



**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. 42/16

Date to Members: 21/10/2016

Member's Deadline: 27/10/2016 (5.00pm)

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

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

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

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

NOTES FOR COUNCILLORS - FORMAL ARRANGEMENTS

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

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

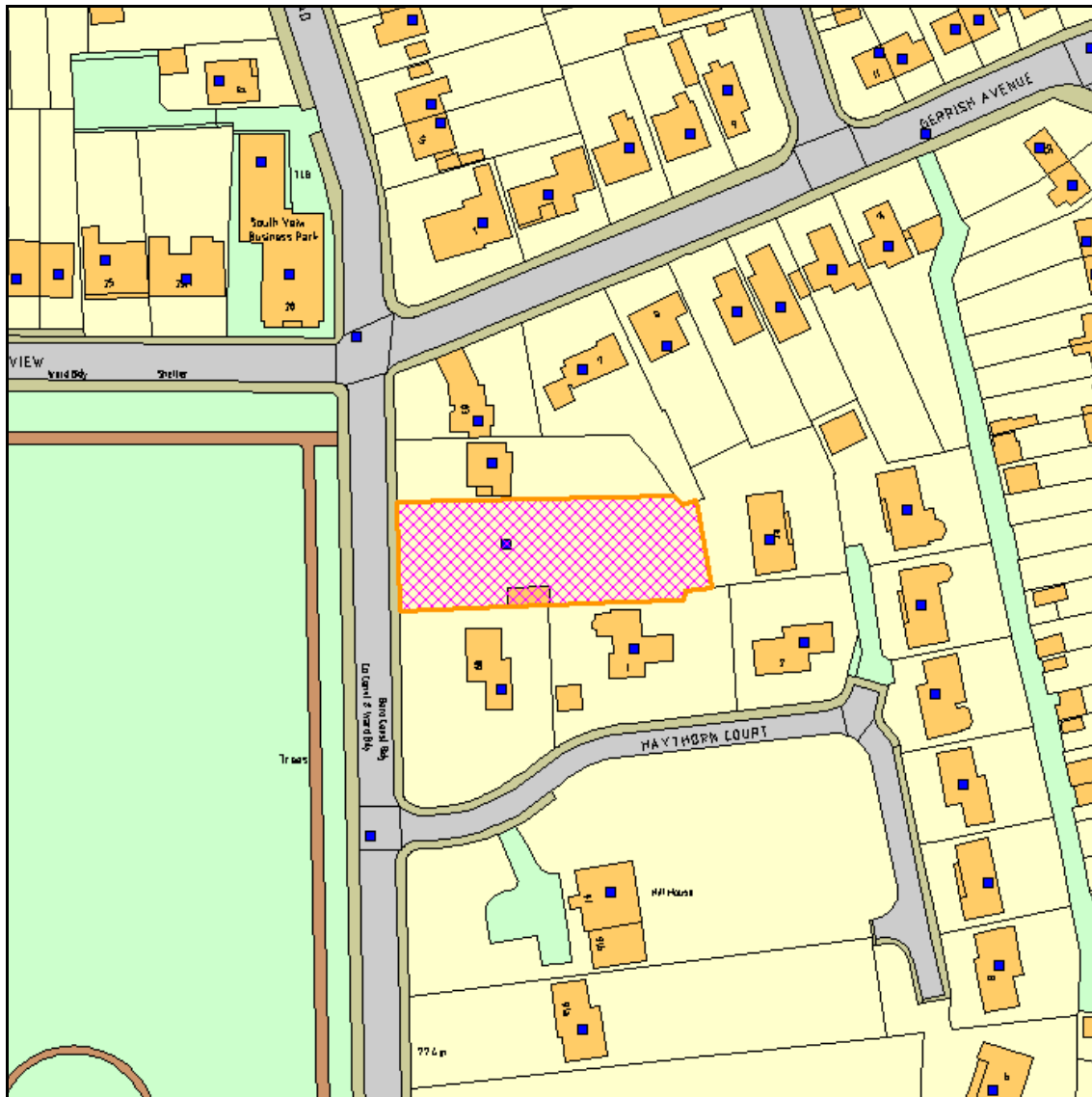
- Before referring an application always speak to the case officer or Area Planning Manager first to see if your concerns can be addressed without the application being referred.
- If you are considering referring in an application outside the ward you represent, as a courtesy, speak to the ward member(s) 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 - 21 OCTOBER 2016

ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
1	PK16/3268/O	Approve with Conditions	87 Hill House Road Mangotsfield South Gloucestershire BS16 5QW	Rodway	None
2	PK16/3970/F	Approve with Conditions	38 Pinkers Mead Emersons Green South Gloucestershire BS16 7EF	Emersons	Emersons Green Town Council
3	PK16/4610/F	Approve with Conditions	13 Ducie Court Ducie Road Staple Hill South Gloucestershire BS16 5JZ	Staple Hill	None
4	PK16/4775/F	Approve with Conditions	Land Adjacent To 38 Counterpool Road Kingswood South Gloucestershire	Woodstock	None
5	PK16/5068/F	Approve with Conditions	41 Jubilee Crescent Mangotsfield South Gloucestershire BS16 9BB	Rodway	Emersons Green Town Council
6	PK16/5103/CLP	Approve with Conditions	1 Sunridge Downend South Gloucestershire BS16 2RY	Downend	Downend And Bromley Heath Parish Council
7	PT15/3284/F	Approve with Conditions	Wayland Stables Beacon Lane Winterbourne South Gloucestershire BS36 1SB	Winterbourne	Winterbourne Parish Council
8	PT16/2537/RVC	Approve with Conditions	Four Winds Morton Street Thornbury South Gloucestershire BS35 1LB	Thornbury North	Thornbury Town Council
9	PT16/2734/F	Approve with Conditions	Brooklands 181 Old Gloucester Road Hambrook South Gloucestershire BS16 1RQ	Winterbourne	Winterbourne Parish Council
10	PT16/3703/F	Approve with Conditions	Frenchay Park House Frenchay Park Road Frenchay South Gloucestershire BS16 1JE	Frenchay And Stoke Park	Winterbourne Parish Council
11	PT16/3704/LB	Approve with Conditions	Frenchay Park House Frenchay Park Road Frenchay South Gloucestershire BS16 1JE	Frenchay And Stoke Park	Winterbourne Parish Council
12	PT16/3712/F	Approve with Conditions	23 South View Frampton Cotterell South Gloucestershire BS36 2HT	Frampton Cotterell	Frampton Cotterell Parish Council
13	PT16/4090/F	Refusal	Village Hall And Common Ground Ableton Lane Severn Beach South Gloucestershire	Pilning And Severn Beach	Pilning And Severn Beach Parish Council
14	PT16/4182/F	Approve with Conditions	Eastcombe House Haw Lane Olveston South Gloucestershire BS35 4EG	Severn	Olveston Parish Council
15	PT16/4255/CLE	Approve	Moorhouse Lane Hallen South Gloucestershire BS10 7RT	Almondsbury	Almondsbury Parish Council
16	PT16/4433/F	Approve with Conditions	Rowbarton 323 Passage Road Almondsbury South Gloucestershire BS10 7TE	Patchway	Almondsbury Parish Council
17	PT16/4545/F	Approve with Conditions	12 Callicroft Road Patchway South Gloucestershire	Patchway	Patchway Town Council
18	PT16/4723/CLE	Approve	Cottage View 1A Road Almondsbury South Gloucestershire BS32 4HW	Almondsbury	Almondsbury Parish Council

CIRCULATED SCHEDULE NO. 42/16 – 21 OCTOBER 2016

App No.:	PK16/3268/O	Applicant:	Mr Mark Andrews
Site:	87 Hill House Road Mangotsfield Bristol South Gloucestershire BS16 5QW	Date Reg:	31st May 2016
Proposal:	Erection of 4no. dwellings (outline) with access, layout, appearance and scale to be determined. All other matters reserved.	Parish:	None
Map Ref:	365683 176124	Ward:	Rodway
Application Category:	Minor	Target Date:	22nd July 2016



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100023410, 2015. N.T.S. PK16/3268/O

REASON FOR REPORTING TO THE CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 This application seeks planning permission in outline for the erection of 4nos. dwellings with access, layout, appearance, and scale to be determined. The only outstanding reserved matter would be landscape should outline planning permission be granted.
- 1.2 The application site is no. 87 Hill House Road, within Mangotsfield. The site is opposite the eastern side of Page Park, a large public park. Prior to 2006 there was a large dwelling at the site, it is understood that the dwelling had a similar appearance to no. 85 Hill House Road, however, in 2006 the house was demolished.
- 1.3 The demolition of the dwelling coincided with planning permissions: PK06/1927/F and PK05/0524/F, both of which were to demolish the dwelling and erect buildings at the site.
- 1.4 Officers over the course of the application have requested revised plans in order to improve the proposed development, the number of proposed dwellings at the site have reduced from 6nos. to 4nos. dwellings. Final amended plans have been submitted, and officers have re-consulted correctly.
- 1.5 The application is in outline, with landscape being the only reserved matter. Initially, both appearance and landscape were proposed to be reserved matters, but the agent has agreed that appearance should be determined. Officers have recommended that this proposal would be more suited to a full planning application, where all matters can be determined. This is because for a residential scheme of this scale, landscaping is a relatively minor consideration which can often be controlled by condition, or within the application life cycle. Nonetheless, the Local Planning Authority cannot force an applicant/agent to withdraw and apply for full planning permission, especially when the application presented within this assessment can be determined as it stands.
- 1.6 Revised plans were received on the 19/10/2016, these plans represent no material change to the previously submitted plans which were consulted on correctly, as such no further consultation was required.

2. POLICY CONTEXT

- 2.1 National Guidance
NPPF National Planning Policy Framework March 2012
PPG National Planning Policy Guidance

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

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

South Gloucestershire Local Plan Adopted January 2006 Saved Policies

L1	Landscape
L11	Archaeology
T7	Cycle Parking
T12	Transportation Development Control Policy for New Development

South Gloucestershire Local Plan Proposed Submission Draft: Policies, Sites and Places Plan June 2016

PSP1	Local Distinctiveness
PSP2	Landscape
PSP3	Trees and Woodland
PSP8	Residential Amenity
PSP11	Transport Impact Management
PSP16	Parking Standards
PSP17	Heritage Assets and the Historic Environment
PSP37	Internal Space and Accessibility Standards for Dwellings
PSP42	Custom Build Dwellings
PSP43	Private Amenity Space Standards

2.3 Supplementary Planning Guidance

Residential Parking Standards SPD (Adopted) December 2013

Design Checklist SPD (Adopted) 2007

Waste Collection: Guidance for New Development SPD (Adopted) January 2015

Community Infrastructure Levy and Section 106 Planning Obligations Guide (Adopted) March 2015

3. RELEVANT PLANNING HISTORY

- 3.1 PK10/0743/EXT Approve with Conditions 20/05/2010
Erection of 2 no. self-contained flats with associated access, car parking, landscaping and works. (Consent to extend time limit implementation for PK05/0254/F).
- 3.2 PK06/1927/F Approve with Conditions 25/08/2006
Demolition of existing house and garages to facilitate the erection of 6 No. apartments (4No. two bedroom, and 2 No. one bedroom) with associated car parking and garages, landscaping, access and works.
A large 2.5 storey building with the appearance of a very large house, positioned between nos. 85 and 89.

- 3.3 PK05/0254/F Approve with Conditions 29/03/2005
Erection of 2 no. self-contained flats with associated access, car parking, landscaping and works.
A large 2.5 storey building, with a mansard roof, positioned between nos. 85 and 89, the depth of the unit was almost double the depth of no. 89.
- 3.4 PK04/2435/F Approve with Conditions 04/10/2004
Conversion of existing dwelling to form 3no. self contained units with associated works. Erection of two storey front and rear extension and use of loft space as accommodation (Resubmission)
- 3.5 PK02/1216/F Approve with Conditions 27/05/2002
Change of use from dwelling (C3) to childrens' day nursery (D1).
- 3.6 K6733 Approval Full Planning 08/10/1990
Erection of detached snooker room and workshop (previous id: K6733).

4. CONSULTATION RESPONSES

- 4.1 Parish Council
Unparished Area.
- 4.2 Sustainable Transport
No objection. The officer originally had concerns due to the number of dwellings proposed, the concerns specifically related to access, refuse vehicles, and car parking. However, in response to revised plans and the reduction in dwellings at the site, the officer now has no objection.
- 4.3 Children and Young People
No comment received.
- 4.4 Lead Local Flood Authority
No objection in principle, subject to a surface water drainage details, including SUDS being submitted to the Local Planning Authority for approval.
- 4.5 Tree Officer
A survey in accordance with BS5837:2012 will need to be submitted and approved by the council's Tree Officer. This should include a Tree Constraints Plan and an Arboricultural Impact Assessment.

Other Representations

- 4.6 Cllr Michael Bell
The Cllr stated there has been no public notice attached to the fence of the premises, the comment goes onto state that local residents have therefore not been informed.
- 4.7 Local Residents
Approximately ten letters/comments have been submitted to the Local Planning Authority by members of the public with regard to this planning application. A number of those letters/comments have been submitted by the same person in

response to revised plans. All letters/comments were in objection to the proposal, such letters/comments are summarised below:

Design

- High density;
- Overdevelopment;
- Loss of garden – policy resists inappropriate development of residential gardens;
- Visual impact after revision – 5 metre driveway;
- No enhancement to setting;
- No charging points for low emission vehicles;
- Development to the rear of a building line;
- Garden grabbing;
- Development to front of building line;
- Screen trees would block light to neighbours;
- Out-of-character with the area.

Residential Amenity

- Overlooking;
- Privacy;
- Overshadowing;
- No. 1a Haythorn Court;
- Noise pollution.

Highway Safety

- No visitor parking;
- Urban congestion;
- On-street car parking;
- Proposal would jeopardise highway safety.

Other Matters

- Plans not to scale;
- Covenant contained in the conveyance on the Deed's which prohibit one dwellinghouse on any plot;
- The application makes no reference to Hill House (listed building);
- By permitting the development, a precedent will be set with regard to allowing development of large plots in the vicinity of Hill House;
- Many errors within the submitted information;
- The applicant has removed a large amount of planting/hedge at the site prior to the application being submitted.

5. ANALYSIS OF PROPOSAL

- 5.1 This application seeks outline planning permission for the erection of 4no. detached dwellings on a previously developed site within an urban area. The application is in outline, and the matters to be determined are limited to access, layout, scale and appearance.
- 5.2 There have been a number of planning permission granted at the site, three of which relate to the erection of a new residential buildings. It is understood that none of these permissions were lawfully implemented, further to this the permitted period of time in which the relevant development permitted must

begin have expired for all previous permission at the site. Accordingly, these permission are all considered to be no longer extant and therefore not exercisable.

5.3 Notwithstanding this, in the assessment of this proposal, they are material considerations as far as these proposals represent schemes which at one point the Local Planning Authority found to be acceptable.

5.4 Principle of Development

The Council cannot demonstrate a five year housing land supply, meaning paragraph 49 of the NPPF is engaged. Paragraph 49 of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development. The paragraph goes onto suggest that if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites then their relevant policies for the supply of housing should not be considered up-to-date.

5.5 Regardless of this, the starting point for any decision the adopted development plan, but the decision-taker is now also required to consider the guidance set out within paragraph 14 of the NPPF. Paragraph 14 states a presumption in favour of sustainable development, and states that proposals that accord with the development plan should be approved without delay, and where relevant policies are out-of-date planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF.

5.6 A recent judgement provided clarity to the interpretation of paragraph 49 of the NPPF (Richborough Estates Partnerships LLP v Cheshire East Borough Council and Secretary of State for Communities and Local Government). The key conclusion from the Court of Appeal is that Paragraph 49 should be interpreted widely and it applies to all policies which are restrictive of where housing development can go. With this in mind, for the purposes of this application with specific regard to permitting housing development, policies CS5 and CS34 of the Core Strategy are considered to be out-of-date, as well as policy H3 of the Local Plan.

5.7 The policies listed as 'out-of-date' largely concern the location of development. This proposal is located within a sustainable location in an urban area where residential development is encouraged. Accordingly, the principle of the development is acceptable.

5.8 Notwithstanding this, the decision-taking approach set out within paragraph 14 of the NPPF applies, accordingly, the proposal should be assessed in terms of whether the proposal's benefits would be outweighed by any adverse impacts that would result from the development, and such adverse impacts would have to be significant and demonstrable.

5.9 Principle of Development – Relevant Policies

Policy CS1 'High Quality Design' of the Core Strategy which will only permit development where the highest possible standards of design and site planning are achieved. In addition to this, high quality design is seen as a 'key aspect of

sustainable development...indivisible from good planning' within paragraph 56 of the NPPF, this paragraph goes on to state that good design contributes positively to 'making places better for people'.

5.10 Policy CS16 'Housing Density' of the Core Strategy requires developments to make efficient use of land, but importantly requires that new development be informed by the character of local area and contribute to:

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

5.11 A core principle of the NPPF is to 'enhance and improve the places in which people live their lives'; and also to 'seek to ensure high quality design and a good standard of amenity for all existing and future occupants'. Accordingly, the proposed development should respect the residential amenity of all occupiers, both existing and future.

5.12 Policy CS8 of the adopted Core Strategy, emphasises parking as an important issue, and the Residential Parking Standards SPD is endorsed. The SPD is an adopted policy document, and as such the development proposed will be expected to accord with this SPD. Overall, with regard to car parking, policy CS8 requires parking and vehicular access for new development to be 'well integrated and situated so it supports the street scene and does not compromise walking, cycling, public transport infrastructure and highway safety'. As well as this, policy T12 of the Local Plan requires new development to not 'create or unacceptably exacerbate traffic congestion, or have an unacceptable effect on road, pedestrian and cyclist safety'.

5.13 Principle of Development – Summary

The proposal should be assessed in the context of paragraph 14 of the NPPF, this paragraph states that proposals should be permitted unless:

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

5.14 Accordingly, the proposal will be assessed in the context of paragraph 14 of the NPPF, with regard to whether the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits of the proposal. The remaining report will be structured in this way.

5.15 Benefits of the Proposal

This application will result in one clear and tangible benefit, which would be the contribution of 4nos. new residential units to the Council's five year housing land supply.

5.16 Design and Site Planning

When assessing the proposal's design and site planning, officers consider the previous planning applications at the site that have been granted approval. The following planning approvals: PK10/0743/EXT, PK06/1927/F and PK05/0254/F, all permitted singular bulky and large buildings, located between nos. 85 and 89.

Layout and Scale

- 5.17 As this sub-section will demonstrate officers have no objection to four dwellings in this location.
- 5.18 Each dwelling in terms of scale are virtually the same, the maximum height of the front pair of dwellings differs from the rear pair due to chimneys being omitted from the rear dwellings. Each dwelling would have a ridge line at approximately 8 metres (5 metres from ground level to eaves height), the depth of the proposal would be approximately 9 metres with a width of 8 metres. This scale is considered to be acceptable as the dwellings would be at a similar height to the adjacent dwellings nos. 85 and 89.
- 5.19 The proposal includes four dwellings, two of which would be located toward the front of the plot between nos. 85 and 89, the remaining two dwellings would be located toward the rear adjacent to no. 1 Haythorn Court. The location of the front dwellings are acceptable, the principal elevations of both are relatively in line with those of nos. 85 and 89, and there is appropriate spacing to the sides of both dwellings. The rear dwellings are roughly in line with no. 1 Haythorn Court, and there is a dwelling immediately to the east, and further dwellings to the north and north east within Gerrish Avenue.
- 5.20 It has been suggested that the proposed rear dwellings are in a 'backland' position, this is correct to a degree, and in the context of an area where there is only linear development with spacious rear gardens this form of development may be resisted. However, the context of the application site and wider urban layout must be considered in the case of this application. As demonstrated, largely due to the position of Haythorn Court, the proposed rear dwellings are not considered to represent a form of development alien to the urban grain of the area.
- 5.21 Officers note that the majority of Hill House Road have quite spacious front gardens, whilst the proposal aims to retain this through setting the dwellings back accordingly, the proposal does include car parking at the front. This is not considered a reason to resist the proposal, given that fact that a number of houses within Hill House Road have car parking within front gardens. Landscaping would also help to improve the relationship the proposal would have with the street scene, this can be secured through condition and the reserved matters stage.
- 5.22 The application site is rather restrictive to the rear where the northern and southern boundaries both pinch in within the site restricting room. Officers note overall is restrictive nature of the site, for example the dwellings represent a dense layout in the context of the area. However, officers do not feel this

represents a poor quality of site planning, and certainly do not advise that this element of the proposal represents both a significant and adverse impact of the development in the context of paragraph 14 – i.e. a reason for refusal.

- 5.23 In summary, the proposal's layout and scale is considered to conform to policy CS1 of the adopted Core Strategy.

Elevational Composition, Detailing and Character

- 5.24 The proposed dwellings have two storey fronting gable sections which protrude from a perpendicular ridge line at a greater height of the gable ended roof. The front two dwellings have chimneys which aid the proposal in respecting the character of the area. The projecting gable will be composed of render and a small section of brick, whereas the side and rear elevations will be finished in brick. The materials are considered to be acceptable in principle, taking inspiration from the more 'Arts and Craft' style dwelling to immediately the north of the site. The fenestration will be composed of a timber door and PVCu sash windows (front elevation only), white PVCu is acceptable, and the sash windows are encouraged based on the fact that they are common in the area. The proposal also includes a front porch. Overall, the elevational treatments are appropriate for the area subject to a condition requiring the external materials to accord with those listed within the submitted materials schedule.

Low Carbon and Renewable Technologies

- 5.25 Whilst officers realise policy CS1 encourages low carbon and renewable technologies to be integrated into new development, the absence of such technologies within this development is not a reason to refuse planning permission.

Summary

- 5.26 The proposal's siting, form, scale, height, massing, detailing and materials are all largely informed by the area, meaning the character of the area is not materially harmed. The proposal therefore complies with the requirements of policy CS1 of adopted Core Strategy.

5.27 Residential Amenity

Should the proposal be found to materially harm the residential amenity of any nearby occupiers, or the future potential occupiers of the proposed dwellings, such harm would likely be considered both significant and demonstrable in the context of paragraph 14 of the NPPF.

Natural Light and Outlook

- 5.28 In order to ensure development's provide acceptable outlook and natural light, and also do not harm the outlook or levels of natural light of neighbouring occupiers, guidance suggests a 25 degree test. This test states that where an 'unobstructed zone' can be achieved within an angle of 25 degrees above a

horizontal line drawn two metres above ground level satisfactory levels of natural light and outlook are likely to be achievable.

- 5.29 Officers have performed the 25 degree test with regard to the proposed rear dwellings and the proposed front dwellings, given the 20 metres separation distance, the rear dwellings will enjoy acceptable levels of natural light and outlook. Similarly with the dwelling to the east of the site, no. 2a Hawthorn Court, the proposed rear dwellings will not materially harm the levels of outlook or natural light that this dwelling currently enjoys, this is because the relationship between the proposed and existing dwellings accords with the 25 degree test.
- 5.30 Further to this, the proposal will not harm the outlook of no 1 Hawthorn Court, or no. 85 Hill House Road.
- 5.31 Overall, due to the proposal's appropriate scale and positioning the development is unlikely to materially harm the outlook or natural light of any nearby occupiers. As well as this, the levels of outlook and natural light offered by the proposal is also considered to be acceptable.

Privacy

- 5.32 To ensure levels of privacy are protected, overlooking and inter-visibility between primary living accommodation should be resisted. This is achieved through developments having sufficient separation distances. Guidance suggest that between two, two storey dwellings, window-to-window distance should be 20 metres or more. Guidance also suggests, that between a two storey dwelling and three storey dwelling, window-to-window distance should be 28 metres.
- 5.33 The rear two dwellings manage a distance of over 20 metres between their rear elevations and the principal elevation of no. 2a Hawthorn Court (two storey dwelling to the rear). Officers note that there is a difference in ground level height, the host site is slightly higher, however, this difference does not impact upon window-to-window privacy tests.
- 5.34 There is also a distance of 20 metres between the proposed rear dwellings, and proposed front dwellings. Further to this, there is in excess of 20 metres between the proposed rear dwellings, and the neighbouring dwellings nos. 89 and 85 Hill House Road. Further to this, there are not propose side elevation windows within the proposed dwellings meaning the proposal will not result in the loss of privacy to any nearby occupiers.
- 5.35 Proposed dwelling 04 (front dwelling on the southern side) does have rear elevation windows that may allow indirect views into no. 1 Hawthorn Court, such views would not result in a material loss of privacy to no. 1.

Overbearing

- 5.36 Due to the layout and scale of the proposal, the physical presence of the development will not materially overbear on any nearby occupier.

Private Amenity Space

- 5.37 Emerging policy PSP43 relates to levels of private amenity space that residential developments should provide. Each dwelling proposed will contain four bedrooms, a four bedroom dwelling should have a minimum of 70 sq.m private amenity space, each proposed dwelling has in excess of 70sq.m private garden to the rear of each dwelling. With this in mind, officers find the proposal to offer satisfactory private amenity space.

Noise Pollution

- 5.38 Officers note a comment from a member of the public which suggests that the development would lead to noise pollution in the area. The proposal would be unlikely to lead to noise impacts that materially harmed the nearby residents, if anti-social behaviour occurred once the units were inhabited, this would be a Police matter.
- 5.39 A construction working hours condition is suggested to minimise disturbance to nearby residents during the construction phase.

Summary

- 5.40 The proposal has been assessed with regard to its impact on the residential amenity of all nearby residential occupiers, the proposal has also been assessed with regard to the potential future occupiers of the proposed dwellings. Such assessments have found that the proposal will not materially harm the residential amenity of the nearby occupiers or occupiers of the proposed dwellings.
- 5.41 Highway Safety
The Council's Sustainable Transport Officer has been consulted and has stated no objection to the proposal. The proposed access and overall site is capable of accommodating 4nos. residential units without compromising highway safety or the amenity of Hill House Road.

Site Access and Turning Space

- 5.42 There is acceptable turning space to allow vehicles to access and exit the site in a forward gear. Further to this, there is adequate passing places within the site to avoid conflict between cars entering and exiting the site.

Car Parking

- 5.43 Each unit would have four car bedrooms, meaning each unit requires a minimum of two car parking spaces to accord with the Council's Residential Parking Standard SPD - this is provided within the site to an adequate standard. To ensure the car parking spaces, access and turning areas are implemented appropriately within the site, a compliance condition is recommended requiring the proposal to be implemented in accordance with the submitted plans.

- 5.44 Officers note comments stating concern due to a lack of visitor car parking, officers do not find this to be a concern. The development accords with the Council's Residential Parking Standard.

Cycle Parking

- 5.45 Policy T7 requires newly built dwellings with more than 2 bedrooms to provide a minimum of 2nos. safe and secure cycle spaces. A condition is recommended to ensure this facility is provided.

Refuse Collection and Storage

- 5.46 The proposal also includes a bin collection point toward the front of the dwelling, meaning refuse collection vehicles would not have to enter the site. Each unit also has bin and recycling storage points within the garden, meaning bins would only be left at the front of the site on bin collection days. A condition is recommended to ensure that the bin collection area is provided on the site for each plot.

5.47 Trees

The Council's Arboricultural Officer has requested that a tree survey be submitted, and also that a Tree Constraints Plan and an Arboricultural Impact Assessment be submitted. The Arboricultural Officer has stated that the surveys and assessments are required as there are trees on the site, and also trees to the east of the site which the development may impact.

- 5.48 The agent for the application was made aware of this request, and did not believe such a request was necessary due to the low number and quality of remaining trees. All existing trees on site are proposed to be removed.

- 5.49 The Council's Arboricultural Officer has made reference to trees to the east of the site outside of the ownership of the applicant. However, such trees are approximately over 12 metres from the rear elevations of the proposed dwellings 02 and 03, meaning it would be highly unlikely that the development would harm such trees.

- 5.50 From the case officer's site visit there are 2no. conifers at the front of the site which are of a considerable size, 3no. small trees along the southern boundary, and a small amount of shrubbery/trees at the rear of the site. None of the trees at the site are protected through Tree Preservation Orders (TPOs), and it should be noted that none of the previous applications at the site made any regard to trees on the site (see Relevant Planning History section).

- 5.51 Whilst the Local Planning Authority will always seek to retain trees where possible, the trees which would be removed as a result of this development make little positive contribution to the amenity of the area. The trees on the southern side of the site are not overly visible from the street scene due to their location, and the 2nos. conifers at the front of the site are very tall and appear unmanaged, indeed these trees are not reflective of their locality. Accordingly, officers have no objection to the removal of the specific trees, especially in the

context of paragraph 14 of the NPPF. Paragraph 14 of the NPPF makes clear that residential development can only be refused if adverse impacts of proposals are identified as being both significant and demonstrable. Officers cannot conclude that the loss of the trees at the site would be both a significant and demonstrable harm of the development, especially when the trees at the site are not protected.

5.52 Notwithstanding this, at reserved matters stage, landscape would be determined, and at this stage replacement planting would be required in order to replace the lost trees.

5.53 Archaeology

It is clear from the planning history at the application site that the site lies within the ground of the Hill House Estate. Within this estate there may be structures remaining, for example an old ice house was found in Gerrish Avenue. Accordingly, a condition is recommended to secure an archaeological watching brief.

5.54 Site Drainage

The Lead Local Flood Authority have requested a condition that requires details of surface water drainage be submitted for assessment. Officers consider this condition to be reasonable and therefore recommend such a condition is imposed.

5.55 Other Matters

A member of the public has made reference to Hill House, a listed building to the south of the application site along Hill House Road. The proposal is considered to not impact upon the setting of this listed building. This is because the listed building approximately 70 metres to the south of the application site with an intervening road and dwelling between the application site and the listed building. It has been suggested that by allowing this development, a precedent would be set for the redevelopment of larger plots in vicinity of Hill House. No precedent would be set, each application is judged on its own merits.

5.56 A number of comments have been submitted relating to inaccuracies within the submitted information, inaccuracies such as the distance to local services and railway stations. Officers are aware of such inaccuracies, factual inaccuracies within the submitted statements have not formed part of this planning assessment. Officers also note comments which suggest the submitted plans are not scaled correctly, officers would disagree in this instance, the submitted plans have been sufficient to assess the development.

5.57 A comment received has suggested there is a covenant on the application site which restricts development such as the proposal. Covenants are civil agreements, and as such are not considered to be material considerations of significant weight in the case of this application.

5.58 Officers note concerns of the residents with regard to proposed trees resulting a loss of light, however this assessment does not include landscape, this is a

reserved matter, and as such proposed trees will be assessed at reserved matters stage.

5.59 Cllr Michael Bell has suggested that the application has not been consulted on correctly as a site notice has not been posted at the site. Planning applications are consulted on based on the Council's Statement of Community Involvement (SCI). Site notices are generally posted in certain circumstances in accordance with the SCI, for example where proposals regard major development, listed buildings, or conservation areas. This application is none of those, this application is a 'minor development'. In accordance with Appendix 6 of the SCI, applications such as this do not require the Local Planning Authority to post a site notice. The applicant/agent would have been sent a site notice to advertise at the application site on a voluntary basis. However, the Local Planning Authority are not in a position to force the applicant/agent to do so. Officers are therefore confident that the application was advertised to the public in the correct manner in accordance with the SCI.

5.60 Planning Balance

The development has been assessed in the context of paragraph 14 of the NPPF, where it is stated that proposals should be permitted unless:

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

5.61 Officers have found that the development will result in no adverse impacts that would significantly and demonstrably outweigh the benefits of the proposal. Accordingly, officer have found no reasons why this development should not be approved.

6. CONCLUSION

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

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

7. RECOMMENDATION

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

Contact Officer: Matthew Bunt
Tel. No. 01454 863131

CONDITIONS

1. Approval of the details of the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.

Reason

This is an outline permission only and the reserved matters shall be made to the Local Planning Authority.

2. Plans and particulars of the reserved matters referred to in the condition above, relating to the landscaping of the site, shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.

Reason

This is an outline permission only and the reserved matters shall be made to the Local Planning Authority.

3. Application for approval of the reserved matters shall be made to the Local Planning Authority 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).

4. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason

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

5. The reserved matters for landscaping, as required by condition 1, shall include the following:

- o Details of all proposed boundary treatments;
- o Details and specifications of proposed planting along with location and relevant protection measures;
- o Samples/specifications of all surface treatments.

Development shall be carried out in accordance with the approved details.

Reason

In the interests of the external appearance of the area, and to accord with Policy L1 of the South Gloucestershire Local Plan (Adopted) January 2006, and Policy CS1 and

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

6. All external materials to be used in the dwellings hereby permitted shall match those listed within the material schedule included within the following plan: Proposed Street Scene, dwg no. 16.016-102C, 19/10/2016.

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.

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

Reason

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

8. Prior to the first occupation of the hereby permitted residential units, the access, parking areas and driveway shall be completed in accordance with the Proposed Site Plan, dwg no. 16/016-101C. The access, parking areas and driveway shall then be retained as such.

Reason

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

9. Prior to the first occupation of the hereby permitted residential units, undercover and safe cycle parking facilities for at least two bicycles shall be provided within the residential curtilage of each permitted unit and thereafter retained for that purpose.

Reason

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

10. Prior to the first occupation of the hereby permitted residential units, facilities for refuse collection for each residential unit hereby permitted shall be provided in accordance with the Proposed Site Plan, dwg no. 16/016-101C.

Reason

To ensure the satisfactory provision of refuse collection facilities and in the interest of highway safety and the amenity of the area, and to accord with Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006, Policies CS1 and CS8 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013.

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

Reason

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

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

Reason 1

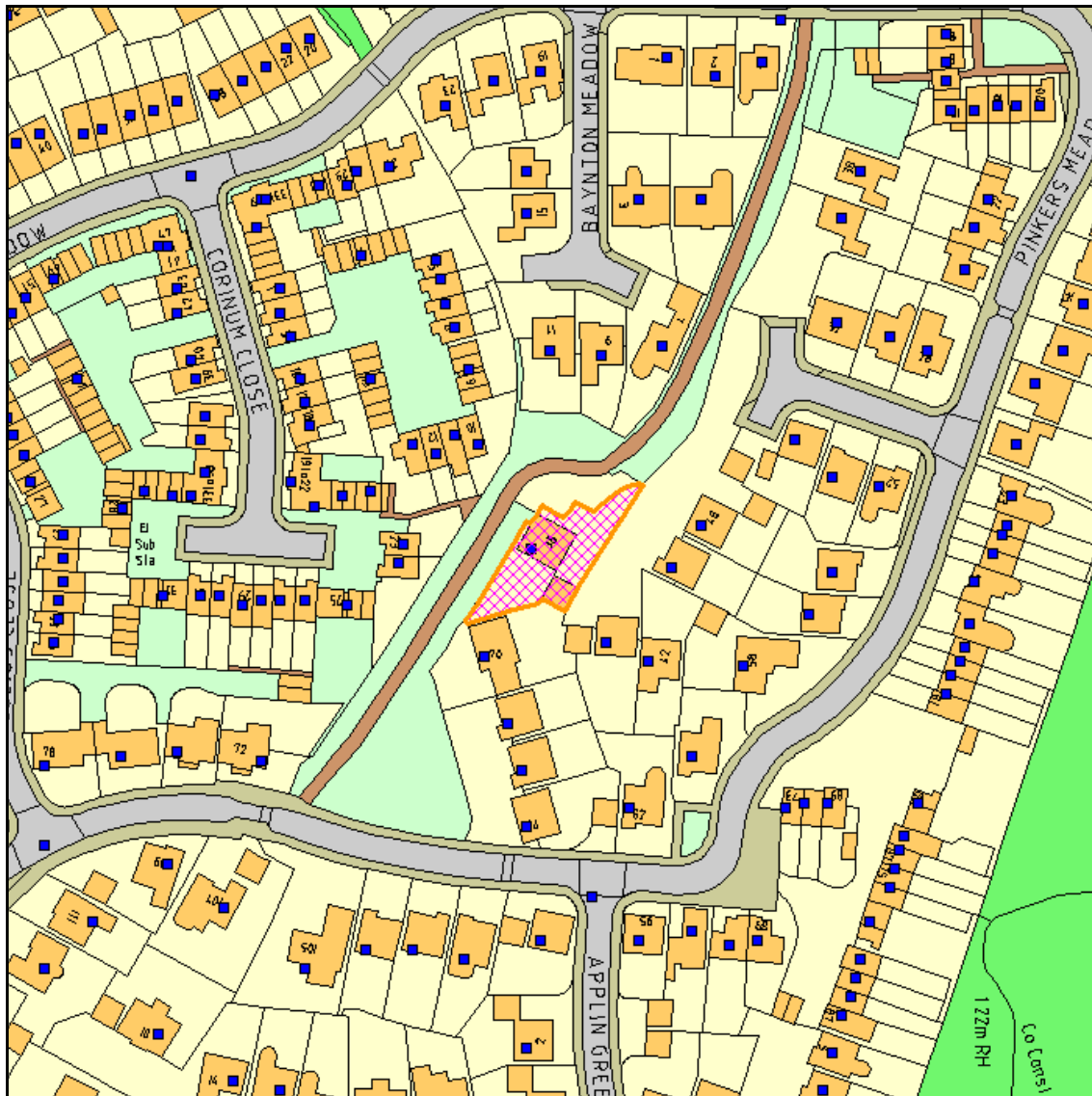
In the interest of onsite drainage, and to comply with Policy CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the provisions of the National Planning Policy Framework 2012.

Reason 2

Site drainage is integral to the layout of the site, with this in mind, it is necessary for the drainage at the site to be determined prior to the commencement of development in order to avoid future remedial works.

CIRCULATED SCHEDULE NO. 42/16 – 21 OCTOBER 2016

App No.:	PK16/3970/F	Applicant:	Mr A Singh
Site:	38 Pinkers Mead Emersons Green Bristol South Gloucestershire BS16 7EF	Date Reg:	25th July 2016
Proposal:	Erection of rear conservatory and front porch. Increase height of existing boundary wall to no more than 2.5m.	Parish:	Emersons Green Town Council
Map Ref:	367307 176709	Ward:	Emersons Green
Application Category:	Householder	Target Date:	15th September 2016



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 100023410, 2015. **N.T.S.** **PK16/3970/F**

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This report appears on the Circulated Schedule following objection from the Town Council and local residents.

1. THE PROPOSAL

- 1.1 The application seeks permission to increase the height of the existing east boundary wall to 2.5 metres and to erect a single storey rear extension and a front porch.
- 1.2 The application relates to a two-storey detached property situated within the established residential area of Emersons Green.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework March 2012
Planning Policy Guidance 2016

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design
CS4A Presumption in Favour of Sustainable Development
CS5 Location of Development
CS8 Improving Accessibility
CS9 Managing the Environment and Heritage
CS29 Communities of the East Fringe of Bristol Urban Area

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

H4 Residential Development within Existing Residential Curtilages

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

PSP1 Local Distinctiveness
PSP8 Residential Amenity
PSP38 Development within Existing Residential Curtilages

2.3 Supplementary Planning Guidance

Design Checklist SPD (Adopted) 2007

3. RELEVANT PLANNING HISTORY

- 3.1 P98/4846 Approved 27/01/1999
Erection of 71 No. dwellings, associated garages and works. (Reserved Matters)
- 3.2 P97/4787 Approved 02/03/1998
Construction of residential roads, footways, cycleway and infrastructure sewers.

- 3.3 K7528 Approved 05/10/1995
COMPREHENSIVE DEVELOPMENT FOR RESIDENTIAL/DISTRICT CENTRE/PUBLIC HOUSE /RESTAURANT/ROADS/FOOTPATHS/OPEN SPACE AND OTHER ASSOCIATED USES (OUTLINE). (Previous ID: K7528)3B/P/11.730
- 3.4 K7596 Approved 28/02/1994
EXCAVATION OF PROPOSED DISTRICT CENTRE SITE AND DEPOSIT OF MATERIALS IN CONNECTION WITH LAYING OUT OF OPEN SPACE AND PLAYING FIELDS. (Previous ID: K7596)
- 3.5 K5937 Refused 29/01/1990
COMPREHENSIVE DEVELOPMENT INCLUDING RESIDENTIAL & ANCILLARY USES & BUSINESS, STORAGE & DISTRIBUTION USES (OUTLINE) (Previous ID: K5937)
- 3.6 K5937/1 Refused 21/03/1989
COMPREHENSIVE DEVELOPMENT: RESIDENTIAL BUSINESS STORAGE DISTRIBUTION AND REGIONAL SHOPPING (OUTLINE) (Previous ID: K5937/1)
- 3.7 K5940/1 Refused 22/03/1989
COMPREHENSIVE RESIDENTIAL DEVELOPMENT INCLUDING DISTRICT CENTRE, COMMUNITY FACILITIES, ROADS ETC (OUTLINE) (Previous ID: K5940/1)
- 3.8 K548 Refused 28/01/1976
COMPREHENSIVE DEVELOPMENT INCLUDING SHOPS, SCHOOLS, STORAGE COMMUNITY AND EMPLOYMENT USES, HIGHWAYS, FOOTPATHS, OPEN SPACES, BALANCING LAKE AND OTHER NECESSARY USES TO SUCH A SCHEME (Previous ID: K548)

4. CONSULTATION RESPONSES

- 4.1 Emersons Green Town Council
Objection, plans for proposed front porch are not included , members therefore are unable to make any comments.

Update:

Objection, members feels that the materials for the porch will be out of keeping with the surrounding area.

Other Representations

- 4.2 Local Residents
Two letters of objection have been received from local residents. The points raised are summarised as:
- Incorrect red line boundary
 - No sizes shown on plans

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The application seeks permission to increase the height of the existing east boundary wall to 2.5 metres and to erect a single storey rear extension and a front porch. Saved policy H4 of the South Gloucestershire Local Plan (Adopted) 2006 permits this type of development in principle subject to criteria relating to residential amenity, highway safety, and design.

5.2 *Design*

The application relates to a detached brick dwelling situated in an established residential cul-de-sac in Emersons Green. To the front and side of the site is a public right of way with hedgerows and a staggered 1.8 metre high brick wall bordering the site boundary. The proposed scheme comprises a number of components which will be addressed in turn.

5.3 The existing staggered wall is erected on the west boundary line directly adjacent to a grass strip. The proposal is to increase the height of the wall by 600mm. It is considered that as it is a minimal height increase, it would have no impact on the openness, distinctiveness or amenity of the locality. The boundary treatments in the immediate locality are red brick built wall and closeboard timber fencing. Timber fencing is very evident along the rear boundaries which back onto the public footpath. It is considered that a brick built increase in keeping with the existing would have been a more desirable option, however, this is not to say that the proposed boundary treatment would be unacceptable. The fence would reflect the prominent material used along the footpath and is a minimal increase in height.

5.3 The proposal is to erect a simple traditional glazed conservatory. It is considered that the design and scale is in keeping with the character of the original dwelling and the locality and would not distract from the visual amenity of it.

5.4 The proposed porch is modest in scale and would be constructed using a white upvc and glazed construction with a gable roof. The Town Council's comments are noted, however, it is considered that the proposed porch is of a scale and design that would be in keeping with the character and appearance of the dwelling and, although the elevation materials would not be brick to match the dwelling, it would nonetheless maintain the pediment and gable canopy shape in the streetscene. Overall, there are no concerns in terms of design.

5.5 *Residential Amenity*

The application proposes the increase of an existing brick wall on the east boundary by 600mm. The wall would reach a total height of 2.5 metres and would not be directly adjacent to any neighbouring occupiers.

5.6 The proposal is to erect a single storey rear conservatory which would have a depth of 3.9 metres, a width of 4.2 metres a maximum height of 3.4 metres with a gable roof, and an eaves height of 2.3 metres. It is considered that the proposed extension, by virtue of its scale, height and siting, would not have a significant impact on the amenity of nearest occupiers in terms of loss of light,

outlook and would not appear overbearing. The rear garden is enclosed by 1.8 metre high brick walling and as such, it is not considered that the conservatory would overlook any neighbouring properties to the detriment of mutual privacy.

5.7 The application proposes a single storey porch to the front elevation. It would have a depth of 1.5 metres, a width of 2 metres, and a maximum height of 2.9 metres with a gable roof. It is considered that this modest front porch would not impact negatively on the residential amenity of the dwellings in the cul-de-sac. As such there are no concerns in terms of residential amenity.

5.8 *Other Matters*

A local resident raised a concern that the red line on the location plan was incorrect. In response to this concern, a revised site location was received on 19/09/2016 and Officers are satisfied this shows a red line including all the land necessary to carry out the development proposed. Granting of planning permission does not construe the right to carry out work on, or over, land not within the ownership, or control, of the applicant.

5.9 Comments were received from a local resident that no dimensions were shown on the plans. All plans submitted accompanying a planning application must be in a metric scale and include a scale bar and this was the case 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 recommendation to **grant** permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 set out above, and to all the relevant material considerations set out in the report.

7. **RECOMMENDATION**

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

Contact Officer: Helen Braine
Tel. No. 01454 863133

CONDITIONS

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

Reason

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

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

Reason

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

CIRCULATED SCHEDULE NO. 42/16 – 21 OCTOBER 2016

App No.:	PK16/4610/F	Applicant:	Mr James Ellis Morgan
Site:	13 Ducie Court Ducie Road Staple Hill Bristol South Gloucestershire BS16 5JZ	Date Reg:	5th August 2016
Proposal:	Installation of 3 no. front dormer windows to replace existing velux windows and replace rear velux windows with 1 no. large dormer window	Parish:	None
Map Ref:	365157 176009	Ward:	Staple Hill
Application Category:	Minor	Target Date:	27th September 2016



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 100023410, 2015. **N.T.S.** **PK16/4610/F**

REASON FOR APPLICATION REPORTING TO CIRCULATE SCHEDULE

This application is to appear on circulated schedule due to the receipt of two objections from local resident that is contrary to the officer's recommendation.

1. THE PROPOSAL

- 1.1 This application seeks planning permission for the installation of 2no. front dormer windows to replace existing velux windows and replace rear velux windows with 1no. large dormer window.
- 1.2 The application site is located on the west side of Ducie Road. There is a tyre garage to the immediate south, a modern block of flats to the south-west, and terraced houses to the west, north and east on Beaufort Road and Ducie Road.
- 1.3 This application relates to a two storey block of 13no. flats, part of a development of two blocks of 1no. and 2 bedroom flats. The front block accommodates 8no. flats and the rear block 4no. flats. Vehicular access is via a gated entrance off Ducie Road. The development was built around 2003 and has been amended in 2007 to include additional flats in the roof space.
- 1.4 Since the development was completed, the caretaker/maintenance flat on the second floor (roof space) of the front block has been converted into an additional flat with velux windows. This application seeks to improve the living space of flat no. 13 by increasing the head height in the kitchen, living room, and bedrooms. The new owner is keen to resolve a number of issues with the layout of the flat to ensure it is useable (increasing head height) and complies with Building Regulations.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework March 2012
National Planning Policy Guidance 2016

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design
CS5 Location of Development
CS9 Managing the environment and heritage

South Gloucestershire Local Plan Adopted January 2006 (Saved Policies)

H4 Development within Existing Residential Curtilages

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

PSP8 Residential Amenity
PSP38 Development within Existing Residential Curtilages, Including Extensions and New Dwellings

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

3. RELEVANT PLANNING HISTORY

- 3.1 PK07/3546/F Creation of 1no. flat within the roofspace of the front block at Ducie Court and various works to building, layout and landscaping (Retrospective). Amendment to previously approved scheme PK02/2642/F.
Approved
- 3.2 PK02/2642/F Erection of 12no. self-contained flats in two blocks.
Approved – S106 signed 01.10.03

4. CONSULTATION RESPONSES

- 4.1 Parish/Town Council
Unparished area.
- 4.2 Highway Structures
No comment.
- 4.3 Lead Local Flood Authority
No objection.

Other Representations

- 4.4 Local Residents
Two comments have been received from local residents:
- Dormer windows will result in invasion of privacy of front bedroom of No. 10 Ducie Road;
 - Original plans did not include flats being built in the roofspace;
 - Application is not for 13 Ducie Road, this relates to Ducie Court flats which is mis-leading.

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development
Saved policy H4 of the adopted Local Plan allows the principle of extensions and alterations within residential curtilages, subject to considerations of visual amenity, residential amenity and highway safety. Policy CS1 of the adopted Core Strategy seeks that the siting, form, scale, height, massing, detailing, colour and materials are informed by, respect and enhance the character, distinctiveness and amenity of both the application site and its context. The proposal accords with the principle of development, subject to a detailed assessment below.

5.2 Visual Amenity

The area is characterised by two-storey terraced dwellings. The existing block of flats sits to the south of the historic housing. Previous planning permission Ref. PK07/3546/F regularised a number of amendments to the Ref. PK02/2642/F approved scheme, including the creation of 1no. flat within the roofspace. This additional flat is the subject of this application and seeks to replace the velux windows with dormer windows.

5.3 It is considered that the proposed replacement of 3no. velux windows on the front (east) elevation and 2no. velux windows on the rear (west) elevation with dormer windows would not cause significant harm to the character of the host building and the locality given that the dormers would match existing. There are already 3no. existing dormer windows on the front elevation serving flat 8; the proposed replacement of the existing velux windows would therefore help the proposed development to be integrated with the existing building. The size of the dormer windows at the front will match that of the two existing smaller front elevation dormers. A condition was attached to Ref. PK07/3546/F requiring the cheeks of the dormers to be painted a terracotta colour to match the roof tiling to ensure the appearance of the dormers is enhanced and well-integrated. A similar condition will also be attached to this permission to ensure that the dormer windows on the front elevation are similar in appearance.

5.4 Whilst it is accepted that the replacement dormer window on the rear (west) elevation would be much larger than the others it is not considered to harm the appearance of the building or character of the area given it is not visible from the public realm. The rear dormer window would serve a small bedroom and the living room and is important as it would significantly increase the quality of the living space in these rooms. Overall, the proposal is considered to be acceptable in terms of design and appearance.

5.5 Impact upon Residential Amenity

The flat is located within an established residential area, located just off Staple Hill high street (Broad Street) to the south. The revised window arrangement seeks to replace the existing velux windows with dormer windows, adding head height within the flat. The replacement dormer windows on the front elevation does not result in additional overlooking of the properties opposite. There is a distance of at least 25 metres between the front dormer windows and the dwellings on the east side of Ducie Road. Similarly, the large rear dormer window is unlikely to result in overlooking as it is some 30+ metres from the rear of dwellings on Beaufort Road. Overall, there is considered to be no adverse impacts on residential amenity as a result of the proposed development.

5.6 Other matters

A comment has been received from a local resident that the address of the proposal is incorrect and mis-leading as this application clearly relates to a flat in Ducie Court and not No. 13 Ducie Road.

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 **APPROVED** 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 attached conditions.

Contact Officer: Katie Warrington
Tel. No. 01454 863436

CONDITIONS

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

Reason

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

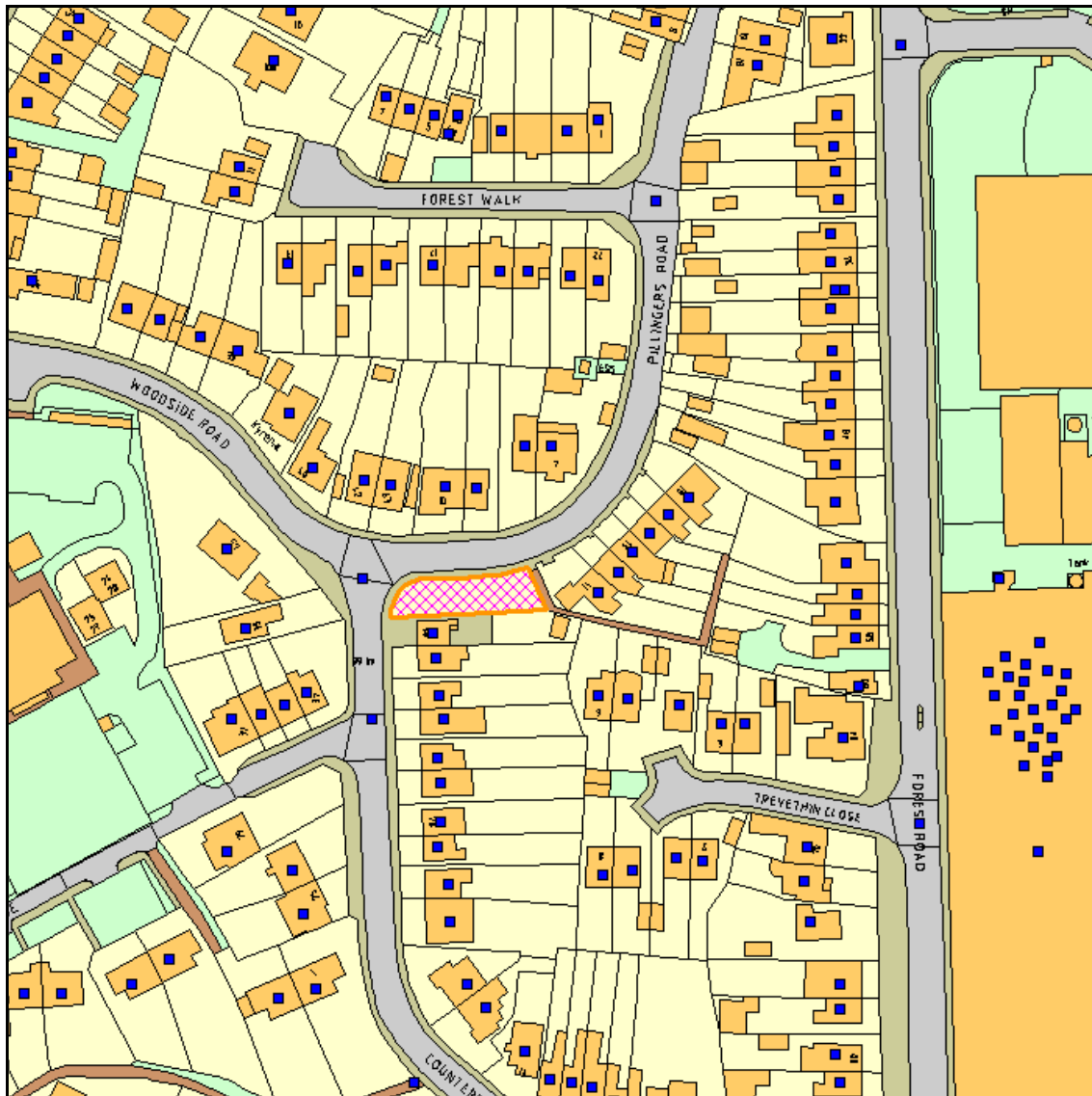
2. Within 3 months of the installation of the 3no. front (east) elevation dormer windows, the cheeks of all 3no. dormer windows shall be painted in a terracotta colour to match the existing roofing tiles.

Reason

To ensure the dormer windows integrate with the appearance of the existing dormer window, to accord with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; and the National Planning Policy Framework.

CIRCULATED SCHEDULE NO. 42/16 – 21 OCTOBER 2016

App No.:	PK16/4775/F	Applicant:	Mr Slade Tearmallet Limited
Site:	Land Adjacent To 38 Counterpool Road Kingswood Bristol South Gloucestershire BS15 8DQ	Date Reg:	24th August 2016
Proposal:	Erection of 1no. detached dwelling with access, parking and associated works.	Parish:	None
Map Ref:	364433 173296	Ward:	Woodstock
Application Category:	Minor	Target Date:	17th October 2016



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 100023410, 2015. N.T.S. PK16/4775/F

REASON FOR REPORTING TO THE CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 This application seeks planning permission for erection of a detached dwelling on a piece of land to the north of 38 Counterpool Road in Kingswood. This piece of land is separate from number 38 itself and is in a poorly maintained state. Whilst it is not entirely clear as to the historic use of this land, it is considered likely that it once formed part of the curtilage of 38 Counterpool Road and that it was divided from the wider side when the house was converted into flats. The proposed dwelling would contain 3 bedrooms and 2 parking spaces would be provided from Pilingers Road. The proposed dwelling would have a rendered external finish and a hipped roof; the properties on Countpool Road are of similar design albeit generally in pairs of semi-detached dwellings.
- 1.2 Planning permission for a near identical dwelling was permitted on this site in 2012; this consent expired in November 2005. This application should therefore be considered as an application for a replacement planning permission.
- 1.3 Since the permission in 2012 was determined, the Core Strategy has been adopted. However, at the time of decision the Core Strategy was well advanced it was a material planning consideration at the time.
- 1.4 In terms of site constraints, there are a number of protected trees in the vicinity of the application site. The site also falls within the coal referral area due to past mining activity.

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
CS15 Distribution of Housing
CS16 Housing Density
CS17 Housing Diversity
CS29 Communities of the East Fringe of Bristol

South Gloucestershire Local Plan Adopted January 2006 (Saved Policies)

L1 Landscape
L5 Open Areas
T12 Transportation

- 2.3 Supplementary Planning Guidance
Residential Parking Standard SPD (Adopted) December 2013

3. RELEVANT PLANNING HISTORY

- 3.1 PK12/3007/F Approve with Conditions 27/11/2012
Erection of 1no. detached dwelling with new access, car parking and associated works. (Resubmission of PK07/3643/F)
- 3.2 PK08/1321/F Approve with Conditions 20/06/2008
Erection of 1no. detached dwelling with new access, car parking and associated works. Erection of 1.8m high timber fence. (Resubmission of PK07/3643/F).
- 3.3 PK07/3643/F Refused 04/02/2008
Erection of 1no. detached dwelling with new access, car parking and associated works.

4. CONSULTATION RESPONSES

- 4.1 Parish/Town Council
This area is unparished
- 4.2 Coal Authority
No objection subject to condition
- 4.3 Highway Structures
No comment
- 4.4 Lead Local Flood Authority
No objection
- 4.5 Tree Officer
Updated arboricultural report has been submitted and this is acceptable

Other Representations

- 4.6 Local Residents
2 comments have been received in regard to this application. These comments raise the following matters:
- Applicant requested to provide additional information with regard to the building contractor and programme
 - Application does not include the 'waste' land to the rear of 38 Counterpool road – which is becoming an amenity issue

5. ANALYSIS OF PROPOSAL

- 5.1 This application seeks planning permission for the erection of a detached dwelling in Kingswood.
- 5.2 Principle of Development
The application site is located in the existing urban area of the East Fringe of Bristol where, under policy CS5, is a location generally deemed appropriate for infill housing. Planning permissions PK12/3007/F and PK08/1321/F are also material as these establish that the local planning authority has previously found development of this nature on this site acceptable. Policy L5 is also relevant and seeks to protect important areas of open space from development within the urban areas and existing settlements where those open spaces make a contribution to the character of the area.
- 5.3 However, at present the local planning authority cannot demonstrate a 5-year supply of deliverable housing land. In accordance with paragraph 49 of the NPPF, the policies in the development plan insofar as they relate to housing supply are therefore out of date. When policies are out of date applications for planning permission must be assessed against the presumption in favour of sustainable development. The presumption states that planning permission should be granted unless the adverse impacts of doing so significantly and demonstrably outweigh the benefits of the proposal. It is this 'test' that must be applied in the determination of this planning application and therefore the proposed development is acceptable in principle subject to the analysis set out below.
- 5.4 Design and Layout
With the adoption of the Core Strategy, policy D1 was superseded by policy CS1. Policy CS1 requires all development in the district to meet the 'highest possible' standards of site planning and design. The proposed development is practically identical to that previously permitted in terms of its appearance and site layout. Whilst there has been a policy change it was not previously concluded that the proposal failed to meet an acceptable standard of design and therefore the design and layout of the proposal remains acceptable. This includes the considerations of the loss of the existing open nature to the site; it is not considered that the character of the area would be unduly harmed through the loss of the open nature of this land.
- 5.5 Residential Amenity
Development should not be permitted that has a prejudicial impact on residential amenity. This includes the amenity of all nearby occupiers and for the proposed dwelling.
- 5.6 It has previously been found that development on this site would not lead to a detrimental impact on residential amenity. As the proposed development is almost identical to that previously granted planning permission there is no reason to assume that this situation is the same and therefore no objection should be raised on the basis of residential amenity.

5.7 Transport and Parking

Simultaneously as the Core Strategy was adopted, the local planning authority also adopted the *Residential Parking Standard SPD*. This was a material change to the council's policies as it established a minimum parking provision for residential properties rather than a maximum standard as included within policy T8 of the Local Plan (which remains extant for other types of development).

5.8 A 3-bedroom dwelling is required under the Standard to provide 2 off-street parking spaces. Plans have been submitted which indicate that the proposal provides sufficient parking to accord with the Standard. Therefore in terms of parking, the development is acceptable.

5.9 With regard to traffic and highway safety, policy T12 remains the relevant consideration. It was previously concluded that the development would not have a detrimental impact on highway safety. It is not considered that the characteristics of the local highway network have changed considerably since the past planning application was determined. Therefore no objection to the proposal is raised with regard to highway safety.

5.10 Trees

Two trees subject to Tree Preservation Orders are, or have historically, been located on the site. It would appear from the planning history that the previous removal of protected trees has been permitted subject to their replacement. There is no evidence that the replacement trees have been planted.

5.11 The location and species of the trees to be planted on the site to replace those previously removed is required. This can form part of a landscaping condition. The site and the proposed layout are likely to be able to accommodate the necessary trees and therefore, again, a condition would be an appropriate means by which to secure this.

5.12 Land Stability

The application is subject to the coal mining legacy of the area. Past mining activity has the potential to have caused land stability issues. A coal mining risk assessment has been submitted with this application; this has been reviewed by the Coal Authority. The conclusion of the report is that an intrusive site investigation should be undertaken prior to the commencement of development to firmly establish the exact coal mining legacy on the site. This can be secured through the use of a planning condition.

5.13 Other Matters

The public consultation on this application has raised a number of matters which are not addressed above. One requested specific details to be provided with regard to the means, schedule, and process of construction. Given the scale of development, it is not considered by officers that the level of detail requested is required in order to determine this application.

5.14 The other comment raised issues with regard to the land to the rear of 38 Counterpool Road. This land is not within the application site and therefore is not subject to this planning permission. A different section of the Planning Act covers the up keep of land and therefore it is not a matter which can be resolved through this application.

6. CONCLUSION

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

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

7. RECOMMENDATION

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

Contact Officer: Griff Bunce
Tel. No. 01454 863438

CONDITIONS

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

Reason

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

2. Prior to the commencement of development, intrusive site investigation works to establish the coal mining legacy on the site shall be carried. A scheme of intrusive site investigations shall be prepared and submitted and approved in writing by the local planning authority. The approved scheme of investigation shall then be carried out in full.

Reason

To ensure that the risk posed by the past coal mining activity in the area is adequately identified and where necessary mitigated and to accord with Policy CS9 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 and the provisions of the National Planning Policy Framework. This is required prior to commencement to fully engage with the coal mining legacy.

3. Following the site investigations required by condition 2, and prior to the commencement of development, a report of the findings of the investigations shall be submitted to and approved in writing by the local planning authority. Should the report identify that remedial works are required, details of the proposed remediation shall be included within the submission to the local planning authority for approval in writing. The approved remedial works shall be carried out in full.

Reason

To ensure that the risk posed by the past coal mining activity in the area is adequately identified and where necessary mitigated and to accord with Policy CS9 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 and the provisions of the National Planning Policy Framework. This is required prior to commencement to fully engage with the coal mining legacy.

4. Prior to the relevant part 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, including replacement tree planting as required by condition on PK08/1126/TRE (and times of planting); boundary treatments and areas of hardsurfacing shall be submitted to the Local Planning Authority for approval. Development shall be carried out in accordance with the agreed details by the end of the first planting season following the first occupation of the dwelling hereby permitted. Any trees or plants shown on the approved landscaping scheme to be planted or retained which die, are removed, are damaged or become diseased, or grassed areas which become eroded or damaged, within 3 years of the completion of the approved landscaping scheme, shall be replaced by the end of the next planting season. Replacement trees and plants shall be of the same size and species as those lost.

Reason

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

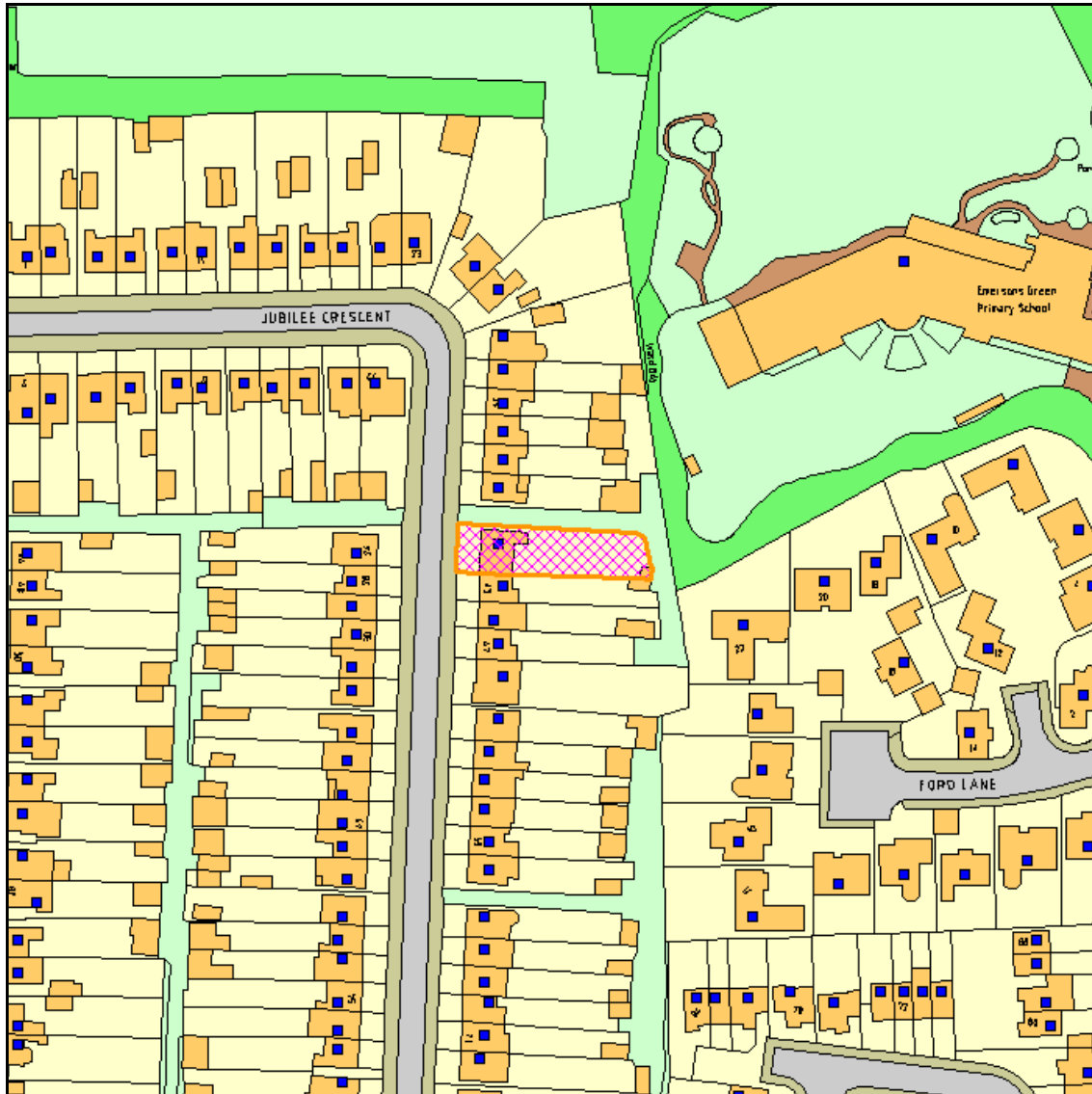
5. The off-street parking facilities (for all vehicles, including cycles) shown on plan 15074_P1 hereby approved shall be provided before the building is first occupied, and thereafter retained for that purpose.

Reason

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

CIRCULATED SCHEDULE NO. 42/16 – 21 OCTOBER 2016

App No.:	PK16/5068/F	Applicant:	Mr J Cowburn
Site:	41 Jubilee Crescent Mangotsfield Bristol South Gloucestershire BS16 9BB	Date Reg:	9th September 2016
Proposal:	Erection of two storey side extension and single storey rear extension to provide additional living accommodation.	Parish:	Emersons Green Town Council
Map Ref:	366494 177015	Ward:	Rodway
Application Category:	Householder	Target Date:	2nd November 2016



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1. THE PROPOSAL

- 1.1 The application seeks full planning permission for the erection of a two storey side and single storey rear extension to provide additional living accommodation.
- 1.2 The application site consists of a two storey end of terrace property situated toward the front of a long, narrow plot. The application site is located along Jubilee Crescent in the urban fringe area of Mangotsfield. Jubilee Crescent gradually slopes downwards in a northerly direction. Therefore properties along the road gradually step down in ridge line from south to north. The original dwelling is finished in white render with a brown tiled, hipped roof.
- 1.3 Amended plans were requested and received on 28th September 2016. These plans incorporated a step down and step back of the proposed two storey side extension as part of the scheme. The amended plans also included the obscure glazing of proposed windows to the north facing elevation of the proposed two storey extension. Further amended plans were requested and received on 11th October 2016. These plans indicated the provision of off street parking as part of the proposal.

2. POLICY CONTEXT

2.1 National Guidance

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

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

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

South Gloucestershire Local Plan Adopted January 2006 (Saved Policies)

H4 Development within Existing Residential Curtilages
T12 Transportation

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

PSP8 Residential Amenity
PSP38 Development within Existing Residential Curtilages, Including Extensions and New Dwellings

2.3 Supplementary Planning Guidance

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

3. RELEVANT PLANNING HISTORY

- 3.1 The application site has no planning history. However planning consent has previously been granted for works at nearby properties.
- 3.2 PK07/2468/F *43 Jubilee Crescent*
Erection of two and single storey rear extensions to form additional living accommodation.
Approved: 27.09.2007
- 3.3 K2818/1 *24 Jubilee Crescent*
Erection of single storey rear extension.
Approved: 22.05.1987
- 3.4 K2360/1 *28 Jubilee Crescent*
Erection of single storey rear extension and loft conversion.
Approved: 29.01.1988

4. CONSULTATION RESPONSES

- 4.1 Emersons Green Town Council
Objection – Inadequate parking provision

- 4.2 Other Consultees

Sustainable Transport

No objection – With the proposed extension as shown, the property would technically become a 5-bed house. When assessed against South Gloucestershire Council Parking Standards, the parking requirement as part of the proposal would be 3 parking spaces. However given the size of the front garden, I am satisfied that more parking spaces can be provided in front of the property.

In view of this and having regard to the revised plans (005B and 006B), there is no highway objection. However it is recommended that a planning condition is imposed to the following effects; 'prior to the first occupation of the proposed extensions, parking spaces as shown on the approved plans are to be in place and maintained for such purposes thereafter.'

Other Representations

- 4.3 Local Residents
No comments received

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development
The application seeks permission for the erection of a two storey side and single storey rear extension to provide additional living accommodation.

Saved policy H4 of the Local Plan permits extensions and alterations to existing dwellings within established residential curtilages subject to an assessment of design, amenity and transport. As well as the criteria of saved policy H4, the proposal will be considered with regards to design against policy CS1 of the Core Strategy. The development is acceptable in principle but will be determined against the analysis set out below.

5.2 Design and Visual Amenity

Policy CS1 of the Core Strategy and saved policy H4 of the Local Plan seek to ensure that development proposals are of the highest possible standards and design. This means that developments should have appropriate: siting, form, scale, height, massing, detailing, colour and materials which are informed by, respect, and enhance the character, distinctiveness and amenity of both the site and its context.

Two storey side

5.3 The proposed two storey side extension would facilitate the creation of a ground floor play room, a new first floor bedroom and an additional first floor bathroom. Revised plans incorporating amendments to the proposed two storey side extension were requested and received. The requested amendments involved the stepping down of the proposed ridge line, the stepping back of the proposed extension from the principal elevation of the existing dwelling, and the obscure glazing of the north facing windows.

5.4 The stepping down of the ridge line of the proposed side extension from the ridge line of the original dwelling allows for the extension to follow the step-down pattern present at other properties along Jubilee Crescent, as well as allowing the proposed extension to appear more subservient to the original dwelling. The stepping back of the proposed extension from the principal elevation of the existing dwelling would also allow for the extension to appear more subservient to the original dwelling. The obscure glazing of the north facing windows at the proposed side extension will reduce any loss of privacy on the property located to the north of the application site at No. 39 Jubilee Crescent.

5.5 The revised plans indicate that the roof of the proposed two storey side extension would have a ridge height of approximately 7.4m; stepping down approximately 0.2m from the ridge height of the original dwelling. The eaves height of the proposed side extension would match that of the existing dwelling at approximately 5.1m. At present, an existing garage extends from the north elevation of the main dwelling by approximately 2.4m. The proposed two storey extension would replace this dwelling, and would extend from the main dwelling by approximately 3m. This would result in an increase in the overall width of the subject property to approximately 9.6m. The proposed side extension would be built flush to the rear of the existing dwelling, and would therefore have a depth of approximately 6.4m. This represents a reduction of 0.5m in comparison to the existing dwelling, due to the revised stepping back of the proposed side extension from the principal elevation of the property.

5.6 Following the submission of revised plans, the proposed two storey side extension is deemed as being acceptable in terms of design. Whereas the

original plans indicated a side extension that was deemed overly dominant in comparison to the host dwelling and failed to respect the character of the immediate surrounding area; the stepping down and stepping back of the proposed two storey side extension has significantly increased the levels of subservience between the host dwelling and the proposed side extension. The proposed stepping down of the ridge line of the proposed two storey side extension allows for the extension to follow the step-down (from south to north) pattern of properties along Jubilee Crescent.

- 5.7 Additionally, the materials proposed to finish the two storey side extension would match those used to finish the existing dwelling. Overall, whilst it is recognised that the proposed two storey side extension would impact upon the streetscene and the character of the immediate surrounding area, this impact is not considered to be harmful. Therefore it is considered that the design of the proposed two storey side extension satisfies policies CS1 of the Core Strategy and H4 of the Local Plan.

Single storey rear

- 5.8 The proposed single storey rear extension would facilitate the enlargement and amalgamation of the kitchen and dining room at the subject property. The proposed rear extension would be built with a flat roof with a lantern window. The maximum height of the proposed rear extension would be approximately 3m. The proposed rear extension would extend across the entire width of the subject property, exclusive of a 0.1m step in from the boundary with the adjoining property to the south at No. 43 Jubilee Crescent. The proposed rear extension would therefore have a width of approximately 9.5m. The proposed rear extension would protrude from the rear of the property by approximately 4.5m. This portion of the proposal would replace an existing utility room which protrudes from the rear of the main dwelling (width: 2.5m; height: 3m; depth 2.6m). The 'Relevant Planning History' section of this report indicates the granting of planning consent for similar works within the immediate surrounding area.
- 5.9 Due to its location to the rear of the property, the impacts of the proposed rear extension on the streetscape and the character of the immediate surrounding area would be minimal. Additionally, single storey rear extensions similar to that proposed are commonplace in the immediate surrounding area. The scaling and height of the proposed rear extension would allow for it to appear subservient to the main dwelling, and the materials put forward to finish the proposed rear extension would match those used to finish the existing dwelling. Overall, it is considered that the design of the proposed rear extension respects the character of the host dwelling and the surrounding area, and therefore conforms to the design criteria set out in policies CS1 of the Core Strategy and H4 of the Local Plan.
- 5.10 Residential Amenity
Saved Policy H4 of the Local Plan explains that development will be permitted provided that it would not detrimentally impact the residential amenities of nearby occupiers and would not prejudice the retention of adequate private amenity space.

Two storey side

- 5.11 When considering the impacts of the proposed two storey side extension on the residential amenity currently enjoyed by the occupiers of neighbouring properties, the main property under consideration is No. 39 Jubilee Crescent, located to the north of the application site. As the proposed two storey side extension does not extend to the front or rear of the property, it is deemed that it will not significantly impact upon the residential amenity of properties located to the front and rear of the application site. By virtue of its location, the proposed two storey side extension would be largely screened from the adjoining property to the south at No. 43 Jubilee Crescent. As such, it is deemed that its construction would not significantly impact upon the residential amenity enjoyed at this property.
- 5.12 When assessing the impacts of two storey side extensions on the residential amenity of nearby occupiers, it is important to consider any possible sense of overbearing, loss of light or loss of privacy the proposal could result in. It is considered that following the inclusion of obscurely glazed north-facing windows as part of the amended plans, the erection and occupation of the two storey side extension will not result in a loss of privacy through overlooking at No. 39 Jubilee Crescent. By virtue of the rear access lane separating the application site and No. 39 Jubilee Crescent, it is deemed that the proposed two storey side extension would not result in a sense of overbearing or appear overly dominant in comparison to this neighbouring property. It is noted that the proposed two storey side extension may result in a loss of light to the rear garden at No. 39 Jubilee Crescent; however it is considered that this loss of light would be minimal.
- 5.13 With regard to the impacts of the proposed two storey side extension on the residential amenity currently enjoyed at the subject property, it is not considered that the proposed side extension would result in any significant adverse impacts. Whilst it is recognised that the construction of the side extension would result in a loss of light to the rear garden of the subject property, it is deemed that the loss caused by the side extension would be minimal when compared to the loss caused by the existing dwelling. It is also considered that the obscure glazing of north facing windows would not result in a loss of residential amenity at the subject property. The affected ground floor play room and first floor bedroom are served by larger, west facing windows. The only other affected room consists of a secondary room in the form of a utility room. Overall, in terms of residential amenity it is considered that the two storey side extension satisfies the criteria set out in policy H4.

Single storey rear

- 5.14 When considering the impacts of the proposed single storey rear extension on the residential amenity currently enjoyed by the occupiers of neighbouring properties, the main property under consideration is No. 43 Jubilee Crescent located to the south of the application site. Any adverse impacts brought about by the proposed rear extension on the residential amenity of No. 39 Jubilee Crescent to the north are significantly reduced, by virtue of the separation of this property and the application site by a rear access lane. Due to the significant distance between the rear of the property and any neighbouring

properties to the rear of the application site, it is deemed that the proposed rear extension will not impact upon the residential amenity of these properties.

- 5.15 The proposed rear extension is set to be located in close proximity to the boundary separating the application site and the adjoining property at No. 43 Jubilee Crescent. The boundary treatment consists of a tall hedge and timber fencing. Due to the height and protrusion of the proposed rear extension, it is deemed that its construction would not result in a sense of overbearing, loss of privacy through overlooking or loss of light for No. 43 Jubilee Crescent. It is therefore considered that the proposed rear extension would not have significant adverse impacts on the residential amenity currently enjoyed by the occupiers of the adjoining property.
- 5.16 It is noted that the erection of the proposed rear extension would represent the loss of outdoor private amenity space currently present at the application site. However due to the length of the rear garden at the application site (approximately 30m), it is deemed that sufficient outdoor amenity space would remain. Overall, in terms of residential amenity it is considered that the single storey rear extension satisfies the criteria set out in policy H4.
- 5.17 Transport
An objection was made by the Town Council relating to inadequate parking provision as part of proposal. At present, the existing property makes provision for only one parking space; located to the front of the subject property. When scaling from the submitted plans, the garage present at the application site is not considered wide enough to constitute an existing parking space. Therefore it is considered that the loss of this garage as part of the proposal would not represent the loss of an existing parking space.
- 5.18 Original plans submitted indicated the provision of only one parking space as part of the proposal. South Gloucestershire Residential Parking Standards SPD outlines that both 3 and 4 bed dwellings must provide a minimum of 2 parking spaces; each measuring a minimum of 2.4m x 4.8m. Parking Standards outline that a 5 bed dwelling must provide a minimum of 3 parking spaces. Revised plans (drawing No. 005 B) indicate the provision of a parking area measuring approximately 9m in width, and no less than 4.8m in length. Therefore this area is sufficiently large as to provide space for the parking of 3 vehicles.
- 5.19 In this case it is deemed that, as a response to the enlargement of the dwelling through the proposed works, the provision of a minimum of 2 parking spaces is sufficient. As is highlighted in the transport officer comments, this area of parking and access will need to be provided before the completion of the proposed extension. A condition will be attached to any approval, outlining the requirement for this to be carried out.
- 5.20 It is noted that the designation of this area to the front of the property for parking will result in a loss of the front garden at the property. Whilst this is deemed to be undesirable in terms of the impact on the streetscape and character of the surrounding area, it is recognised that similar parking areas have previously been implemented at other properties along Jubilee Crescent. Overall, it is considered that the proposal conforms to criteria set out in saved

policies H4 and T12 of the Local Plan (2006), as well as South Gloucestershire Residential Parking Standards SPD.

6. CONCLUSION

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

7. RECOMMENDATION

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

Contact Officer: Patrick Jackson
Tel. No. 01454 863034

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 off-street parking facilities (for all vehicles, including cycles) shown on the plan (005 B) hereby approved shall provide parking provision for a minimum of 2 vehicles, and shall be provided before the extensions are 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.

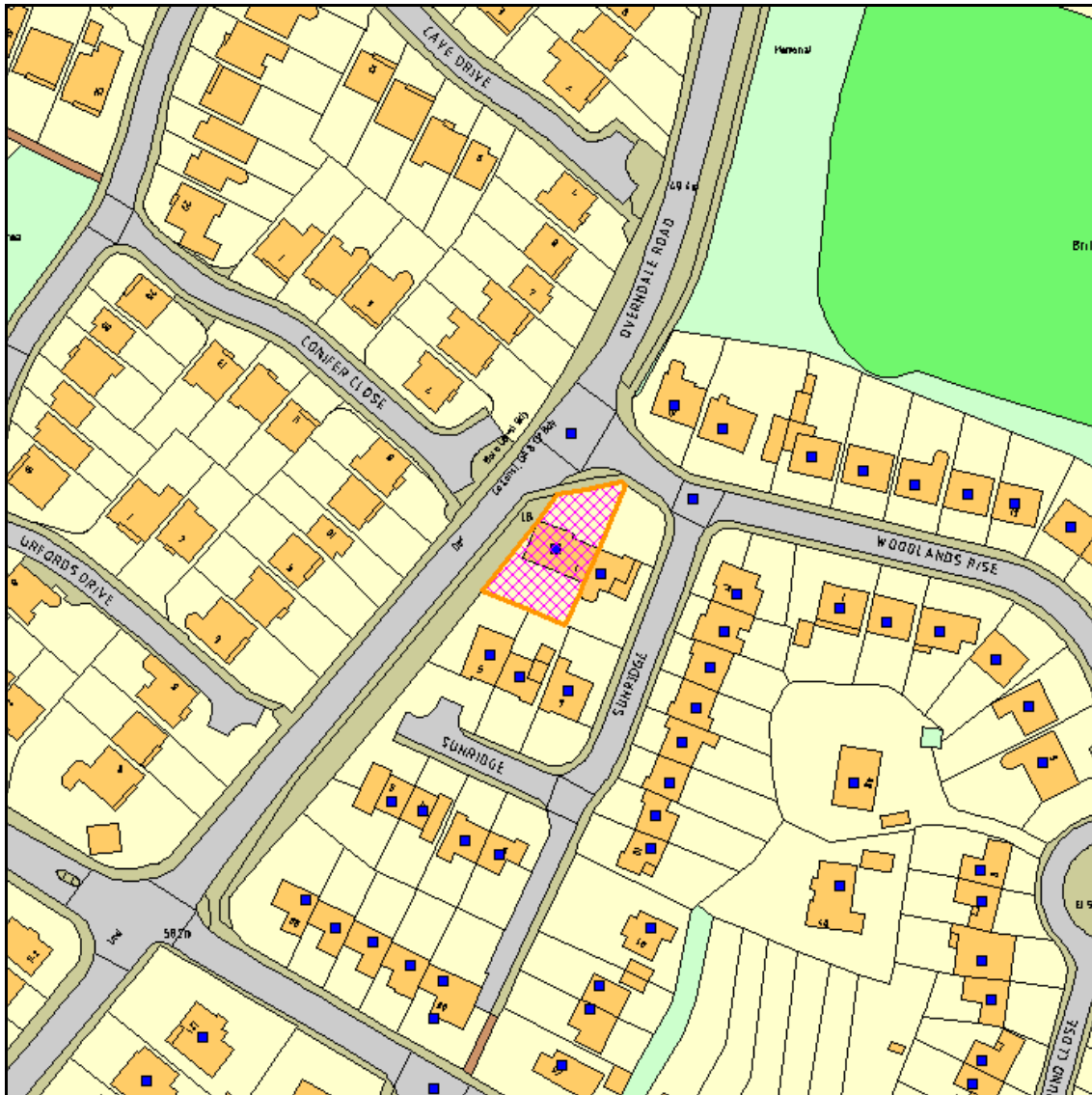
4. The hours of working on site during the period of construction shall be restricted to 0800 - 1800 on Mondays to Fridays and 0800 - 1300 on Saturdays; and no working shall take place on Sundays or Public Holidays. The term 'working' shall, for the purpose of clarification of this condition include: 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.

CIRCULATED SCHEDULE NO. 42/16 – 21 OCTOBER 2016

App No.:	PK16/5103/CLP	Applicant:	Mr A Harding
Site:	1 Sunridge Downend Bristol South Gloucestershire BS16 2RY	Date Reg:	12th September 2016
Proposal:	Certificate of Lawfulness Proposed for the erection of a single storey rear extension. (Class C3)	Parish:	Downend And Bromley Heath Parish Council
Map Ref:	364593 176794	Ward:	Downend
Application Category:		Target Date:	2nd November 2016



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 100023410, 2015. **N.T.S.** **PK16/5103/CLP**

REASON FOR REPORTING TO THE CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 The applicant is seeking a formal decision as to whether the proposed erection of a single storey rear extension at 1 Sundridge, Downend 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

National Planning Policy Framework March 2012

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

- 3.1 PK05/2431/F – Approval – 06/10/2005 – Erection of first floor extension over existing garage and utility room to form additional living accommodation.
- 3.2 P98/4227 – Approval – 14/05/1998 – Erection of two storey side extension and attached garage.
- 3.3 K1899/1 – Approval – 16/07/1980 – Erection of single storey side extension.
- 3.4 K1899 – Approval – 27/07/1977 – Alterations and extension to existing dwelling to provide a kitchen, dining room, utility room, garage, bedroom and shower room.

4. CONSULTATION RESPONSES

- 4.1 Downend and Bromley Heath Parish Council
No Objection
- 4.2 Other Consultees
None Received

Other Representations

4.3 Local Residents

One objection received – proximity of the proposal to conservatory windows and were any flue/extractor introduced.

It should be noted that this application is for a certificate of lawfulness and this is an evidential test to establish whether the proposed development is lawful according to the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 Schedule 2 Part 1 Class A and there is no consideration of planning merit. If the facts presented indicate the proposal accords with the aforementioned Class, the Local Planning Authority must grant a certificate confirming the proposed development is lawful. As a result any objection comments should not impact the outcome of the decision.

5. SUMMARY OF EVIDENCE IN SUPPORT OF APPLICATION

Application Form; Existing Floor Plan; Site Location Plan; Proposed Floor Plan; Existing and 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 Class A of the GPDO (2015).

6.3 The proposed development consists of a single storey extension to the rear of the property. This development would within Schedule 2, Part 1 Class A of the GPDO (2015), which allows for the enlargement, improvement or other alterations of dwellinghouse, provided it meets the criteria detailed below:

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

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

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

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

The total area of 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 by more than 4 metres nor does it exceed 4 metres in **height**.

- (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 height of the eaves is below 3 metres.

- (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 extend beyond the side elevation of the dwellinghouse.

- (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 proposed plans indicate that the proposal will be finished with render, windows and roof tiles to match existing. 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

Not Applicable.

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

Not Applicable.

7. RECOMMENDATION

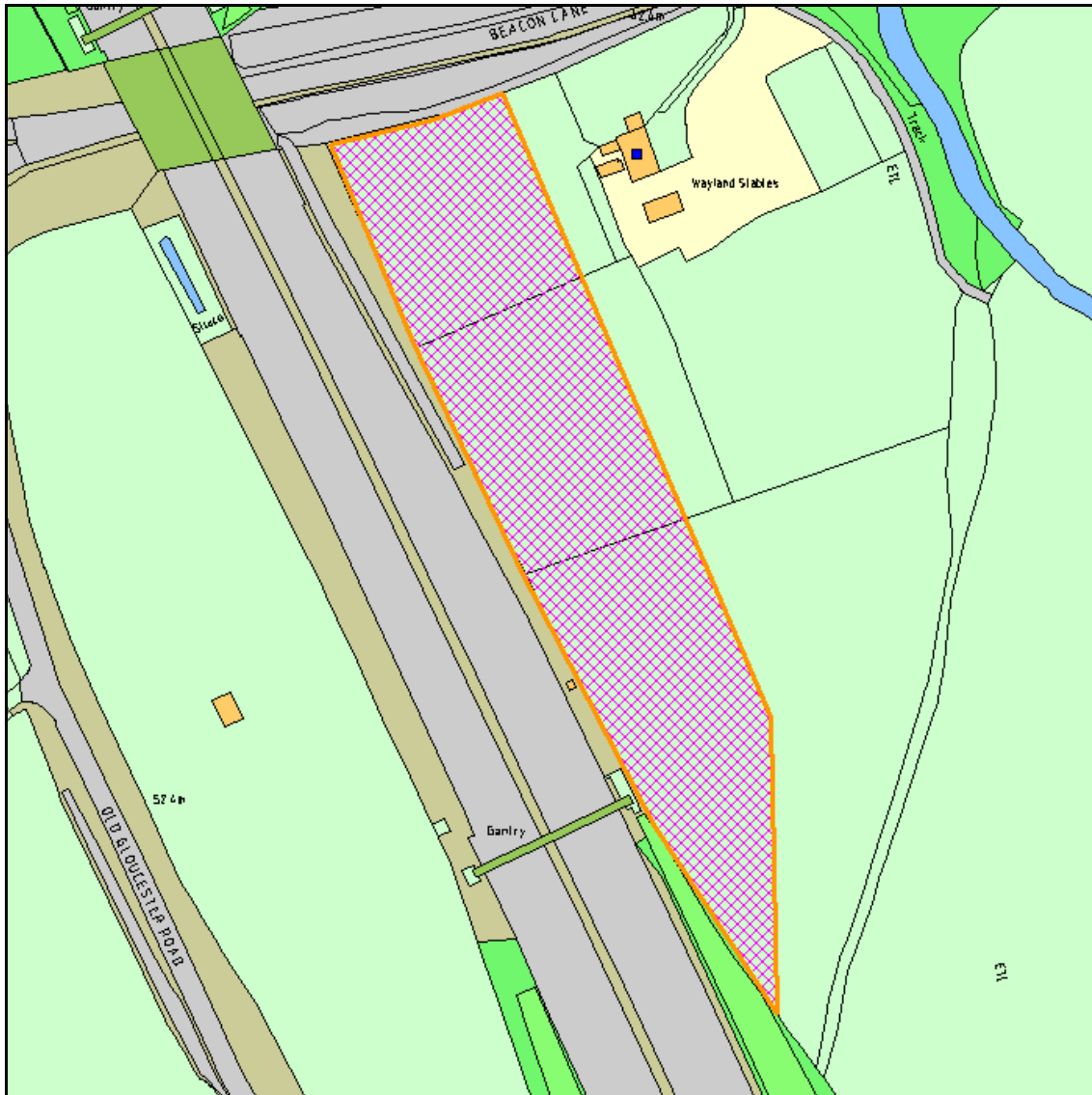
- 7.1 That a certificate of Lawfulness for Proposed Development is granted for the following reason:

Evidence has been provided to demonstrate that on the balance of probabilities the proposed extension would fall within the permitted rights afforded to householders under Part 1, Class A of the Town and Country Planning General Permitted Development Order 2015.

Contact Officer: Hanni Osman
Tel. No. 01454 863787

CIRCULATED SCHEDULE NO. 42/16 – 21 OCTOBER 2016

App No.:	PT15/3284/F	Applicant:	Mr Gary Barke
Site:	Wayland Stables Beacon Lane Winterbourne Bristol South Gloucestershire BS36 1SB	Date Reg:	12th August 2015
Proposal:	Formation of acoustic bund and associated works.	Parish:	Winterbourne Parish Council
Map Ref:	363876 180372	Ward:	Winterbourne
Application Category:	Major	Target Date:	9th November 2015



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 100023410, 2015. **N.T.S.** **PT15/3284/F**

REASON FOR REPORTING TO THE CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 The application seeks consent for the formation of an acoustic bund and associated works. The site is located immediately adjacent to the M4 motorway, running south from Beacon Lane, Winterbourne. The site is located within the designated Green Belt. The bund would measure approximately 220 metres in length to a maximum height of approximately 6 metres at the highest point, above existing ground levels, which slope gradually away from the motorway. The proposals would involve the importation of approximately 45,000 cubic metres of soils. This is broken down by the applicants, over a period of 18 months for construction, to equate to approximately 13 loads per day. Access to the site would be from the existing access to Wayland Stables, off the B4057 (Beacon Lane). The purposes of the bund is stated as being an acoustic barrier for the dwelling at Wayland Stables. A Flood Risk Assessment, Noise Assessment and Ground Investigation/Geotechnical Design Report have been submitted in support of the application.

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

L1 Landscape
T12 Transportation
L4 Forest of Avon
EP2 Flood Risk and Development
EP4 Noise Sensitive Development
L9 Species Protection

South Gloucestershire Core Strategy (Adopted) December 2013

CS1 High Quality Design
CS4A Presumption in Favour of Sustainable Development
CS9 – Managing the Environment and Heritage

South Gloucestershire Minerals and Waste Local Plan (Adopted May 2002) Policy 45
Environmental Bunds

West of England Joint Waste Core Strategy (Adopted) 2011

Policy 8 Engineering or Other Operations

South Gloucestershire Policies Sites and Places Plan: Proposed Submission

Supplementary Planning Guidance

3. RELEVANT PLANNING HISTORY

- 3.1 Consent and numerous ongoing renewal consents for the use of land for the stationing of a mobile home throughout the 1980's and 1990's.
- 3.2 PT13/1149/F - Permanent stationing of 1no. log cabin following expiry of temporary consent. Approved 26th November 2013.
- 3.3 PT14/0639/F - Erection of a replacement hay barn and stables. Approved 30th June 2014.

4. CONSULTATION RESPONSES

4.1 Winterbourne Parish Council

The comments of the Parish Council are Objection. There has been no comment received from the Highways Agency as to what effect this amount of earth could have being put up against the motorway. Members are concerned about the detritus that could potentially be left on Beacon Lane with the arrival of such a large amount of soil as it is a very busy road. Also they are concerned as to how the soil going into the bund would be managed to ensure no sub standard materials are used.

Following reconsultation of further details including waste recovery, vehicle access, ecology and drainage, a further response was received from Winterbourne Parish Council, as follows:

The comments of the Parish Council are Objection. The members are very concerned about the number of tipping lorries which will be using Beacon Lane which is already very busy. Even with wheel washing facilities there will still be a large amount of extra mud on the road. It will not only have an effect on motorists but also on the footpath which is used by school children, and also the cycle path. Members are also concerned about the environmental effect of so much material against the motorway and if any subsequent run off of rain will contaminate the surrounding land and Bradley Brook.

Bradley Stoke Town Council

As an adjoining parish, Bradley Stoke Town Council objects to this planning application on grounds of environmental impact during construction. A construction management plan is needed incorporating measures to mitigate the build up of construction residue on the surrounding road network. Councillors suggest that, as an absolute minimum, wheel washing facilities are available on the site and regular road sweeping carried out by the applicant. Due consideration also needs to be given to the movement of heavy vehicles and the potential for damage to the road surface.

Following reconsultation of the further details received, a further response was received from Bradley Stoke Town Council, as follows:

As an adjoining parish, Bradley Stoke Town Council has no objection to the amended plans for this application, on condition that the following are agreed to:

- Regular road sweeping needs to form a condition of the planning permission, if granted
- The potential for damage to the road surface and pavement needs to be addressed and provision made to repair the damaged surfaces as a planning condition, with provision also being made to ensure that the highway drainage system and gullies are regularly checked and cleared of all debris
- Wheel-wash facilities need some form of appropriate drainage to prevent run-off onto the public highway

4.2 Other Consultees Sustainable Transportation

Insufficient information has been submitted for me to assess the impact of the development on Beacon Lane. Can you please ask the Applicant to submit details of the site access and temporary haul route all within the Application site boundary. The existing access onto Beacon Lane would need to be widened and details of the swept paths of two 4 axle earth moving trucks passing at the site access should be submitted. A Construction Environment Management Plan would be needed and this can be secured by condition. Consideration needs to be given to protecting access to the public right of way adjacent to the site access.

Following consultation of the further details received, including transportation, a further response was received from Sustainable Transportation, as follows:

This information has addressed my earlier concerns about the suitability of the access arrangements. I recommend no transport objection subject to the following conditions. The development shall not commence until the temporary access has been completed in accordance with submitted unnumbered drawing dated Jan 2015 showing a passing bay 20m from the site access and it shall be surfaced in a consolidated material (not loose stone or gravel) for a minimum distance of 20m from the public highway.

Highways England

More details were required on matters of geotechnical information on the design construction and maintenance of the bund, water run –off/drainage and additional drawings to enable the impact upon the adjacent motorway to be fully assessed. A holding objection was placed on the application.

Upon receipt of further combined Ground Investigation and Geotechnical Design Report it was subsequently considered that the details satisfactorily addressed those previous issues and that the bund would not have an adverse impact upon the motorway. Conditions on any consent are recommended.

Environmental Protection

The proposed development involves the importation of a significant quantity of material to create the bund (45,000 m³). Although the statement of support states that the material will only comprise “uncontaminated sub soils” no details have been supplied as to how this will be assessed and managed. Prior to commenting, the information below should be provided.

- (i) Details of the source(s) of the imported material.

- (ii) The acceptance criteria (chemical test data) against which the soils will be assessed to demonstrate the material is uncontaminated.
- (iii) The scheme for the frequency of testing of the material (eg number of samples per 250m³).

Landscape

It is considered that the proposal is unlikely to have any significant impact regarding landscape character or visual amenity with regard to the openness of the Green Belt. Conditions are recommended for detailed planting and maintenance

Ecology

This application, although likely to have ecological benefit once constructed, does appear to have potential to impact on protected species that may be present in the current habitats, e.g. possibly reptiles, nesting birds, badger. It will therefore be necessary to provide an ecological appraisal to accompany the proposals to ensure that appropriate avoidance and, if necessary, mitigation is in place

Highways Structures

No comment

Arts and Development

No comment

Drainage

Details of a toe drain for the proposed acoustic bund have not been provided as part of the submitted documents. The proposed acoustic bund at this site must be provided with an approved toe drain which is to be taken to a positive drainage system or watercourse to prevent flooding of property or adjacent land in accordance with Policy EP2 of the South Gloucestershire Local Plan. The construction of a bund must not block natural flow from an adjacent site causing flooding within that land. Details of such proposals are required for approval by both South Gloucestershire Planning Authority and Technical Support (Street Care).

Other Representations

4.3 Local Residents

2 letters of objections were received, raising the following concerns:

- concern over increase in vehicle movements
- the path past the entrance is used by school children and cyclists providing a conflict with HGV's
- any increase in slope may affect drainage onto the road and brook and the speed of run-off exacerbating existing issues
- the proposals would remove opportunities to see the Green Belt and things like St Michaela Church and the Medieval Barn from the motorway
- we should not seek to create a completely screened and sterile corridor along the M4
- the increase in the motorway to the 4th lane would not have any impact
- the applicants sought to be resident on site with the stables, if noise levels are considered to be detrimental to the dwelling then the land is not suitable for a dwelling

- the agricultural tie requires the domestic structure to be removed if not occupied by someone farming the land, other works undertaken on site should also be reversible
- the land is near to class one agricultural land and should be preserved to be returned to agricultural use in the future, not buried under various earth from nearby developments
- other options are available to provide screening instead of a commercial tipping operation to the detriment of the land and safety of path users

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Paragraph 14 of the NPPF states that there is a presumption in favour of sustainable development unless there is a significant and demonstrable harm that outweighs the benefit. Policy 45 of the South Gloucestershire Minerals and Waste Local Plan requires that environmental bunds should be justified, utilise a minimum amount of material to achieve the objective and be of clean/inert material. Policy 8 of the JWMP reflects this stance in terms of engineering and other operations. The purpose of the bund is stated as being an acoustic bund to protect the amenity of occupiers of Wayland Stables. An acoustic report has been commissioned to address technical acoustic requirements. This concludes that existing noise levels are, in accordance with technical guidance, unacceptably high and that the bund would reduce noise levels as such to represent major and substantial beneficial change. The levels of material likely to be required to achieve the design is therefore considered reasonable for the purpose. The timescales for the development and HGV generation that this would give rise to are broken down in more detail in the relevant section below. The importation of material could also be limited by condition. The acceptability of the proposed development at this location in visual amenity and landscape terms is discussed in more detail in the relevant section below. Additionally planting will be provided on the bund. It is not considered that the construction of the bund would result in the loss of high quality or significant agricultural land. It is proposed that the material used in the construction of the bund would be soils, clays, rock and stone. The types and quality of materials used could be limited by condition however they will also be controlled by the requirements of the Environment Agency licensing regime.

5.2 It is considered therefore that the broad principles of the development can be demonstrated to be acceptable in the context of policy requirement, subject to satisfactory consideration of the proposal in its Green Belt context and detailed development control consideration, in particular as to whether the proposal represents an acceptable development in its own right in terms of landform, transportation and local amenity.

5.3 In terms of Green Belt considerations, the proposal is linked to the amenity of the existing dwelling within the site. The NPPF states that engineering operations are not inappropriate within the Green Belt, providing they preserve the openness and do not conflict with the purposes of including land in the Green Belt. The development will be an engineering operation, immediately adjacent to a motorway which, once complete would 'greened' over and planted, no buildings or change of use would occur and in this respect it would not be considered to have any significant impact upon landscape character or visual amenity with regard to the openness in Green Belt terms. Given the nature of the proposals, the considerations the NPPF and of the principle of the proposals in relation to the criteria requirements of Policy 45 above in addressing

acceptable amenity levels at the existing residential dwelling, the proposals are not considered to be an inappropriate form of development within the Green Belt designation and are acceptable in this respect.

5.4 Landscape

The scheme would involve a landscaped bund, which, once complete over a temporary period of construction, would be seeded and planted, incorporating it into the wider landscape. This landscape principle would not be dissimilar to a bund immediately to the north, at Greenacres, approved in the 1990's, where a bund immediately abuts the motorway. It is not considered that, given the nature of the development, its location and landscaping, that it would be construed as a significant or enclosing feature on the general landscape context alongside this motorway location. In this instance therefore it is not considered that the proposed bund would have any significant impact regarding landscape character or visual amenity such as to warrant or sustain objection and refusal on these grounds. It is however recommended that a detailed planting and management plan be requested, through condition, to ensure maximum benefit is achieved from any planting.

5.5 Transportation

Whilst HGV movements will clearly be generated by the need to import material for the construction of the bund, it is considered that the local highway network can accommodate this. For illustrative purposes the vehicle generation can be broken down, over a period of 18 months for construction, to equate to approximately 13 loads per day. Access to the site would be from the existing access to Wayland Stables, off the B4057 (Beacon Lane). Conditions are recommended that would seek to restrict the timescale for any approved development the subject of this application, limit the amount of material to that required to achieve the bund proposed, set hours of operation and delivery and require measures to prevent the tracking of mud onto the highway. In this instance, and given the level of proposed development, the nature of the highway and proposed vehicle movements a dilapidation survey requirement is not considered necessary or proportionate in this instance.

5.6 The proposed access to the site would be from the existing point at Beacon Lane, off the public highway. Additional information and proposed mitigation has demonstrated the suitability of the access arrangements, subject to recommended condition.

5.7 Ecology

The site is not covered by any specific designations in terms of ecology and is likely to add ecological benefit once complete. Notwithstanding this the site does offer potential for habitat of certain species as existing and in this respect a condition is recommended securing site survey and identification of any protected species or their habitat and subsequent protection, as required, resultant from any findings. Such protected species would also be protected by specific acts of law and the applicants responsibilities in this respect will also be set out in any informatives.

5.8 Local Amenity/Environmental Considerations

The landform itself the subject of the application would not be considered to raise any issues associated with impact upon local amenity. The development is relatively remote from other residential properties, up against the motorway, which in its own right generates varying levels of noise at all times. The additional vehicle movements associated with the proposals, in their own right would, along this relatively busy road,

not contribute significantly to any additional amenity impact in this respect. The level of works proposed, likely timescales and hours of operation, during the construction phases, can be controlled to satisfactory standards and conditions are recommended in these respects.

- 5.9 Conditions are recommended to limit the types and amount of material on site. In terms of the precise nature and sources of material and any analysis necessary, this would be controlled by the Environment Agency permitting regime. It is Government advice that controls over a development are not duplicated where a pollution control body would have legislation in place over a development. In this respect the condition recommended is considered sufficient in this instance.

5.10 Drainage

Drainage issues associated with the adjacent motorway were initially subject to a Holding Objection from the Highways Agency. This has subsequently been addressed and the objection removed. Drainage requirements remain in terms of control of potential surface water flow to other areas. A condition is recommended for a scheme of drainage incorporating a toe drain and positive drainage system to prevent any flooding of adjacent land, and this will satisfactorily address any outstanding drainage requirements.

6. CONCLUSION

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 The recommendation to grant permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan, the South Gloucestershire Minerals and Waste Local Plan, the Joint Waste Core Strategy and South Gloucestershire Core Strategy Draft, 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 importation of material for the purposes of the development hereby authorised shall cease on or before the expiry of 18 months from the commencement date which shall be provided to the Council in advance. Thereafter remaining restoration works, contouring and planting shall be completed within a further 3 months.

Reason:

To ensure that the development is completed within a reasonable timescale in the interests of local amenity and to accord with Policies L1 of the South Gloucestershire Local Plan (Adopted) January 2006, CS1 of the South Gloucestershire Core Strategy (Adopted) December 2013 and the provisions of the NPPF.

3. No more than 45000 cubic metres of material shall be imported to the site for the purposes of the remodelling works, upon written request the Local Planning Authority shall be provided with details of volumes of material imported to the site.

Reason

To limit the life of the site and the amount of material that is deposited in the interests of visual amenity and local amenity and to accord with Policies L1 of the South Gloucestershire Local Plan (Adopted) January 2006, CS1 of the South Gloucestershire Core Strategy (Adopted) December 2013, Policy 45 of the South Gloucestershire Minerals and Waste Local and the provisions of the NPPF.

4. Nothing other than soils, sub-soils, clays, stone and rock shall be deposited on the site.

Reason

To prevent pollution of the water environment and to ensure a satisfactory form of development in accordance with Policy EP2 of the South Gloucestershire Local Plan (Adopted) January 2006 and CS1 of the South Gloucestershire Core Strategy (Adopted) December 2013.

5. No operations shall take place, no lorries shall enter or leave the site and no plant or machinery shall be operated other than between 07.30 and 18.00 hours Monday to Friday, 07.30 - 13.00 Saturdays and at no other times or on Sundays and Bank Holidays.

Reason

In the interests of local amenity and in accordance with Policy CS1 of the South Gloucestershire Core Strategy (Adopted) December 2013.

6. A site specific Construction Environmental Management Plan (CEMP), shall be agreed in writing with the Local Planning Authority prior to commencement of work. The CEMP as approved by the Council shall be fully complied with at all times.

The CEMP shall address the following matters:

- (i) Measures to control the tracking of mud off-site from vehicles.

Reason

In the interests of highway safety and to prevent materials from being deposited on the public highway, in accordance with Policy T12 of the South Gloucestershire Local

Plan (Adopted) 2006 and CS1 of the South Gloucestershire Core Strategy (Adopted) December 2013.

Reason

This is a pre-commencement condition to ensure that measures are in place to address any issues of material on the highway at the beginning of development.

7. Prior to the commencement of the development hereby approved a detailed planting scheme shall be submitted to the Local Planning Authority for written approval and thereafter implemented in the next available planting season following the completion of the development. Such a scheme shall include the precise location of planting, species mix, size and type of planting proposed, long term hedgerow management and planting maintenance.

Reason

In the interests of visual amenity and to accord with Policies L1 of the South Gloucestershire Local Plan (Adopted) January 2006, CS1 of the South Gloucestershire Core Strategy (Adopted) December 2013 and the provisions of the NPPF.

Reason

This is a pre-commencement condition to ensure that the satisfactory planting and landscaping of the site is considered and addressed in the development at an early stage.

8. Prior to the commencement of development details shall be submitted to and approved in writing by the Local Planning Authority in respect of measures to:
 - (i) Identify, through site survey, of protected wildlife species and/or their habitat at present (as designated under the Wildlife and Countryside Act 1981 (as amended) and the Protection of Badgers Act 1992).
 - (ii) Protection, as required, of wildlife species, and/or their habitat referred to under (i) above and as identified through the site survey. The approved measures shall be implemented in full unless the Local Planning Authority gives written consent to any variation.

Reason:

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

Reason:

This is a pre-commencement condition to ensure that adequate measures are in place to identify and mitigate any ecological issues encountered.

9. The development shall not commence until the temporary access has been completed in accordance with submitted drawings WS.02.001 and 002, dated Jan 2015 showing a passing bay 20m from the site access which shall be surfaced in a consolidated material (not loose stone or gravel) for a minimum distance of 20m from the public highway.

Reason:

In the interest of highway safety and to accord with Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006 and CS1 of the South Gloucestershire Core Strategy (Adopted) December 2013.

10. The bund hereby permitted shall be constructed in accordance with the recommendations contained in para 7.1.4 of the Combined Ground Investigation and Geotechnical Design Report dated June 2016, in particular that records and testing of the imported materials are made, as well as ensuring the commencing drainage layer is constructed.

Reason

To ensure a satisfactory and safe form of development, to prevent flooding and pollution of the water environment and to accord with Policy T12 and EP2 of the South Gloucestershire Local Plan (Adopted) January 2006 and CS1 of the South Gloucestershire Core Strategy (Adopted) December 2013.

11. A Geotechnical Feedback Report shall be completed and submitted to the LPA and Highways England upon completion of the bund, including comprehensive records of materials used and construction methodology and as built drawings

Reason

To ensure a satisfactory and safe form of development, to prevent flooding and pollution of the water environment and to accord with Policy T12 and EP2 of the South Gloucestershire Local Plan (Adopted) January 2006 and CS1 of the South Gloucestershire Core Strategy (Adopted) December 2013.

12. Prior to the commencement of the development hereby approved, details of a toe drain for the proposed bund shall be submitted to the LPA for written approval. Such details shall provide a positive drainage system or watercourse to prevent flooding of property or adjacent land. The construction of a bund must not block natural flow from an adjacent site causing flooding within that land.

Reason:

In the interests of adequate drainage provision for the site and to accord with Policy EP2 of the South Gloucestershire Local Plan (Adopted) January 2006 and CS1 of the South Gloucestershire Core Strategy (Adopted) December 2013.

CIRCULATED SCHEDULE NO. 42/16 – 21 OCTOBER 2016

App No.:	PT16/2537/RVC	Applicant:	Mr And Mrs Daniel And Joanna Bonnett
Site:	Four Winds Morton Street Thornbury South Gloucestershire BS35 1LB	Date Reg:	9th June 2016
Proposal:	Removal of condition 3 attached to planning permission PT05/3302/F to allow the existing annex to be converted into a separate dwelling.	Parish:	Thornbury Town Council
Map Ref:	364200 191697	Ward:	Thornbury North
Application Category:	Minor	Target Date:	2nd August 2016



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REASON FOR REPORTING TO THE CIRCULATED SCHEDULE

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

1. THE PROPOSAL

1.1 This application seeks permission for the removal of condition 3 of planning permission reference PT05/3302/F. The removal would allow the existing building to function as a separate dwellinghouse, rather than annexe. The application site is Four Winds, located to the east of Morton Street to the north of Thornbury.

1.2 Condition 3 currently reads:

The occupation of the development hereby permitted shall be used wholly in conjunction with, and ancillary to, the use of the existing property as a single dwelling house and shall not be subdivided, separated or altered in any way so as to create two or more separate units of accommodation.

Reason

To avoid the creation of additional dwellings in the open countryside and to ensure that the additional residential accommodation is not occupied as a separate residential unit which may have transportation/residential amenity implications and to accord with Policy H4 of the South Gloucestershire Local Plan (As Intended to be adopted) November 2005.

1.3 Should planning permission be granted, the condition will be removed.

1.4 In considering this application, it is essential to focus only on this condition and not to put attention in other matters not relevant to this application to remove condition 3. It is also necessary to focus attention on the reasons for attaching the condition in the first place. As a decision to approve a S73 application to vary or remove conditions is effectively issuing a new planning permission, it is also necessary to check all conditions attached to the original application are still relevant and necessary and need following through to this new application.

1.5 The application site is outside of any designated urban areas or settlement boundaries, and as such the application site is considered to be within the open countryside.

1.6 Over the course of the application amendments were made to the submitted site plans. An appropriate period of consultation followed such amendments.

2. POLICY CONTEXT

2.1 National Guidance

NPPF	National Planning Policy Framework March 2012
PPG	Planning Practice Guidance

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

H3	Residential Development in the Countryside
H4	Residential Development within an Existing Residential Curtilage
H5	Residential Conversions, Houses in Multiple Occupation and ReUse of Buildings for Residential Purposes
H10	Conversion and Re-Use of Rural Buildings for Residential Purposes
T7	Cycle Parking
T12	Transportation Development Control

South Gloucestershire Local Plan Core Strategy (Adopted)

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
CS12	Safeguarded Areas for Economic Development
CS15	Distribution of Housing
CS16	Housing Density
CS17	Housing Diversity
CS18	Affordable Housing
CS24	Green Infrastructure, Sports and Recreation Standards
CS32	Thornbury
CS33	Housing Opportunity
CS34	Rural Areas

South Gloucestershire Local Plan Proposed Submission Draft: Policies, Sites and Places Plan June 2016

PSP1	Local Distinctiveness
PSP2	Landscape
PSP8	Residential Amenity
PSP11	Transport Impact Management
PSP16	Parking Standards
PSP37	Internal Space and Accessibility Standards for Dwellings
PSP38	Development Within Existing Residential Curtilages, Including Extensions and New Dwellings
PSP39	Residential Conversions, Sub-Divisions and Houses in Multiple Occupation
PSP43	Private Amenity Space Standards

Supplementary Planning Guidance

Residential Parking Standards SPD (Adopted) December 2013

Design Checklist SPD (Adopted) 2007

Waste Collection: Guidance for New Development SPD (Adopted) January 2015

Community Infrastructure Levy and Section 106 Planning Obligations Guide (Adopted) March 2015.

3. RELEVANT PLANNING HISTORY

- 3.1 PT07/0950/F Approve with Conditions 19/04/2007
Erection of single storey front extension and side sun lounge.
- 3.2 PT05/3302/F Approve with Conditions 15/12/2005
Conversion and extension to existing garage and workshop to form annex accommodation.
The application was granted planning permission subject to the three conditions.
- 3.3 N8240/1 Approve with Conditions 21/07/1989
Erection of first floor front extension to form bedroom, and ground floor rear extension to form utility room.

4. CONSULTATION RESPONSES

- 4.1 Thornbury Town Council
Object, the property is outside of the town development boundary.
- 4.2 Sustainable Transport
In principle to this application is unlikely to materially change the travel demands associated with this site. Moreover, it is not proposed to change the site's parking or access arrangements. However, there are concerns about the proposals compliance with the Council's minimum residential car park standards as set out in the Residential Parking Standards SPD adopted in December 2013. This is because we are unsure from the information provided how many bedrooms are present in the property and therefore how many car parking spaces need not be provided by the applicants.

Other Representations

- 4.3 Local Residents
None received.

5. ANALYSIS OF PROPOSAL

- 5.1 The scope of a variation of condition application (section 73 application) is more limited than a full planning application. The Local Planning Authority may only consider the question of the conditions, and cannot revisit or fundamentally change the original permission. It may be decided that the permission should be subject to the same conditions as were on the original permission; or that it should be subject to different conditions; or that permission may be granted unconditionally. There is a right of appeal in the usual way against any conditions imposed.
- 5.2 In assessing this application it is necessary to assess whether the relevant condition, or any variations satisfy the requirements of planning conditions as set

out in the NPPF (NPPF). Paragraph 206 of the NPPF requires all planning conditions to pass the following tests:

- necessary;
- relevant to planning;
- relevant to the development;
- enforceable;
- precise; and
- reasonable in all other respects

5.3 Being mindful of the reason for attaching the conditions in the first place, when assessing this application officers will consider whether the alterations to the eastern boundary treatment would undermine the objectives of the policies listed in the reason for the condition.

5.4 Principle of the Development

The principle of the development of a C3 Residential Dwelling is established by virtue of the previous planning permission. However, the use of a restrictive condition means that the extant permission is restricted to the occupation of the building as a residential annexe, ancillary to the dwelling known as Four Winds.

5.5 Paragraph 14 of the NPPF makes a general presumption in favour of sustainable development. In particular (in respect of decision making) Paragraph 14 of the NPPF makes it clear that where development plans are absent, silent or relevant policies are out of date, the Local Planning Authority should grant planning permission unless:

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

5.6 Since the extant planning permission subject of this application was granted, significant material planning issues have arisen which should be given weight in the assessment and determination of this planning permission. The key material planning issue which has emerged is that South Gloucestershire Council can no longer demonstrate that it has a five year supply of deliverable housing. Accordingly, in considering this application weight should be given to Paragraph 49 of the NPPF which sets out that:

- Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.

5.7 A recent judgement provided clarity to the interpretation of paragraph 49 of the NPPF (Richborough Estates Partnerships LLP v Cheshire East Borough Council

and Secretary of State for Communities and Local Government). The key conclusion from the Court of Appeal is that Paragraph 49 should be interpreted widely and it applies to all policies which are restrictive of where housing development can go. With this in mind, for the purposes of this application with specific regard to permitting housing development, policies

CS5 and CS34 of the Core Strategy are considered to be out-of-date, as well as policy H3 of the Local Plan.

- 5.8 The assessment of this application therefore falls to the requirements of paragraph 14 of the NPPF and as such, the proposed development should be approved unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits of the proposal; which is the provision of new housing towards the five-year supply of deliverable housing land. This aspect is given significant weight in the determination of this proposal. The impacts of the development are considered below.
- 5.9 Subdivision of an Existing Residential Unit
Removing condition 3 would facilitate the subdivision of an existing residential unit into 2nos. self-contained residential units: Four Winds and its associated curtilage being one, and the annexe and its associated curtilage being the other.
- 5.10 The application site is outside of the main settlement of Thornbury. The host unit is however within approximately 280 metres of the northern boundary of the North of Castle School allocation for approximately 500 homes as designated by Policy CS33, and approximately 500 metres from the northern boundary of the now out-of-date Thornbury settlement boundary. Notwithstanding this, the location of the development is not a reason to refuse this planning application.
- 5.11 This is because Paragraph 55 of the NPPF, supports rural housing in rural locations provided that they are not isolated. Officers have considered the proposal and have concluded that the existing annexe is not within an isolated location, rather the annexe to be utilised as a dwelling house is amongst existing other dwellings and buildings associated with Morton Street. The proposal's location is therefore in accordance with Paragraph 55 of the NPPF.
- 5.12 Policy H5 is also relevant with regard to the proposal. Firstly, it must be noted that this policy is out of date in the context of Paragraph 49 of the NPPF. Notwithstanding this, Policy H5 permits the subdivision of existing residential plots, and also Policy H5 supports the conversion of existing residential buildings into self-contained residential accommodation outside of designated urban areas or settlement boundaries. With this in mind, the proposal is in accordance with Policy H5.
- 5.13 Accordingly, the principle of removing condition 3 is acceptable, provided the development would have an acceptable impact on the amenity of area.
- 5.14 Character of the Area

The existing annexe largely has the appearance of a dwelling, it is 1.5 storeys in height and has a room within the roof. It has its own garden space set out to the rear which is confined by a boundary treatment. Overall, officers find that permitting the removal of condition 3 would not lead to material harm to the character of the area.

5.15 Residential Amenity

The existing annexe has five rooms: a living room, a bedroom, a bathroom, a kitchen/dining room, and a first floor room. In this way the size of the building is appropriate to offer adequate amenity for future occupiers. Further to this, the garden is approximately 45 sq.m in area, emerging Policy PSP43 'Private Amenity Space Standards' states that a 2 bedroom dwelling should have 50sq.m of private amenity space. The unit is therefore substandard with regard to emerging Policy PSP43. This is not considered to be a reason for refusing this development. There are a number of reasons for why this sub-standard area is acceptable, these reasons are as follows:

- Although the building has the potential to have 2 bedrooms, the unit may actually be a 1 bedroom dwelling, meaning it would be compliant with Policy PSP43;
- Policy PSP43 commands limited weight in that it is not an adopted Development Plan Policy;
- In the context of Paragraph 14 of the NPPF, a development providing 5 sq.m less private amenity space than what an emerging policy requires would not be considered to be a significant and demonstrable adverse impact of the proposed development that would outweigh the benefits associated with the proposal.

5.16 The windows within the existing annexe would not cause a material loss of privacy to any nearby residential occupier.

5.17 Overall, the proposed development would not give rise to any materially harmful impacts with regard to residential amenity.

5.18 Highway Safety

Officers notes the comments of the Council's Sustainable Transport Team. Officers agree that the proposal is unlikely to materially change the transportation movements at the site, and therefore have no objection in principle to removing condition 3. The building subject to condition 3 has the potential to be a 2 bedroom dwelling, a 2 bedroom dwelling requires a minimum of 1.5 spaces. The Council's Residential Parking SPD states that the *'requirement should be rounded down to the nearest whole number'*. Accordingly, this can be achieved within the submitted curtilage for the annexe building, a condition is recommended to ensure this parking is provided. Further to this, the proposal would allow for adequate parking (2 car parking spaces) to be retained within the curtilage of the Four Winds. Policy T7 requires newly converted or built dwelling to have facilities to store 2 bicycles, in a safe and secure manner, this will be conditioned.

5.19 Other Conditions

Condition 1 required the development approved to commence within three years from the date of permission. As the development has commenced there is no need for this condition to be reapplied. Condition 2 required stonework to be used in the development to match the existing building, this development is completed, and the proposal includes no operational development involving stonework. Accordingly, condition 2 will not be reapplied.

5.20 Should condition 3 be removed the dwelling would benefit from householder permitted development rights. Further extensions to the dwelling would be harmful the amount of private amenity space proposed, as such the relevant permitted development rights will be removed by condition.

5.21 Planning Summary

The proposal has been assessed in the context of Paragraph 14 of the NPPF, officers have found no adverse impacts associated with removing condition 3 that would significantly and demonstrably outweigh the benefits associated with this proposal.

6. CONCLUSION

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

6.2 The recommendation to **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 or on the decision notice.

Contact Officer: Matthew Bunt

Tel. No. 01454 863131

CONDITIONS

1. A minimum of one off-street car parking space, measuring a minimum of 4.8 metres by 2.4 metres, shall be provided within the residential curtilage of the dwelling hereby approved.

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.

2. Prior to the first occupation of the hereby permitted residential unit, undercover and safe cycle parking facilities for at least two bicycles shall be provided within the residential curtilage of the permitted unit and thereafter retained for that purpose.

Reason

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

3. Notwithstanding the provisions of the Second Schedule to the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no development in Part 1 Class A shall be carried out at the application site.

Reason

To ensure the satisfactory external appearance of the development in the interests of visual amenity and to protect the residential amenity of the neighbouring occupiers and to accord with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2013; and the National Planning Policy Framework.

CIRCULATED SCHEDULE NO. 42/16 – 21 OCTOBER 2016

App No.:	PT16/2734/F	Applicant:	Mr Philip Dyer
Site:	Brooklands 181 Old Gloucester Road Hambrook Bristol South Gloucestershire BS16 1RQ	Date Reg:	13th June 2016
Proposal:	Change of use of land from agricultural to land for the keeping of horses and construction of all weather training area/menage (part retrospective)	Parish:	Winterbourne Parish Council
Map Ref:	363861 178848	Ward:	Winterbourne
Application Category:	Minor	Target Date:	3rd August 2016



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 100023410, 2015. N.T.S. PT16/2734/F

REASON FOR REPORTING TO THE CIRCULATED SCHEDULE

This application appears on the Circulated Schedule as it represents a departure from relevant Green Belt Policy within the adopted Development Plan. The application has also been advertised as a departure from the Development Plan for a period of three weeks however no comments were received.

In this case any resolution to grant planning permission for this development does not need to be referred to the Secretary of the State for Communities and Local Government as the development is not of a large enough scale and it would not have a significant impact on the openness of the Green Belt (referral criteria is set out in the Town and Country Planning (England) Departure Direction 2009).

1. THE PROPOSAL

- 1.1 The applicant seeks full planning permission for the change of use of land from agricultural to equestrian use, including the construction of a riding arena. The change of use element of the proposal is retrospective, with one of the buildings on site being utilised as a stable.
- 1.2 The site relates to Brooklands, 181 Old Gloucester Road which is situated in the Bristol/Bath Green Belt and is considered to be within the open countryside.
- 1.3 The site is adjacent to and within the historic curtilage of Faber Farm at 179 Old Gloucester Road, which is a grade II listed building. It is also situated within Hambrook Conservation Area.
- 1.4 Amendments were received to the red line boundary of the site on 25th July 2016 to include the area which had changed use to equestrian without the benefit of planning permission, in order for the change of use to be applied for as well as the construction of a riding arena. The description of development was altered to reflect this and a period of re-consultation undertaken for 21 days. A blue line boundary plan was also requested, showing land also under the ownership of the applicant.
- 1.5 An Arboricultural Statement was received on 25th July 2016 at the request of officers, in order to confirm whether any of the trees on site would be subject to harm.
- 1.6 Once it became apparent that a departure from the adopted Development Plan may be the likely recommendation, and a case for Very Special Circumstances was received on 25th July 2016 in the form of a revised Design and Access Statement, the proposal was advertised as a departure for a further period of 21 days. The very special circumstances consisted of the following points:
 - The removal of previous built form at the site to facilitate the change of use has improved the openness of the Green Belt
 - The proposal provides sustainability benefits in providing a facility on site so the applicant does not have to travel to an alternative site
 - The site is well screened by existing landscape features and surrounding agricultural buildings

- The proposal is at ground level only and does not conflict with any of the purposes of including land within the Green Belt
- The application has human and animal welfare benefits in allowing all year round exercise without requiring access onto the public highway
- The land is already within an equestrian use from the effluxion of time

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 (saved policies)

L1	Landscape Protection and Enhancement
L9	Species Protection
L11	Archaeology
L12	Conservation
L13	Listed Buildings
L16	Protecting the Best Agricultural Land
EP2	Flood Risk Development
E10	Horse Related development
T12	Transportation
LC5	Proposals for Outdoor Sports and Recreation outside Existing Urban Area and Defined Settlement Boundary

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

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted 2007)

South Gloucestershire Supplementary Planning Document: Green Belt (Adopted) 2007

3. RELEVANT PLANNING HISTORY

3.1 There is no recent or relevant planning history at the site.

4. CONSULTATION RESPONSES

4.1 Winterbourne Parish Council

No objection.

4.2 Other Consultees

Community Enterprise

No comment.

Sustainable Transport

No objection provided that the horses using the riding arena will be accommodated in the buildings adjacent to the site and not transported to and from it for training.

Listed Building and Conservation

No objection, but concerned that fields to north and west may be included in change of use.

Archaeology

No objection.

Historic England

Do not wish to comment.

British Horse Society

No comment.

Tree Officer

No objection. Notes an error made in the Arboricultural Statement.

Landscape Officer

Requests that Tree Officer comment on potential harm to trees which provide screening into the site.

Other Representations

4.3 Local Residents

None received.

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

In the first instance the proposal must be considered in the light of current Green Belt policy as the land lies within the Bristol/Bath Green Belt. The primary policy consideration is guidance contained in the NPPF. The design and siting of the riding arena will be covered by policies CS1 and CS5 of the Core Strategy and the impact on the surrounding landscape and character of the site will be covered by policy L1 of the Local Plan.

- 5.2 Horse related development policy is also relevant to this proposal and is covered in this report by policy E10 and policy LC5 of the Local Plan. The proposal must also satisfy policy T12 which seeks to prevent highway safety issues as a result of the change of use. If the proposal is in accordance with these policies the development should be approved unless other material considerations indicate otherwise

5.3 Impact on the Green Belt

Whilst no new buildings are proposed, the application does seek permission to carry out operational development in the Green Belt in the form of a riding arena. Paragraph 89 of the NPPF states that development in the Green Belt is inappropriate, subject to several exceptions including:

'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.'

5.4 The provision of a riding arena falls within this category. It is considered that the development is well located within an enclosed area and the impact on the Green Belt is minimal, and it does not conflict with the five purposes of including land within the Green Belt described in paragraph 80 of the NPPF. The five purposes are: to check the unrestricted sprawl of large built up areas; to prevent neighbouring towns merging into each other; to assist in safeguarding the countryside from encroachment; to preserve the setting and special character of historic towns; and to assist in urban regeneration by encouraging the recycling of derelict and other urban land.

5.5 The application also includes the retrospective change of use of agricultural land to land for the recreational keeping of horses. The change of use of land does not fall within the NPPF list of appropriate forms of development and recent case law has in fact established that the change of use of land is inappropriate. Inappropriate development is by definition harmful to the Green Belt and as such very special circumstances are required to show that the proposal would outweigh any harm by reason of definition and harm to the openness of the area. The case for Very Special Circumstances was received on 25th July 2016 and stated the following:

- The removal of previous built form at the site to facilitate the change of use has improved the openness of the Green Belt
- The proposal provides sustainability benefits in providing a facility on site so the applicant does not have to travel to an alternative site
- The site is well screened by existing landscape features and surrounding agricultural buildings
- The proposal is at ground level only and does not conflict with any of the purposes of including land within the Green Belt
- The application has human and animal welfare benefits in allowing all year round exercise without requiring access onto the public highway
- The land is already within an equestrian use from the effluxion of time

5.6 The final point has been disregarded, as the lawfulness of the site cannot be confirmed in this type of application and no evidence has been submitted by the applicant. If the applicant wanted to demonstrate that the use has been continuous since 2004 then the correct procedure would be to apply for a Certificate of Lawfulness for an existing use.

5.7 In the case of the proposed use, it is noted that the change of use of the land for what would predominantly consist of the grazing of horses would have a negligible impact on openness given its similarities to an agricultural use (for

example, the raising of animals). However, the use is nevertheless inappropriate by definition and as such can only be approved in very special circumstances. In order for the development to be approved the very special circumstances submitted in support of the application would have to outweigh the harm that the development would have on the Green Belt and the fundamentals aims of it.

5.8 The very special circumstances submitted by the applicant are on the basis of the limited impact it would have on the openness of the Green Belt, and the removal of existing buildings on site. Whilst it is noted that these matters are not necessarily unique in their own right they do provide justification for the proposed use in particular with regard to the enclosed nature of the site, with the development being completely shielded from any viewpoints within the public realm. It is also worth considering that rural business and enterprise are fully supported and encouraged by section 3 of the NPPF.

5.9 In reaching an overall balance substantial weight is afforded to the fundamental aim of the Green Belt as reinforced by the NPPF. It is however considered that, as the harm generated by the proposed change of use would be negligible, and given that the change of use would offer a rural economic opportunity which is actively encouraged, the justification provided by the applicant is sufficient to outweigh the harm that would occur by reason of inappropriateness. It is not considered that the development would conflict with the five purposes of the Green Belt identified by paragraph 80 of the NPPF, and would not conflict with the fundamental aim of the Green Belt. It is considered therefore, that the considerations above clearly outweigh the potential harm to the Green Belt.

5.10 Landscape

The riding arena proposed is low lying and enclosed by the existing agricultural buildings and Faber Farm, as well as tall boundary hedgerows and trees. A simple post and rail fence will enclose it, so the impact of the operational development on the visual amenity of the landscape will be minimal. Given the enclosed location, it is not considered necessary to restrict the placement of temporary jumps and other horse paraphernalia within the red line boundary of the site, and the development is considered to accord with policy L1 of the Local Plan (Adopted) January 2006.

5.11 Design and Impact on Heritage Asset

The riding arena is to be created by laying the new surface over the top of the existing paddock to enable use all year round. The dimensions of the arena are to be 40 metres by 20 metres, and the layout shows it to be close to the converted agricultural building currently used as a stable, enabling the horse use to be contained to only within the revised red line boundary, and not expanded into the adjacent fields which was a concern raised by the Conservation officer. The applicant has confirmed that horses often graze within the blue line however the grazing of animals, including horses, can be considered agricultural and therefore a change of use to the surrounding fields is not necessary, as all of the horse paraphernalia associated with the keeping of the horses is to be kept within the red line. There is limited inter-visibility between the proposed development and the listed building and the Listed Building officer has not raised any objections. The development is considered

to accord with policy CS1 and CS9 of the Core Strategy, and policy L13 of the Local Plan.

5.12 Horse Policy

Policies E10 and LC5 of the Local Plan support proposals for horse related development provided it does not have an unacceptable impact in relation to the environment, residential amenity, highway safety and horse welfare. Highway safety is dealt with below within the Transportation section.

5.13 The general guidelines from the British Horse Society are that each horse should have at least 1 acre of land. Initially the site was considered too small to support 4 no. horses, however the applicant has provided a blue line plan showing land at the adjacent Faber Farm also under their ownership, which can be used for grazing in the summer months, when horses need additional land. The grazing of animals, including horses, is considered agricultural, and so it is not necessary to include this area within the red line. Given the provision of a large riding arena for further exercise and stables which are larger than the minimum standards recommended by the British Horse Society, officers consider that the site is suitable for 4 no. horses. A condition on the decision notice will restrict the number of horses within the red line at any one time to four, as the provision of stable space would have to be revisited if more horses were brought to the site.

5.14 The nearest residential property is Faber Farmhouse, however it is an adequate distance way and the proposed use is not considered to impact upon the residential amenities of the occupiers any more than the farm buildings to the north-west. There are no known environmental issues associated with the site that would be exacerbated by this development, and it is within Flood Zone 1.

5.15 Highway Safety

The horses using the riding arena are to be accommodated in the stable on site, and indeed are already accommodated here as the application is partially retrospective, and so are not to be transported to and from the site for training. It is not considered that the change of use will impact on traffic patterns nor the existing access to the site, subject to a condition preventing the use of the site as a DIY livery or riding school. There is no transportation objection.

5.16 Vegetation

Following comments from the Landscape officer and Tree officer, the applicant has submitted an Arboricultural statement. This demonstrated that the replacement of the fencing and the surfacing within the riding arena would not have an impact on the existing vegetation, and so the Tree officer withdrew their objection.

6. CONCLUSION

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

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

7. RECOMMENDATION

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

Contact Officer: Trudy Gallagher
Tel. No. 01454 862217

CONDITIONS

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

Reason

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

2. The number of horses within the red line boundary shall not exceed four at any one time.

Reason

In order to ensure the welfare of the horses and to accord with policy E10 of the South Gloucestershire Local Plan (Adopted) January 2006.

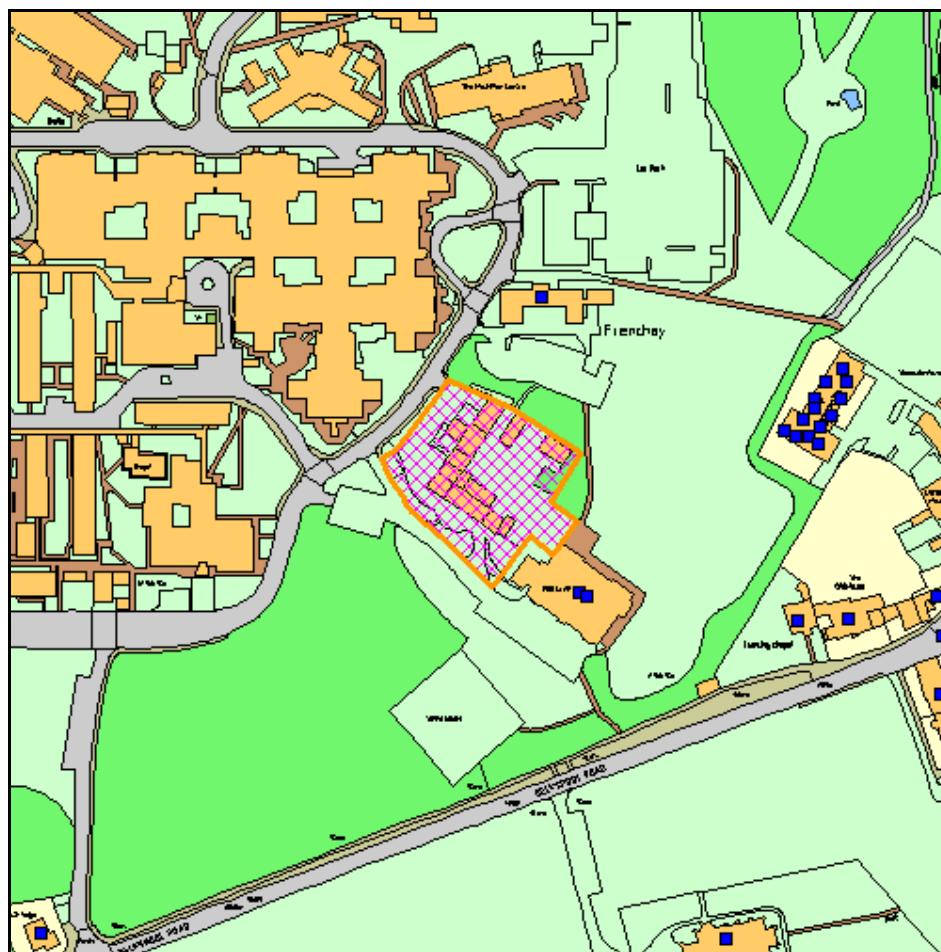
3. At no time shall the stables and the associated land be used for livery, riding school or other business purposes whatsoever.

Reason

In order to allow the Local Planning Authority to reassess the impact on parking and vehicular movements should a business use be sought, to prevent highway safety issues and to accord with policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006 and policy CS8 of the Core Strategy (Adopted) December 2013.

CIRCULATED SCHEDULE NO. 42/16 – 21 OCTOBER 2016

App No.:	PT16/3703/F	Applicant:	Ms Charlotte Cake
Site:	Frenchay Park House Frenchay Park Road Frenchay South Gloucestershire BS16 1JE	Date Reg:	17th June 2016
Proposal:	Conversion of existing barn into 7no. residential units with garaging, parking and associated works	Parish:	Winterbourne Parish Council
Map Ref:	363890 177610	Ward:	Frenchay And Stoke Park
Application Category:	Minor	Target Date:	11th August 2016



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 100023410, 2015. N.T.S. PT16/3703/F

REASON FOR REPORTING TO THE CIRCULATED SCHEDULE

This application has been submitted to the Council's Circulated Schedule procedure following objections received to the associated application for listed building consent (PT16/3704/LB), which are contrary to the officer recommendation. This application for full planning permission has also been circulated in the interests of clarity.

1. THE PROPOSAL

- 1.1 This application seeks planning permission for the change of use of the existing barn into 7 no. residential units with garaging, parking and associated works at Frenchay Park House, Frenchay Park Road.
- 1.2 The site is part of the wider Frenchay Hospital site, which has outline planning permission for up to 490 dwellings, a new health and social care centre and a primary school (PT13/0002/O). The reserved matters application is currently pending consideration (PT16/5062/RM). It is noted that whilst this development will surround the application site, Frenchay Park House and the associated barns to be considered here are not part of the redevelopment and are in separate ownership. Frenchay Park House is currently a residential dwelling.
- 1.3 Frenchay Park House and the barns to be converted are grade II listed buildings, as are many of the surrounding properties along Beckspool Road. The site is within Frenchay Conservation area, and the grounds are a locally registered garden of potential archaeological interest.
- 1.4 The application site is within the settlement boundary of the North Bristol fringe, and is therefore considered to be an urban location.
- 1.5 Amendments and supporting information were received on 22nd August, 26th August, 2nd September, 13th September and 28th September in order to address heritage and design issues. The amendments received on 26th August included alterations to the red line in order to more accurately define the site boundary, and so a period of re-consultation was undertaken for 14 days.
- 1.6 An associated application for listed building consent has also been submitted and is currently pending consideration by the local planning authority (PT16/3704/LB).

2. POLICY CONTEXT

National Guidance

National Planning Policy Framework March 2012

National Planning Policy Guidance

Planning (Listed Building and Conservation Areas) Act 1990

Development Plans

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

L1 Landscape

L9 Protection Species

L10 Historic Park and Garden
L11 Archaeology
L12 Conservation Areas
L13 Listed Buildings
EP2 Flood Risk
EP4 Noise Sensitive Development
T7 Cycle Parking
T12 Transportation
H5 Re-use of Buildings for Residential Purposes

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design
CS4a Presumption in Favour of Sustainable Development
CS5 Location of Development
CS8 Improving Accessibility
CS9 Managing the Environment and Heritage
CS15 Distribution of Housing
CS16 Housing Density
CS17 Housing Diversity
CS18 Affordable Housing
CS23 Community Infrastructure
CS25 Communities of the North Fringe of the Bristol Urban Area

Policies Sites and Places Development Plan Document (Submission Draft)
June 2016

PSP1 Local Distinctiveness
PSP3 Trees and Woodland
PSP8 Residential Amenity
PSP16 Parking Standards
PSP17 Heritage Assets
PSP19 Wider Biodiversity
PSP43 Private Amenity Standards

Supplementary Planning Guidance

Residential Parking Standards SPD (Adopted) December 2013
South Gloucestershire Design Checklist (Adopted)
Waste SPD (Adopted) 2015
Frenchay Conservation Area SPD

3. RELEVANT PLANNING HISTORY

- 3.1 PT16/3704/LB Pending Consideration
Internal and external alterations to convert existing barn into 7 no. residential units with garaging, parking and associated works.
- 3.2 PK16/0142/TCA No Objection 04/03/2016
Works to trees in accordance with submitted schedule (Appendix 1) dated 13/1/2016 in Frenchay Conservation Area.
- 3.3 PT03/2541/LB / PT03/2006/F Approve with conditions 17/11/2003

Conversion of old stable block to form multiple sclerosis centre. To include internal and external alterations, erection of single storey extension, porch and associated parking. (Amendments to previously approved scheme PT02/0091/F dated 23 September 2003.)

- 3.4 PT02/0092/LB / PT02/0091/F Approve with conditions 23/09/2002
Alterations and extensions to existing stable block to form new Multiple Sclerosis Nerve Centre (in accordance with amended plans received on 19 April and 6 September 2002).

4. **CONSULTATION RESPONSES**

- 4.1 Winterbourne Parish Council
No objection.

4.2 Other Consultees

Sustainable Transport
No objection.

The Garden Trust
No comment received.

Planning Enforcement
No comment.

Children and Young People
No comment received.

Environmental Protection
Previous uses may have given rise to contamination and pre-commencement conditions are recommended.

Housing Enabling
Two affordable homes required.
Note: the site boundary has now been reduced to better reflect the site and it no longer meets the affordable housing threshold.

Avon Gardens Trust
No comment received.

Historic England
Application to be determined in accordance with local and national policy and in accordance with specialist Conservation advice.

Archaeology Officer
No objection.

Ecology Officer
No objection subject to condition and informatives.

Highway Structures

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

Lead Local Flood Authority

No objection.

Listed Building Officer

No objection to amendments subject to conditions.

Other Representations

4.3 Local Residents

None received.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policy CS1 of the South Gloucestershire Core Strategy (Adopted) 2013) states that all development will only be permitted where the highest possible standards of design and site planning are achieved. Proposals will be required to demonstrate that they respect and enhance the character, distinctiveness and amenity of the site and its context; is well integrated with existing and connected to the wider network of transport links; safeguards existing landscape/nature/heritage features; and contributes to relevant strategic objectives. Saved policy H5 of the Local Plan allows for the conversion of non-residential properties for residential use provided that they:

- Would not prejudice the character of the surrounding area
- Would not prejudice the amenities of nearby occupiers
- Would identify an acceptable level of off-street parking
- Would provide adequate amenity space
- Are located within the existing urban areas and the boundaries of settlements, as defined on the proposals map

5.2 Policy CS9 seeks to protect and manage South Gloucestershire's environment and its resources in a sustainable way and new development will be expected to, among others, ensure that heritage assets are conserved, respected and enhanced in a manner appropriate to their significance; conserve and enhance the natural environment and conserve and enhance the character, quality, distinctiveness and amenity of the landscape. Policy L13 of the Local Plan seeks to preserve and enhance the setting and the special character of the listed building, and policy L12 is also relevant as the site is situated within a Conservation Area.

5.3 The site was last given permission to change to a multiple sclerosis centre forming part of Frenchay Hospital in 2003. It does not appear that this use was implemented, and the building is unused with parts being unsafe due to partial collapse. There is therefore no need to justify a change of use from a community building to satisfy policy CS23 of the Core Strategy. It is considered

that, subject to the below assessment against the aforementioned policies, the development is acceptable in principle.

5.4 Visual Amenity and Heritage Impacts

The buildings proposed for conversion are located to the north-west of Frenchay Park House, comprising of an “L-shaped” range of buildings, two-storeys in scale with elevations of rubble stone with freestone and brick embellishments, set under a dual pitched roof clad with double roman tiles. The condition of the barns, particularly the western section which has partially collapsed, and the clear lack of maintenance it has suffered from has resulted in the building being added to the Council’s ‘Buildings At Risk’ register. In the consideration of the wider redevelopment proposals of Frenchay Hospital (PT13/0002/O), the consolidation, reconstruction and refurbishment of the buildings is a S106 requirement that is phased with the implementation of the main housing consent. Therefore, the principle of a scheme to repair and reuse the building is supported by the Local Planning Authority.

5.5 The proposed scheme seeks consent to subdivide the building to create 7no. residential units. New floors are to be inserted creating first floor accommodation, and these are to reinstate lost floors which have since collapsed and are therefore acceptable. Externally, no new openings are being proposed, although some 20th century infill is being removed to restore the full height openings to their original scale. A six bay garage is also proposed, and the remainder of the parking is to be covered with two canopies, which are divided into bays by timber supports.

5.6 During the course of the application, amendments to the design including further details relating to the internal and external specifications of walls, floors, windows, doors etc required to facilitate the conversion. A parapet roof was recommended to improve the design of the six bay garage, and details of the bin and cycle stores were requested. Further details of the landscaping scheme was also requested to create a more informal setting, rather than an over-domesticated residential curtilage. These amendments were received on 22nd and 26th August and the 2nd September 2016.

5.7 The landscaping scheme received still appears too formal and so a condition to ensure an alternative is agreed will be added to the decision notice, in the event the application is approved. A detailed internal specification of works and materials was received by email on 22nd August 2016, and it is considered appropriate to condition the contents of the email in order to ensure compliance. Some large scale joinery details have been submitted but further details are required. These will appear as conditions on the decision notice for the associated listed building consent.

5.8 Despite amendments, the Council’s Listed Building officer has concerns about the design of the large arched openings. However on discussion with the applicant, suggested alternatives would create other design issues; for example to divide the openings symmetrically would reduce the amount of glazing, which aesthetically is an important part of restoring the openings back up to their historic scale. Considering the development will ensure the designated heritage asset is given a sustainable future, and hopefully removed from the

Council's 'Buildings at Risk' register, weighs in favour of the scheme and it is on this basis that the design of the arched openings is considered to be acceptable, and compatible with the character and remaining fabric of the grade II listed building. This is in accordance with paragraph 134 of the NPPF, which states that *'where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.'* It is therefore concluded that the proposal is in accordance with policy CS9 of the Core Strategy (Adopted) December 2013, policy L12 and L13 of the Local Plan (Adopted) January 2006 and the National Planning Policy Framework.

5.9 Archaeology

As part of the re-development of the wider Frenchay Hospital site, archaeological evaluations have already been undertaken at the site. These evaluations have indicated that there is limited potential for archaeology to survive within the application site, and therefore there is no archaeological objection and the proposal is considered to comply with policy L10 and L11 of the Local Plan (Adopted) January 2006.

5.10 Ecology

Initially, an ecological appraisal relating to the wider Frenchay Hospital site compiled by Ecosulis in June 2012 was submitted to support the application, which identified the barns as having a high potential to support roosting bats, and the boundaries of the site to provide a high quality habitat for reptiles. An active badger set was recorded within the site in 2011.

5.11 Whilst the submitted appraisal was useful as a guide to the likely ecological issues at the site, it is considered too old to provide accurate information regarding the current conditions. A supplementary ecological assessment (Arbtech Ltd, September 2016) was submitted on 28th September 2016, which included a building inspection and surveys completed by Quontock Ecology in September 2016.

5.12 A total of two roosts of common pipistrelle were identified on the east and west elevations and a maximum of five individual bats were recorded emerging or entering the building indicating the presence of a small summer day roost.

5.13 Bats are protected under the Wildlife & Countryside Act 1981 (as amended by the CROW Act 2000) and the EC Habitats Directive 1992, implemented in Britain by the Habitat Regulations 2010. Judicial reviews have directed that surveys for bats cannot be left to planning conditions; and that where bats are present, planning authorities should be applying the same 'tests' to which licence applications are subject to under Regulation 53/56 of the Habitat Regulations 2010. Satisfying these 'tests' necessitates providing the detail of a mitigation strategy prior to determining the application.

5.14 The three 'tests' are:-

- For the purposes of preserving public health or public safety or other imperative reasons of overriding public interest including those of social

or economic nature and beneficial consequences of primary importance for the environment;

- There is no satisfactory alternative to the work specification;
- The action authorised will not be detrimental to the maintenance of the population of the species at a favourable status in their natural range.

5.15 The first 'test' is satisfied in that development is regarded as being of 'overriding public interest of an 'economic nature'. Regarding the second test, the mitigation strategy proposes to compensate for the loss of the common pipistrelle's day roost with the provision of a variety of new roosting opportunities in the form of bat boxes, and thus this test is considered to be met. Regarding the third test, it is considered that the replacement provisions described in Chapter 4 of the Quantock Ecology Bat Survey report should enable common pipistrelle to continue to roost on site; and that, subject to the mitigation measures being implemented in full, it is considered that development would not be 'detrimental to the maintenance of the species at a favourable status in their natural range'. It is considered that the development passes the three tests and therefore there is no ecological objection, subject to the submission of a bat method statement. The applicant will require a European Protected Species licence for the development to be lawful however this is a separate process.

5.16 Contamination

The application site is within the grounds of the wider former Frenchay Hospital site. Preliminary ground investigations have been carried out in relation to the development of the hospital site and some of the investigations were located within the vicinity of the barns to be converted under this proposal, although the contamination condition for the wider site has not yet been discharged by the Council. Past agricultural uses of the buildings may have given rise to potential contamination. Additionally, activities associated with use of the adjacent land as a hospital could have introduced contamination. It is therefore recommended that in the event the application is approved, a condition is applied to the decision notice to ensure an investigation is carried out to identify likely contaminants and to identify the extent, nature and risks posed, as well as mitigation measures if required.

5.17 Transport

Access to the site will continue to be obtained via the existing access to Frenchay Park House, which in turn, joins Frenchay Park Road which forms part of B4058. This will intensify the use of the access however the junction onto Frenchay Park Road will not be altered and therefore the impact on highway safety is not considered to be harmful. Fifteen car parking spaces are to be provided within the site, which exceeds the residential parking standards within the SPD, and should additional visitors space be required then there is space within the courtyard. The number of garages provided reduce the amount of visible parking within the setting of the listed building. The use of garages and covered parking further reduces the impact that the increased parking demand has on the character of the setting. Covered and secure cycle parking has been provided within a communal store, and the bin store is easily accessed from all units. There is no transportation objection subject to the implementation of all vehicular and cycle parking being secured by condition.

5.18 Affordable Housing

Whilst the site is adjacent to the Frenchay Hospital development, it is now under different ownership and so the submission of a separate application to convert the buildings into residential use is not considered to represent the artificial subdivision of a wider plot. The restoration and re-use of the barns form part of the S106 agreement for the wider site, so the submission of an application for their conversion was expected in order to meet the planning obligations of PT13/0002/O.

- 5.19 The redline boundary indicates the site to be 0.28 hectares, accommodating a total of 7 no. new residential units, which is less than the 0.33 hectare and 10 units threshold for triggering affordable housing in urban areas. The development therefore does not require an affordable housing contribution under policy CS18 of the Core Strategy (Adopted) December 2013.

5.20 Residential Amenity

Due to the 'L' shape of the building, the majority of the proposed windows will face out towards the shared courtyard/garden area which is acceptable, and due to the angle there is unlikely to be an inter-visibility between units. The closest window to window relationship is between the bedroom of unit 3 and the two bathroom windows of unit 5 at first floor level, however due to the secondary nature of a bathroom, and the likelihood of the occupants fitting curtains or blinds to the bathroom windows for privacy, it is not considered to be harmful to their amenities. Furthermore, the angle is very severe allowing only indirect viewpoints. The north-west and south-west elevations, which face outwards from the courtyard, overlook an area of open space to the south-west and the hospital site to the north-west. As the proposed development on the hospital site is separated by Frenchay Park Road, it is not considered that there will be any conflict from a residential amenity perspective. The occupiers of Frenchay Park House will not be overlooked as there is significant subdivision between the two sites in the form of a tall boundary wall, to which the canopy atop the row of 5 no. parking spaces will attach.

- 5.21 With regards to the amenities of the application site, all of the units benefit from at least one bedroom of an adequate size, and all of the bedrooms and living spaces have a good outlook from the windows and restored archways. All of the units share a large courtyard space and lawns to the north-west of the site, which will provide communal amenity space. Whilst it is regrettable that each dwelling cannot benefit from a private garden each, as is required by policy PSP43 of the emerging Policies Sites and Places Development Plan Document, this would domesticate the site to a degree which may cause the conversion to be found unacceptable from a design and heritage perspective. Given the limited weight that can be afforded to policy PSP43 as it is currently out for public consultation and may be subject to change, and considering the close proximity of the site to Frenchay Common should additional outdoor space be required, the development is found to protect the amenities of the application site and its surroundings, in accordance with policy H5 of the Local Plan, and the core planning principles of the National Planning Policy Framework.

5.22 Planning Balance

South Gloucestershire Council's 2015 Authority's Monitoring Report published the five year housing land supply figure for the district as being 4.28 years, concluding that the Council does not currently have a five year housing land supply 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 7 no. units of one, two or three bedrooms to the housing supply in a sustainable location within an urban area of South Gloucestershire, whilst bringing back into use a grade II listed building on Historic England's and the Council's 'Buildings at Risk' register. Issues identified in the previous paragraphs, such as the substitution of private amenity space with a communal garden, and the design issues raised with regards to the arched, full height openings are cumulatively not considered to represent significant and demonstrable harm as described in paragraph 14 of the NPPF. They are also considered to amount to less than substantial harm as described by paragraph 134 of the NPPF, and the public benefit and heritage gain of restoring the building is considered to outweigh the less than substantial harm identified.

6. CONCLUSION

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

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

7. RECOMMENDATION

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

Contact Officer: Trudy Gallagher
Tel. No. 01454 862217

CONDITIONS

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

Reason

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

2. The development should proceed in accordance with the following plans; Proposed Block Plan Rev B (13/09/16), Site Location Plan (02/09/16), Bin and Cycle Stores (02/09/16), Garaging Rev A (26/08/16), Proposed Floor Plans P-02 Rev C (26/08/16), North and South Elevations P-03 Rev E (26/08/16), Eaves and Verges (26/08/16), East and West Elevations P-04 Rev C (26/08/16), Cobbled Threshold Details (26/08/16), Garaging and Parking in Courtyard (16/06/16), and the internal finish schedule (email from Edward Checkley of 22nd August 2016).

Reason

In order that the works serve to preserve the architectural and historic interest of the listed building in accordance with section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and in accordance with National Planning Policy Framework (2012) and Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013).

3. 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); boundary treatments and areas of hardsurfacing shall be submitted to the Local Planning Authority for approval. Development shall be carried out in accordance with the agreed details.

Reason

In order that the works serve to preserve the architectural and historic interest of the listed building in accordance with section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and in accordance with National Planning Policy Framework (2012) and Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013). This is required prior to commencement to prevent remedial works later on.

4. Prior to the commencement of development, a Bat Method Statement shall be submitted to the Council for written approval. This can be in the form of a Natural England bat mitigation licence application and must include information on any proposed mitigation, enhancement and post-consent monitoring. The development must then proceed in accordance with the agreed statement.

Reason

In order to prevent harm to bats, a protected species, and to accord with policy L9 of the South Gloucestershire Local Plan (Adopted) January 2006 and the National Planning Policy Framework. This is required prior to commencement as the period of construction may be harmful to bats.

5. 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, and where potential contaminants are identified, 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.

Prior to first occupation of the units approved, where works have been required to mitigate contaminants a report verifying that all necessary works have been completed satisfactorily shall be submitted to and agreed in writing by the Local Planning Authority.

Reason

To prevent risk from contamination, in accordance with policy CS9 of the South Gloucestershire Core Strategy (Adopted) December 2013 and the National Planning Policy Framework. This is required prior to commencement due to risks that may arise during the period of construction.

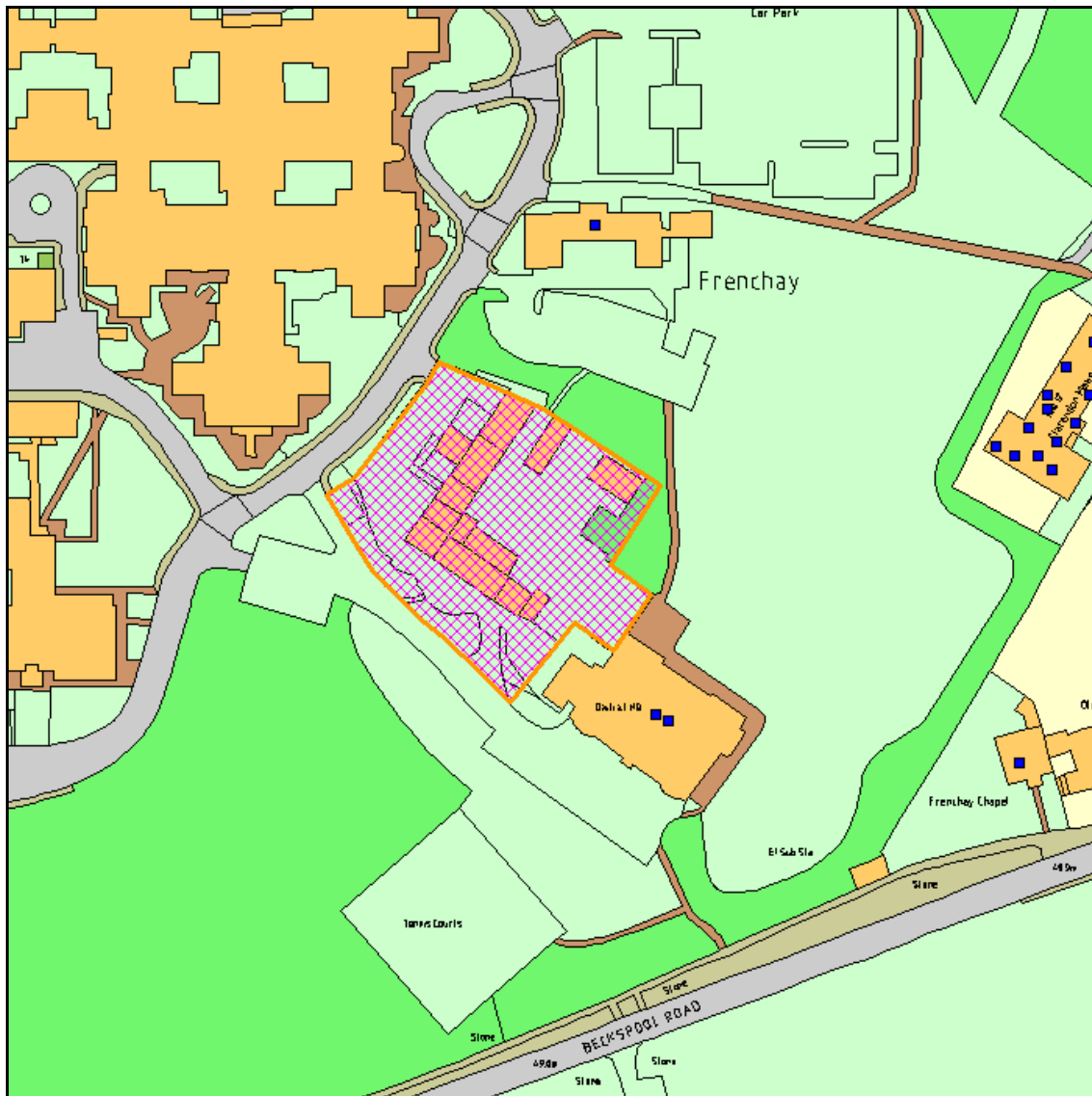
6. The off-street parking facilities (for all vehicles, including cycles) shown on the plan hereby approved shall be provided before the building is first occupied, and thereafter retained for that purpose.

Reason

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

CIRCULATED SCHEDULE NO. 42/16 – 21 OCTOBER 2016

App No.:	PT16/3704/LB	Applicant:	Ms Charlotte Cake
Site:	Frenchay Park House Frenchay Park Road Frenchay South Gloucestershire BS16 1JE	Date Reg:	17th June 2016
Proposal:	Internal and external alterations to convert existing barn into 7 no. residential units with garaging, parking and associated works.	Parish:	Winterbourne Parish Council
Map Ref:	363890 177610	Ward:	Frenchay And Stoke Park
Application Category:	Minor	Target Date:	11th August 2016



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100023410, 2015.

N.T.S. PT16/3704/LB

REASON FOR REPORTING TO THE CIRCULATED SCHEDULE

This application has been submitted to the Council's Circulated Schedule procedure following objections received which are contrary to the officer recommendation. The associated application for full planning permission has also been circulated in the interests of clarity (PT16/3703/F).

1. THE PROPOSAL

- 1.1 The application seeks listed building consent for internal and external alterations to convert the existing barn into 7 no. residential units with garaging, parking and associated works at Frenchay Park House, Frenchay Park Road.
- 1.2 Frenchay Park House and the barns to be converted are grade II listed buildings, as are many of the surrounding properties along Beckspool Road. The site is within Frenchay Conservation area, and the grounds are a locally registered garden of potential archaeological interest.
- 1.3 Amendments and supporting information were received on 22nd August, 26th August, 2nd September, 13th September and 28th September in order to address heritage and design issues. The amendments received on 26th August included alterations to the red line in order to more accurately define the site boundary, and so a period of re-consultation was undertaken for 14 days.
- 1.4 An associated application for full planning permission has also been submitted and is currently pending consideration by the local planning authority (PT16/3703/F).

2. POLICY CONTEXT

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

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

South Gloucestershire Core Strategy (Adopted) December 2013
CS1 High Quality Design
CS9 Managing the Environment and Heritage

3. RELEVANT PLANNING HISTORY

- 3.1 PT16/3703/F Pending Consideration
Convert existing barn into 7 no. residential units with garaging, parking and associated works.
- 3.2 PK16/0142/TCA No Objection 04/03/2016
Works to trees in accordance with submitted schedule (Appendix 1) dated 13/1/2016 in Frenchay Conservation Area.

- 3.3 PT03/2541/LB / PT03/2006/F Approve with conditions 17/11/2003
Conversion of old stable block to form multiple sclerosis centre. To include internal and external alterations, erection of single storey extension, porch and associated parking. (Amendments to previously approved scheme PT02/0091/F dated 23 September 2003.)
- 3.4 PT02/0092/LB / PT02/0091/F Approve with conditions 23/09/2002
Alterations and extensions to existing stable block to form new Multiple Sclerosis Nerve Centre (in accordance with amended plans received on 19 April and 6 September 2002).

4. CONSULTATION RESPONSES

4.1 Winterbourne Parish Council
No objection.

4.2 Other Consultees

Listed Building Officer

No objection to amendments subject to conditions.

Council for British Archaeology

No objection in principle, but concern about extent of subdivision.

Georgian Group

Levels of subdivision may restrict alternative reuses of the building in the future, three units may be more appropriate.

Twentieth Century Society

No comment.

Society for the Protection of Ancient Buildings

No comment.

Victorian Society

No comment.

Ancient Monuments Society

No comment.

Historic England

Application to be determined in accordance with local and national policy and in accordance with specialist Conservation advice.

Other Representations

4.3 Local Residents
No comment.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

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

5.2 Consideration of Proposal

The buildings proposed for conversion are located to the north-west of Frenchay Park House, comprising of an “L-shaped” range of buildings, two-storeys in scale with elevations of rubble stone with freestone and brick embellishments, set under a dual pitched roof clad with double roman tiles. The condition of the barns, particularly the western section which has partially collapsed, and the clear lack of maintenance it has suffered from has resulted in the building being added to the Council’s ‘Buildings At Risk’ register. In the consideration of the wider redevelopment proposals of Frenchay Hospital (PT13/0002/O), the consolidation, reconstruction and refurbishment of the buildings is a S106 requirement that is phased with the implementation of the main housing consent. Therefore, the principle of a scheme to repair and reuse the building is supported by the Local Planning Authority.

5.3 The proposed scheme seeks consent to subdivide the building to create 7no. residential units. New floors are to be inserted creating first floor accommodation, and these are to reinstate lost floors which have since collapsed and are therefore acceptable. Externally, no new openings are being proposed, although some 20th century infill is being removed to restore the full height openings to their original scale.

5.4 During the course of the application, amendments to the design including further details relating to the internal and external specifications of walls, floors, windows, doors etc required to facilitate the conversion. These amendments were received on 22nd and 26th August and the 2nd September 2016.

5.5 A detailed internal specification of works and materials was received by email on 22nd August 2016, and it is considered appropriate to condition the contents of the email in order to ensure compliance. Some large scale joinery details have been submitted but further details are required. These will appear as conditions on the decision notice, in the event the application is recommended for approval.

5.6 Despite amendments, the Council’s Listed Building officer has concerns about the design of the large arched openings. However on discussion with the applicant, suggested alternatives would create other design issues; for example to divide the openings symmetrically would reduce the amount of glazing, which aesthetically is an important part of restoring the openings back up to their historic scale. Considering the development will ensure the designated heritage asset is given a sustainable future, and hopefully removed from the Council’s ‘Buildings at Risk’ register, weighs in favour of the scheme and it is on this basis that the design of the arched openings is considered to be acceptable, and compatible with the character and remaining fabric of the grade II listed building.

The comments from the Council for British Archaeology and the Georgian Group are noted, and both raise concerns about the extent of the sub-division proposed, and add that it may prevent future re-use of the building. Much of the subdivision is facilitated by the insertion of a first floor level, however it is evidenced on site that this would be reinstating a previous historic feature, and so the Listed Building officer has no objection to this. The development has been assessed in accordance with paragraph 134 of the NPPF, which states that *'where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.'* Given the status of the building on the at risk register, this proposal is considered to represent a suitable balance between the level of subdivision shown and the retention of historic fabric. Some heritage gain has also been sought in the form of removing the modern lean-to and rebuilding in natural stone, which will be conditioned on the decision notice. It is therefore concluded that overall, the proposal is in accordance with policy CS9 of the Core Strategy (Adopted) December 2013, policy L12 and L13 of the Local Plan (Adopted) January 2006 and the National Planning Policy Framework.

6. **CONCLUSION**

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

7. **RECOMMENDATION**

7.1 That listed building consent is **GRANTED**.

Contact Officer: Trudy Gallagher
Tel. No. 01454 862217

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. The development should proceed in accordance with the following plans; Proposed Block Plan Rev B (13/09/16), Site Location Plan (02/09/16), Bin and Cycle Stores (02/09/16), Garaging Rev A (26/08/16), Proposed Floor Plans P-02 Rev C (26/08/16), North and South Elevations P-03 Rev E (26/08/16), Eaves and Verges (26/08/16), East and West Elevations P-04 Rev C (26/08/16), Cobbled Threshold Details (26/08/16), Garaging and Parking in Courtyard (16/06/16), and the internal finish schedule (email from Edward Checkley of 22nd August 2016).

Reason

In order that the works serve to preserve the architectural and historic interest of the listed building in accordance with section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and in accordance with National Planning Policy Framework (2012) and Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013).

3. Prior to the commencement of the relevant works, details of the following are to be submitted to the local planning authority for written approval.
 1. A method statement for the repair of the existing windows to south-west elevation.
 2. A method statement to ensure when the roof is stripped of its tiles, temporary and appropriate protection is put in place to ensure the existing lath and plaster ceiling to unit 4 is not exposed to the elements.

The works shall thereafter be implemented strictly in accordance with the agreed details.

Reason

In light of the above details not being submitted at determination stage for consideration and approval, a pre-commencement condition is necessary in order to ensure that the works serve to preserve the architectural and historic interest of the listed building, in accordance with section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990, national guidance set out at the NPPF and Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013).

4. Prior to the commencement of development, the detailed design of the following items shall be submitted and approved in writing by the local planning authority:
 - a. all new windows apart from the 2 light casements (including cill, head, reveal and glass details)
 - b. details of tile vents
 - c. details and any other vents and flues
 - d. garage doors
 - e. garage parapets including coping detail
 - f. rooflights
 - g. all new internal and external doors (including frames and furniture)
 - h. all other internal joinery such as panelling, floor boards, fire surrounds and skirtings;
 - i. all new floors structures;
 - j. all new ceiling structures

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

In light of the above details not being submitted at determination stage for consideration and approval, a pre-commencement condition is necessary in order to ensure that the works serve to preserve the architectural and historic interest of the listed building, in accordance with section 16(2) of the Planning (Listed Buildings and

Conservation Areas) Act 1990, national guidance set out at the NPPF and Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013).

5. All new rainwater goods shall be of metal construction with a painted black finish or a substitute material which has been approved by the Local Planning Authority

Reason

In order that the works serve to preserve the architectural and historic interest of the listed building in accordance with section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and in accordance with National Planning Policy Framework (2012) and Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013).

6. Prior to the commencement of development a representative samples of the following materials shall be submitted to and approved in writing by the local planning authority. The development shall be completed strictly in accordance with the agreed samples.
 - a. Roof tiles
 - b. timber cladding (for cycle/bin store)
 - c. louvre panels

Reason

In order that the works serve to preserve the architectural and historic interest of the listed building in accordance with section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and in accordance with National Planning Policy Framework (2012) and Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013).

7. Prior to the commencement of works on site, a detailed specification for the repairs, including any stonework repairs, any proposed structural works (in respect of which approval is expressly reserved), shall be submitted to the council for approval. The specification shall include details of the extent of proposed replacement of historic fabric, and all new materials to be used.

Reason

In light of the above details not being submitted at determination stage for consideration and approval, a pre-commencement condition is necessary in order to ensure that the works serve to preserve the architectural and historic interest of the listed building, in accordance with section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990, national guidance set out at the NPPF and Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013).

8. The development hereby approval shall not occupied until the block elevation of the lean-to structure form part of unit 6 has been carefully demolished and rebuilt in natural stone and prior to the commencement of the relevant works, a representative sample panel of natural facing stone, 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 completed strictly in accordance with the approved panel, which shall be retained on site until completion of development, for consistency.

Reason

In order that the works serve to preserve the architectural and historic interest of the listed building in accordance with section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and in accordance with National Planning Policy Framework (2012) and Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013).

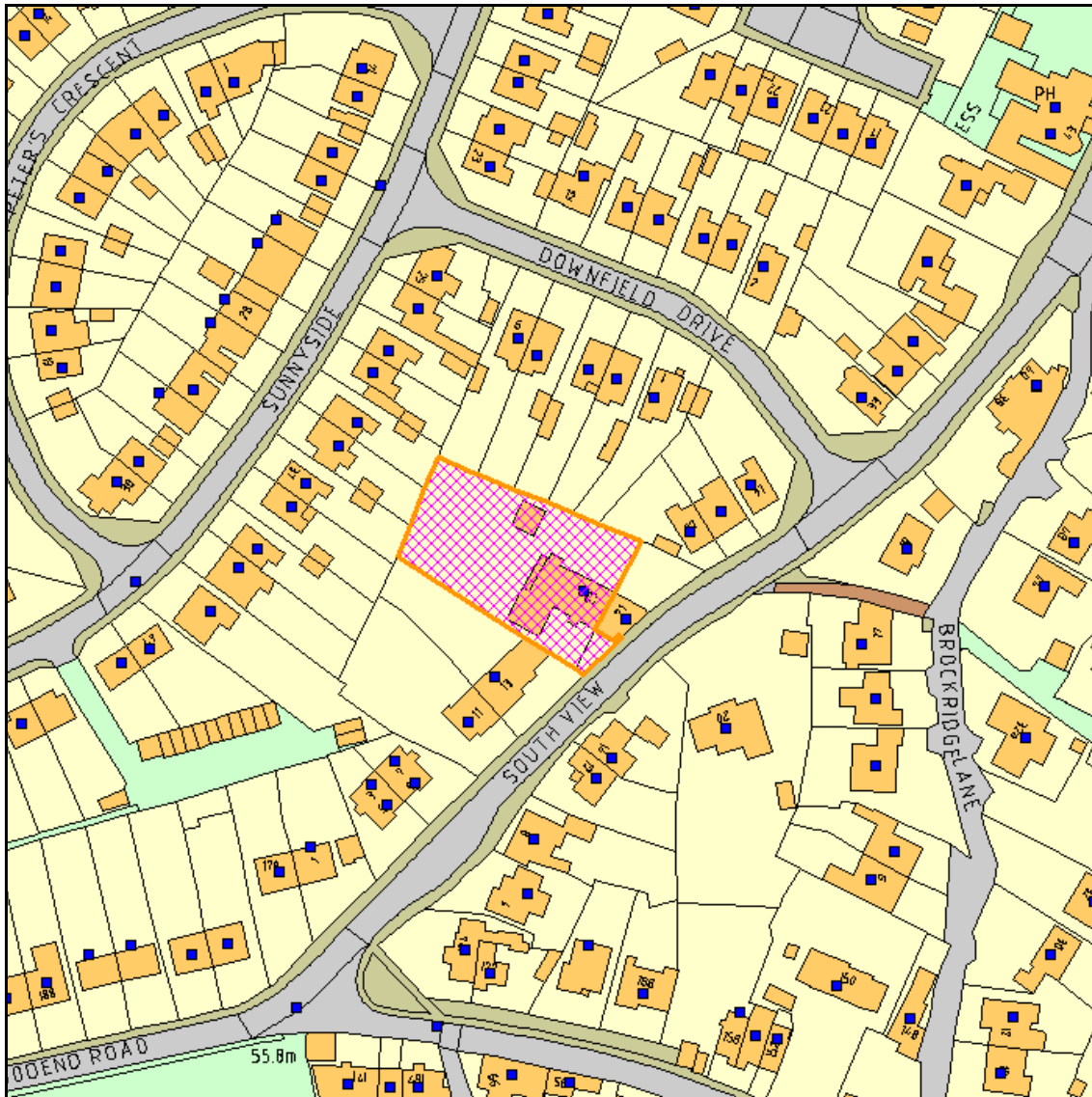
9. Prior to the commencement of development, representative sample panels of the render of at least one square metre showing the colours, finishes and textures of render, shall be erected on site and approved in writing by the Local Planning Authority before the relevant parts of the work are commenced. The approved sample panel shall be kept on site for reference until the development is complete. Development shall be carried out in accordance with the agreed sample.

Reason

In order that the works serve to preserve the architectural and historic interest of the listed building in accordance with section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and in accordance with National Planning Policy Framework (2012) and Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013).

CIRCULATED SCHEDULE NO. 42/16 – 21 OCTOBER 2016

App No.:	PT16/3712/F	Applicant:	Mr James Emsley
Site:	23 South View Frampton Cotterell South Gloucestershire BS36 2HT	Date Reg:	18th July 2016
Proposal:	Extension and alterations to existing detached garage to form residential annexe.	Parish:	Frampton Cotterell Parish Council
Map Ref:	366951 181463	Ward:	Frampton Cotterell
Application Category:	Householder	Target Date:	5th September 2016



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REASON FOR REPORTING TO THE CIRCULATED SCHEDULE

This report appears on the Circulated Schedule following objections from local residents.

1. THE PROPOSAL

- 1.1 The applicant seeks full planning permission for the erection of an extensions and alterations to an existing detached garage to form a residential annex.
- 1.2 The application site relates to a two-storey semi-detached property situated within the established residential area of Frampton Cotterell.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework
Planning Policy Guidance

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

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

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

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

- 2.3 Emerging policy: South Gloucestershire Local Plan: Proposed Submission: Policies, Sites and Places Plan June 2016
PSP1 Local Distinctiveness
PSP8 Residential Amenity
PSP16 Parking Standards
PSP38 Development within Existing Residential Curtilages

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

3. RELEVANT PLANNING HISTORY

- 3.1 PT16/3682/F Approved with Conditions 07/09/2016
Construction of raised platform with pump room under and erection of boundary fence (retrospective)
- 3.2 P84/1291 Refused 09/05/1984
Erection of detached house and alteration to vehicular access. (Outline)

- | | | | |
|-----|---|--------------------------|------------|
| 3.3 | N6168/2 | Refused | 26/01/1984 |
| | Erection of 2 detached houses and detached garage. Alteration of vehicular access. (Outline). | | |
| 3.4 | N6168/1 | Approved with Conditions | 13/05/1982 |
| | Erection of a double domestic garage. | | |

4. CONSULTATION RESPONSES

4.1 Frampton Cotterell Parish Council
No comment received

4.2 Other Consultees

Sustainable Transport
No Objection

Other Representations

4.3 Local Residents

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

- Overshadows the gardens of Nos. 3 and 5 Downfield Drive
- Increased noise level
- Overlooks Nos. 3 and 5 Downfield Drive
- Dominating
- Unsuitable access in event of emergency

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The application seeks permission to extend and convert the existing garage to form an ancillary annexe. Saved policy H4 of the South Gloucestershire Local Plan (Adopted) 2006 permits this type of development in principle subject to criteria relating to residential amenity, highway safety and design.

5.2 The annexe will have a lounge diner, a kitchen, a bedroom and a bathroom. The Application Form confirms the use of the annexe is intended for relatives of the host dwelling. The annexe would share the private amenity space and parking areas with the host dwelling. It is considered that this relationship is functional and a condition securing the ancillary nature of the building would be reasonable.

5.3 *Residential Amenity*

The application relates to a semi-detached dwelling situated on the west side of South View in Frampton Cotterell. The building to be converted is a detached single garage situated in the middle of the site adjacent the northern site boundary.

- 5.4 The proposal is to raise the roofline of the existing garage to a maximum height of 4.1 metres and to erect a gabled extension to the side of the detached garage, which would have a depth of 6.8 metres, a width of 4.6 metres, and matches the height of the raised garage roof.
- 5.5 The annexe would be adjacent the mutual boundary of Nos. 3 and 5 Downfield Drive, which are situated to the north. As existing, the rear gardens of the three sites are divided by a stone wall with fencing on top and vegetation above which is about 2.3 metres high in total. The annexe would, therefore be visible from Nos. 3 and 5.
- 5.6 Although it is noted that the development would result in a larger addition adjacent to the mutual boundary, it is not considered that it would appear significantly overbearing or oppressive on the occupiers of Nos. 3 and 5 due to its eaves level of 2.3 metres reaching a maximum height of 4.1 metres at the ridge line. The roof plan would slope away from the mutual boundary. Similarly, it is not considered that the building would prejudice the existing outlook from the rear windows of either property, and while sited to the south of both dwellings, given the length of their gardens and the scale of the building extended, would not have a significant effect on light entering their gardens.
- 5.7 In terms of privacy, the application identifies a window in the north elevation and two rooflights in the roof slope facing Nos. 3 and 5. It is considered that the boundary treatment inbetween is adequate to ensure the privacy of the occupiers of No. 3 is not prejudiced and due to the angle, the rooflights are not considered to significantly impact the amenity of the occupiers at No. 5. The plans indicate that ground floor windows will be installed in all the other elevations, but these face the private amenity space shared with No. 23 and as such, there are no concerns in this respect.
- 5.8 Concern has been raised with regards to occupation causing additional noise. The site is currently part of a residential curtilage and does not change with the granting of this application. It is not considered that the proposal would be materially different to the existing arrangement and as such, it is not considered that the proposal would result in undue levels of noise to the detriment of residential amenity.
- 5.9 In terms of private amenity space, although the annexe building is large, there is considered to be ample space remaining to serve both the host dwelling and annexe building.
- 5.10 *Design*
The application seeks permission to raise the roofline of the existing garage and erect a gabled single storey extension to the side of the detached garage and its conversion to form an ancillary annexe. The building is sited on the middle of the site adjacent the northern site boundary, invisible to the street scene. The existing garage element would be re-rendered and the new extension clad in vertical "western red cedar". The roof would be finished in tiles to match the original dwelling. The proposed materials are considered appropriate in the context of the site and the locality. Although the building is long, it is considered that its overall scale reflects its ancillary nature and would

not over-develop or over-intensify the existing site. Overall, it is considered that the building would respect the character of the site and the locality and as such, is considered acceptable.

5.11 *Highway Safety*

The application seeks permission to convert a detached garage, inaccessible to vehicles due to an extension to the dwelling and as such, is not in use. Adequate off-street parking remains in the attached garage and on the driveway. There are no transportation objections.

5.12 *Other Matters*

Concern was raised that the emergency services would not be able to access the proposed annexe, but service workers can access any part of the site through the property or using the side access by the attached garage.

6. CONCLUSION

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

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

7. RECOMMENDATION

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

Contact Officer: Helen Braine
Tel. No. 01454 863133

CONDITIONS

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

Reason

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

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

Reason

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

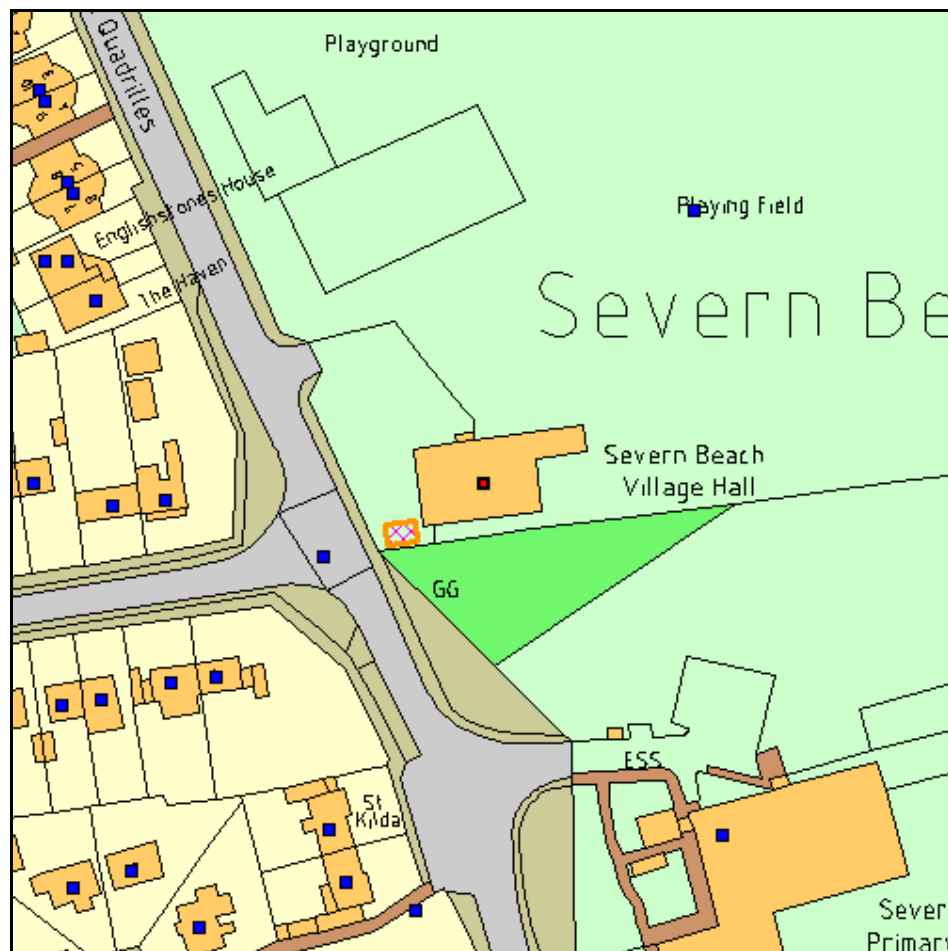
3. The annexe hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 23 South View, Frampton Cotterell, Bristol, South Gloucestershire, BS36 2HT.

Reason

In the interests of visual amenity, highway safety and parking standards and to protect the residential amenity of the neighbouring occupiers and to accord with Policy CS1, of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; Policy T12 of the South Gloucestershire Local Plan (Adopted) 2006, SPD: Residential Parking Standards (Adopted) 2013 and the National Planning Policy Framework.

CIRCULATED SCHEDULE NO. 42/16 – 21 OCTOBER 2016

App No.:	PT16/4090/F	Applicant:	Ms Krissie Henley
Site:	Village Hall And Common Ground Ableton Lane Severn Beach South Gloucestershire BS35 4PP	Date Reg:	2nd August 2016
Proposal:	Change of use of land for the stationing of a mobile catering unit (Class A5) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended)	Parish:	Pilning And Severn Beach Parish Council
Map Ref:	354229 184704	Ward:	Pilning And Severn Beach
Application Category:	Minor	Target Date:	23rd September 2016



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 100023410, 2015. **N.T.S.** **PT16/4090/F**

REASON FOR REFERRAL TO THE CIRCULATED SCHEDULE

This application has been referred to the Circulated Schedule following the receipt of letters in support of the application, which are contrary to the officer recommendation.

1. THE PROPOSAL

- 1.1 This application seeks full planning permission for the change of use of land for the stationing of a mobile catering unit (Class A5). Despite being a mobile unit on wheels, it is proposed to permanently station the unit on site. The unit would primarily sell fish and chips but could also sell other hot food, such as burgers, for take away. It is also proposed to operate a home delivery service from the van.
- 1.2 The unit would be located on an existing area of hard-standing to the front of the Village Hall located on Ableton Lane, Severn Beach. A hedgerow separates the plot from Severn Beach Primary School located to the south. A public playground lies immediately to the north and there are playing fields to the east behind the Village Hall; residential properties lie on the opposite side of Ableton Lane. The site lies within the Severn Beach Village Development Boundary.
- 1.3 The applicant has confirmed the following proposed opening hours:

11.00hrs – 19.00hrs Mon-Thurs incl.
11.00hrs – 20.30hrs Fri and Sat
No trading on Sundays, Christmas Day or New Years Day but it is proposed to trade on Bank Holidays.
- 1.4 The application is supported by a Transport Statement and Flood Risk Assessment.

2. POLICY CONTEXT

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

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy adopted 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
- CS14 Town Centres and Retail

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

- L1 Landscape Protection and Enhancement
- EP2 Flood Risk and Development
- RT8 Small retail uses within the Urban Area

- T7 Cycle Parking
- T8 Car Parking
- T12 Transport Development Control Policy for New Development.

2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist (Adopted)

2.4 Emerging Plans

Proposed Submission: Policies, Sites and Places Plan June 2016

- PSP1 - Local Distinctiveness
- PSP2 - Landscape
- PSP8 - Residential Amenity
- PSP11 - Transport Impact Management
- PSP16 - Parking Standards
- PSP20 - Flood Risk, Surface Water and Watercourse Management
- PSP21 - Environmental Pollution and Impacts
- PSP35 - Food and Drink Uses (including drive through takeaway facilities)

3. RELEVANT PLANNING HISTORY

3.1 None

4. CONSULTATION RESPONSES

4.1 Pilning and Severn Beach Parish Council

In the most part Pilning & Severn Beach parish council strongly object to this application on the following grounds:

- 1) Parking issues
- 2) Unsuitable opening times which take away trade from local businesses that have to pay business rates
- 3) Litter
- 4) Noise
- 5) Fire risk to neighbouring village hall

4.2 Other Consultees

Highways Structures

No comment

Sustainable Transport

No objection

Lead Local Flood Authority

No Objection, however the applicant is required to submit a Flood Risk Assessment to show consideration has been given to the fact that the site falls within Flood Zone 3.

Environment Agency

The site falls under flood risk standing advice.

Environmental Protection

No objection subject to conditions to secure opening hours and details of noise levels from any generators.

Other Representations

4.3 Local Residents

10no local residents object to the proposal, their concerns are summarised as follows:

- The unit has already been trading without licence.
- The hours of operation would coincide with school hours.
- Over concentration of food outlets in Severn Beach.
- The land belongs to 'The Children of The village' and a public meeting should be held in accordance with the constitution of the Charity Commission.
- Increased litter.
- Insufficient parking space.
- Proximity to hedge and Village Hall would be a fire risk.
- Would take up parking space thus resulting in increased on-street parking.
- Increased noise.
- Trading at school times with limited parking.
- Increased air pollution.
- Would result in anti-social behaviour in the area.
- Adverse impact on visual amenity.
- There is an existing street trading licence L11/0929/STS in operation by the Filling Station in nearby Western Approach 15.30 – 23.00 Mon to Fri and 19.30 – 23.00 Sat/Sun.
- A similar application PT16/2913/F for the erection of a café has recently been approved within the village.
- The van will attract school children.
- Increased traffic generation on Ableton Lane.
- Increased smells.
- Will attract vermin and sea gulls.
- No toilet facilities.
- Contrary to government guidelines on healthy eating habits.

3no. local residents support the scheme and their comments are summarised as follows:

- The existing cafes only open until 17.00hrs.
- The land is not Common Land it is owned by Severn Beach Village Hall Trust.
- The applicant has an agreement with the Trust Committee to operate up to 20.00hrs, 6 days per week subject to planning permission and licensing.
- An additional waste bin would be provided.
- The litter during the trial period of use was from McDonalds.
- The proposed position for the van was formerly occupied by recycling bottle-banks, not car parking.

- The site rent will go towards improvements to the Village Hall and Playing Fields.
- The location is a good one for this venture.
- Will reduce anti-social behaviour.

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

The National Planning Policy Framework advises that planning authorities should adopt a positive and constructive approach towards planning applications for economic development; *'The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system'* (paragraph 19)

5.2 Paragraph 28 of the NPPF states that planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. The local and neighborhood plans should support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well-designed new buildings, to support sustainable rural tourism and leisure developments that benefit businesses in rural area, communities and visitors, ... and to promote the retention and development of local services and community facilities in villages, such as local shops, etc.

5.3 Saved Policy RT8 of The South Gloucestershire Local Plan permits small scale proposals for inter alia Food and Drink establishments within the boundaries of settlements provided that:

- A. The development would not give rise to unacceptable levels of vehicular traffic or on-street parking to the detriment of the amenities of the surrounding area and highway safety.
- B. The development would not prejudice existing residential amenity; and
- C. The character of the area would not be adversely affected; and
- D. (In the case of proposals within a Local Centre) that the development would be consistent with that Centre's scale and function; or,
- E. (In the case of proposals outside of a Local Centre) development would improve the range of services to a local community and not harm the vitality and viability of an existing Local Centre).

5.4 Impact on Local Shops and Services

As regards Policy RT8(E) the site does not lie within a Local Centre and given the scale of the proposal, would be unlikely to adversely affect the viability or vitality of a Local Centre. The NPPF does support the retention and development of local services and community facilities in villages and the promotion of tourism.

5.5 Concerns have been raised about the impact that the proposed catering unit would have on the established hot food outlets within the village. These

comprise Downs Bakery in Beach Road and Shirley's Café near the Railway Station. A café i.e. Bert's Burger Bar has recently been approved under PT16/2913/F and has a sea front location at the junction of Beach Road and Beach Avenue. These outlets are all reasonably spaced apart and the application site would not be immediately adjacent to any of these businesses as to create an over-concentration of hot food take-aways'. Officers can confirm that the Filling Station, Holloway Road has a Street Trading Licence for hot food, valid until June 2017 but with restricted hours. The catering unit moves on outside the operating hours. This site however is within Western Approach Industrial Park.

- 5.6 The planning system operates in the wider public interest and competition and variety of choice is considered to be in the public interest. Officers also note that some residents have highlighted the need for a fish and chip outlet within the village that opens in the evening, as would be the case with the proposal.
- 5.7 Officers therefore conclude that the presence of an additional hot food take-away within the village is not justification to refuse the application.

Design/ Visual Amenity

- 5.8 The application site is located in a very prominent position at a focal point within the heart of the village, immediately to the front of the Village Hall and adjacent to the Village Playing Fields, Playground and Primary School; residential properties lie on the opposite side of Ableton Lane. Although the proposed catering unit is mobile in nature, it is proposed to be permanently stationed at the site.
- 5.9 Whilst the catering unit would not be particularly large i.e. approx. 3.75m long x 2.0m wide x 2.7m high, it is utilitarian in appearance and would be very prominent in views from Ableton Lane, there being only a low wall to the front of the Village Hall. Being permanently stationed in this location, the unit would represent a most incongruous feature that would not be in-keeping with the established street scene, which officers consider would be to the detriment of the character of the area; this would be contrary to criterion C of Policy RT8. It would also be contrary to Core Strategy Policy CS1, which requires the highest standards of design and site planning for new development. Furthermore, it does not accord with the design principles outlined in section 7 of the NPPF, which seeks to ensure that proposals should be designed so as to contribute positively to making places better for people (para. 56).
- 5.10 Residential Amenity
There is a reasonable distance between the application site and the nearby residential properties
- 5.11 In view of the above, and given the scale and size of the proposal, it is considered that there would not be any significant adverse impact upon the residential amenity of the neighboring properties. This would be subject to a condition to control opening hours. The home delivery service is proposed to be carried out by cyclists so this would not generate any additional disturbance. The location is already a place where people gather and given the small scale

of the operation it is not considered that the levels of disturbance generated by the proposal are likely to be significantly greater than already exists.

5.12 Highway Safety

A number of concerns have been raised about the highway implications of the scheme, especially in terms of traffic generation and on-street parking having regard to the proximity of the Primary School and regular functions that take place in the Village Hall. In response to these concerns and at officer request, the applicant has submitted a Transport Statement which clarifies how the catering unit would operate.

5.13 Being located within the heart of the village, the unit would be easily accessible on foot for many local residents. The site is also in close proximity to a bus stop and is not far from the railway station. The applicant intends to offer a delivery service by bicycle, which would reduce the amount of traffic visiting the unit. Food could be pre-ordered to take-away by people attending the various functions already held at the Village Hall and Playing Fields.

5.14 The NPPF para. 32 states that “Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe”. Having regard to the above, officers are satisfied that in this case the transportation impacts would not be severe, so there is no justification to refuse the application on highway safety grounds.

5.15 Flood Risk

The site is located within Flood Zone 3. As set out in the NPPF, inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk. The aim of the sequential test is to steer new development to areas of lowest probability of flooding i.e. Flood Zone 1 but clearly no such areas are available in Severn Beach.

5.16 The Environment Agency has raised no comment other than to say that standing advice applies in this case. Whilst the Council’s Drainage Engineer has raised no objection in principle to the proposed development regard still needs to be had to the advice contained within the Technical Guidance in respect of the National Planning Policy Framework.

5.17 Under the NPPF Flood Risk Vulnerability Classification, caravans are listed as highly vulnerable. The proposed mobile unit has the characteristics of a small caravan but would only be occupied during trading hours; it has no residential occupation. Whilst it is intended to anchor the unit to the ground, in the event of a serious incursion by the sea, the unit could still be ripped from its moorings and float away thus creating a serious hazard elsewhere.

5.18 The applicant has submitted a Risk Assessment that covers flooding issues. The risk assessment merely states that the applicant would pay attention to weather forecasts and extreme flood warnings and have a contingency plan to move the Unit if weather is severe. Given that the Unit would only be occupied during trading hours, this could encourage people to access a highly hazardous situation to recover the Unit; this would be a most unsatisfactory situation.

- 5.19. The proposal is not considered to provide wider sustainability benefits to the community that outweigh flood risk and neither does the Flood Risk Assessment demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its users. On this basis the proposal also fails the exception test.
- 5.20 On balance therefore there is a further objection to this scheme based on flood risk grounds.

Environmental Issues

- 5.21 The EHO has reviewed the information given in the application, and notes that there is no mention of how the unit would be powered. If this application is approved, officers would require information regarding the use of any generators and likely noise levels from this.
- 5.22 The nearest residential property is approximately 25 metres upwind from the proposed location of the food van and given the orientation of the property, is unlikely to result in a statutory nuisance from odours. The hours of opening should be conditioned in order to protect the amenity of nearby residential properties.
- 5.23 A further condition to secure additional litter bins would address concerns about litter.

5.24 Ecological Issues

Being an existing area of hard-standing within the heart of the village, there are no ecological constraints to granting planning permission.

Other Issues

- 5.25 Officers are mindful of the government's guidelines on healthy eating and the effects of obesity in young people. This is particularly pertinent in this case given the proximity to the application site to the primary school, playground and playing fields. Given however that there is currently no relevant Development Plan Policy to control these matters, officers do not consider that a refusal reason based on this issue could be reasonably substantiated in this case.

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 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 REFUSED for the reasons listed below.

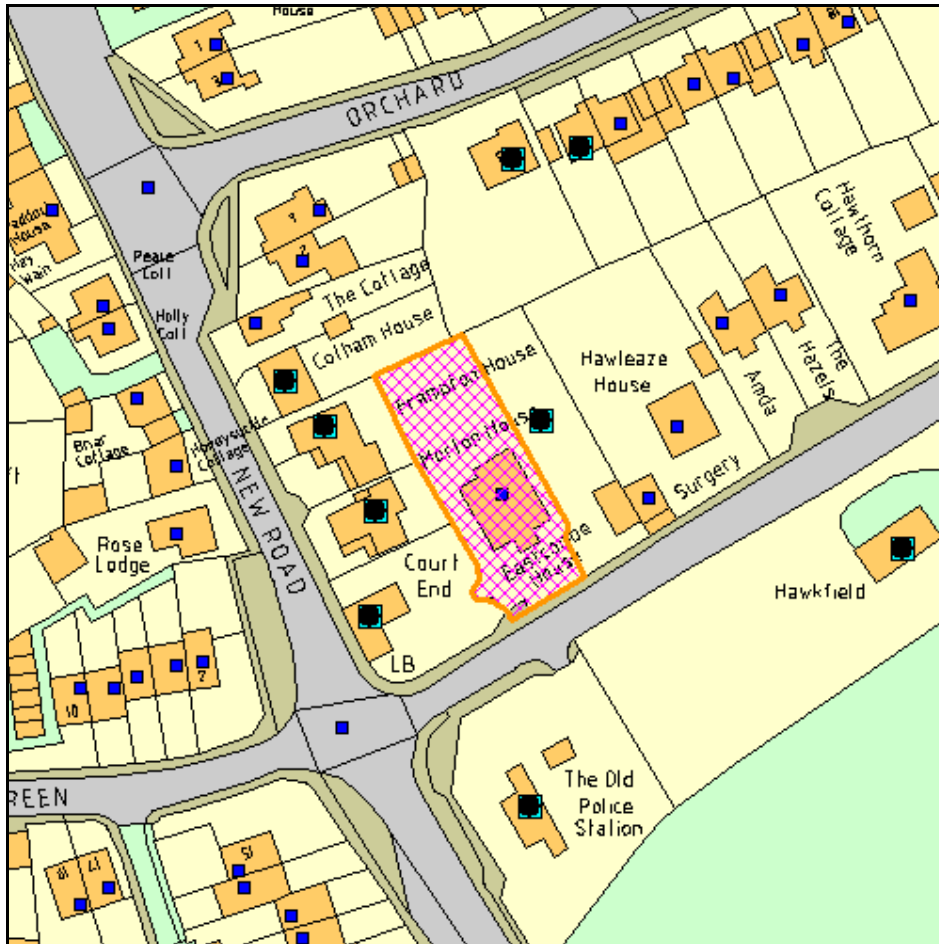
Contact Officer: Roger Hemming
Tel. No. 01454 863537

REFUSAL REASON

1. The proposal would represent an incongruous development which would adversely affect the character of the area, contrary to saved Policy RT8 of The South Gloucestershire Local Plan (Adopted) 6th Jan. 2006. The proposal also fails to meet the highest possible standards of design and site planning required by Policy CS1 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 and the requirements of the NPPF section 7.
2. The site lies in Flood Zone 3 and the proposed Catering Unit is considered to be classed as Highly Vulnerable under the NPPF Technical Guidance flood risk vulnerability classification and as such should not be permitted in Flood Zone 3. The proposal fails the sequential test and Exception test and as such is contrary to Policies C1 and CS5 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11th Dec. 2013; Policy EP2 of The South Gloucestershire Local Plan (Adopted) 6th Jan. 2006 and the requirements of paras. 100-103 of the NPPF.

CIRCULATED SCHEDULE NO. 42/16 – 21 OCTOBER 2016

App No.:	PT16/4182/F	Applicant:	Mr Morphey
Site:	Eastcombe House Haw Lane Olveston Bristol South Gloucestershire BS35 4EG	Date Reg:	19th July 2016
Proposal:	Partial demolition of existing single storey rear extension. Erection of replacement single storey rear extension. External alterations to include the removal of chimney, installation of roof lights and installation of ground floor side facing window.	Parish:	Olveston Parish Council
Map Ref:	360190 186902	Ward:	Severn
Application Category:	Householder	Target Date:	8th September 2016



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 100023410, 2015. N.T.S. PT16/4182/F

REASON FOR REPORTING TO THE CIRCULATED SCHEDULE

This report appears on the Circulated Schedule following an objection from the Parish Council.

1. THE PROPOSAL

- 1.1 The applicant seeks full planning permission for the removal of a chimney, installation of rooflights and a ground floor side facing window and the partial demolition of an existing single storey rear extension and the erection of a replacement single storey rear extension.
- 1.2 The application site relates to a two-storey detached dwellinghouse situated within the settlement boundary of Olveston and Olveston Conservation Area. The site forms part of the context of the Grade II listed Haw Leaze House. The site is washed over by the Bristol/Bath Green Belt.
- 1.3 During the course of the application, revised plans were received which removed the proposed rooflights on the front elevation and changed the glass lantern on the proposed single storey extension to a flat glass one.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework March 2012
National Planning Practice Guidance 2016
Planning (Listed Buildings and Conservation Areas) Act 1990
Planning (Listed Buildings and Conservation Areas) Regulations 1990
(as amended)
Managing Significance in Decision-Taking in the Historic Environment (GPA 2)
The Setting of Heritage Assets (GPA 3)

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy (Adopted December 2013)

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

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

L12	Conservation Areas
L13	Listed Buildings
T12	Transportation Policy for New Development
H4	Residential Development within Existing Residential Curtilages

2.3 Emerging Plans

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

PSP1	Local Distinctiveness
PSP7	Development in the Green Belt

PSP8	Residential Amenity
PSP16	Parking Standards
PSP17	Heritage Assets and the Historic Environment
PSP38	Development within Existing Residential Curtilages

- 2.4 Supplementary Planning Guidance
Development in the Green Belt SPD (Adopted) 2007
Design Checklist SPD (Adopted) 2007
Residential Parking Standards SPD (Adopted) 2013
Olveston Conservation Area SPD (Adopted) 2013

3. **RELEVANT PLANNING HISTORY**

- 3.1 No planning history

4. **CONSULTATION RESPONSES**

- 4.1 Olveston Parish Council
Object on the grounds that it is within the conservation area and adjacent to a grade II listed building, the proposal is not in keeping with the traditional characteristics of the building and the surroundings.

- 4.2 Other Consultees

Conservation Officer
Refusal recommended.

Update:
Revised plans received 09/08/2016.
No objection.

Planning Enforcement
No comment received

Other Representations

- 4.3 Local Residents
None received

5. **ANALYSIS OF PROPOSAL**

- 5.1 Principle of Development
The application seeks permission for the removal of a chimney, replacement of a single storey rear extension and installation of rooflights and a ground floor side facing window to a dwelling situated within the Olveston Conservation Area and the adopted Bristol/Bath Green Belt. Saved policy H4 of the Local Plan allows for extensions to existing dwellings in the green belt provided they do not result in disproportionate additions over and above the original dwelling, would not prejudice residential amenity or highway safety, and would achieve a high quality of design.

- 5.2 Saved policy L12 of the Local Plan and policy CS9 of the Core Strategy seeks to preserve and enhance the character and appearance of the Conservation Area, and policy L13 of the Local Plan seeks to preserve the setting of listed buildings.
- 5.3 *Green Belt*
The application proposes the demolition of a rear lean-to and erection of a replacement one. The proposed rear extension, when offset by the removal of the chimney and existing extension, is not considered to result in a disproportionate addition over and above the original dwelling and would not prejudice the openness of visual amenity of the green belt. Accordingly, there are no concerns in green belt terms.
- 5.4 *Design and Impact on Conservation Area and Listed Building*
Eastcombe House is unlisted, but forms part of the context of the Grade II listed Haw Leaze House and is located within the Olveston Conservation Area. In response to the Conservation Officer's original comments, revised plans were received on 09/08/2016. Although unlisted, the property can be considered to be of a degree of historic and architectural interest. Its classical Georgian proportions have been somewhat distorted by later bay window additions to the principal elevation at ground floor, but overall the historic proportions, massing and elegant symmetry of this double front dwelling remains intact and one of interest despite the best efforts of the porch.
- 5.5 The proposed scheme comprises a number of components which will be addressed in turn.
- 5.6 The partial demolition of the rear extension and proposed replacement extension is not considered contentious. The original scheme included a lantern light on top, but this element has been omitted which is an improvement to the overall scheme.
- 5.7 The rear chimney is not considered to be of any significant historic interest and set to the rear, makes no contribution to the character of the street scene. Although its loss would result in an overall reduction in interest, the loss of character is not significant and the character and appearance of the conservation area would be reserved.
- 5.8 2no. additional rooflights were originally proposed to the front roofplane, but these have been removed from the scheme. Part of the scheme proposes the replacement of 2no. existing rooflights on the main rear roofplane, albeit moved further to the middle. Conservation rooflights should have been specified for these instead of the modern velux style. However, proposing the conservation rooflight style now would result in an inconsistent design that would likely do more harm than good. The rooflights are to the rear so the visual impact will be contained. Moving onto the 3no. rooflights on the lower roof of the outshut. It is a shame these are being retained, but set to the rear, there would be little if no effect on the character and the appearance of the conservation.
- 5.9 The proposed insertion of matching windows to the side elevations are not contentious.

5.10 To conclude, the main amendments made to the scheme are the removal of the additional rooflights to the front elevation and the removal of the lantern to the rear. In light of the removal of the rooflights to the front roof plane, with the proposed changes kept largely to the rear, the character and appearance of the conservation would be preserved. Furthermore, comments from the Parish Council are noted, but in light of the scale and nature of the proposals, it is not considered that the setting of the listed building would not be compromised.

5.11 *Residential Amenity*

The application proposes a single storey rear extension replacement and the installation of rooflights and a modest ground floor side facing window. The extension would be set away from the eastern boundary by about 2 metres and 8 metres from the western boundary. It is considered that the proposed extension, by virtue of height, scale and location, would not prejudice the residential amenity of neighbouring occupiers. Morton House to the west is separated from the application site by a high stone wall, therefore, the window is not considered to impact on these neighbours. The proposed rooflights would be in the middle of the main roof and would not overlook any nearby occupiers to the detriment of mutual privacy.

5.12 *Highway Safety*

The application would not affect the existing parking provision and would not result in an increase in parking provision. There are, therefore, no concerns in terms of highway safety.

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 written on the decision notice.

Contact Officer: Helen Braine
Tel. No. 01454 863133

CONDITIONS

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

Reason

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

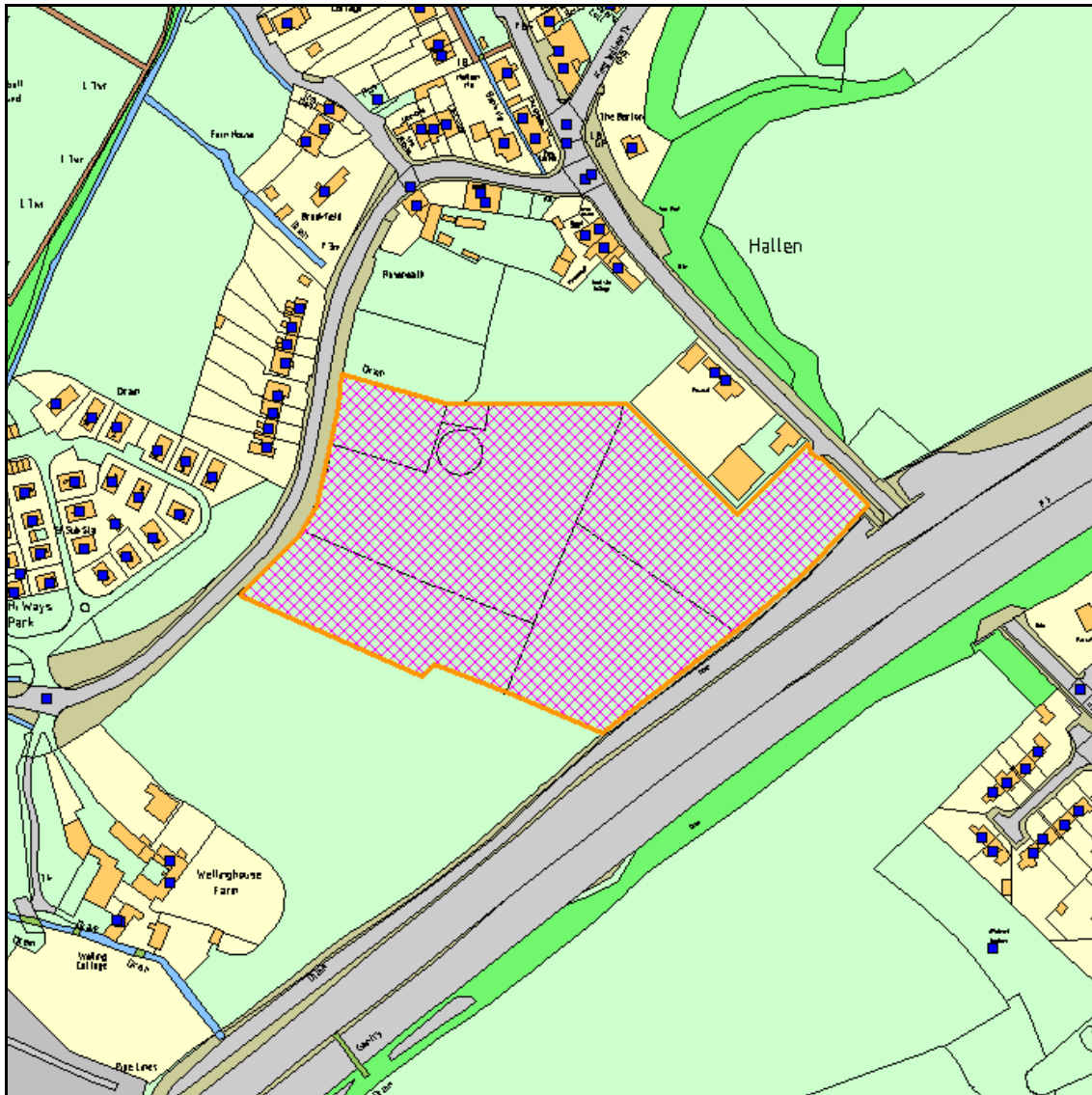
2. The hours of working on site during the period of construction shall be restricted to 7:30 to 18:00 Monday to Friday and 8:00 to 13:00 on Saturdays; and no working shall take place on Sundays or Public Holidays. The term 'working' shall, for the purpose of clarification of this condition include: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

Reason

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

CIRCULATED SCHEDULE NO. 4216 – 21 OCTOBER 2016

App No.:	PT16/4255/CLE	Applicant:	Mr Nigel Hares
Site:	Moorhouse Lane Hallen Bristol South Gloucestershire BS10 7RT	Date Reg:	21st July 2016
Proposal:	Certificate of lawfulness for the existing use of the land as an equestrian facility (Sui Generis Use Class)	Parish:	Almondsbury Parish Council
Map Ref:	354938 180054	Ward:	Almondsbury
Application Category:		Target Date:	12th September 2016



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REASON FOR REPORTING TO THE CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 This application seeks a certificate of lawfulness for the existing use of land as an equestrian facility.
- 1.2 The land is located to the east of Moorhouse Lane and to the south is the M5 motorway. The site is located within the Bristol/Bath Green Belt.
- 1.3 A previous application (Ref. PT16/1650/PNA) was submitted in April 2016 for the erection of an agricultural building. However, on the advice of the case officer the application was withdrawn in May 2016 as it was agreed that the historic land use appears to be equestrian.

2. POLICY CONTEXT

- 2.1 National Guidance
 - i. Town and Country Planning Act 1990
 - ii. Town and Country Planning (Development Management Procedure) (England) Order 2015
 - iii. National Planning Policy Framework March 2012
 - iv. National Planning Policy Guidance 2016

3. RELEVANT PLANNING HISTORY

- 3.1 PT16/1650/PNA Prior notification of the intention to erect an agricultural building for the storage of hay, straw and animal feeds
Withdrawn May 2016

4. SUMMARY OF EVIDENCE IN SUPPORT OF THE APPLICATION

- 4.1 To support this application, the following evidence has been submitted:
 - Statutory Declaration signed by Jacqueline Anne Hudson – the current landowner since 10.08.1996.
- 4.2 A local resident, Mr Richard Slaughter, who knows the landowners Miss Jacqueline Hudson and Mr Nigel Hares has written a letter of support stating the land has been used for equestrian purposes since the M5 was constructed and the original landholding of Church Farm in Hallen was physically split. The previous tenant Mrs Audrey Petty used for the land for equestrian purposes, with a small livery yard and then Miss Hudson continued to do so after purchasing the land in 1996.
- 4.3 The LPA has access to aerial photographs of the site from 1999, 2005, 2006, and 2008:

- Aerial photograph from 1991 – incomplete, no view of the application site;
- Aerial photograph from 1999 – no discernible use of the land visible, only fencing;
- Aerial photograph from 2005 – land further sub-divided with an additional fence in the largest field and erection of a shelter structure;
- Aerial photograph from 2006 – additional new fencing in the largest field and a circular sand area for exercising horses created. Several horses appear to be in the fields;
- Aerial photograph from 2008 – land further subdivided with new fencing down the middle of the largest field, there appears to be several jumps and at least a couple of horses;
- Aerial photograph from 2014 – no available photograph.

5. **SUMMARY OF CONTRARY EVIDENCE**

5.1 The LPA has no contrary evidence.

6. **OTHER REPRESENTATIONS RECEIVED**

6.1 Almondsbury Parish Council
No comment received.

6.2 British Horse Society
No comment received.

6.3 Planning Enforcement
No comment received.

Other Representations

6.4 Local Residents
No comment received.

7. **EVALUATION**

7.1 An application for a certificate of lawfulness is not a planning application. It is purely an evidential test and therefore should not be determined against planning policy or on planning merit. The test to be applied is whether the application has demonstrated, through precise and unambiguous evidence, that the existing use of the land is equestrian.

7.2 Relevant legislation to this application for a Certificate of Lawfulness
Section 191(1) of the Act states that a person may make an application to the LPA to ascertain whether:

- (a) Any existing use of buildings or other land is lawful;
- (b) Any operations which have been carried out in, on, over or under land are lawful; or

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

7.3 The applicant has made an application under section 191(1)(a) in respect of the existing use of the land being lawful. The applicant has sought this certificate of lawfulness on the grounds that the equestrian use began more than 10 years before the date of the application.

7.4 When assessing applications for certificates of lawfulness, the onus of proof is firmly on the application and the relevant test of the evidence on such matters is “on the balance of probability”. Advice contained within the Planning Practice Guidance (PPG) states that a certificate should not be refused because an applicant has failed to discharge the stricter criminal burden of proof, i.e. “beyond reasonable doubt”. The PPG gives further guidance:

In the case of applications for existing use, if a local planning authority has no evidence itself, nor any from others, to contradict or otherwise make an applicant’s version of events less than probable, there is no good reason to refuse the application, provided the applicant’s evidence alone is sufficiently precise and unambiguous to justify the grant of a certificate on the balance of probability.

7.5 Assessment of Evidence

The applicants claim that the land has been used for the keeping and grazing of horses since 1978. The landowner Miss Jaqueline Hudson initially rented the land from then landowner Mrs Audrey Petty until 1996. When Mrs Petty died, Miss Hudson purchased the land and continued the same use. Miss Hudson also rents part of the storage yard to the north of the application site. The majority of this information is contained within the Statutory Declaration from Miss Hudson.

7.6 The supporting letter from Mr Richard Slaughter also confirms that the land was used for equestrian purposes after the M5 motorway divided the farm land associated with Church Farm in Hallen. The land was used by Mrs Audrey Petty for equestrian purposes until the land was sold after her death in 1996 to Miss Hudson. The equestrian use appears to have started in the early 1960s in association with Church Farm and the landowner Mrs Petty. The use of the application site for equestrian purposes was solely taken on by Miss Hudson (tenant) and continued after she purchased the land in 1996.

7.7 Given the dates provided and the aerial photographs available, the use of the land for equestrian purposes appears to have been taking place for approximately 38 years. The equestrian use of the land appears to have increased since Miss Hudson purchased the land in 1996 given the appearance of additional fencing, jumps, etc, in later aerial photographs dating from 2005 onwards.

7.8 Officers can find no enforcement notices with regard to this development within the Council’s records and no contrary evidence or objections have been submitted by members of the public. With this in mind, there is sufficient unambiguous evidence to find that on the balance of probabilities the

application site has been used for equestrian purposes for in excess of ten years, meaning by virtue of section 171B(3) of the Act the use of the land would be immune from enforcement action, and therefore under section 192(2) of the Act, a certificate of lawfulness should be granted for the land off Moorhouse Lane.

8. RECOMMENDATION

- 6.1 It is recommended that a Certificate of Lawfulness is GRANTED for the reason listed below.

CONDITIONS

1. On balance of probabilities it has been demonstrated that the land has been in equestrian use for the requisite period of time and are therefore immune from enforcement action by virtue of section 171B(3) of the Act with regard to the use of the land.

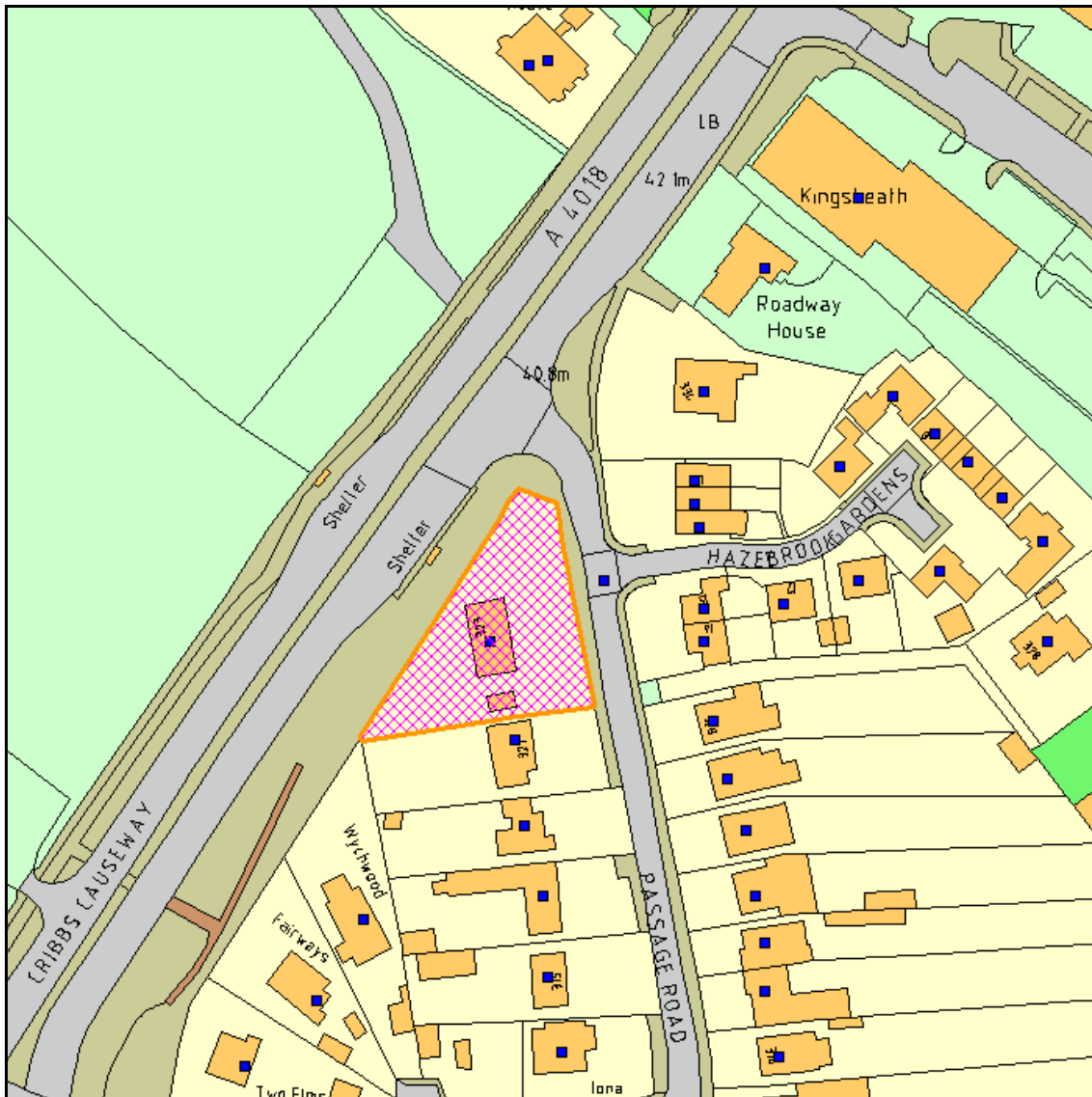
Contact Officer: Katie Warrington
Tel. No. 01454 863436

CONDITIONS

1. On the balance of probabilities it has been demonstrated that the land has been in equestrian use for the requisite period of time and are therefore immune from enforcement action by virtue of section 171B(3) of the Act.

CIRCULATED SCHEDULE NO. 42/16 – 21 OCTOBER 2016

App No.:	PT16/4433/F	Applicant:	Mr Tim Butterfield
Site:	Rowbarton 323 Passage Road Almondsbury South Gloucestershire BS10 7TE	Date Reg:	1st August 2016
Proposal:	Erection of 1no detached dwelling and associated works and erection of detached garage.	Parish:	Almondsbury Parish Council
Map Ref:	356997 180212	Ward:	Patchway
Application Category:	Minor	Target Date:	22nd September 2016



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REASON FOR REPORTING TO THE CIRCULATED SCHEDULE

Two comments of objection have been received, contrary to the Officer's recommendation resulting in the application needing to appear on circulated schedule.

1. THE PROPOSAL

- 1.1 This planning application seeks permission for the erection of 1no. detached dwelling and associated works and erection of detached garage.
- 1.2 The application site comprises a large, detached, two-storey property situated on the western side of Passage Road, adjacent to the A4018 Cribbs Causeway junction and within the established residential area of Patchway.
- 1.3 To the immediate east and south there are residential properties on Passage Road. There is a recent small development of 14no. 3no. and 4no. bedroom houses adjacent on Hazelbrook Gardens.
- 1.4 During the course of the application, the Officer requested an amendment to the eaves height of the proposed dwelling. The agent has made the amendments and has submitted a revised plan accordingly.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework March 2012
National Planning Policy Guidance 2016

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design
CS4A Presumption in Favour of Sustainable Development
CS5 Location of Development
CS8 Improving Accessibility
CS9 Managing the environment and heritage
CS15 Distribution of Housing
CS16 Housing Density
CS17 Housing Diversity

South Gloucestershire Local Plan Adopted January 2006 (Saved Policies)

H4 Residential Development within Existing Residential Curtilages
Including New Dwellings
T7 Cycle Parking
T12 Transportation Development Control Policy for New Development

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

PSP1 Local Distinctiveness
PSP8 Residential Amenity
PSP16 Parking Standards

PSP38 Development within Existing Residential Curtilages, Including Extensions and New Dwellings

- 2.3 Supplementary Planning Guidance
Design Checklist (Adopted) 2007
Residential Parking Standard SPD (Adopted) December 2013
Cribbs/Patchway New Neighbourhood Development Framework SPD (Adopted) 2014
Waste Collection: guidance for new development SPD (Adopted) 2015
CIL Charging Schedule and the CIL and S106 SPD (Adopted) 2015

3. **RELEVANT PLANNING HISTORY**

- 3.1 PT09/6130/EXT Erection of detached garage with integral hobby room
Approved
- 3.2 PT06/3409/F Erection of detached garage with integral hobby room
Approved 12.01.07
- 3.3 P88/2511 Erection of detached dwelling. Construction of new vehicular and pedestrian access (outline)
Refused 25.07.1988
Application relates to the northern part of the garden.
Reason for refusal – The site of the proposed development is of insufficient size to satisfactorily accommodate a dwelling and the proposal, if allowed, would result in a cramped form of development to the detriment of the visual amenities of the area.

4. **CONSULTATION RESPONSES**

- 4.1 Almondsbury Parish Council
Objection.
This application provides insufficient details and is misleading. The Council considers this should be two separate applications, one for an existing dwelling to have a garage and the other is for an independent dwelling.
- 4.2 Archaeology
The site lies within an area of archaeological potential therefore it is recommended that an archaeological watching brief is undertaken during all ground works. Condition required.
- 4.3 Highway Structures
No comment.
- 4.4 Lead Local Flood Authority
No objection.

4.5 Sustainable Transport

No objection.

The proposed development access is at a point on Passage Road where given the proximity of the junction with Cribbs Causeway and the alignment of the road, adequate visibility is shown on the submitted layout drawing. The hedge would need to be cut back to provide the 2.4m set back shown on the drawing but this can be covered by condition.

The proposal is provided with on-site parking and turning in accordance with the Council's standards.

There have been no recorded road traffic injury accidents at the junction of Cribbs Causeway and passage Road or at the junction with Hazel brook Gardens during the last 5 years.

I recommend no transport objections subject to conditions requiring the access, parking and turning facilities to be provided for existing and proposed dwellings and the visibility splays provided and retained.

Other Representations

4.6 Local Residents

One comment of objection from a local resident:

- Objecting to the new driveway being located opposite entrance to Hazel Brook Garden;
- There are no parking restrictions in Passage Road and the left-hand side (opposite 323) is filled up with parked cars (commuters) from the dual-carriageway down from 6.45am;
- Parking in the area is poor, with cars parking near the junction of Hazel Brook Garden resulting in poor visibility;
- Passage Road is a "rat run" with cars trying to avoid the roundabout on the A4018;
- Cars speed along Passage Road making it difficult for vehicles to exit left out of Hazel Brook Garden;
- Additional driveway will worsen parking/highway safety situation;
- Contacted Council to sort out parking as it has become dangerous and there needs to be speed ramps in the area.

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 resulting design and impact on the character of the proposed 1no. detached dwelling and their impact on the character of the area in general. Impact on the residential amenity of neighbours and of the existing and future occupants is considered, as is the impact of the development on parking and highway safety.

5.2 It is acknowledged that South Gloucestershire Council does not have a five year land supply. Notwithstanding the above, the adopted development plan remains the starting point for assessment.

As such, paragraph 49 of the NPPF is engaged and Policy CS5 is considered out of date. Policy CS5 sets out the location strategy for development in the district. New development is directed towards the existing urban area and defined rural settlements; the application site is located within an existing urban area of the East Fringe of Bristol. 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. Whilst weight is given in favour of an additional dwelling, the contribution is considered to be a very modest contribution to the overall housing supply. Therefore, it remains for the Officer to assess the proposed development, which is set out below.

5.3 Visual Amenity

Policy CS1 of the adopted Core Strategy states that development proposals will only be permitted where the highest possible standards of design and site planning are achieved. Development proposals will be required to demonstrate that siting, form, scale, height, massing, detailing, colour and materials are informed by, respect and enhance the character, distinctiveness and amenity of the site and context. Saved policy H4 of the adopted Local Plan states that new dwellings will only be permitted where they respect the massing, scale, proportions, materials and overall design and character of the existing property and the character of the street scene.

- 5.4 The western side of Passage Road is characterised by larger, two storey, detached properties. Directly adjacent to the application site is a newer development of 14no. three storey town houses. Further along the eastern side of Passage Road are more modest bungalows on narrower plots and evidence of backland development. There is no coherent architectural style.

Proposed new dwelling

- 5.5 The existing dwelling benefits from a large curtilage, with an ample driveway. The proposed new dwelling would be located to the immediate south of the existing dwelling, replacing an existing single garage. The proposed dwelling would have a hipped roof, with feature brickwork under the ground floor windows and a canopy porch. A condition relating to roof materials will be attached to ensure the dwelling integrates with the neighbouring properties. The dwelling would have 3no. bedrooms and would be served by a parking area out the front and adequate private amenity space to the rear. The proposed size and design of the dwelling suitably reflects the character of the neighbouring properties. The Officer suggested the overall height of the dwelling and eaves to be increased to match neighbouring properties and help integrate the new dwelling in the street scene. Overall, the proposed dwelling is considered to be suitably well-designed to comply with policy CS1.

5.6 *Proposed replacement garage*

As part of the application, the applicant seeks to replace the garage and erect a new detached garage next to the north elevation and move the access with it.

The proposed replacement garage would have a pitched roof with a garage door and small window on the front elevation. The garage is simple in design and is considered acceptable in terms of siting, scale and design terms.

5.7 Impact upon Residential Amenity

The proposed dwelling would constitute infill-development in between two existing large detached dwellings. This part of Passage Road is characterised by a number of historic detach dwellings (both large and small) and newer terraced townhouses. The majority of window openings in the new dwelling would be in the front and rear elevations. The existing house side elevation windows are proposed to be filled in to prevent any inter-visibility. Given the distance from the eastern side of Passage Road, it is not considered that there would be any negative impact in terms of harm to privacy or overlooking.

Proposed replacement garage

5.8 The proposed garage will be located next to the north elevation of the existing dwelling. Given the proposed scale and siting of the garage, it is not considered to have a significant impact on the existing levels of residential amenity.

5.9 Overall, it is not considered that the development would materially prejudice the residential amenity of any of the nearby residential occupiers of the future occupants of the new and existing dwelling.

5.10 Highway Safety

The proposed new dwelling will have adequate on-site parking and turning space at the front of the property, using the existing access 'Rowbarton'. The existing dwelling will have a new access and driveway further to the north end of their curtilage, with a parking area in front of the proposed replacement garage. The Officer noted during their site visit that there is propensity for on-street parking along Passage Road, but given the level of off-street parking provided, turning area and the location of the access points, it is not considered that the proposal will have a negative impact on the on the local area.

5.11 The proposed development access is at a point on Passage Road where, given the proximity of the junction with Cribbs Causeway and the alignment of the road, the proposed plans show adequate visibility in respect of the new access. The existing hedge along the frontage would need to be cut back to provide a suitable 2.4metre set back, as shown on the proposed plan; this will also be covered in a condition. Concern has been raised that the new access point is adjacent to Hazel Brook Garden entrance, however this is not considered to cause a highway safety issue given the proposed visibility splay. The Transportation Officer has confirmed that there have been no road traffic injury accidents at the junction of Cribbs Causeway and Passage Road or at the junction of Hazel Brook Garden during the last 5 years. In terms of access/egress of the new access point being opposite Hazel Brook Gardens, this would mean that vehicles would be directly opposite one another and more visible, which would be a benefit.

- 5.12 A local resident has raised a number of issues concerning the use of Passage Road as a “rat run”, vehicles using the road as a short cut, no speed restrictions or humps, and a lack of parking restrictions meaning commuters tend to park along the road all day. These issues do not relate to the proposed development and there are clearly concerns in the local community about the misuse of Passage Road by non-residents that need to be addressed. Officers have recommended that these concerns are raised with the appropriate department for further assessment.
- 5.13 Overall, the proposal is considered to have acceptable levels of vehicular parking and also an acceptable impact on highway safety. With this in mind, there are no highway safety or transportation objections to this proposal.
- 5.14 Archaeology
Given the site lies within an area of archaeological potential, it is recommended that an archaeological watching brief is undertaken during the ground works stage. A condition will be attached.
- 5.15 Other matters
Almondsbury Parish Council has raised concern that the application provides insufficient details and is misleading, given the proposal combines a new dwelling and a proposed replacement garage for the existing property. The proposal description is considered to suitably cover the proposed development.

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 **APPROVED** 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 **APPROVED**, with the attached conditions.

Contact Officer: Katie Warrington
Tel. No. 01454 863436

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 the relevant part of the development, a sample of the roof tiles proposed to be used in the construction of the new dwelling shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason

To ensure a satisfactory standard of external appearance of the development and to ensure the new dwelling integrates within the existing neighbouring dwellings, to accord with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; and the National Planning Policy Framework.

3. The new dwelling shall not be occupied until the access, off-street parking and turning facilities have been provided for the existing and proposed dwellings, in accordance with the details hereby approved (Drawing No. 16.016 - 101, submitted to the Council on 26th July 2016) and thereafter permanently retained for that purpose.

Reason

In the interest of highway safety and the amenity of the area, and to accord with saved policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006 (Saved Policies), Policy CS8 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 and the Residential Parking Standards SPD (Adopted) December 2013.

4. The new access for the existing dwelling known as 'Rowbarton' shall not be brought into use until the visibility splays have been provided in accordance with the approved plan (Drawing No. 16.016 - 101, submitted to the Council 26th July 2016) and thereafter permanently retained for that purpose.

Reason

In the interest of highway safety and the amenity of the area, and to accord with saved policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006 (Saved Policies), Policy CS8 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 and the Residential Parking Standards SPD (Adopted) December 2013.

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

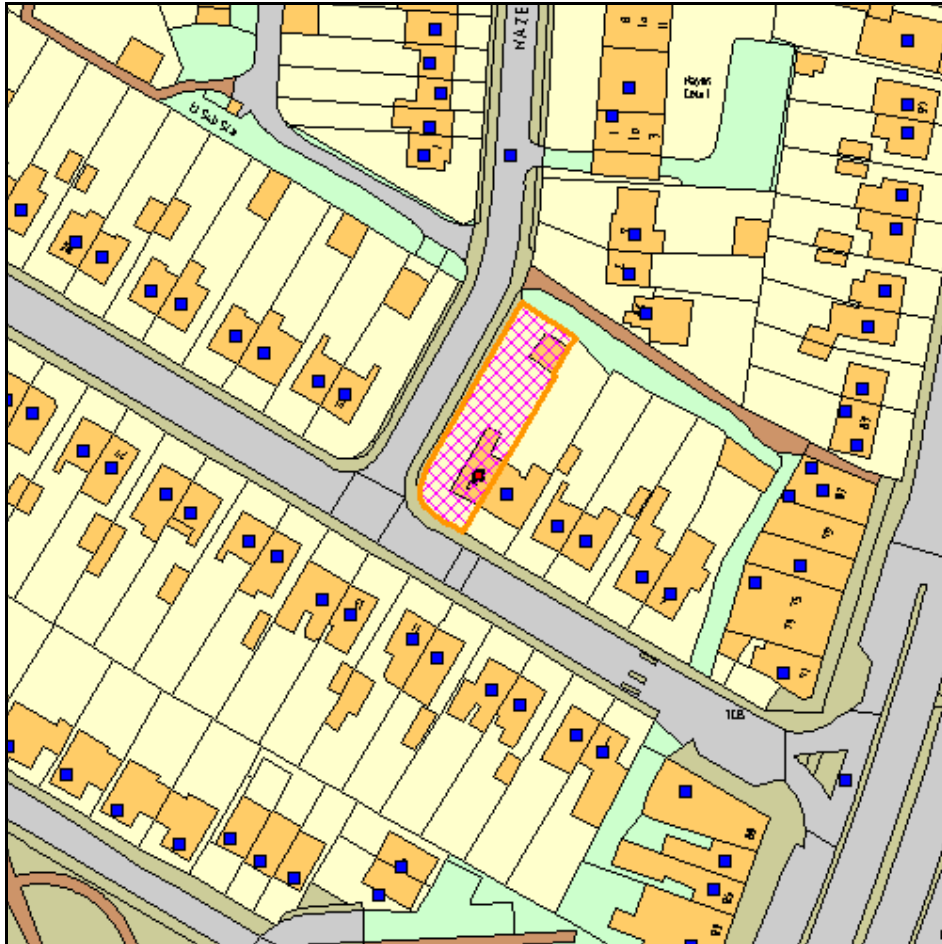
Reason

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

This information is required as a pre-commencement condition because it is necessary to investigate or record any findings of interest prior to any development commencing on site.

CIRCULATED SCHEDULE NO. 42/16 – 21 OCTOBER 2016

App No.:	PT16/4545/F	Applicant:	Sangha Properties
Site:	12 Callicroft Road Patchway Bristol South Gloucestershire BS34 5BS	Date Reg:	3rd August 2016
Proposal:	Erection of 1no. attached dwelling with access and associated works.	Parish:	Patchway Town Council
Map Ref:	360448 181257	Ward:	Patchway
Application Category:	Minor	Target Date:	26th September 2016



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REASON FOR REPORTING TO THE CIRCULATED SCHEDULE

The application is circulated as a result of the objection from Patchway Town Council

1. THE PROPOSAL

- 1.1 The application is the garden to one house of a pair of semidetached houses in the urban area of Patchway at Callicroft Road. The proposal to add another house to the side of the house involves using the wide corner plot and half its garden to provide the house, garden and parking for the new house. Parking is already present for the original house and this is unaffected.
- 1.2 During the application revised plans have been received which modified the design slightly to facilitate revised fenestration sizes, removed a front projection, reduced parking for the proposal to two spaces and provided more garden area.
- 1.3 The proposal now facilitates two parking spaces, cycle parking and bin storage for this proposed two bedroom house.

2. POLICY CONTEXT

2.1 National Guidance

The National Planning Policy Framework March 2012
The 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
CS9 Environmental Resources and Built Heritage
CS16 Housing Density
CS17 Housing Diversity
CS25 Communities of the North Fringe

South Gloucestershire Local Plan (Adopted) January 2006

L1 Landscape Protection and Enhancement
L9 Protection Species
H4 Development with curtilage of a dwelling
EP2 Flood Risk and Development

Emerging Plan

Draft Policies, Sites & Places Plan

PSP1 Local Distinctiveness
PSP2 Landscape
PSP16 Parking Standards
PSP43 Private Amenity Space Standards

- 2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist (SPD) Adopted 23rd Aug 2007
South Gloucestershire Council Residential Parking Standards (Adopted)

3. RELEVANT PLANNING HISTORY

- 3.1 none

4. CONSULTATION RESPONSES

- 4.1 Patchway Town Council
Object; Members are concerned that it will add to overdevelopment of the area, be a precedent to other development and add to the pressure to on street parking

- 4.2 Other Consultees]

Highway Structures

The responsibility for structures such as boundary walls will rest with the developer.

Lead Local Flood Authority

No objection

Sustainable transport

No objection subject to conditions.

Archaeology Officer

No objection.

Other Representations

- 4.3 Local Residents
none

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development including Green Belt
The applicant seeks planning permission for the erection of a new attached dwelling. The site is located within the urban area where the principle of such development is acceptable and the following main policies would be relevant to the determination of this application.
- 5.2 Policy T12 of the South Gloucestershire Local Plan seeks to control development, which may affect highway safety. The Council Residential Parking Standards has been adopted in December 2013 to ensure satisfactory parking provided.
- 5.3 Policy CS1 deals with the design of development and seeks to secure good quality design in new development which respects the site surroundings.

- 5.4 Policy CS25 deals broadly with the local area and seeks to provide housing which is integrated with the existing community. Moreover as the Council is currently unable to demonstrate a five year supply of housing land the presumption in favour of the development set out in the NPPF paragraph 14 applies. This effectively indicates that where housing supply policies are considered out of date the development should be permitted unless there are significant and demonstrable harms that clearly outweighs the benefit. The benefit in this instance is the addition of one further dwelling in a sustainable location.

5.5 Design and Visual Amenity

Policy CS1 of the South Gloucestershire Local Plan Core Strategy 2013 seeks to secure good quality design in new development. The proposal has been amended to give the impression that this new house is an extension, set back from the front elevation on this corner site. The scale of windows reflect the height and width of the bay windows at the host house. Having a porch door to the side of the property prevents the need to add a further front door to the main elevation facing Callicroft Road and the garden is ample to facilitate parking for two cars for the proposed property and two gardens for the host and proposed house. These parking spaces sit alongside the existing car parking and garage for the host house and do not over dominate the visual amenity of the streetscene.

A ten metre section of wall will rise to 1.8m and be rendered to enclose a private garden whilst the rest of the otherwise low boundary treatment will remain under one metre high. The existing car parking for the host house is unaffected and pedestrian access remains to the rear garden of the host house via a path across their parking area.

The character of the area is preserved by this proposal but it is noted that if permitted development rights were not removed this could add further building works to this scheme which would create an unsatisfactory impact on the neighbour and visual amenity of this corner site. As such is considered necessary to withdraw householder permitted development rights for the new dwelling.

The materials proposed are rendered blockwork to the garden wall, and all other materials (render and tiles, windows and doors) will match those at the host house. As such the proposal is acceptable subject to the conditions set out below.

5.6 Transportation Issues

The site provides two parking spaces for the new house, together with a secure cycle parking shed for two bikes. The existing car parking space and large garage are retained as car and cycle parking for the host dwelling. A two bedroom dwelling, as proposed, would require one parking space and as such the Councils minimum car and cycle parking provision is satisfied. It is noted that Patchway Town Council are concerned about loss of parking. It is considered that this refers to on street parking. Whilst this may make it more awkward for people to park as they seem to on one side of the street, such creation of parking spaces would be permitted development and it is

considered disproportionate to refuse the application as a result of a modest reduction in casual on street parking. There is therefore no highway objection to the proposal subject to the provision of this car and cycle parking as set out on plan 16045_P1 A and 16045_P2 A.

5.7 Landscape Issues

There is a tree to the rear of the existing garage which is not affected by the proposal which will not be affected by the proposal as it is remote from the works. The site is within the urban area and whilst the applicant shows a hedge behind the 1.8m high boundary wall this is unlikely to flourish in this position and in any case offers little visual amenity to the rest of the street. Notwithstanding this it is not considered necessary that a modest development scheme such as this provides a landscaping scheme but planting of the front gardens, once reoccupied would be welcomed. It is considered that there is no landscape character or visual amenity objection to the development with regard to Policy L1.

5.8 Impact upon Residential Amenity

Being on a corner site the only residential property which is materially affected is the host dwelling which is in the same ownership as the proposal. A long narrow kitchen projects from the rear of that property and therefore alongside the rear of the proposal. This prevents harm from the mass of the proposed structure and although alterations will be made to that host property, in order to facilitate a blank party wall, these alterations do not have a material impact or prevent the amenity of the host house. The proposal therefore accords with Policy CS1 of the South Gloucestershire Local Plan and the requirements of the NPPF.

6. CONCLUSION

6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise. The above assessment has not identified any significant or demonstrable harms that should prevent the presumption in favour of sustainable development in this case.

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 set out below.

Contact Officer: Karen Hayes
Tel. No. 01454 863472

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 dwelling and boundary walling 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. 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, F 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 ensure that further changes to this property do not have an adverse visual impact or harm the residential amenities of the adjoining neighbour; to accord with policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

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

Reason

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

CIRCULATED SCHEDULE NO. 42/16 – 21 OCTOBER 2016

App No.:	PT16/4723/CLE	Applicant:	Mr Sean Dolan
Site:	Cottage View 1A Bristol Road Almondsbury South Gloucestershire BS32 4HW	Date Reg:	15th August 2016
Proposal:	Application for a certificate of lawfulness for existing use of land as a Gypsy and Traveller Site including the stationing of three mobile homes and converted sub-station used as a utility room.	Parish:	Almondsbury Parish Council
Map Ref:	361460 184938	Ward:	Almondsbury
Application Category:	Certificate of Lawfulness	Target Date:	7th October 2016



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REASON FOR REPORTING TO THE CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 This application seeks a certificate of lawfulness for the existing use of land to the northeast of Cottage View on Bristol Road Almondsbury as a gypsy and traveller site to include the stationing of 3 mobile homes and the converted former sub-station as a utility building.
- 1.2 The certificate of lawfulness is sought on the basis that the use of the land as a gypsy and traveller site is immune from enforcement action under section 171B(3) of the Town and Country Planning Act 1990 ("the Act") and therefore, in accordance with section 191(2), the use is lawful.
- 1.3 Although not relevant for the consideration of this application, it is worth noting that the site is located outside of any defined settlement boundary and is therefore in the open countryside. This part of the district is also included within the Bristol and Bath Green Belt. The site is also included within the area safeguarded for gypsy and traveller accommodation under policy CS21(16) of the Core Strategy.

2. POLICY CONTEXT

2.1 National Guidance

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

3. RELEVANT PLANNING HISTORY

- 3.1 PT11/2874/F Approve with Conditions 11/04/2012
Erection of single storey day room to replace existing. Re-positioning of existing mobile home

Land subject to this certificate was included within the red-edge of the above planning application

- 3.2 P86/2761 Refusal 28/12/1986
Erection of detached bungalow and garage. Alterations to existing vehicular access (outline).

4. SUMMARY OF EVIDENCE IN SUPPORT OF THE APPLICATION

- 4.1 The applicant has submitted the following items in support of the application:
- Statutory declaration of Sean Paul Vincent Dolan dated 27 July 2016
 - 1450-PL-01 Site Location Plan

5. SUMMARY OF CONTRARY EVIDENCE

- 5.1 The local planning authority holds no contrary evidence.
- 5.2 No contrary evidence has been submitted by third parties.

6. OTHER REPRESENTATIONS RECEIVED

- 6.1 Almondsbury Parish Council
None received
- 6.2 Sustainable Transport
No objection
- 6.3 Local Residents
None received

7. EVALUATION

- 7.1 An application for a certificate of lawfulness is not a planning application: it is purely an evidential test and therefore should not be determined against planning policy or on planning merit. The test to be applied is whether the application has demonstrated, through precise and unambiguous evidence, that (in this instance) the existing use of the land as a gypsy and travellers' site is lawful.
- 7.2 Breach of Planning Control
No planning permission has been granted for the use of the land as a gypsy and travellers' site. Therefore the use of the land in such a manner would form a breach of planning control. Section 171B of the Act introduces statutory time limits in which enforcement action against breaches of planning control should be taken. If the breach has occurred continuously for the period stated in this section it would become immune from enforcement action.
- 7.3 Time Limit of Immunity and Lawfulness
Certificates of lawfulness for existing uses are covered in section 191 of the Act. Section 191(2) states:

For the purposes of this Act uses and operations are lawful at any time if -
(a) no enforcement action may then be taken in respect of them (whether because they did not involve development or require planning permission or because the time for enforcement action has expired or for any other reason); [...]
- 7.4 The applicant is claiming that the use of the site as a gypsy and traveller's site has occurred constantly since January 2000. This would constitute *any other breach of planning control* and therefore in accordance with section 171B(3) of the Act, the development would become lawful at the end of a period of ten years beginning with the date of the breach.

- 7.5 In order for this certificate of lawfulness to be granted it must be demonstrated that, on the balance of probability, the use of the site as a gypsy and travellers' site has occurred continuously for a period exceeding ten years and that there has been no subsequent change of use.
- 7.6 Assessment of Lawfulness
From the evidence submitted by the applicant in the form of a statutory declaration, the following dates are of importance:
- The site was owned by Tommy Dolan (brother of applicant) until July 2010 when it was purchased by the applicant;
 - The brick building on the site was converted by Tommy Dolan in January 2000 to provide a kitchen, bathroom and toilet and the rest of the site has been occupied by up to 3 static/touring caravans used by the extended Dolan family;
 - The site has been used for up to 3 caravans constantly since January 2000 (although the applicant's traveller lifestyle does mean there are some periods when the site would be unoccupied).
- 7.7 In addition to the statutory declaration, the local planning authority holds aerial photographs of the site dating from: 1991; 1999; 2005; 2006; 2008; and, 2014. This evidence clearly shows that the site changed use between 1999 and 2005 and therefore the aerial photographic evidence broadly corroborates the events contained in the statutory declaration. The most recent aerial photograph indicates that there has been no further change of use and this further supports the evidence provided in the statutory declaration.
- 7.8 Whilst there has been no specific evidence provided as to the conversion of the building on the site into a utility building, it is accepted that such works would be done as part and parcel of the change of use of the wider site. No evidence is available which would contradict the applicant's version of events.
- 7.9 A certificate of lawfulness must be determined, giving weight to the various pieces of available evidence, on the balance of probability. The submission of a statutory declaration weighs heavily in support of the application. Further to this, evidence held independently by the local planning authority would broadly support the case made by the applicant and no contradictory evidence is either held by the local planning authority or has been submitted by third parties. Therefore, on the balance of probability, the evidence weighs heavily in favour of granting the certificate.
- 7.10 However, it is also claimed within the statutory declaration that the land has been used for the stationing of up to 3 static/touring caravans at any one time. The aerial photographs do not show that the site is occupied by either static or touring caravans, with the exception of the 2008 image in which there is an ambiguous object in close proximity to the utility building.
- 7.11 Whilst this may give rise to concern that the site is not used for the stationing of caravans, weight must be applied to the nature of the lifestyle of gypsies and travellers.

An aerial photograph is a snapshot taken on one day of one particular year – it does not provide a complete time-lapse account of the day to day (or even month to month) use of the site. In weighing up evidence, the aerial photographs would not provide an opposing evidence that the site has not been used to station caravans. Therefore it follows that the stationing of caravans on the site would also be lawful based on the strength of the evidence provided within the statutory declaration.

7.12 Summary

It has been found that a breach of planning control consisting of the use of the land as gypsy and traveller accommodation for up to 3 caravans is likely to have occurred, as stated in the statutory declaration and broadly supported by the aerial photographs, continuously since January 2000.

7.13 There is no counter evidence that would conflict with this finding. There is no evidence to suggest that there has been a subsequent change of use of the site.

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

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

7.15 It is therefore considered that the use of the land as a gypsy and travellers site for up to 3 caravans would be immune from enforcement action by virtue of section 171B(3) of the Act and under section 191(2) a certificate of lawfulness should be granted.

8 RECOMMENDATION

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

Contact Officer: Griff Bunce
Tel. No. 01454 863438

REASON FOR GRANT

1. Evidence has been submitted which demonstrates that, on the balance of probability, the land has been used as a gypsy and traveller site, up to 3 caravans have been stationed on the site, and the building has been used as an amenity block (Sui Generis, as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended)) continuously for a period in excess of 10 years and there has been no subsequent change of use. The use of the site and buildings as described above is immune from enforcement action by virtue of section 171B(3) of the Town and Country Planning Act 1990 therefore considered to be lawful by virtue of Section 191(2) of the abovementioned Act.