change to the existing surface, we therefore have "No Objection".

It is recommended that the applicant should consider drafting an Emergency Flood Plan in relation to a safe refuge area along with access and egress from the site.

Transportation D.C.

This planning application (ref PT15/4827/F) seeks retrospective permission to the erect a hay store and construct an all-weather turnout area and associated access track on land close to Greenditch Farm on Redham Lane, Pilning. We understand that these uses are ancillary to the consented equine uses on adjacent parts of the site. We do not, therefore, believe that they are likely to

generate any significant travel demand by themselves. Consequently, we have no transportation comments about this application.

Historic Environment

No objection

Other Representations

4.2 Local Residents

1no. letters/e-mails of objection have been received from the occupiers of neighbouring Willbeard Farm; the concerns raised are summarised as follows:

- The ownership boundaries shown on the submitted plans are wrong.
- If the conditions applied to the last planning application regarding the number of horses on site were adhered to there would be no need for a winter turnout area because every horse would have their own stable and could be exercised daily in the existing manage.
- If this planning application is approved what will be the next thing that will be done on this site without planning permission as all the applications are 'Retrospective' and the conditions on the last application are not being adhered to.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

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

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

5.3 The Policies, Sites & Places Plan is an emerging plan only. Whilst this plan is a material consideration, only limited weight can currently be given to the policies therein.

5.4 In accordance with para.187 of the NPPF, Core Strategy Policy CS4A states that; when considering proposals for sustainable development, the Council will take a positive approach and will work pro-actively with applicants to find solutions, so that sustainable development can be approved wherever possible. NPPF Para.187 states that Local Planning Authorities should look for solutions rather than problems and decision-takers at every level should seek to approve applications for sustainable development where possible.

- 5.5 Chapter 4 of the NPPF promotes sustainable transport and states that development should only be prevented on transport grounds where the residual cumulative impacts of development are severe.
- 5.6 Saved Policy LC5 of The South Gloucestershire Local Plan (Adopted) 6th Jan 2006, states that proposals for outdoor sports and recreation outside the urban area and defined settlement boundaries will be permitted, subject to a number of criteria being met.
- 5.7 Furthermore Policy E10 of the South Gloucestershire Local Plan reinforces the view that '*proposals for horse related development... will be permitted outside the urban boundaries of settlements*', subject to the following criteria being met:
- A. Development would not have unacceptable environmental effects; and
 - B. Development would not prejudice the amenities of neighbouring residential occupiers; and
 - C. Adequate provision is made for vehicular access, parking and manoeuvring and would not give rise to traffic conditions to the detriment of highway safety; and
 - D. Safe and convenient access to bridleways and riding ways is available to riders; and
 - E. There are no existing suitable underused buildings available and capable of conversion; and
 - F. The design of buildings, the size of the site and the number of horses to be accommodated has proper regard to the safety and comfort of horses.

The analysis of the proposal in relation to these criteria is considered below.

- 5.8 Impact on the Openness of the Green Belt and Landscape Issues
Paragraph 79 of the NPPF states that the government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.
- 5.9 Inappropriate development is by definition harmful to the openness of the Green Belt and should not be approved except in very special circumstances (para. 87).
- 5.10 Para. 89 of the NPPF states that planning authorities should regard the construction of new buildings as inappropriate in the Green Belt but lists exceptions which include "*provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it.*" The proposal includes the erection of a hay store and all-weather turnout area, which are considered to be entirely appropriate facilities for a riding establishment, which is a recreational pursuit. The previous approval included 8 stables and a tack store only, so there are currently no specific hay storage facilities on-site. The higher gates are required for security purposes, there having been a recent spate of thefts from the site.

- 5.11 The NPPF at para. 90 goes on to say that “*certain other forms of development are also not inappropriate in the Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in the Green Belt*”. A list of those developments that are not considered to be inappropriate is given and these include engineering operations. Officers are satisfied that the construction of the all-weather turnout area and erection of gates fall into this definition and are therefore not inappropriate development within the Green Belt. The acceptance in principle of the use of the land for an “equestrian use” was previously established under planning permission PT15/0687/F so the current proposal does not represent a change of use of land that would require advertising as a departure from Local Plan policy. The proposed developments would be ancillary to the existing uses.
- 5.12 The proposal relates to a recreational one i.e. equestrianism, which retains the open nature of the fields and would not compromise any of the five purposes listed at para. 80 of the NPPF for designating land as Green Belt. The actual impact on openness is negligible.
- 5.13 In general landscape terms, due to the flat topography and network of hedgerows, the visual impact would be to a very limited area. The planting scheme secured under PT15/0687/F would further screen the development.
- 5.14 Given its nature and location, the proposed development would not have a significant adverse impact on the landscape in general and as such accords with Policy L1 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.
- 5.15 Ecology
The land has no special ecological designation and is mostly laid to pasture and horses graze the land. It lies within 2.25km south-east of the Severn Estuary, which is a Ramsar site, a Special Area of Conservation and a Site of Special Scientific Interest. The site supports no species or habitats associated with these designations, and so the Severn Estuary will not be adversely affected by the proposal. An Ecological appraisal of the site was previously submitted under PT15/0687/F to officer satisfaction. The appraisal demonstrated that no protected species, including newts, would be adversely affected. A condition to secure an Ecological Mitigation and Enhancement Plan, was secured under the previous consent PT15/0687/F. There are therefore no ecological constraints on the proposal.
- 5.16 E10: Would the development have unacceptable Environmental Impacts?
The Council’s Drainage Engineer has previously stated that the site lies in Flood Zone 3b which is an area at ‘high risk’ of flooding as defined in the NPPF Table 1, however, it is noted that the site lies within an area protected by flood defences and there are a significant network of rhines and ditches within the vicinity of the site. The Lower Severn Internal Drainage Board manages water levels within the district to ensure that flood risk is reduced. A SUDS drainage scheme was secured by way of a condition attached to PT15/0687/F. The applicant is proposing in the future to install further drainage in the form of a French drain.

- 5.17 The Environment Agency was consulted in relation to PT15/0687/F but did not offer to comment; stables are generally considered by the EA to be water compatible development and the same would apply to the proposed hay store. A Flood Risk Assessment was previously submitted to officer satisfaction. The Council's Drainage Engineer, in relation to the current proposal raises no objection but did recommend that the applicant should consider drafting an Emergency Flood Plan. The development will not however require personnel to be present at the site during any potential period of flooding. The site is located within a flood warning area so any personnel would be informed of the flood warning and would evacuate the site as appropriate (including movement of livestock if applicable) to land within Flood Zone 1 located 1.2km to the east of the site. A condition to secure an Emergency Flood Plan was not considered necessary under PT15/0687/F and to require one now would not meet the tests of imposing the condition and would in officer opinion therefore be unreasonable.
- 5.18 Table 2 of the NPPF Technical Guidance sets out a schedule of land uses based on their vulnerability to flooding. The proposed development is considered to fall into the category of outdoor sports and recreation which is listed as 'water compatible development'. Referring to table 3 of the Technical Guidance 'water compatible' land uses are considered appropriate within flood zone 3b without the need for the Exception Test, the Sequential Test should still be applied.
- 5.19 In this instance, the land has previously been granted consent for riding school and horse keeping uses and there are no sequentially preferable sites within the immediate vicinity of the site (i.e. land within Flood Zones 2 or 3) or within the ownership of the applicant. The development is therefore considered to pass the Sequential Test on flooding.
- 5.20 The proposal would be ancillary to the authorised use of the land. All matters of erection of loose jumps and fences, floodlighting, use of horse-boxes or portable buildings or trailers are already controlled by conditions attached to the original consent for the riding school PT15/0687/F. There are in fact no proposals to erect floodlighting to the turnout area.
- 5.21 The site lies adjacent to Greenditch Farm but is a sufficient distance away and is on the opposite side of the road and behind a substantial boundary hedge. The number of horses/ponies on the site is limited by condition to a maximum of 8. There is also a customer limit of 60. The riding school is only open to the public 10.00hrs to 16.00hrs Wednesday, Thursday, Saturday and Sunday. These hours are already controlled by condition. Over the 4 days there would be on average only 20 customers broken down as 8 on Sat. and Sun. respectively and 4 during mid-week. It is therefore considered that this aspect of policy E10 is met.
- 5.22 E10: Impact on Residential Amenity
The only residential property likely to be affected is Greenditch Farmhouse, which lies some 60m from the turnout area, on the opposite side of the road and behind a substantial boundary hedge. Given the rural location of the site, the previous approval for equestrian use, the small scale of the proposal, and

the surrounding agricultural uses, it is considered that the proposal would be acceptable in terms of impact on residential amenity. It is therefore considered that the proposal accords with this criterion of policy E10.

- 5.23 E10: Vehicular access, Parking and Highway Safety Adequate parking and access facilities were approved under PT15/0687/F. The proposal would not generate additional traffic to the site. The hay storage facility would be more sustainable in that it would decrease the need to constantly bring hay to the site.
- 5.24 The existing access is provided with adequate visibility for emerging vehicles and the gate is shown set back 10m from the highway to allow vehicles to pull off the road. The Council's Transportation Officer raises no highway objections to the proposal.
- 5.25 E10: Access to Bridleways
There are no direct links from the site to bridleways, however an all weather riding arena has already been constructed on the adjacent land under planning permission PT15/0842/F. It is noted that Redham Lane is identified in the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 as a recreational route. Officers consider it the norm for such rural routes to be used by horse riders.
- 5.26 E10: Preferred use of other existing buildings on the site
This criterion is not relevant to this proposal, there being no other buildings available for hay storage in the field.
- 5.27 Welfare of Horses
The applicant is experienced in equestrianism. The existing stables are appropriately designed and scaled to house up to 8 horses. Whilst the 8no. acre site is considered to provide adequate grazing land in accordance with British Horse Society recommendations, the land can get wet and an additional all weather turnout area will help to prevent poaching of the land. It also provides an area to isolate horses if they become unruly or sick. An adequate water supply is available for the horses from the existing water tank.
- 5.28 Of the issues raised by the Parish Council and local residents that have not been addressed above:
- As each application is determined on its individual merits, the proposal would not set a precedent for future similar proposals on this site.
 - Any breaches of planning control are a matter for the Council's Enforcement Officer who is monitoring this site. The current application must be determined on its individual merits.
 - Disputes of land ownership are civil matters not controlled by the Planning Act. The applicant has signed the declaration on the application form.

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 conditions listed on the Decision Notice.

Contact Officer: Roger Hemming
Tel. No. 01454 863537

CONDITIONS

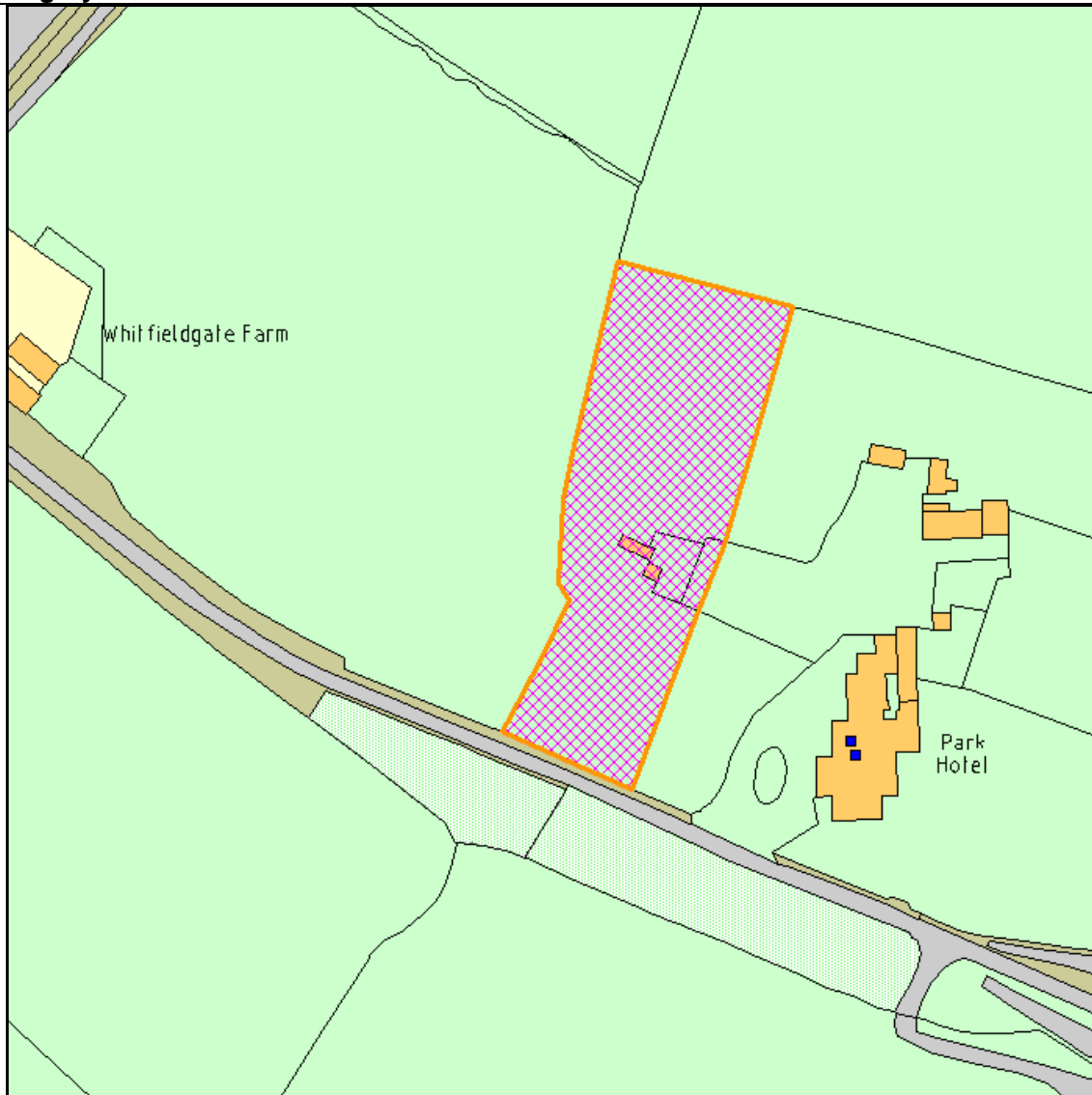
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason

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

CIRCULATED SCHEDULE NO. 07/16 – 19 FEBRUARY 2016

App No.:	PT15/5302/O	Applicant:	Debonair Hotel And Leisure
Site:	The Park Hotel Gloucester Road Whitfield Wotton Under Edge South Gloucestershire GL12 8DR	Date Reg:	16th December 2015
Proposal:	Demolition of existing kennels. Erection of 9no. dwellings (Outline) with all matters reserved	Parish:	Falfield Parish Council
Map Ref:	368028 191783	Ward:	Charfield
Application Category:	Minor	Target Date:	5th February 2016



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 100023410, 2008. N.T.S. PT15/5302/O

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application appears on the Circulated Schedule following comments in support of the scheme contrary to officer recommendation.

1. THE PROPOSAL

- 1.1 The application site relates to land associated with a detached hotel in a rural area located between the M5 motorway and the A38. Access to the hotel is along a single carriageway road. The field currently houses kennels which would be demolished to facilitate the erection of 9no. dwellings. This application seeks outline consent for the dwellings will all matters reserved.
- 1.2 The application site is outside a defined settlement boundary and therefore in open countryside.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework March 2012
The National Planning Practice Guidance 2014

2.2 Development Plans

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

L1 Trees and landscape
L9 Species Protection
L11 Archaeology
EP2 Flood Risk and Development
T7 Cycle Parking
T12 Highway Safety
H3 Residential Development in the Countryside

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design
CS2 Green Infrastructure
CS4A Presumption in Favour of Sustainable Development
CS5 Location of Development
CS6 Infrastructure and Developer Contributions
CS8 Improving Accessibility
CS9 Managing the Environment and Heritage
CS15 Distribution of Housing
CS16 Housing Density
CS17 Housing Diversity
CS18 Affordable Housing
CS24 Green Infrastructure, Sport and Recreations Standards
CS34 Rural Areas

2.3 Supplementary Planning Guidance

Trees on Development Sites SPG (Adopted) Nov. 2005.
The South Gloucestershire Design Check List (SPD) Adopted Aug 2007.

Affordable Housing SPD Adopted Sept.2008.
South Gloucestershire Council Residential Parking Standards (SPD) Adopted.
SG Landscape Character Assessment as adopted Aug 2005: Landscape
Character Area 7 Falfield Vale
Community Infrastructure Levy (CIL) & Section 106 Planning Obligations Guide
SPD – Adopted March 2015

2.4 Emerging Plan

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

PSP1	Local Distinctiveness
PSP2	Landscape
PSP3	Trees and Woodland
PSP8	Settlement Boundaries and Residential Amenity
PSP12	Development Related Transport Impact Management
PSP14	Active Travel Routes: Identification and Safeguarding of Existing and Proposed Routes
PSP17	Parking Standards
PSP18	Heritage Assets and the Historic Environment
PSP20	Wider Biodiversity
PSP21	Flood Risk, Surface Water and Watercourses
PSP22	Environmental Pollution and Impacts
PSP41	Residential Development in the Countryside
PSP44	Private Amenity Space Standards

2.5 Other relevant plans

South Gloucestershire Health Improvement Strategy 2012-2016

3. RELEVANT PLANNING HISTORY

There is quite a long history to the site with the most recent applications being as follows:

- | | | |
|-----|---------------|---|
| 3.1 | PT14/0711/F | Erection of detached building to form 3no. disabled bedrooms and detached building to form gym, therapy and beauty rooms. Erection of 6no. self catering chalets, kennels and erection of rear conservatory to hotel.
Approved
May 2015 |
| 3.2 | PT14/4261/ADV | Display of 3no. non-illuminated A frame signs, 1no. non-illuminated seasonal banner and 1no. externally illuminated hanging sign.
Split decision
7.1.15 |
| 3.3 | PT12/3732/F | Change of use of part of first floor from Hotel (Class C1) to office (B1)
Approved
December 2012 |

3.4	PT01/0081/F	Conversion and extension of outbuilding to form managers accommodation. Approved 13 February 2001
3.5	P94/1800/A	Display of three illuminated signs: 1. Internally illuminated sign affixed to south gable of hotel, reading "Hotel". 2. Internally illuminated signs affixed to north gable of hotel reading "Park Hotel". 3. Internally illuminated sign measuring 3 feet 6 inches by 3 feet 5 inches with 22 external bulbs affixed thereto at A38 entrance of hotel reading "Park Hotel, open to non-residents, 150 yards" (Retrospective application). Refused 25 January 1985
3.5	P92/1336	Erection of extension to provide an additional 35 bedrooms (outline) Refused 17 June 1992
3.6	P89/2275	Alteration extension and conversion of hotel into five self-contained apartments; erection of a block of five garages Permitted 4 October 1989
3.7	P86/1858	Alterations and extensions to existing cottage to provide four additional bedrooms with bathrooms as annexe to existing hotel Permitted 16 July 1986
3.8	N250/4	Erection of kitchen extension and conversion of existing kitchen to form new reception area. Permitted 29 March 1979
3.9	N250/3	Erection of extension to provide new restaurant, bar, kitchen, reception area and 28 new bedrooms; construction of car parking area and installation of package sewage treatment plant (outline) Refused 16 March 1978
3.10	N250/2	Erection of extension to first floor to provide utility Room Permitted 28 July 1977
3.11	N2501/1	Change of use of stables to form residential staff Accommodation Permitted 28 July 1977
3.12	N14/ADV	Display of two wall-mounted non-illuminated identification signs 2ft. 6ins x 1ft 6ins and 6f 6ins x 1ft 6ins to read The Park Hotel

	Permitted	10 October 1974
3.13	N250	Single-storey extension to hotel to form new lounge and barn (in accordance with revised drawings received by the Council on 5th August, 1974)
	Permitted	12 September 1974

4. CONSULTATION RESPONSES

4.1 Falfield Parish Council

Objection:

- 1) The development is outside the parish settlement boundary.
- 2) The size of the development proposed is excessive for the size of the site (0.34 hectares).
- 3) The access lane to the site is not adequate to deal with the increase in volume of traffic from the development. The lane is owned by the Tortworth Estate and although passing bays have been installed as part of the PT14/0711/F planning application they may not be sufficient to cope with the increased volume of traffic from the development. The access lane being only single width could lead to vehicles waiting to turn into the lane on the A38 which will negatively impact highway safety.
- 4) The proposed development of 9 two storey dwellings will have a greater impact on the character and landscape of the area than the approved single storey proposed chalets and kennels. The development will be very visible from the surrounding area, the M5 and A38.
- 5) The parish does not have mains sewerage or a mains gas supply.
- 6) The view across the fields from the A38 to the main frontage of the hotel in its garden setting will be changed by the proposal. Placing nine dwellings in front of it may obscure the original building from view.
- 7) Increases in traffic and noise from customers of the hotel may also affect the residents of the housing when events are being held, particularly at evening and weekends.

Other Consultees

4.2 Landscape Officer

Objection: negative impact on the landscape

4.3 Sustainable Transport

Objection:

Insufficient information submitted with the application to make a full assessment

4.4 Housing Enabling

The application site lies outside an established settlement boundary and within the open countryside and therefore the proposal for residential development is contrary to local planning policy regarding development in such locations.

Notwithstanding the above and in the event planning permission is granted Housing Enabling would seek 35% affordable housing in line with Policy CS18 of the Council's Core Strategy Development Plan Document and the Affordable

Housing and Extra Care Housing SPD provide further guidance on this policy. The rural affordable housing threshold is triggered i.e. 5 or more dwellings or 02.0 hectares.

Requirement for this site: 3 units of affordable housing

4.5 Public Open Space

Objection: The application site lies outside an established settlement boundary and within the open countryside and therefore the proposal for residential development is contrary to local planning policy regarding development in such locations.

Notwithstanding the above Falfield is a designated rural area here a lower threshold of 5 units or less applies, in the event planning permission is granted contributions will be required to mitigate for impacts on open space arising from the additional demand generated by the population of the proposed development. This needs to be secured under a s106 agreement. .

SUMMARY OF SECTION 106 REQUESTS for POS	
Off-site POS provision/ enhancement contribution	£35,930.98
Off-site POS maintenance contribution	£32,348.22
On-site maintenance contribution (should Council adopt)	Unknown
POS inspection fees if private management proposed	£52.00 per 100sq.m.plus £500 core service fee

No agreement has been made

4.6 Highway Drainage

Query:

- method for disposing of foul sewage for the 9 new dwellings on this site as this is not indicated in any of the documents submitted by the applicant. Once confirmation of the above has been provided further detailed drainage comments will be made.

4.7 Children and Young People

The total amount of contribution required for transport to school is £64,068.76; this amount to be index-linked based at January 2015 prices.

4.8 Waste Engineer

There are no objections regarding waste collections to the outline application. For detailed guidance when preparing a full design please read the councils Waste Collection SPD (best found using the search box on the councils web page). Consideration will need to be given to access for the collection vehicles, in particular whether or not permission is given for access over any private roadway.

4.9 Arts and Development

No comment

Other Representations

4.10 Local Residents

Three local residents have written with comments **objecting** to the proposal. These are as follows:

- safety:
 - o ours – we reside at the west end of the private country lane leading to The Park Hotel and Whitfield Farm. Our vehicular exit from our property involves reversing into the lane with one of us acting as look out for traffic in either direction
 - o children – there would, in view of the number of bedrooms built, probably be 12-20 children walking up and down the lane to attend and return from school
- traffic – apart from the vehicles of residents there would also no doubt be motor bikes, scooters, grocery and other delivery vans traversing what is virtually a single track lane, causing congestion at the junction with the busy A38
- Our farm drive, to which the Park Hotel has access, is a narrow lane which can barely cope now with the existing traffic to and from the Hotel, let alone the number of additional vehicles this development would bring. There have already been safety issues for those wishing to enter or leave the A38, as the driveway was only originally designed for use by two dwellings, one of which is now the Hotel, and on numerous occasions cars waiting to turn right in order to leave the A38, have their access blocked by hotel traffic and are forced to wait on a busy trunk road with no markings until the driveway is clear. This procedure is even more hazardous when cattle trailers are involved. If this development goes ahead it would only be a matter of time before there is a serious accident.
- In addition we would question the viability of effective drainage and effluent disposal from this site as it presently exits via the M5
- Tortworth Estate Company who are the owners of land neighbouring the application. Land owned by the estate includes the proposed access road.
- There are a number of points that I would like to clarify on behalf of the estate as the planning application is very sketchy, even for an outline application.
- Queries: What alterations (if any) will be required to the Estates private roadway? What alterations (if any) will be required to access the A.38?
- Will there be a new opening(s) onto the estates private roadway? How will the services be provided (e.g. water/electricity and particularly drainage)? Will any upgrades be required? Will estate land be used/required for say the foul drainage or soakaways?
- It is difficult to make detailed comments given that the application is in outline form only but the design of any houses will be important in this location.

Two comments in **support** of the proposal were received after the consultation period had ended, in fact, one and two days respectively before the determination date of the application. One was received from a local resident of South Gloucestershire, the other from a resident of Gloucester but it is assumed both were visitors to the hotel.

The comments are as follows:

- development will bring more business and local employment to the surrounding area, Falfield Store and post office, garage and local school which would all benefit from the increase in population as too would certain village services/provision such as clubs, sports
- the planning development will improve the area significantly
- I did not know where Whitfield was until I visited the hotel. The land and gardens have been restored beautifully and the 300 year old building restored and brought back to life
- The lane does need work, it has laybys but there is plenty of space for more and it would be possible to put a footpath in with lighting
- There are bus stops either side of the road on the A38 just from the entrance to the lane. Any work done on the lane would obviously benefit Whitfield Farm and any other houses in the lane.
- In all rural areas houses use septic tanks for sewage and gas storage tanks under the ground in the gardens, this is nothing new.
- The housing would mean new families in the village and would help support the small businesses in the area, like the local village shop and post office, also it would help support the hotel with new custom, definitely a plus for any small business which many of us rely on.
- The rural setting is beautiful and I would love to bring my children up in a safe area surrounded by fields and no where near a main road if I had the opportunity, any parent would, it is not often opportunities like this arise in a lovely area.
- The land is not green belt and I have seen they already have planning for 6 log cabins, I think houses/cottages would be much better and advantageous for many

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The application stands to be assessed against the above listed policies and all material considerations. On 27th March 2012 the National Planning Policy Framework (NPPF) was published. The policies in this Framework are to be applied from this date with due weight being given to the saved policies in the South Gloucestershire Local Plan 2006 (SGLP) subject to their degree of consistency with this Framework. It is considered that the Local Plan policies as stated in this report are broadly in compliance with the NPPF.

- 5.2 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. Notwithstanding the above, the adopted development plan is the starting position.

- 5.3 In this proposal, of particular relevance is the location of the site outside any defined settlement boundary and therefore in the open countryside where development is strictly controlled. This is emphasised under paragraph 55 of the NPPF which the avoidance of isolated homes in the countryside unless there are special circumstances. Saved Policy H3 of the Local Plan expressed the same spirit. Whitfield is located within the Rural Areas, as defined in the Council's adopted Core Strategy, but the site lies outside the closest settlement boundary of Falfield. The Core Strategy Inspector confirms in his Report (paragraph 63) that he supports the Council's view that a dispersed pattern of development in the rural areas is not sustainable. Although it is acknowledged that Policy CS5 is out of date due to the lack of 5 year land supply, the principle of limiting development in the countryside is embodied in Policy CS5 (Location of Development) and also in CS34 (Rural Areas) of the Core Strategy. Emerging PSP 41 also restricts rural development and these policies set the context for which development affecting a rural area, such as Whitfield, must be assessed against.
- 5.4 Policy CS2 deals with the planning on new infrastructure with the aim of creating sustainable communities and enhancing the quality of life by delivering connected open spaces, creating recreational opportunities including play areas, conserving and enhancing landscape character, historical, built and cultural heritage features. In addition Policy CS24 seeks provision of green infrastructure, outdoor sport and recreation facilities and new developments must comply with the appropriate local standards of provision in terms of quantity, quality and accessibility; provision must usually be on-site and the functionality must be suitable for their intended purposes.
- 5.5 The applicant has indicated the intention to provide 2no. affordable housing units. Using Policy CS18 it is calculated that give the size of the site a total of 3no. affordable units would be required.
- 5.6 The above has indicated that there is an in-principle objection to the proposed development due to its isolated location. It is acknowledged that the proposal would contribute to the housing supply in general and specifically affordable housing. Nevertheless, these benefits are considered to be outweighed by the negative aspects of the proposal which includes its failure to accord with adopted policy. This is discussed in more details below.
- 5.7 **NPPF**
- 5.8 Paragraph 55 of the NPPF deals with development in rural areas stating that in order to promote sustainable development housing should be located where it will *enhance or maintain the vitality of rural communities* but that local planning authorities *should avoid new homes in the countryside unless there are special circumstances*. These can include:
- the essential need for rural workers to live near their place of work; or
 - where it would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets; or

- where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting; or
- be of exceptional quality or innovative design

- 5.9 The Design and Access Statement is very brief and short on details other than to attempt to justify the proposal by explaining that despite having undergone extensive refurbishment since 2013, the hotel is not financially viable, funding by banks is difficult to achieve and *raising funds by selling part of the land will not affect the viability of the business but will produce funds to enhance the project ... and make the business very viable.* It is also stated that the viability studies on the amount of times the log cabins granted under a previous planning application would be used or rented is not guaranteed.
- 5.10 It is understood that the purpose of the development is to improve the viability of the existing business and this is given some weight in the assessment exercise. However, this must be balanced against the location of the site; it lies outside the settlement boundary of Falfield which is over 1,000 metres to the north. The site is therefore clearly not related to the village and as such must be considered to be in an isolated position in the countryside. No special circumstances have been put forward to justify the location of the development. Being situated in an isolated location it cannot be said to promote sustainable development and it is likely there would be a high reliance on motorised vehicle transport. By virtue of its inappropriate location, it is considered the proposal would result in significant and demonstrable harm.
- 5.11 It is acknowledged that the proposal would result in an additional 9 units to the housing supply (a number of which would be affordable homes) and some weight in favour of the proposal can be awarded for this reason. Given the size of the plot 9no. units would represent a density of approximately 45 houses per hectare. This is not particularly high but nonetheless the location of the site within the open countryside remains important.
- 5.12 Notwithstanding the benefits of adding to the housing supply and providing affordable housing it is considered that this is not sufficient to outweigh the identified significant and demonstrable harm caused by its isolated and not sustainable location.
- 5.13 Some observations have stated that the proposal would be of benefit to the local community in terms of additional custom to existing businesses such as the local pub, post office etc. It is acknowledged that there may be some advantage to these established businesses but the level of benefit that 9no. houses would bring would in all likelihood be quite small. No financial figures have been provided to support this assertion but it is considered that the small potential of minimal benefit to existing local services is not sufficient to outweigh the harm caused by the proposal.
- 5.14 Affordable housing
Policy CS18 deals with the need for affordable housing provision to meet housing need in South Gloucestershire. As such development must achieve 35% affordable housing on all new housing developments. In rural areas the threshold is 5no. or more dwellings or a site of 0.20ha. As this scheme is for

9no. houses, this equates to three affordable units (when rounded down). It is acknowledged that the applicant has put forward 2no. affordable units. This therefore fails to meet the test.

- 5.15 The tenure split of the properties should be 80% social rent and 20% intermediate housing, as identified by the West of England Strategic Housing Market Assessment (SHMA) 2009.

5% of the affordable housing to meet wheelchair accommodation standards. The Council's has developed a wheelchair specification, see [Wheelchair specification](#) and Affordable housing should be distributed across the site in clusters of no more than 6 units, unless a specific peppercotting strategy is approved.

- 5.16 In addition with regard to the design and specification criteria, all units should be built in line with the same standards as the market units (if higher) and to fully comply with the latest Homes and Communities Agency (HCA) standards applicable at the time the S.106 will be signed, to include at least Level 3 of the Code for Sustainable Homes, Lifetime Homes standard, Part 2 of Secured by Design, and compliance with South Gloucestershire Affordable Housing Design Requirements.

- 5.17 Delivery of such housing is preferred through the Council's list of Approved Registered Providers. The Council works in partnership with Registered Providers to deliver affordable housing to development and management standards. In the event of the developer choosing a Registered Provider from outside the partnership then the same development and management standards will need to be adhered to.

- 5.18 With regard to phasing, the affordable housing to be built at the same time as the rest of the housing on site in line with agreed triggers as per S.106 agreement, with a detailed assessment on a site by site basis. Where the development will proceed over more than one phase, the location, amount, type and tenure of the affordable housing in each phase will need to be set out in an Affordable Housing Masterplan and Schedule. The plan and schedule to be approved prior to submission of the first residential Reserved Matters application.

It is noted that there has been no agreed s.106 under this outline planning application.

- 5.19 CIL
Legislation was introduced in 2010 that allows local councils to set a Community Infrastructure Levy (CIL). South Gloucestershire commenced CIL charges on 1 August 2015. Charges are liable for development of one or more dwellings. CIL liability is requested at decision stage and not when the application is submitted. Affordable housing units are exempt from CIL payments but the other properties would attract a fee of £80 per sq metre.

- 5.20 Contributions for Children and Young people are also now calculated under CIL regulations but this excludes the cost of transport that these additional places

would require. The routes to both the closest primary (Tortworth Primary School) and the secondary school (The Castle) are considered hazardous; therefore the Local Authority would require a contribution towards costs for transport to school. The total cost of transport to school for three primary pupils is therefore $3 \times £1,657.56 \times 7 = £34,808.76$ and the total cost of transport to school for two secondary pupils is therefore $2 \times £2,090 \times 7 = £29,260$. The total amount of contribution required for transport to school is £64,068.76; this amount to be index-linked based at January 2015 prices. This would need to be secured under a s106 agreement.

5.21 Public Open Space

It is estimated that the proposed development of 9no. new dwellings would generate a total population increase of 21.6 residents. It is reasonable to expect these future residents to require access to a range of open spaces. The following assessment has been based on the stated mix of dwelling tenure and expected future population but should this mix change then similarly, requirements may also need to be amended.

5.22 Delivery of sustainable communities requires provision of a full range of open spaces which support residents' health and social well-being. Such facilities are important for the successful delivery of national and local planning policies as well as many of the objectives of the Sustainable Community Strategy and Council Plan. Requirements for open space are exempt from CIL and are dealt with using S106.

5.23 This is a new residential development and it is reasonable to expect the residents to require access to a full range of open spaces. Provision of a range of good quality and easily accessible open spaces is important to reduce physical inactivity; a significant independent risk factor for a range of long-term health conditions. Where existing provision, in terms of quantity, quality and accessibility would be inadequate to meet the needs of future residents, then new provision and/or enhancement must be made in accordance with the appropriate local standards. The local standards are set out in Core Strategy Appendix 5.

5.24 An audit of existing provision has demonstrated that this is an isolated site with very poor access to public open space, the lack of facilities accessible from the proposed development is likely to generate car dependence.

- There is no existing informal recreational open space provision within reasonable access standards,
- There is no natural and semi natural open space within reasonable access standards
- There is no provision for children and young people within reasonable access standards
- There are no existing pitches within reasonable access standards
- Other sporting provision such as courts, greens and all weather provision is located in Thornbury over 4km straight line distance from the proposed development, outdoor sports provision in Thornbury is already nearing capacity, contributions towards its enhancement will be required.
- There is no existing allotment provision within reasonable access standards

5.25 It is noted that this is an outline application and as such no information regarding any onsite open space is known. Should the applicants intend to provide onsite open space the following comments about future maintenance will need to be considered.

5.26 *CIL tests*

5.27 It is considered that the s 106 financial obligations calculated in terms of affordable housing needs, transport to schools and for public open space meet the CIL tests in being necessary to make the development acceptable in planning terms, are directly related to the proposed development and are fairly and reasonably related in scale and kind to the development.

Reserved matters

5.28 All matters relating to landscaping, access, design, scale and layout are reserved.

5.29 Landscape assessment

This is a reserved matter the details of which would be submitted in a subsequent full planning application but nevertheless, some general impact can be anticipated and the following assessment is useful.

5.30 South Gloucestershire Landscape Character Area 7 Falfield Vale states “The Falfield Vale landscape character area is a shallow bowl comprising agricultural land and parkland, with a prominent mosaic of woodland, copses and mature trees on surrounding higher ground”.

5.31 The locality is a pastoral landscape with scattered houses and farm buildings. The land slopes down to the east from the A38 and the hotel itself sits at a lower level, in a dip, below the level of the road. It is noted that the hotel car park appears to have been recently extended and there does not appear to be any compensatory structural planting - native hedgerow or trees.

5.32 It is noted that there is extant permission for 6no. log cabins on the site, but this has not been implemented. These cabins were single storey rustic style cabins of a natural material that would blend into their surroundings. By comparison the proposal is for two-storey houses built of solid construction. It is understood that the cabins were approved on the basis that they would support the existing business by introduction self-catering accommodation. It is not unreasonable to suppose that such accommodation would be seasonal with gaps in their usage. The approved log cabins are therefore regarded as being completely different to this proposal and their approval in no way sets a precedent for permanent residential accommodation.

5.33 From studying the site and map contours it would seem that the proposed development would sit higher than the hotel, could be relatively prominent from the road and may block views to the hotel from the road. In addition, given the separation of the development area from the hotel by the car park, it could be difficult to form a sympathetic cluster of buildings that would include the hotel. The area is relatively unspoilt and the log cabins which have not been

implemented on the site would have a lesser impact on the landscape than two storey dwellings.

5.34 Given the above where the proposed dwellings would have a significantly greater impact on the visual landscape than log cabins, it is felt that development in this location is unacceptable and harmful. This is particularly so when considering the restricted access and the development is outside the settlement boundary. In the overall assessment this negative impact on the landscape is considered to amount to significant and demonstrable harm and should be resisted.

5.35 Access and Transportation issues

This is also a reserved matter to be fully considered under a full application. However, objections to the scheme with regard to highway and access matters are noted and it is therefore important to acknowledge these concerns here.

5.36 The proposed outline proposal seeks to demolish the existing kennels and erect nine new dwellings adjacent to The Park Hotel adjoining Gloucester Road, Whitfield. It is understood that access will be obtained from the A38 via an un-adopted road. It is noted that under PK14/0711/F, permission was granted for the following elements of development: the erection of a detached building to form 3no. disabled bedrooms and detached building to form gym, therapy and beauty rooms along with the erection of 6no. self catering chalets, kennels and a rear conservatory to hotel.

5.37 At the time of that application the developer submitted an analysis of the traffic generated by this site. No such information has been submitted this time, similarly no information about site layout or access to the site been provided. Notwithstanding this, it is considered likely that the proposal would cause harm.

5.38 Queries from the owner of the access lane have been received. Clearly, access over land belonging to another party must be agreed. It is acknowledged that as a civil matter this falls outside the remit of a planning report but nevertheless could impact on the delivery of any proposal.

5.39 Layout and Siting

As a reserved matter, no details have been provided with regard to the layout and siting of the proposed 9no. dwellings other than the submission of the previously approved siting of the 6no. log cabins/chalets. This plan confirms the site would be to the west of the hotel and that a new access is proposed again to the west of the hotel's main entrance but other than that does not indicate where on the site the proposed new houses would be located. Density has been briefly mentioned above and given the overall size of the plot, 9no. houses would not amount to an unacceptable level.

5.40 The proposal is to be located in a grassed area to the west of the hotel. approximately 30+ metres away from it and approximately 90 metres away from the nearest residential properties at Whitfieldgate Farm, at the entrance to

the private access lane. It is therefore likely that given the size of the site a scheme could avoid causing significant harm.

5.41 Design and Scale

Details contained within the submitted design and access statement state the proposal is for 2 semi-detached two bedroom affordable houses, 4 detached three bedroom houses and 3 detached four bedroom houses. The information states *all to be designed in the style and finish of the existing hotel*. The matter of the amount of affordable housing has been dealt with above.

5.42 It is noted that this proposal would be to replace a previous permission that granted the erection of 6no. cabins on the same location. One of the areas of assessment of that application was under the banner of economic development with tourism being put forward as an argument to assist in the expansion of the existing hotel business. This proposal is significantly different in that the existing hotel would remain (with its extant permission for extensions) but would be separate from the proposed 9no. new dwellings which would be sold off on the general market.

5.43 The replacement of single storey, modest log cabins with more substantial two-storey dwellings is therefore not comparable and the resulting harm has been identified in the previous section as being significant.

5.44 Ecology

The scheme would be to develop a grassed area and there may be some ecological loss but given that permission was given under PT14/0711/F for the erection of 6no. self catering chalets and kennels on the same area of land. The previous report noted *the site lies in the open countryside but is not covered by any other statutory designation* and noted the work would be *on hotel grounds, large parts of which have been well maintained over the years. The grass offers little potential ecological habitat given this previous maintenance*. Some weight can be given in support in this respect.

5.45 Drainage

No details of the method of proposed drainage has been provided. It is however considered likely that an appropriate method could have been agreed had the application been deemed acceptable.

5.46 Other matters

Comments have been received in support of the scheme declaring the beauty of the area and the benefit of bringing up a family in such a location. Planning policy seeks to prevent unrestricted development in countryside locations for the very reason of keeping them unspoilt. The wish to live in a beautiful location is not sufficient reason to overcome adopted planning policy. Similarly, the existing restoration of the hotel is unrelated to the assessment of the erection of new houses in the adjoining field.

5.47 One objection has cited the proximity of the hotel to the proposed new houses and the potential disturbance to future residents. It is, however, not considered that these uses are incompatible and their proximity would not be sufficient reason to object to the proposal.

5.48 Conclusion

The proposal is for the erection of 9no. new dwellings. Two units of affordable housing have been proposed. The benefit of new housing that would add to the housing shortfall is acknowledged and given some weight. Similarly, the benefit of affordable housing (if secured) would also attract weight. However, in the overall balancing exercise, more weight is awarded to the negative elements of the proposal which include the development is located in an isolated countryside position, over 1000 metres outside the established settlement boundary of Falfield. Both national and locally adopted planning policy is very clear that development in rural areas is restricted. Significant weight is given against the proposal due to its location and being contrary to this element of policy. Following on, and notwithstanding the extant permission for 6no. log cabins, the location in open fields of 9no. two storey new dwellings is considered to have a harmful impact on the landscape. Weight is given against the proposal for this reason. Lack of information regarding transportation matters also weighs against the proposal. The absence of a s106 agreement for the provision of public open space is given some weight as is the lack of s106 agreement for the required 3no. affordable housing units and the lack of s 106 for school transport provision. The balance weighs heavily against the scheme and it is therefore refused.

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 That the application be **REFUSED**.

Contact Officer: Anne Joseph
Tel. No. 01454 863788

REFUSAL REASONS

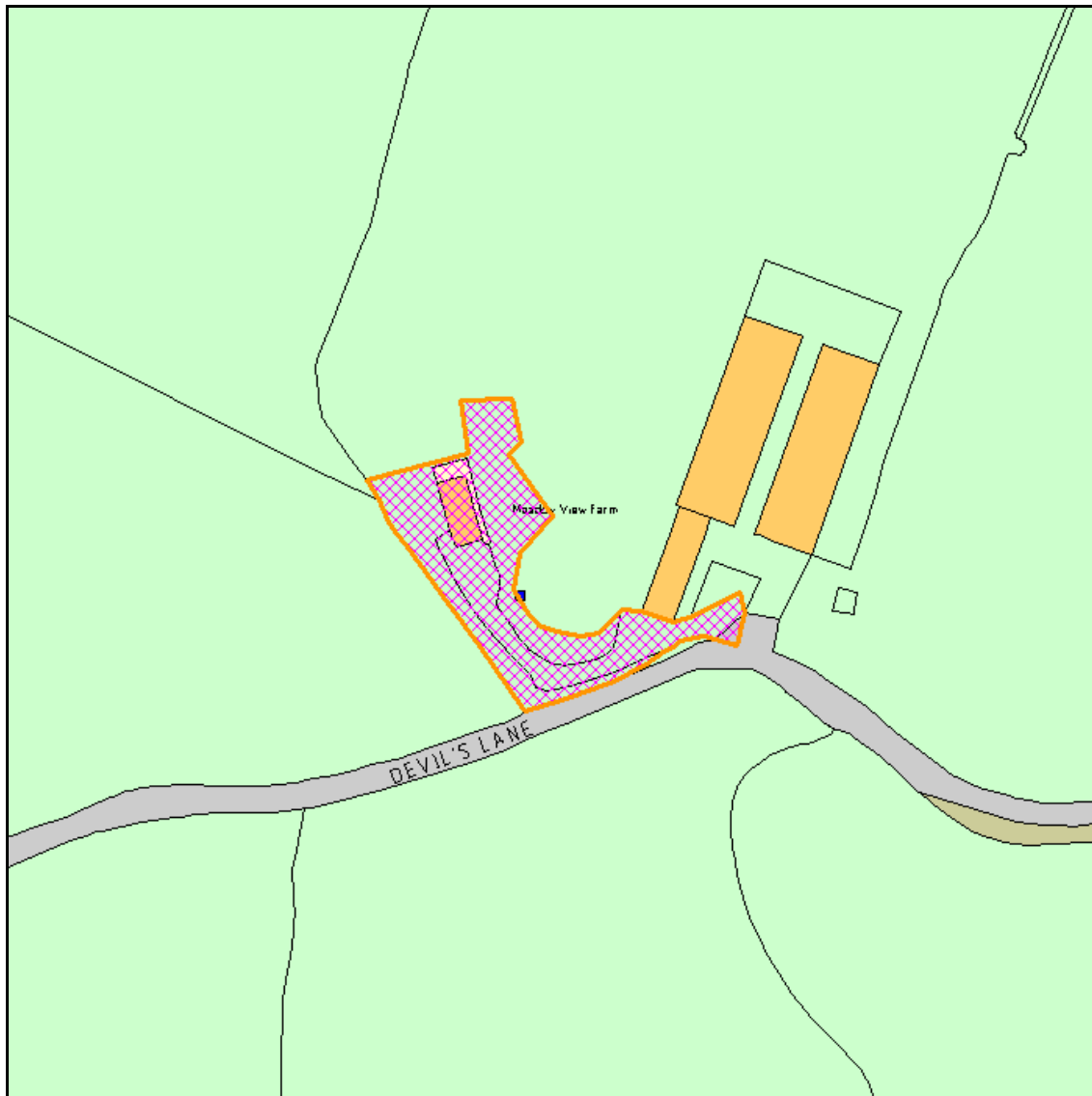
1. The proposal is considered to constitute isolated new homes in the countryside, and is not considered it will enhance or maintain the vitality of a rural community. It lies outside the Established Settlement Boundary of Falfield and some distance from local facilities. The occupants would be likely to have a high degree of reliance on the motor car to access day to day facilities. As such it is not considered this proposal amounts to sustainable development in a rural area. Furthermore it is not considered that the proposal amounts to any of the exceptions listed in paragraph 55 of the NPPF or

saved policy H3 of the South Gloucestershire Local Plan (adopted) January 2006; and it is not considered that there are any other special circumstances to justify the proposal. The proposal is contrary to policies CS8 and CS34 of the South Gloucestershire Local Plan Core Strategy (Adopted) 11th Dec. 2013 and the provisions of the National Planning Policy Framework (in particular paragraph 55). The scheme also fails to meet the criteria listed under Policy PSP41 of the emerging Policies, Sites and Places DPD.

2. The proposal lies in the open countryside and would adversely affect the rural open landscape character of the site contrary to Policy CS1 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11th Dec. 2013 and Policy L1 of The South Gloucestershire Local Plan (Adopted) 6th Jan. 2006.
3. In the absence of a Section 106 legal agreement to secure affordable housing of a suitable tenure mix and unit types, the proposal is contrary to policy CS18 of the South Gloucestershire Local Plan: Core Strategy (Adopted) 11th Dec. 2013 and West of England Strategic Housing Market Assessment (SHMA) 2009 and 2013 SHMA Addendum as it fails to provide an adequate mix of housing on the site.
4. In the absence of a Section 106 legal agreement to secure contributions for public open space, the proposal is contrary to policy CS2 and CS6 of the South Gloucestershire Local Plan: Core Strategy (Adopted) 11th Dec. 2013 as it fails to make adequate provision for public open space provision.
5. In the absence of a Section 106 legal agreement to secure contributions for school transport, the proposal is contrary to policy T12 of the South Gloucestershire Local Plan (Adopted) 2006; and CS6 and CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted) 11th Dec. 2013 as it fails to make adequate provision for children travelling to and from schools from this remote location.

CIRCULATED SCHEDULE NO. 07/16 – 19 FEBRUARY 2016

App No.:	PT15/5425/F	Applicant:	Mr Steve Ball
Site:	Meadow View Farm Devil's Lane Charfield South Gloucestershire GL12 8BN	Date Reg:	5th January 2016
Proposal:	Change of use of land from agricultural to land for the temporary stationing of mobile home as an agricultural workers dwelling for a period of 5 years. (Amendment to previously approved scheme PT14/0736/F). (Retrospective).	Parish:	Charfield Parish Council
Map Ref:	372262 190867	Ward:	Charfield
Application Category:	Minor	Target Date:	29th February 2016



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 100023410, 2008. N.T.S. PT15/5425/F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

The application has been referred to the circulated schedule as representations have been received which are contrary to the Officer's recommendation.

1. THE PROPOSAL

- 1.1 The application seeks retrospective planning permission for the stationing of 1no. mobile home for use as an agricultural worker's dwelling for a temporary period of five years. The supporting statement acknowledges that the previously approved mobile home was stationed on a different site to that approved under planning application PT14/0736/F. This application seeks to regularise the application for a temporary workers dwelling such that it reflects the existing siting rather than what was previously approved under planning application PT14/0736/F.
- 1.2 The application site consists of an agricultural field located to the south of Charfield within a field containing two recently erected agricultural sheds. The site is situated within the open countryside, outside of any defined settlement boundary. The proposed access is from an existing gateway off Devil's Lane, which currently serves the agricultural buildings.

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 Environment and Heritage

CS15 Distribution of Housing

CS16 Housing Density

CS17 Housing Diversity

CS34 Rural Areas

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

L1 Landscape Protection and Enhancement

L9 Species Protection

L16 Protecting the Best Agricultural Land

EP2 Flood Risk and Development

T8 Parking Standards

T12 Transportation DC Policy

H3 Residential Development in the Countryside

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist SPD (Adopted) 2007

Residential Parking Standards SPD (Adopted) 2013

3. RELEVANT PLANNING HISTORY

- 3.1 PT12/0930/F Erection of agricultural building for the rearing of calves. Approved 10.05.2012
- 3.2 PT13/1799/F Erection of agricultural building for the rearing of calves. Approved 17.07.2013
- 3.3 PT14/0736/F Change of use of land from agricultural to land for the temporary stationing of mobile home as an agricultural workers dwelling for a period of 3 years. Approved 08.08.2014

4. CONSULTATION RESPONSES

- 4.1 Chatfield Parish Council
Object -It amends the previous application PT14/0736/F and extends the period of the temporary permission from three to five years, while seeking retrospective permission for a dwelling which was built in the wrong place. In 2014 Charfield Parish Council expressed concerns that this temporary permission was highly likely to result in an inappropriate permanent build outside the settlement boundary. The 2014 application sought to present a housing shortage in Charfield which forced the applicant to temporarily house workers on site, there was and is no significant housing shortfall in Charfield and the 2014 permission includes a condition for decommissioning by July 2019 to protect the character and appearance of the area.
- 4.2 Lead Local Flood Authority
No objection but EA authority to discharge to watercourse may be required.
- 4.3 Transportation DC
No objection subject to access, car and cycle parking being completed in accordance with the submitted details within a month of consent.

Other Representations

- 4.4 Local Residents
None received

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development
The National Planning Policy Framework (NPPF) states that Local Planning Authorities should avoid new isolated homes in the countryside unless there are special circumstances such as the essential need for a rural worker to live permanently at or near their place of work in the countryside – ref. paragraph 55. This advice is broadly reflected by planning policy H3 of the South Gloucestershire Local Plan (adopted) January 2006, which states that proposals for new residential development will not be permitted outside of the boundaries of settlements subject to three exceptions. Housing for agricultural or forestry workers is one of the exceptions.

- 5.2 Full consideration for a temporary agricultural workers dwelling was undertaken during planning application PT14/0736/F. It was concluded that there was a clear agricultural need to be on site which was undisputed given the existing and intended operation of the unit at Meadow View Farm. With respect to the sustainability of the unit, separate from New House Farm (the parents farm), the intent to carry on the business was evident but the long term financial situation was marginal. The purpose of a temporary consent for a temporary dwelling is to allow a period of time for a business to develop. The scenario at Meadow View Farm was considered to need this time and as such it was recommended to facilitate the improvement of the business by granting a temporary consent for the dwelling. In terms of time scale a three year temporary consent had been requested but it was felt that a five year consent would facilitate the business to fully develop independently of the parent business at New House Farm. This was acceptable to the applicants who also recognise that they can, if the business's financial situation allows, apply for a permanent agricultural home sooner than implied by a five year consent. Accordingly a planning consent requiring that the temporary mobile home be removed from the site and the land restored to its former condition on or before 30 July 2019 was granted.
- 5.3 Given that the siting is very close to (indeed overlapping) the siting previously agreed for a temporary workers dwelling at this farm it is not considered necessary to re-evaluate the paragraph 55 tests and it is accepted that the application can rely on the previous scheme. It is also worth noting at this point that there is still no other dwelling within 'sight or sound' of the cow sheds. However it is considered necessary to impose the same completion date as set out on that previous planning application PT14/0736/F such that the temporary mobile home removed from the site and the land restored to its former condition on or before 30 July 2019. It is also necessary to tie the temporary home to person solely or mainly working, or last working, in the locality in agriculture as previously set out in condition 2. Further it is necessary to impose a condition that only one scheme shall be pursued rather than both schemes to prevent the installation of two temporary homes. It remains necessary to prevent floodlighting, to control the sewerage system, parking and access and to secure appropriate landscaping.
- 5.4 Transport
There is no transportation objection in principle for this proposal although the site is out of the village development boundary, and therefore by definition unsustainable. The nature of the agricultural use means that this proposal if permitted would remove some vehicle trips from the highway network. Devil's Lane is not used as a direct route for anyone other than residents who live on it, as a consequence is very lightly traffic'd, however;. Whilst there is no transportation objection in principle to this proposal subject to the installation of cycle parking and retention of the parking and access already set out and shown on the submitted plans.
- 5.5 Residential Amenity
The application site is situated in a hollow in a very rural area where the closest neighbour is just visible over two hundred metres away to eth south-west of the

farm. In light of this significant distance it is considered that the proposed would have no adverse impact on the amenity of nearby occupiers. The block plan indicates some private amenity space around the mobile home which is ample for the occupants' needs.

5.6 Design/ Landscape Character

The plans demonstrate that the proposed mobile home would measure approximately 15 metres in width and 6 metres in depth, with a maximum height of 2.5metres. The temporary dwelling is already on site and sits in an acceptable location in the valley.

5.7 The location of the mobile home is set back some 36m from the lane behind an established hedge. The temporary home also runs parallel with another hedge and ditch to the southwest of the siting. This is not considered to be affected by the proposal. Given the minimal change of siting from the previous scheme this siting keeps the proposal away from sight from the local church at the top of the hill. The applicants have lined their new drive with trees and suggest that they would link the trees with a hedge. It is considered more beneficial to increase the quality of the road side hedge with additional planting, which should include some trees to aid screening of the building. As such the site plan has been updated and details of the planting supplied during the application and it is now considered that a landscape condition can adequately secure the planting proposed. Additionally, in the interests of visual amenity, a condition is recommended to ensure that there is no external floodlighting.

5.8 Foul Sewerage

The planning application includes the installation of a new sewage Package Treatment Plant,. A Package Treatment plant is specified and shown on the plan together with a line of discharge to the stream behind the cow sheds. The percolation details are acceptable. As such the drainage scheme is acceptable overall. As an additional but separate matter. The applicant will also be advised by informative that they must consult the Environment Agency for the need to obtain a 'Discharge Consent'.

6. CONCLUSION

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

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

7. RECOMMENDATION

7.1 That the application is APPROVED subject to the following conditions.

Contact Officer: Karen Hayes
Tel. No. 01454 863472

CONDITIONS

1. The development hereby permitted shall be carried out as an alternative to the permission granted on 08.08.2014 for Change of use of land from agricultural to land for the temporary stationing of mobile home as an agricultural workers dwelling at Meadow View Farm (Reference PT14/0736/F) but not in addition to it, to the intent that the applicant may carry out one of the developments permitted but not both, nor parts of both developments.

Reason

To prevent an unsatisfactory mix of development and/or over- development of the site.
To prevent additional accommodation not justified under the National Planning Policy Framework.

2. The occupation of the mobile home hereby approved shall be limited to a person solely or mainly working, or last working, in the locality in agriculture or in forestry, or a widow or widower of such a person, and to any resident dependants.

Reason

The site is not in an area intended for development and the development has been permitted solely because it is required to accommodate a person working in agriculture or forestry, to accord with the provisions of the National Planning Policy Framework 2012 and Policy H3 of the South Gloucestershire Local Plan (Adopted) January 2006.

3. The use hereby permitted shall be discontinued and the temporary mobile home removed from the site and the land restored to its former condition on or before 30 July 2019 in accordance with a scheme of work previously submitted to and approved in writing by the Local Planning Authority.

Reason

The functional need for a worker to live permanently on site, and the financial viability of the holding is yet to be fully established. Permission for a limited period will allow the Local Planning Authority to re-assess the development in the light of experience of the use, the provisions of the Local Plan, and any other material considerations on expiration of the temporary permission and to accord with Policy H3 of the South Gloucestershire Local Plan (Adopted) January 2006 (Saved Policies), CS5 of the South Gloucestershire Local Plan Core Strategy Adopted December 2013 and the provisions of the National Planning Policy Framework.

4. There shall be no external floodlighting on the site at any time.

Reason

In the interests of the character and appearance of the area and to accord with saved policy L1 of the South Gloucestershire Local Plan (adopted) January 2006, policy CS1 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013, and the provisions of the National Planning Policy Framework 2012.

5. Within three months of this consent the new sewage package treatment plant shall be implemented strictly in accordance with the approved details.

Reason

To ensure a satisfactory means of pollution control in order to comply with policy CS9 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 and the Planning Practice Guidance Suite of 2014 .

6. The landscaping scheme set out on 70396/00/002 rev A and supported by details of a planting guide for Kingsdown Native County Hedge Mix, both received 11/2/2016, shall be carried out and maintained in accordance with the agreed details within the first planting season following this planning consent.

Reason

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

7. Within one month of the grant of consent the cycle parking arrangements shall be completed in accordance with the submitted details. Thereafter, the cycle parking, together with the existing car parking and access shall be retained for that purpose.

Reason

In the interest of highway safety and to promote sustainable transport choices and to accord with South Gloucestershire Council Local Plan Policies T7 and T12 and the Residential Parking Standards SPD (Adopted) 2013.

CIRCULATED SCHEDULE NO. 07/16 – 19 FEBRUARY 2016

App No.:	PT15/5429/F	Applicant:	Mr & Mrs Tim Smith
Site:	Wellfield Cottage Kington Lane Thornbury South Gloucestershire BS35 1NA	Date Reg:	7th January 2016
Proposal:	Construction of drainage mound (retrospective)	Parish:	Thornbury Town Council
Map Ref:	363150 190104	Ward:	Thornbury North
Application Category:	Householder	Target Date:	1st March 2016



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PT15/5429/F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application has been referred to the Circulated Schedule as an objection has been received.

1. THE PROPOSAL

- 1.1 The application relates to a residential site located to the west of Thornbury Town Centre, outside of the settlement boundary and along Kington Lane with its main frontage facing the roadway. Within the residential curtilage is a single detached dwellinghouse along with a single garage. There are residential gardens to the front, side and rear of the property. As a result of the rural location, there is only one immediate neighbouring dwellinghouse, Wellfield House which is Grade II Listed and positioned to the south west of the property. The remainder of Kington Lane is occasionally populated with other dwellinghouses. With the exception of Wellfield House, the property is surrounded by fields and open countryside.
- 1.2 Wellfield Cottage has recently undergone refurbishments to bring the property back to a liveable condition. The current proposal is retrospective in nature and includes part of these works. The proposal details the construction of a raised drainage mound to serve a sewerage treatment plant which has been installed within the rear residential garden of the property. The existing ground conditions have prevented the outfall pipework from the treatment plant being located below the existing ground levels and in turn have required this development to be carried out.
- 1.3 The application is supported by a Statement of Significance provided by the acting agents GSH Architects.

2. POLICY CONTEXT

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

South Gloucestershire Local Plan Core Strategy Adopted December 2013
CS1 High Quality Design
CS5 Location of Development

South Gloucestershire Local Plan (Adopted) January 2006 (saved policies)
L1 - Landscape Protection and Enhancement
H4 – Development within Existing Residential Curtilages, Including Extensions and New Dwellings
- 2.3 Supplementary Planning Guidance

Planning, Transport & Strategic Environment, Development in the Green Belt June 2007

3. RELEVANT PLANNING HISTORY

- 3.1 PT13/3493/F - Demolition of existing single storey rear extension and erection of two storey rear extension to form additional living accommodation. Erection of detached double garage.
Refused on 22nd November 2013
- 3.2 PT14/0279/CLP - Application for the proposed Certificate of Lawfulness for the erection of two storey rear extension to provide additional living accommodation. Erection of front porch.
Certified as lawful on 28th March 2014.
- 3.3 PT14/1398/F - Demolition of existing garage to facilitate the erection of a replacement. Construction of additional access to public highway.
Approved with conditions on 5th June 2014
- 3.4 PT14/1397/CLP - Application for Certificate of Lawfulness for the proposed erection of a single storey side extension.
Certified as lawful on 6th June 2014.

4. CONSULTATION RESPONSES

- 4.1 Thornbury Town Council
No objection.

- 4.2 Other Consultees

The Listed Building & Conservation Officer Natural & Built
No objection.

Historic England (LB)

We do not consider that it is necessary for this application to be notified to Historic England.

Drainage Team

From a drainage perspective we have no objection and no further comments to make regarding the 'drainage mound' method and design that has been used on this site. This type of method is something that you would typically look to use in an area where groundwater levels are high.

Arboricultural Team

We don't believe that there is reason for concern here. The nature of the works and their distance from the nearest trees will mean the impact on the trees is minimal.

"The Drainage People" – consultant on behalf of the applicant and the company employed to install the sewerage treatment plant

After consultation with the E.A. it was agreed that the constructed foul water drainage system would be exempt from permit to discharge. The reason for this is that it was built to a regulatory standard (as also passed by building control) discharging treated effluent into the ground within the general binding rules

criteria. The calculated total volume of treated effluent being processed is only 0.75m³ per day, well within the 2m³ threshold for domestic systems, this assumes full occupancy.

The drainage mound option was required because of the seasonal ground water issues at Wellfield Cottage. We are required to ensure that the effluent is treated through a system that is approx. 900mm clear of the water table level. Verbal evidence suggested that there had been issues with seasonal high volumes of ground water flowing through the site and this had been diverted away from the dwelling to a sub-surface soakaway situated to the other end of the property curtilage built by others. When the percolation tests were undertaken there was evidence of the ground water levels within the surface water drainage system already constructed by others. This level was taken as a guide and a combined system was designed that would meet the environmental protection requirements. It was positioned in conjunction with consultation with GSH Architects and the original plans for the overall drainage layout, which was coincidentally favourable with the later percolation test results.

When we originally approached the E.A. they were aware from experience and mapping that the nature of the soil type and ground water issues in the postcode area would make dispersal of effluent difficult. Our percolation test results also concluded this to be the case with the shallow trial pit results proving to be the best and coincidentally beneficial in respect of the overall environmental considerations and limitations of space available with consideration of offsets.

The area in which the drainage mound is situated supported approximately 200-300mm of friable topsoil over clay/loam over clay. It could have been presumed that this area had previously been regularly cultivated in comparison to other areas of the garden where the topsoil was of a lower grade. The general gradient in this area was approximately 1:100, the top soil was removed and stored to one side and the exposed subsoil graded to form a 1:200 gradient that fell in the direction of the road away from immediate boundaries, this therefore required a re-grading/reduction of approximately 70mm of subsoil to one end of the construction, the excavated topsoil was placed back over the subsoil at the same gradient. A specialist British Standard geotextile was laid over the graded top soil, imported Garside sand filter material placed over at depth, differing specialist British Standard geotextile placed over. A distribution layer was then constructed with a distribution chamber and pipework. The system was tested (photographic evidence available if required) and then covered with a loamy/clay to depth. Inspection pipes have also been installed to the distribution area and toe of the drainage mound to enable monitoring against any possibility of ponding of treated effluent if ground water volumes become excessively high. There was a shallow French drain system constructed to the perimeter of the drainage mound to ensure the diversion of seasonal ground/surface water away from the foul water soakaway system towards the storm/surface water soakaway.

Throughout our period on site we saw no evidence of any shallow root systems from neighbouring trees; that said it could have been so if a conventional subsurface soakaway system had been constructed, as originally proposed, although the ground water levels and percolation test results prohibited this method within the constraints of the curtilage. The Klargester sewage treatment plant provided has one of the lowest treated water ammonia levels available in its class on the market, with similarly low BOD, COD and SS levels. It should also be noted that it is the toe area of the drainage mound in the closest proximity to any surrounding trees not the distribution chamber/layer.

Other Representations

4.3 Local Residents

Mrs. K. Clay

I would like to object to retrospective Planning Permission Ref-PT15/5429/F due to the following reasons.

The proposed drainage mound might be screened from the road, but not from my land and the views from the other two detached houses- Wellfield House & The Coppice. The drainage mound could collapse on to my land with animals on and contaminate.

It can be noted that the dark line box which is on my land was full of 30+ year old bushes and 12 foot high trees, which were all dug out from the roots, without permission, even when reminded it was my land (possible court action may ensue).

I have photographic dated photos of these with my animals in the foreground. We have replaced the trees and bushes which are within falling distance of the development.

The whole appearance of the refurbishment and raised mound is not in with the keeping of the agricultural and greenbelt status for the area.

It states that the mound will not be used as amenity space, but the owners did erect tables and chairs in the summer months. I understand that raising of gardens can only be a maximum of 30cm.

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

The Council's position in relation to development within the Green Belt is outlined within policy CS5 'Location of Development' of the South Gloucestershire Core Strategy (adopted December 2013). It states that development proposals within the Green Belt are required to comply with the provisions in the National Planning Policy Framework (NPPF) March 2012 or relevant local plan policies in the Core Strategy. The NPPF, paragraph 90 states that not all forms of development within a Green Belt area are considered inappropriate provided they preserve the openness of the Green Belt and do not conflict with the purpose of including land within it.

Such forms of development include engineering operations; the very form of development that this application is considered to detail, and as such this proposal does not constitute inappropriate development.

Saved Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006 is supportive in principle provided that the development within the curtilage of an existing dwelling respects the massing, scale, proportions, materials and overall design and character of the existing property and the character of the street scene and surrounding area. It also stipulates that any proposed development should not prejudice the retention of adequate private amenity space.

Considering all of the above, the proposal accords with the principles of development, however this is subject to the considerations below.

5.2 Openness

When considering the issue of the openness of the Green Belt and whether such a development is having a detrimental effect upon it, it is as much a question in relation to the absence of development as it is in relation to the presence of development. As previously established, the proposal refers to an engineering operation. It is deemed that there is no physical intrusion upon the openness of the Green Belt as the construction of the raised drainage mound has adopted a design similar to the natural landscape. As a result, a general observer would gain only a slight sense that any development had actually taken place. Furthermore, the proposal does not contravene the purpose of the Green Belt to check the unrestricted sprawl of merging built-up areas; to prevent neighbouring towns from merging; to assist in safeguarding the countryside from encroachment; to preserve the setting and special character of historic towns; and to assist in urban regeneration. Consequentially, the above evidences that the proposal is in accordance with the NPPF March 2012.

5.3 Design and Visual Amenity

Policy CS1 'High Quality Design' of the South Gloucestershire Core Strategy (adopted December 2013) is supportive in principle of this proposal. It states that development proposals will only be permitted where the highest possible standards of design and site planning are achieved. Proposals should demonstrate that they enhance and respect the character, distinctiveness and amenity of both the site and its context; have an appropriate density; and its overall layout is well integrated with the existing development.

The applicant site is located west of Thornbury along Kington Lane. It's a residential site adjacent a Grade II Listed Building and consists of a single dwellinghouse and a single garage, along with front, side and rear residential gardens within its curtilage. The proposal is retrospective in nature and details the construction of a raised drainage mound to allow for the installation of a sewerage treatment plant. The proposed design has been implemented as a result of the property suffering from seasonal ground water issues (as confirmed by the Environment Agency).

Such issues would inhibit the installation of the usual sewerage system as the nature of the land would make dispersal of effluent difficult.

The mound has adopted a simple design and has been constructed with timber sleepers and posts and its surface finished with grass. It measures approximately 0.6m in height, 13.8m at its longest, and 7.8m at its widest. There are a set of 4 steps on the north-west elevation allowing access to the top of the mound, however their purpose will be for the maintenance of the mound only as it has been stated that the mound will not be used as an amenity space. It is also proposed that planting of shrubs along the north-west edge of the raised mound will also provide screening of the development.

It's deemed that the raised mound is of an appropriate scale considering its purpose. It cannot be viewed from the adjacent Kington Lane as 1.8m high wooden screen fencing has been erected on the north-west side of the site (well within the property's curtilage), sheltering the side/rear residential garden from the adjacent roadway and promoting privacy. An established hedgerow exists along the north-east side of the site which offers further screening of the mound from a neighbouring field. Young trees planted along the south-east side of the site screen the development from being viewed from another field located adjacent the site.

On reflection of its design, it is considered that the development of the raised drainage mound is acceptable when considering policy CS1 of the South Gloucestershire Core Strategy (adopted December 2013) and policies H4 and L13 of the South Gloucestershire Local Plan (Adopted) January 2006. Through the construction of the mound using timber sleepers and posts and its surface finished with grass, its modest overall height, along with the introduction of both screen fencing and screen planting on site, the development is indicative of a high standard of design. Its implementation demonstrates respect towards both the character and amenity of the site and its context as well as towards the neighbouring listed building and its setting.

As a result of the proposal's compliance with policy CS1 as detailed above, it's therefore concluded that it is also agreeable with policy CS5 of the South Gloucestershire Core Strategy (adopted December 2013).

5.4 Residential Amenity

Saved policy H4 of the adopted Local Plan details the Council's view on new development within existing residential curtilages. Considering this policy, the proposal is believed to respect the massing, scale proportions and materials and overall design and character of the existing property and the character of the surrounding area. The scale of the existing residential garden allows for such a development to be comfortably constructed whilst still allowing adequate space within the residential curtilage for the enjoyment of the amenity space. The design of the mound is in-keeping the materials surrounding the property i.e. wooden sleepers/posts and turf and blends as best it can with the surrounding landscape.

The proposal also refrains from prejudicing the amenity of nearby occupiers as efforts have been made to shield the development and to improve the privacy aspect of the site through the introduction of screen fencing and planting.

Furthermore, highway safety, as well as the existing parking provisions for Wellfield Cottage and the adjacent Wellfield House haven't been effected by the proposal, which evidences the conformity of the proposal to saved policy H4.

5.5 Environmental

It's important to note that the construction of this raised drainage mound was essential in the refurbishment of the property in order to return it to a liveable condition. Seasonal ground water issues experienced at the property caused usual drainage systems installed beneath ground level to be discounted in favour of a sewerage treatment plant installed above ground level. The construction of the raised drainage mound went ahead after discussions with the Environment Agency as well as percolation tests concluded that the nature of the soil type and ground water issues in the postcode area would make dispersal of effluent difficult.

Within the statement received from "The Drainage People" (the company that installed the sewerage treatment plant) they confirm that the plant provided has one of the lowest treated water ammonia levels available in its class on the market, with similarly low Biochemical Oxygen Demand (BOD), Chemical Oxygen Demand (COD) and Suspended Solids (SS) levels. It should also be noted that it is the toe area of the drainage mound in the closest proximity to any surrounding trees not the distribution chamber/layer.

5.6 Landscape

Policy L1 'Landscape Protection and Enhancement' of the South Gloucestershire Local Plan (Adopted) January 2006 concerns the conservation and enhancement of the character, distinctiveness, quality and amenity of the South Gloucestershire landscape. When considering the proposal alongside this policy, a conclusion can be drawn that policy L1 supports such a development. The construction of the drainage mound upon land which suffers seasonal ground water issues and which would find the dispersal of effluent difficult from the installation of a usual drainage system, might be considered as protecting the existing landscape from additional ground water issues. Thus, this would therefore satisfy the requirements of policy L1.

5.7 Listed Buildings

Policy L13 'Listed Buildings' of the South Gloucestershire Local Plan (Adopted) January 2006 is supportive of this proposal in principal as it requires any development to preserve the listed building and its settings; to retain features of architectural or historic interest; and to retain the character, historic form and structural integrity of the building. The proposed development has limited effect on the neighbouring listed building, its features and its setting as it's located at the furthest corner of the adjacent site.

5.8 Other Matters – Consultee objections / comments

Considering the comments submitted by Mrs. K. Clay in association with this proposal, and taking into account what was noted during a site visit conducted on Thursday 14th January 2016 at Wellfield Cottage, a mature hedgerow stands along the north-east boundary of the site, with another boundary treatment consisting of younger trees located along the south-east boundary. If allowed to remain, both the hedgerow and the young trees will continue to mature and provide further privacy from the development as time passes.

Mrs. Clay continues to question the safety of the raised drainage mound. As advised by “The Drainage People”, the construction of the mound has been assessed and passed by building control officers, therefore I see no merit in addressing this issue further in relation to the determination of this application.

The submitted comments continue to detail the removal of bushes and trees, allegedly without permission, however this comments cannot be taken into consideration as it represents a civil matter between Mrs. Clay and the owners of Wellfield Cottage, and does not constitute a planning matter.

Mrs. Clay continues to state that the design and construction of the raised drainage mound is not in-keeping with the agricultural and Green Belt status of the area. As addressed above, the construction of the drainage mound maybe considered an engineering operation and therefore is not considered inappropriate development within the Green Belt. The design of the mound does not inhibit the enjoyment of the openness of the Green Belt as its overall height has remained modest.

Plans submitted within this application propose that the raised drainage mound will not be used for amenity purposes. Considering the amount of amenity space available within the residential curtilage of the property, there is no necessity for the mound to be used for amenity purposes, and as such there is little evidence suggesting this to be the case. However, if the mound were to be used for amenity purposes, we would have no grounds to questions its use as a result of its location within a residential garden. Furthermore, if used for amenity purposes, it would be debateable as to whether this would in fact cause any harm. Use of the mound in this way would not generate any privacy issues or have an adverse effect on the amenity space of any neighbours as the site is surrounded by open fields, bar Wellfield House which is located at the far end of the property to the south-west. When considering the view of the raised drainage mound from a distance, it would be barely recognisable as a form of development due to its sympathetic design with the natural environment. Additionally, when viewed from nearby, there is sufficient screening surrounding the development to ensure it has as little impact as possible.

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 works described within this retrospective application are sited on the far side of the Wellfield Cottage property to the north east and are unlikely to have any impact on the Listed Building Wellfield House due to the distance between the two and the low profile and sympathetic landscaping used in the design.
- 6.3 The recommendation to **grant** permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 set out above, and to all the relevant material considerations set out in the report.

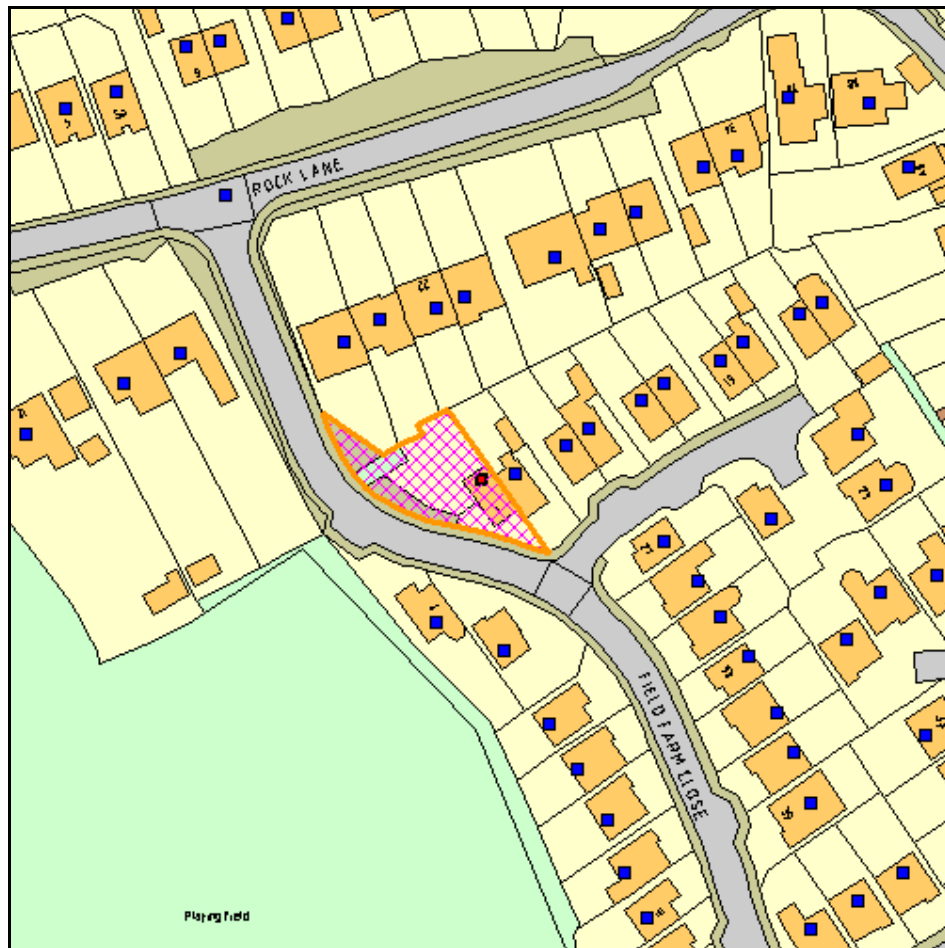
7. **RECOMMENDATION**

- 7.1 That the application be **APPROVED**.

Contact Officer: Lisa Evans
Tel. No. 01454 863162

CIRCULATED SCHEDULE NO. 07/16 – 19 FEBRUARY 2016

App No.:	PT16/0016/F	Applicant:	MNH Developments Ltd
Site:	1 Field Farm Close Stoke Gifford Bristol South Gloucestershire BS34 8XX	Date Reg:	11th January 2016
Proposal:	Erection of 1no attached bungalow with associated works and access	Parish:	Stoke Gifford Parish Council
Map Ref:	362721 179881	Ward:	Stoke Gifford
Application Category:	Minor	Target Date:	7th March 2016



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 100023410, 2008. N.T.S. PT16/0016/F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application appears on the Circulated Schedule following objections from local residents and the Parish Council contrary to officer recommendation.

1. THE PROPOSAL

- 1.1 The applicant seeks full planning permission for the erection of 1no. attached bungalow with associated works. The application site relates to a small single storey semi-detached dwellinghouse situated within the established settlement boundary of Stoke Gifford.
- 1.2 The application site holds a corner position and has an area of open grass and hardstanding to the west. The area is owned by the applicant but is currently outside the residential curtilage.

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
CS23	Community Infrastructure and Cultural Activity
CS24	Open Space Standards

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

H4	Development within Existing Residential Curtilages, Including Extensions and New Dwellings
T12	Transportation Development Control
L5	Open Space

- 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 Pre application planning enquiry for the site:
PRE15/1052 Development of either a new attached bungalow to the existing dwelling or the development of a detached bungalow
Response: Preferred option: attached dwelling rather than detached
- General planning history for the estate:
- 3.2 P90/0006/5 Residential development on 5.4 acres of land to include the erection of 56 detached houses and garages and 10 semi-detached bungalows. Construction of estate roads. (In accordance with the amended plans received by the council on 6TH august 1990 and amended drawings received on 7TH august 1990.
Approved 22.8.90
- 3.3 P89/0006/3 Residential development on 7.25 acres of land including the erection of 76 dwellings and associated garages, and provision of parking areas and landscaping. Construction of estate road. (In accordance with the amended layout plan received by the council on the 12TH january 1990).
Approved 20.2.90
- 3.4 P87/0020/34 Residential and ancillary development on approximately 4.6 hectares (11.5 acres) of land to include erection of 125 houses and 6 bungalows with related garages, boundary walls and parking areas. Construction of two estate roads on land off rock lane and north road, stoke gifford. (In accordance with the applicants' letter received by the council on the 29TH may 1987)
Approved 8.11.89

4. CONSULTATION RESPONSES

- 4.1 Stoke Gifford Parish Council
Concerns regarding visual amenity and pedestrian/road traffic safety at this location
- 4.2 Other Consultees
- Sustainable Transport
No objection – the proposal meets adopted standards. Informative regarding the dropping of kerbs is required.

Highway Structures

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

Drainage Team

No objection

Other Representations

4.3 Local Residents

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

- A dwelling in this location was never envisaged by the original developers
- Planning for current number of dwellings here was only allowed when the developer reduced the number of dwellings. How had the criteria changed there is no more land?
- Loss of light
- Loss of outlook
- Loss of privacy
- Noise and disturbance during construction
- Noise and disturbance due to residential property and parking being closer to ours than the existing property
- Adversely impact on visual appearance to approach of Close
- Most of green area will be lost to accommodate the additional dwelling
- Parking – area adjacent to proposed new dwelling has experienced indiscriminate commuter and visitor parking
- Concerns relating to road safety of pedestrians due to poor line of sight for approaching vehicles
- Proposed parking bays to front and rear will cause additional hazard to pedestrians and other road users
- Vehicles already park on the pavement of the dangerous bend making it difficult to navigate and cross the road
- Bungalows designed to have parking to the side and out of sight
- The proposed parking spaces are not maintained within the curtilage of the existing property
- Strict covenants were required in the deeds regarding parking, green areas etc. How many of these will be breached to accommodate an additional bungalow? Have been advised by solicitor that these covenants are for life
- Why has South Glos Council failed to communicate the application to all residents 1-27 Field Farm Close?
- Unacceptably high density/overdevelopment of the site as it would involve loss of garden land and the open aspect of the neighbourhood
- Loss of right of way to the rear of properties on Rock Lane

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. One such consideration is the pre-application

desk top study advice given in September 2015 which concluded that an attached property could be acceptable.

- 5.2 Notwithstanding that advice, this full assessment must include not only the new dwelling but the appropriateness of including the strip of land inside the residential curtilage, the loss of this area in terms of visual amenity to the area and its impact on highway safety. Policy CS1 is used to assess the design of development which is required to be of a good standard, to complement the host property and be in keeping with the character of the area in general. Saved Policy L5 is also relevant here as the aim of this policy is to protect open areas which contribute to the quality, character, amenity and distinctiveness of that locality. In addition it is important that the proposal does not adversely impact on highway safety and this is covered under Policy T12 and CS8.
- 5.3 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. 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 the adopted development plan remains the starting position for any assessment - decision takers must still take into account overall design, location, amenity and transport and are directed to resist inappropriate development.

The proposal is considered to accord with the principle of development where development within existing curtilages is encouraged provided it meets all other criteria.

Design and Visual Amenity

- 5.4 The application site is a single storey semi-detached dwellinghouse forming the end of a row of similar proportioned dwellings. The cul-de-sac is part of an estate of dwellings that differ in age, scale and size, including two-storey dwellings. It does however have a recognisable character, formed in the main by the use of red brick as a construction material and its open plan front gardens. When entering the Close, No. 1 Field Farm Close is to west. This existing property is stepped back slightly from its attached neighbour and the proposed new single storey dwelling would be stepped back again from the front building line of this property to form a terrace of three modest properties.
- 5.5 The new dwelling would be located to the side of No. 1 on an area currently part open and part enclosed behind a high brick wall. The site has the benefit of a larger than average garden and it is within this curtilage that the new dwelling is to be located.
- 5.6 Taking into account the slight slope of the ground, the proposed bungalow would be similar in terms of eaves and ridge height to No. 1 and its current attached neighbour. Similarly, the footprint of the new property has sought to mimic that of its neighbour and this proposed scale and massing is considered appropriate. Internally the proposal would achieve 2no. bedrooms, bathroom, kitchen/living/dining area. Comments have been received expressing concern that the new dwelling would have an adverse visual impact on the area. It is

acknowledged that the house would differ from its immediate neighbours in that the two bedroom windows would be to the front elevation and the main door to the side. However, the position of windows and doors of existing properties can be changed without the need for planning permission; what is more important is the resulting overall appearance and scale. Given that the proposal would be constructed in similar materials to that of the neighbour, it is considered that the new dwelling would not appear significantly different or out of place to such a degree as to warrant the refusal of the application.

- 5.7 Further comments have stated that the original developers never intended to build on that site and that the original permission was only granted when a reduction in the number of dwellings on the site was secured. The planning history for the site shows a number of successive applications each proposing a reduced number of dwellings. However, it must also be noted that the corresponding area (red edge) for each of those new applications was also reduced. It therefore follows that the number of units built was less than first proposed. Similarly, government policy is supportive of development within existing built up areas to encourage and promote sustainable development. This proposal is not only within an existing residential curtilage but also within an established settlement. It is therefore precisely the location where current government and locally adopted planning policy encourages development.
- 5.8 In terms of its design, scale, massing and appearance the proposal is considered to accord with policy and can be recommended for approval.

Inclusion of land within the residential curtilage

- 5.9 The application site benefits from a larger than average garden when compared to the other single storey dwellings in this row. Its corner position means it not only has the advantage of a side garden but within its ownership has an additional strip of land to the western side running adjacent to the public footpath which is part rough grass and part hardstanding. The garden is enclosed by a high red brick wall whilst the rest is left open. The area outside the wall is bisected by the property's driveway thereby separating one strip which, for the most part, follows the line of the garden wall, from another triangular strip further to the northwest and adjacent to the rear garden of No. 18 Rock Lane. It is acknowledged that although this area of land is within the ownership of the applicant, it is currently outside the existing residential curtilage. This proposal would entail the removal of the existing wall and enclosing part of this grassed area within the new residential curtilage.
- 5.10 The loss of this area of land in visual terms must be assessed. Its current benefit can be viewed by means of the benefit it brings to the quality, character and distinctiveness of the area and/or its contribution to landscape and species habitats. Clearly the value depends on the individual situation and its pertinent circumstances.
- 5.11 Comments have been received objecting to the area of open land being developed. It is recognised that some areas of Stoke Gifford benefit from pockets of open land that vary in size, function and use. It is assumed this was an intentional feature of the original urban design scheme with the aim, for example, of breaking up the solid built form of buildings and walls. The new

dwelling would, however, copy the open plan feel by again leaving an area open to the side leading to the front door. Other properties in this row have small patches of grass to the front and this proposal would not result in a dissimilar situation. A submitted plan shows that the additional area to be enclosed behind a new boundary wall would measure approximately 7.4 metres by 1.5 metres. A green 'gap' would remain running along the outer edge of the new wall to help retain a feeling of openness and also to assist in the visibility splay from the parking area.

- 5.12 The area of land to be included within the residential curtilage in this instance is approximately 11 square metres. In terms of its visual appearance, the area cannot be regarded as being of high worth or to contribute greatly to the distinctiveness of the area. This, when combined with its restricted size, indicates it is also of limited value to the general landscape. Its loss into the garden of the new dwelling would therefore not have a significant impact on the visual amenity of the area. Given the above, a refusal on the basis of it playing an important contribution to the character of the immediate area would be difficult to successfully defend at appeal. It must further be noted that as the land is within the ownership of the applicant it could at any time be enclosed by means of high and dense planting which could have a very similar result.

Density

- 5.13 One comment from a local resident has expressed concern that the proposal would result in overdevelopment and an unacceptable high density. This is not the case. Officers have used the original planning permission details to calculate the increase in density that an additional dwelling would have. The density amounted to approximately 31 dwellings per hectare and the addition of an additional dwelling would hardly change this figure. There is therefore no unacceptable change to the density figures. It is acknowledged that the development would reduce the garden area of No. 1 but development, including the erection of new dwellings within existing residential curtilages is considered acceptable in both national and local planning terms.

Residential Amenity

- 5.14 The existing garden would be divided by a fence of approximately 1.8 metres high to create a separate amenity space for No. 1 and the new dwelling. This arrangement is acceptable and it is noted that the new external boundary closest to the road would be of red brick. Given the prominence of this boundary this is considered an appropriate material and would be secured by condition. Emerging planning policy under PSP44 indicates that amount of amenity space new dwellings should attain. A two bedroom house should have approximately 50 sq metres of space. Excluding parking spaces, the proposed garden measures about 78 sq m and the remaining garden for No. 1 about 55 sq metres. The size of the gardens would therefore be acceptable.
- 5.15 Openings for the new dwelling are to be located in all three sides. Those to the north and south follow the pattern established by windows and doors in the existing row. Openings in the form of a kitchen window and main entrance are to be positioned in the side elevation. There are no houses directly opposite this side of the property and as such there would be no adverse impact. It is noted that to accommodate the new dwelling a side window in No. 1 serving a

bathroom would need to be blocked up but it is considered that given the function of the room as not primary accommodate, this would not be unacceptable and ventilation could be achieved by other methods.

- 5.16 Neighbours to the southwest on the opposite side of Field Farm Close have commented that the proposal would create loss of light, loss of privacy and loss of outlook. It must be noted that the single storey property would be approximately 10 metres away to the northeast, on the other side of the highway. There would be no direct line of site between the two. Given the above it is considered there would be no adverse impact on this neighbour with regard to loss of light or privacy. There is no right to an outlook. The proposal is considered not to impact negatively on these neighbours.
- 5.17 Neighbours to the rear at No. 20 Rock Lane have also expressed concerns regarding overshadowing, loss of light and privacy. The two properties would be separated by a distance of over 18 metres with a mixed boundary treatment of walling and fencing of approximately 1.8 metres in height. Mature planting is also noted. Given the degree of separation and the dividing boundary it is considered that a single storey dwellinghouse would not give rise to overshadowing, a loss of light or impact on privacy to these neighbours.
- 5.18 The proposed development is considered not to have a negative impact on the residential amenity of neighbouring dwellings, sufficient amenity space would be provided for the new and existing properties. The proposal is considered to accord with policy and can be recommended for approval.

Sustainable Transport

- 5.19 Among other things, new development is required to make *adequate, safe and appropriate provision for the transportation demands which it will create*. When assessing new development it is essential that it would comply with adopted parking policy which requires new development to provide adequate parking with safe access that would not create or exacerbate traffic congestion or have an unacceptable effect on road, pedestrian or cyclist safety.
- 5.20 A number of objections have been received relating to parking and road safety. In particular comments regarding the proposed parking to the front of the existing dwelling and the proposed parking to the side for the new dwelling have been criticised. The amount of parking required to serve a dwelling is based on the number of bedrooms. One parking space, which meets the approved measurement, has been allocated to the existing dwelling. Although it is acknowledged that some garden space would be removed to accommodate the space at the front, this situation is not unusual. It is likely that a new dropped kerb would be necessary and an informative attached to the decision notice gives appropriate details on how to achieve this. In terms of parking provision this part of the proposal is considered to accord adopted standards and is acceptable.
- 5.21 Moving on to the parking for the new dwelling. Two off street parking spaces are proposed. These would be located partly on an area of hardstanding already used for parking by the existing property, partly on an area taken from the existing garden and partly from the grassed area to the side. The amount of parking for this two-bed property exceeds adopted parking standards and is

therefore acceptable. With regards to the impact on highway safety, two cars would be able to park side by side rather than in tandem as is the current situation. To one side of the parking area, the chamfered corner would remain unchanged and to the other side the wall would be set back from the grass verge and pavement. It is therefore considered that there would be very little change over and above the existing situation and it is unlikely that a refusal on the basis of impact on road safety could not be substantiated at an appeal.

- 5.22 With regards to the mentioned accidents, South Gloucestershire Council records indicate that there have been no recorded personal injury accidents either on Field Farm Close or in the vicinity of its junction with Rock Lane within the last 5 years. Highway Officers have also commented that they are not aware of any parking problems causing safety and congestion issues in this location.
- 5.23 A parking bay is noted opposite the application site and indiscriminate commuter/visitor parking and parking on the pavement have been commented on. These are clearly not planning matters, nor something that can be controlled under the remit of a planning application. If residents are experiencing inconsiderate parking then this is a matter for The Police Authority.
- 5.24 The proposal is considered to accord with adopted parking standards and would not impact adversely on highway safety. It is therefore considered acceptable and can be recommended for approval.

Landscaping

- 5.25 The application shows some indicative planting to be undertaken on the areas to the west of the new dwelling. No details of the type, size or species have been provided. Given the location of the site on a corner and the comments received from local residents with regard to highway safety concerns, any planting should be neither dense nor high growing to ensure visibility levels are retained. The open area has no planting at the moment and therefore new planting may be unnecessary.

Other Matters

- 5.26 One comment has stated that not all the properties in Field Farm Close were notified of this application. Details regarding who should be contacted are to be found within the Statement of Community Involvement. This document lists who and how people are notified of planning applications. It states *The Government has set out statutory requirements that we have to follow. As a Council we undertake more than these statutory minimum requirements.* This application being classed as a 'minor' requires that all those adjoining neighbours with a common boundary and those directly opposite the site will be sent a letter along with all occupiers of land within 30 metres of the vehicular and pedestrian access points. Clearly not all the properties in this large cul-de-sac were consulted but procedures were followed correctly and a total of 14no. neighbours were notified of the application.
- 5.27 The matter of covenants attached to the land has been raised. As a planning application this assessment is only concerned with how the proposal accords

with adopted national and local planning policy. The issue of covenants does not fall under this very specific remit. However, the onus is on the applicant to check and should there be a covenant on the land restricting development in some way, then appropriate action should be followed to get the covenant lifted if possible for development to proceed. Nevertheless, for the sake of completeness Officers have researched the site and there do not appear to be any such restrictions. In addition another neighbour has complained that the proposal would remove the right of access to properties along Rock Lane. Research using land registry details show there is no right of access here.

5.28 Noise and disturbance during the construction phase has been cited as an objection reason. It is inevitable that development causes some noise and disturbance but a condition attached to the decision notice will ensure that the hours of construction are kept within reasonable times to minimise disruption to neighbours.

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 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.