

**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. 16/16**

**Date to Members: 22/04/16**

**Member's Deadline: 28/05/2016 (5.00 pm)**

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

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

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

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

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

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

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

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

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

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

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

## **GUIDANCE FOR 'REFERRING' APPLICATIONS**

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

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

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

<b>Schedule Number</b>	<b>Date to Members 9am on</b>	<b>Members Deadline</b>
17/16	Wednesday 27 April 2016	Thursday 05 May 2016 5pm
21/16	Wednesday 25 May 2016	Thursday 02 June 2016 5pm

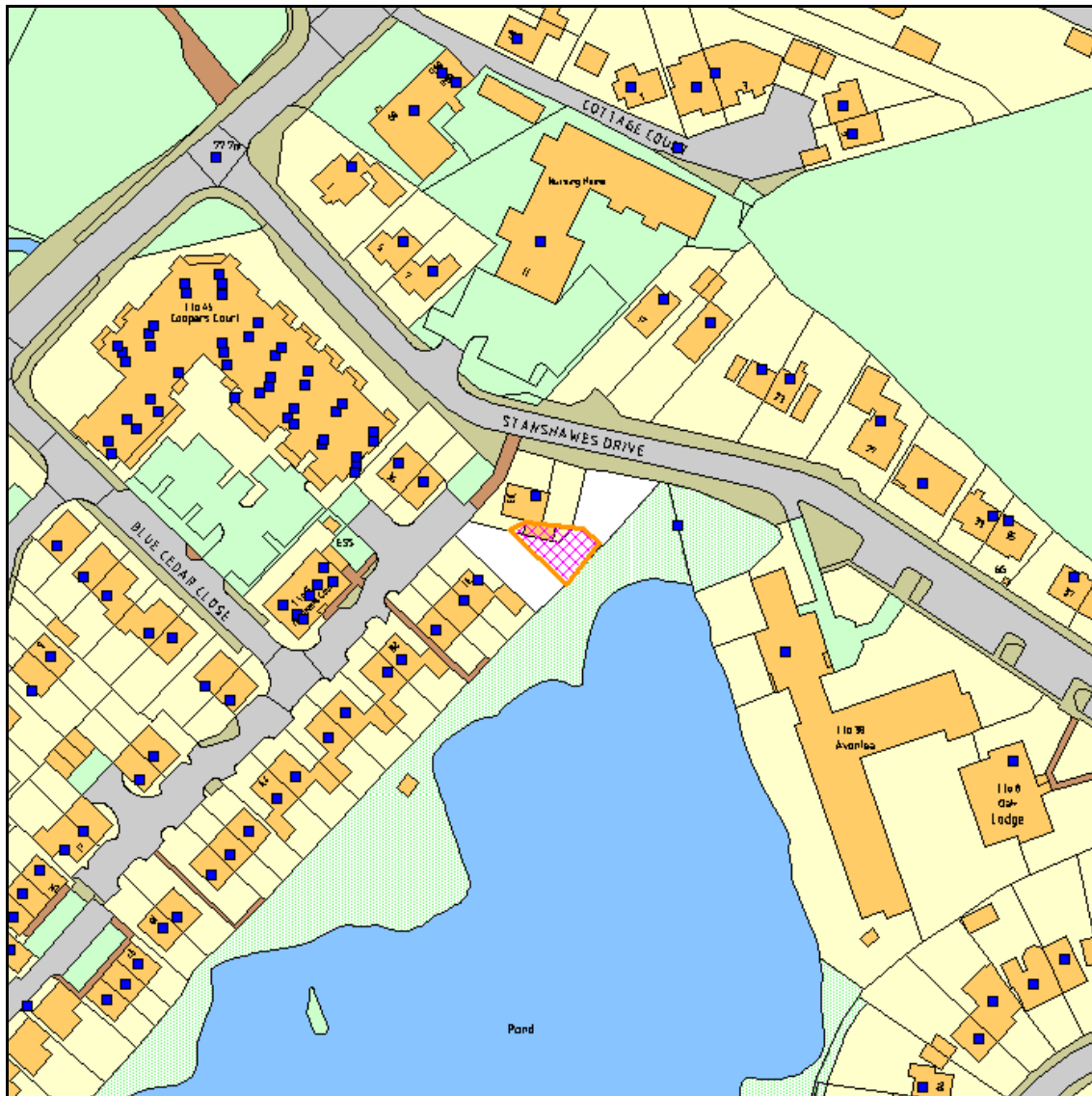
For clarity I have highlighted changed deadlines in **RED**.  
All other dates remain as usual.

## CIRCULATED SCHEDULE - 22 APRIL 2016

ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
1	<b>PK15/3537/F</b>	Approved Subject to	Plot B Stanshawes Drive Yate South Gloucestershire BS37 4ET	Yate Central	Yate Town
2	<b>PK15/5241/RVC</b>	Approve with Conditions	Ring O Bells Farm Pucklechurch Road Hinton Chippenham South Gloucestershire SN14 8HJ	Boyd Valley	Dyrham And Hinton Parish Council
3	<b>PK15/5286/RM</b>	Approve with Conditions	Land Adjacent To The Fox Broad Lane Yate South Gloucestershire BS37 7LD	Ladden Brook	Iron Acton Parish Council
4	<b>PK16/0459/F</b>	Approve with Conditions	Hillside Willmotts Lane Upton Cheyney South Gloucestershire BS30 6LY	Bitton	Bitton Parish Council
5	<b>PK16/0663/F</b>	Approve with Conditions	126 Station Road Yate South Gloucestershire BS37 4PQ	Yate Central	Yate Town
6	<b>PK16/0953/F</b>	Approve with Conditions	7 St Marys Way Yate South Gloucestershire BS37 7AR	Yate Central	Yate Town
7	<b>PK16/0976/F</b>	Approve with Conditions	Wapley Riding Stables Wapley Hill Westerleigh South Gloucestershire BS37 8RJ	Westerleigh	Dodington Parish Council
8	<b>PT15/5313/F</b>	Approve with Conditions	Tortworth Court Four Pillars Hotel Estate Office Lane Tortworth Wotton Under Edge South Gloucestershire GL12 8HH	Charfield	Tortworth Parish Council
9	<b>PT15/5314/LB</b>	Approve with Conditions	Tortworth Court Four Pillars Hotel Estate Office Lane Tortworth Wotton Under Edge South Gloucestershire GL12 8HH	Charfield	Tortworth Parish Council
10	<b>PT16/0403/RVC</b>	Approve with Conditions	Unit 5 Cheswick Village Long Down Avenue Stoke Gifford South Gloucestershire BS16 1GE	Frenchay And Stoke Park	Stoke Gifford Parish Council
11	<b>PT16/0691/F</b>	Approve with Conditions	12 Dovedale Thornbury South Gloucestershire BS35 2DU	Thornbury South And	Thornbury Town Council
12	<b>PT16/0935/F</b>	Approve with Conditions	47 Tenth Avenue Filton South Gloucestershire BS7 0QJ	Filton	Filton Town Council

CIRCULATED SCHEDULE NO. 16/16 – 22 APRIL 2016

<b>App No.:</b>	PK15/3537/F	<b>Applicant:</b>	Oakwoods Developments Ltd
<b>Site:</b>	Plot B Stanshawes Drive Yate Bristol South Gloucestershire BS37 4ET	<b>Date Reg:</b>	26th August 2015
<b>Proposal:</b>	Erection of 1no. detached dwelling with access and associated works	<b>Parish:</b>	Yate Town Council
<b>Map Ref:</b>	370950 181974	<b>Ward:</b>	Yate Central
<b>Application Category:</b>	Minor	<b>Target Date:</b>	20th October 2015



© South Gloucestershire Council 2007.all rights reserved.  
This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.  
100023410, 2008. N.T.S. PK15/3537/F

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

This application has been submitted to the Council's Circulated Schedule procedure as comments received have been contrary to the Officer's recommendation. As well as this, the application is submitted to the Council's Circulated Schedule as any consent would be subject to a legal agreement.

This application did appear on Circulated Schedule 52/15 in late December of 2015. The application came off the Circulated Schedule 52/15 with a resolution to grant planning permission subject to conditions and a legal agreement; such a legal agreement has progressed but has not yet been dated. Since the resolution to grant was established, the applicant has submitted further information and amendments with regard to the proposal for consideration. In this way this application is resubmitted to the Circulated Schedule as the officer's recommendation for the proposal will change in accordance with the submitted amendments.

### **1. THE PROPOSAL**

- 1.1 The application seeks planning permission for the erection of 1no. detached dwelling with access and associated works. The proposed dwelling would be accessed through the adjacent 'Former Coopers Works Site' (Ref. PK12/2924/F) – a residential housing estate now known as Blue Cedar Close.
- 1.2 The application site consists of a section of the far eastern corner of the Former Coopers Works Site, which has permission for 48no. dwellings, 44no. elderly persons residential flats, and 1no. office building (PK12/2924/F). The application site is cleared and closed off from public access through timber fencing with the adjacent neighbours and harris fencing at the front. Planning ref. PK12/2924/F has now been implemented and 'built-out', for clarity Blue Cedar Close forms part of the 'Former Coopers Work Site', as with planning ref. PK14/1648/F, plot B will be accessed through Blue Cedar Close.
- 1.3 Planning ref. PK14/1648/F was approved at appeal and granted permission to replace the approved office building with 2no. dwellings (known hereafter as plot A and plot B) (appeal ref. APP/P0119/W/14/3000831). Plot A and plot B have now both been sold meaning they are under different ownership. This planning application effectively seeks planning permission to just erect plot B to avoid a number of planning conditions which the applicant suggests to just apply to plot A, but which have been applied to both plots by the Inspector under planning ref. APP/P0119/W/14/3000831.
- 1.4 As stated the erection of two dwellings, one at plot A and one at plot B, has been established, accordingly, all that is to be assessed under this planning application is the separation of plot B from planning ref. APP/P0119/W/14/3000831 and any subsequent changes made to plot B under this planning application.
- 1.5 The proposed dwelling within this application differs from the approved plot B under planning ref. APP/P0119/W/14/3000831 in the following ways:

- Increase in the scale of the proposed dwelling – the pitch of the roof has been increased meaning the dwelling has a greater depth;
  - The rear protruding gable end has been removed, as well as the single storey lean-to section; this has been replaced through the proposed dwelling having a larger pitch and depth;
  - A first floor rear balcony now extends across the entire width of the rear elevation whereas originally, it only extended across the protruding gable end.
- 1.6 To mitigate the proposal's impact on existing open spaces; monetary contributions are required. Such contributions would be ensured through a section 106 legal agreement.
- 1.7 As stated within the preliminary section, a number of amendments have been proposed since this application first appeared on the Circulated Schedule. Such amendments involve the replacement of a garage door with a ground floor window (garage conversion), and also the submission of an archaeological watching brief in order to avoid a condition that required information to be submitted prior to the commencement of development. Such amendments are not considered to require/trigger a period of re-consultation.

## 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  
CS2 Green Infrastructure  
CS4A Presumption in Favour of Sustainable Development  
CS5 Location of Development  
CS6 Infrastructure and Developer Contributions  
CS8 Improving Accessibility  
CS9 Managing Environment and Heritage  
CS12 Safeguarded Areas for Economic Development  
CS15 Distribution of Housing  
CS16 Housing Density  
CS17 Housing Diversity  
CS18 Affordable Housing  
CS23 Community Infrastructure and Cultural Activity  
CS24 Open Space Standards  
CS30 Yate and Chipping Sodbury

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

L1 Landscape Protection and Enhancement  
L9 Protected Species  
EP2 Flood Risk and Development

## T12 Transportation Development Control Policy

### 2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist SPD (Adopted) 2007

Residential Parking Standards SPD (Adopted) 2013

Affordable Housing and Extra Care Housing SPD (Adopted) May 2014

### 2.4 Concept Statement

Coopers Works, Westerleigh Road, Yate Concept Statement (July 2011) endorsed in principle subject to the points contained within the proposed decision by Executive Councillors (September 2011).

## 3. RELEVANT PLANNING HISTORY

- 3.1 APP/P0119/W/14/3000831 Appeal Allowed 19/05/2015  
Appeal against the Council's refusal of planning ref. PK14/1648/F.
- 3.2 PK14/1648/F Refusal 01/10/2014  
Erection of 2no. detached dwellings and detached double garage with access and associated works. (Resubmission of PK13/4461/F).
- 3.3 PK13/4461/F - Erection of 3 no. dwellings with access and associated works. Withdrawn 31<sup>st</sup> January 2014
- 3.4 PK13/2756/NMA - Non-material amendment to PK12/2924/F to provide 2no. additional car parking spaces to elderly person flats, increase width of path to sub-station to 3m, replace 2no. screen windows with 4no. small windows on NW elevation and move stair door by 300mm on SW elevation. No Objection 24th December 2013
- 3.5 PK12/4186/ADV - Display of 1no.externally illuminated V Board sign with associated flags. Approved 26th February 2013
- 3.6 PK12/2924/F - Erection of 48 no dwellings, 44 no. elderly persons residential flats with ancillary accommodation and 1 no office building (Class B1) with access, landscaping and associated works (Resubmission of PK12/0837/F). Approved 24th January 2013
- 3.7 PK12/0837/F - Erection of 49no. dwellings, 44no. Elderly Person residential flats with ancillary accommodation and 1no. Office building (Class B1) with access, landscaping and associated works. Refused 8th August 2012
- The proposed development by virtue of the height and scale of the proposed retirement living accommodation would have an overbearing impact upon the occupants of residential properties on Stanshawes Drive to the detriment of residential amenity. The proposed development is therefore contrary to Policy D1 and H2 of the South Gloucestershire Local Plan (Adopted) January 2006.
  - The proposed office development would result in additional vehicular movements that would conflict with existing users of Stanshawes Drive and its use as a Safe Route to School; to the detriment of highway safety. The



proposed development is therefore contrary to policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

- In the absence of a section 106 legal agreement to secure on site affordable housing and a financial contribution towards off site affordable housing provision the proposed development is therefore contrary to Policy H6 of the South Gloucestershire Local Plan (Adopted) January 2006
- In the absence of a section 106 legal agreement to secure a financial contribution towards the cost of providing off site provision of Category One, Category Two, Category Three and Informal public open space in the vicinity of the application site the proposed development is contrary to Policy LC8 of the South Gloucestershire Local Plan (Adopted) January 2006.
- In the absence of a section 106 legal agreement to secure a financial contribution towards library services the proposed development is contrary to policy LC1 of the South Gloucestershire Local Plan (Adopted) January 2006.
- In the absence of a section 106 legal agreement to secure a financial contribution towards the cost of mitigation of the traffic impact in the vicinity of the site and public transport the proposed development is contrary to Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

3.8 PK11/1746/PND - Prior notification of the intention to demolish Coopers Works Westerleigh Road. No Objection 23rd June 2011

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

##### 4.1 Yate Town Council

Objection on highway safety grounds: parking and traffic generation.

##### 4.2 Transportation

Following the recent planning appeal decision on this site (i.e. planning Inspector's decision) which approved consent for the development on site then, there is no highway objection to this application but the following conditions are recommended,

1. Prior to occupation of the new dwelling provide off street parking in accordance with the submitted plans and subsequently maintain these satisfactory thereafter.

*Reason: to ensure parking is provided.*

2. Any boundary wall, fence between the drives for the new house and the existing dwelling (i.e. 33 Blue Cedar Close) must kept back by a minimum of 2m from the edge of the road.

*Reason: to provide access*

##### 4.3 Tree Officer

No objections.

##### 4.4 Ecology Officer

This application relates to a plot of land (Plot B) which is part of a larger area of land subject to an appeal permission under APP/P0119/W/14/3000831, which applied certain conditions relating to ecology i.e. C7 (Ecological and Landscape Management Plan), C8 (bird nesting boxes) and C9 (bat boxes). These conditions would be satisfied by following the advice given in the Ecological Survey (Michael Woods Associates, dated April 2011) accompanying an earlier application (PK12/2924/F), which was for the larger site of the form Coopers Works, and included this plot. However, after reviewing the situation following confirmation that there is little scope on Plot B to carry out works in accordance with the conditions, it is accepted that the conditions can no longer apply to this Plot. Therefore there are no objections on ecology grounds to this application.

4.5 Landscape Architect

No objection.

4.6 New Communities Team

Contributions towards public open space required.

4.7 Archaeology Officer

No objection subject to a condition requiring an archaeological programme of works being submitted prior to development. In response to this comment, the applicant submitted a Written Scheme of Investigations for a Programme of Archaeological Work (WSI) which the Council Archaeologist confirmed to be acceptable subject to a condition requiring development to be carried out in accordance with the submitted and approved WSI.

4.8 Environmental Protection

No objection subject to standard informative comments regarding construction site operations.

4.9 Lead Local Flood Authority

No objection.

4.10 Highway Structures

No comment.

**Other Representations**

4.11 Local Residents

Two comments have been received from members of the public with regard to this planning application, these are summarised below:

*Owner of Plot A*

- The application states that the scheme is identical to the original application but this is incorrect. The house has been increased in size and the first floor extended and a full width balcony provided;
- Our main concern relates to the balcony which is a mere 2 metres from the rear boundary. This will allow views over our garden along with potential noise and disturbance. Any privacy already provided from the deciduous trees will obviously not be available for a significant portion of the year;

- A similar application for a balcony to the adjacent dwelling has already been withdrawn following concerns expressed by the planning officer (PK15/3354/F);
- No projecting balconies exist around the lake and approval of this application would set an undesirable precedent having an adverse visual impact and potential disturbance to both residents and wildlife.

*Occupier of no. 33 Blue Cedar Close*

- Should have been notified automatically;
- Submits an objection.

## 5. **ANALYSIS OF PROPOSAL**

### 5.1 Principle of Development

The proposal is acceptable in principle, this was established under planning ref. APP/P0119/W/14/3000831, which remains an extant planning permission.

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

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

Additionally, the policies found to be out-of-date (saved policy H3 and policies CS5 and CS34), are all concerned with the retention of settlement boundaries, and generally not supporting residential development outside of settlement boundaries or urban areas. The Local Planning Authority accept, in principle, residential development in this location, as policy CS5 and saved policy H3 direct development toward locations such as the host site, as it is located within a designated settlement boundary.

Notwithstanding these out-of-date policies, the proposal should be assessed in terms of adopted up-to-date development plan policies and paragraph 14 of the NPPF. In keeping with the decision-taking approach set out within paragraph 14 of the NPPF, this proposal will be assessed in terms of whether the proposal's benefits would be outweighed by any adverse impacts that would result from the development, such adverse impacts would have to be significant and demonstrable.

Accordingly, the assessment of this planning application will just assess the differences this proposal makes when compared to the previously approved dwelling (plot B). These changes will be assessed with regard to whether any adverse impacts of the proposal would significantly and demonstrably outweigh the benefits of the proposal.

5.2 Benefits of the Proposal

The proposal would have one clear and tangible benefit; this would be the contribution of one new dwelling to the Council's five year housing land supply.

5.3 Transport

The Council have an adopted minimum residential car parking standard that sets levels of off-street car parking spaces based on the number of the bedrooms within the dwelling. The proposed dwelling has four bedrooms meaning plot B requires two off-street car parking spaces within the curtilage of the proposed dwelling. Two off-street car parking spaces are provided to the front of the garage in a tandem arrangement, such a number of car parking spaces is acceptable and accords with the Council's minimum residential car parking standard. The applicant did originally propose an integral garage at the site, however, this part of the proposal has been replaced with a lounge area – the number of bedrooms proposed remains unchanged. Accordingly, should planning permission be granted it is recommended that at minimum of two off-street car parking spaces are retained within the curtilage of the site.

The access at the site has been questioned, although it is clear that the principle of the access was accepted at appeal by the previous Inspector. From a site visit and the submitted site layout plan it is clear that there is a 1.8 metres close board fence that runs along the boundary with both adjacent dwellings. In terms of accessing the site this is likely to be problematic and not conducive to an appropriate level of highway safety. Accordingly, if planning permission is granted it is recommended that a condition is imposed that restricts the development of fencing and walls (means of enclosure) for a minimum of 2 metres from the highway, this is to reduce the likelihood of conflict from vehicles accessing and egressing both the host site and no. 33 Blue Cedar Close. Accordingly, a condition is also recommended that ensures a section of the fence is removed to accord with the aforementioned requirement. Officers understand the fence to be within the ownership of applicant, this should therefore not be a problem.

The town council has objected on the ground of traffic generation. The proposal will not generate any more traffic than the previously approved planning application, which was approved by an Inspector. Accordingly, officers have no objection with regards to traffic generation and highway safety.

5.4 Trees/ Landscaping

Within the previous application both landscaping and arboricultural issues were very contentious, mainly in connection with plot A which is orientated toward the lake. To facilitate this dwelling, a number of trees would have to be cut down. However, as observed from a site visit the application site for plot B is

devoid of any vegetation or trees apart from a hedge at the rear of the site. Accordingly, there are no arboriculture constraints for this proposal further than the hedge at the rear of the site that is likely to be unaffected by the proposal. Although it is unlikely that the proposal would harm the hedge at the rear of the site, it is suggested that a condition be imposed that ensures the proposal is carried out in the approved Arboricultural Survey, Impact Assessment, Tree Protection Plan and Method Statement dated 10<sup>th</sup> July 2014 (Pegasus Group).

With regard to landscaping, the application site is seen within the setting of Blue Cedar Close, a suburban residential development that has little landscaping further from grassed lawns. In this way officers do not find it reasonable to require the development to include a landscaping scheme. Notwithstanding this, officers do find it pertinent to ensure that any hardstanding at the site is finished in a similar style and brick to the surrounding site, specifically no. 33 Blue Cedar Close as the proposed dwelling will be finished in a similar style to this dwelling. Accordingly, should planning permission be granted it is considered appropriate to condition that any hardstanding used within the proposed driveway is finished in a similar style to no. 33 Blue Cedar Close.

#### 5.5 Ecology

The original application for the two dwellings was granted subject to a number of conditions, a number of which related to ecological considerations. As stated within the trees/landscaping section the plot A would result in the removal of a large amount of vegetation, trees and a hedgerow; the removal of such features could possibly result in harmful impacts on biodiversity. Accordingly, the original permission has a number of conditions relating to the protection of ecological features in accordance with a submitted ecological survey. As such conditions relate largely to plot A rather than plot B; officers do not find it appropriate to impose any conditions requiring the proposed development to be carried out in accordance with any ecological survey or to submit further ecological information as there are no ecological constraints for plot B.

#### 5.6 Design

The front of the proposed dwelling will be largely unchanged from what was approved at appeal although the rear elevation will largely be different to the extant permission, and the depth of the dwelling will also be increased in size. This increase in scale is acceptable and so is the revised rear elevation. The proposed materials are all very similar to those used in no. 33 Blue Cedar Close, this is advisable as it allows the proposed dwelling to affirm within the existing street scene and wider estate. Accordingly, should planning permission be granted officers recommend that the materials to be utilised within the external elevations of the dwelling all match those used in the adjacent property no. 33 Blue Cedar Close.

#### 5.7 Residential Amenity

In terms of residential amenity, the impact of plot B, the proposed dwelling, is largely not materially different from the previously approved development. As with the previously approved scheme, side elevation windows are proposed and these should be assessed as to whether they will detrimentally impact on the occupiers enjoyment of the nearby dwellings. The ground floor windows on

the northern (side) elevation facing no. 33 Blue Cedar Close will not materially harm the privacy of the occupiers of no. 33 due these windows being at ground floor and the fact that these windows are likely to just look at a fence. The windows proposed on the southern elevation will be a bathroom and garage window, to ensure the privacy of the occupiers to the south is retained appropriately, it is suggested that the first floor windows are conditioned so they are obscure glazed and non-opening 1.7 metres above floor level within the room it is positioned.

As there are dwellings either side of the proposed property it is also recommended that no windows other than those shown on the plans are inserted at any time within the side elevations of the dwelling. Should planning permission be granted it is suggested that this is conditioned.

This planning application proposes a large first floor balcony to the rear of the dwelling. Comments have been received suggesting the balcony will materially harm the residential amenity of plot A (yet to be implemented/built out). Officers do not share this opinion, the balcony is at the rear of the proposed dwelling, and the distance between the balcony and plot B is approximately 20 metres (at the closest point). As well as this, 1.8 metres opaque screens will be conditioned at the side elevations of the balcony in order to protect the residential amenity of the adjacent occupiers, accordingly, these screens will direct views to the rear away from any nearby dwellings (including plot A). Subject to this condition, the balcony is not considered to result in a material loss of privacy to any nearby occupier.

The dwelling has a slightly increased size which means there is less private amenity space within the curtilage of the dwelling, officers have measured the available private amenity space at the dwelling and found it to be approximately 65m<sup>2</sup> to 70m<sup>2</sup>. Such a level of private amenity space is acceptable, however, if planning permission was granted and the applicant was minded to extend the dwelling in the future the levels of private amenity space would be diminished, officers therefore find it pertinent to condition that the relevant householder permitted development rights pursuant to extending dwellings and erecting outbuildings are removed/restricted.

The site is surrounded by a residential estate, to avoid the occupiers of this estate being unreasonably disturbed officers suggest that should planning permission be granted a working hours condition be applied.

#### 5.8 Public Open Space

As identified within the previously approved application, it is the opinion of the Council that this application, as with the previous application (PK14/1648/F), represents the artificial subdivision of previously approved larger planning application, application ref. PK12/2924/F. Therefore, in assessing requirements for infrastructure and developer contributions the Council have calculated contributions based on the policy and figures used at the time of application ref. PK12/2924/F (although taking Community Infrastructure into account which was not adopted when the previous appeal decision was decided). Planning ref. PK14/1648/F therefore requested the following contributions toward public open space:

£6,223.71 towards provision of offsite enhancements  
£4,310.01 towards future maintenance

These contributions were secured through a Section 106 Unilateral Undertaking, and as such have now been paid. This development however is still accountable with regard to its impact on public open space, this is discussed below.

Open space necessary to make the development acceptable in planning terms: Local Plan Policy LC8 – Open Space and Children’s Play in Conjunction with New Residential Developments sought to secure the provision and or enhancement of open spaces to meet the needs of future occupiers where there is evidence of a local shortfall, (this policy is no longer current but was used at the time of the original application). South Gloucestershire Local Plan: Core Strategy (adopted December 2013) Policies CS2 – Green Infrastructure and CS24 –Green Infrastructure, Sport and Recreation Standards; aim to secure the provision and/or enhancement of open spaces to meet the needs of future occupiers where there is evidence of a local shortfall. South Gloucestershire Local Plan: Core Strategy (adopted December 2013) policy CS1 – High Quality Design promotes shared accessible public realm and play opportunities; improving accessibility, particularly for walking and cycling and opportunities for play across the public realm. The NPPF requires access to high quality open spaces and opportunities for sport and recreation which can make an important contribution to the health and well-being of communities. Planning policies should be based on robust and up-to-date assessments of the needs of open space, sports and recreation facilities and opportunities for new provision. The assessments should identify specific needs and quantitative or qualitative deficits or surpluses of open spaces, sports and recreational facilities in the local area. Information gained from the assessments should be used to determine the level of open space, sports and recreation provision and/or enhancement required. Plans should also conserve and enhance the natural and historic environment.

The level of requirement sought is informed by Appendix 6 of the Core Strategy and national guidance provided by Fields in Trusts (FIT) and Sport England, and is supported by an assessment of local provision carried out in 2010. The Community Infrastructure Levy encourages charges based on simple formulae which relate the size of the charge to the size and character of the development. Where provision in line with minimum policy standards is not provided on site, the amounts requested towards the provision and/or enhancement of off-site open space and future maintenance are directly in scale with the quantum of open space required to offset the effect of the proposed development on existing provision; this is demonstrated in our calculations. All calculations are based on the expected future population of the proposed development calculated using Census 2011 data on household size and the net gain and mix of dwellings proposed. The calculator used to give costs for provision/enhancement and maintenance is regularly updated and reflects the type of spaces and facilities that the Council would expect to see delivered based on examples that have been adopted from other new developments, which have taken place within South Gloucestershire. The

capital contributions are based on a range of industry costs for the provision of open space facilities, and the maintenance costs are routinely tested through APSE (Association of Public Sector Excellence). They are therefore considered reasonable and fully justified in order to ensure standards of open space meet standards of appropriate national bodies e.g. Sport England, Fields in Trust and material relating to the Green Flag quality award scheme.

Based on the policy and figures used at the time from the development of one additional dwelling the Council would expect the following contributions towards the enhancement of existing open spaces to mitigate for the impact of the development:

**Public open space**

£3,327.41 towards provision of offsite enhancements

£2,421.71 towards future maintenance

As stated, the previous planning application that approved plots A and B secured a similar level of public open space contributions commensurate for two dwellings, as well as libraries contributions. As Community Infrastructure Levy has been adopted by the Council since plots A and B were approved, the Council can no longer request libraries contributions, rather such contributions are considered under Community Infrastructure Levy requirements as libraries are seen as infrastructure.

It has been confirmed that the contributions required for open space under PK14/1648/F secured through a Section 106 Unilateral Undertaking have now been paid, and it would therefore be unreasonable for the Local Planning Authority to request these contributions to be paid again, as effectively, the required contributions to mitigate plot B's impact have been paid for. However, as this proposal effectively subdivides an existing planning permission for the erection of two dwellings which was subject to a legal agreement, this development must still be accountable for the amount of contributions requested. To achieve this a Deed of Variation (DoV) is required to effectively link this planning application with the previous Section 106 Unilateral Undertaking. If this DoV is not undertaken then technically the applicant for the previous planning application, who paid the originally requested contributions under the previous Section 106 Unilateral Undertaking, could request that this sum of money is paid back.

5.9 Archaeology

The development lies on the site of a former prisoner of war camp and a clay pit associated with the Hollybrook brick works. Previous archaeological investigations have revealed the remains of structures associated with these uses and it is likely that remains may extend into the area of this development. It is suggested that appropriate archaeological mitigation would be the undertaking of an archaeological watching brief during ground disturbance associated with the development in order to record any archaeological remains that are revealed during the works. The applicant has submitted suitable archaeological information in the form of a Written Scheme of Investigations for a Programme of Archaeological Work (WSI). The Council's Archaeologist has confirmed the suitability of this WSI and has stated that the development



should be carried out in accordance with the WSI. Accordingly, should planning permission be granted it is recommended that the development is carried out in accordance with the submitted WSI.

5.10 Contamination

The historic use of the site as filled ground/ brickworks / military camp may have caused contamination which could give rise to unacceptable risks to the proposed development. Accordingly, the extant planning permission conditioned that contamination studies are undertaken prior to development commencing. Such ground investigations have been undertaken as part of planning ref. PK14/1648/F, these investigations found that the application site did not require any remediation, therefore officers do not consider it appropriate to condition contamination studies are undertaken with regard to this proposal.

5.11 Drainage

Condition 10 of the extant planning permission requires that a surface water drainage scheme and hydrological assessments are undertaken prior to development commencing. This is not considered to be necessary or relevant to the development due to the scale of the development only being one dwelling. This is a view supported by the Lead Local Flood Authority who neither objected or suggested such a condition.

5.12 Other Matters

The occupier of no. 33 Blue Cedar Close submitted comments neither objecting or supporting the application, but stated that they were not consulted originally. Officers have reviewed the consultation records for this application, and as far as the Council are aware the occupier of no. 33 Cedar Close was consulted.

**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 authority be delegated to the Director of Environment and Community Services to grant planning permission, subject to the conditions set out below and the applicant first voluntarily entering into an Agreement under Section 106 of the Town & Country Planning Act 1990 (as amended) to vary the existing Section 106 Unilateral Undertaking pursuant to planning ref. PK14/1648/F to secure the financial contributions for provision of offsite enhancements and future maintenance of public open space.

- 7.2 In this instance as the money has effectively been paid, the appropriate legal agreement would be in the form of a Deed of Variation in order to ensure that the correct proportion of the sum already held by South Gloucestershire Council (the payment of £3,327.14 towards provision of offsite enhancements and the payment of £2,421.7 towards future maintenance of public open space) is accounted for against the dwelling subject of this planning application (PK15/3537/F). This would be in order to accord with policies CS2 and CS24 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013.
- 7.3 That the Head of Legal and Democratic Services be authorised to prepare and seal the Agreement (Deed of Variation).
- 7.4 If the Section 106 agreement is not signed and sealed within 3 months of this determination then, in view of the length of time, the application should either:
- i. be returned to the Circulated Schedule for reconsideration; or,
  - ii. Delegated authority be given to the Director of Planning, Transport and Strategic Environment to refuse the application.

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

### **CONDITIONS**

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

Reason

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

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

Reason

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

3. Any boundary wall or fence between the drives for the hereby permitted dwelling and the adjacent dwelling (no. 33 Blue Cedar Close) must be kept back by a minimum of 2m from the edge of the road.

Reason

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

4. The existing fence between the drives for the hereby permitted dwelling and the adjacent dwelling (no. 33 Blue Cedar Close), shall be in accordance with the measures instructed within condition 3 prior to the use of the access.

Reason

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

5. All ground disturbance arising from the development hereby approved shall be subject to a programme of archaeological monitoring and recording. The programme shall be implemented in strict accordance with the submitted Written Scheme of Investigations for a Programme of Archaeological Work (Prepared by Kim Watkins January 2016) unless otherwise agreed in writing with the Council.

Reason

In the interest of archaeological investigation or recording, and to accord with Policy L11 of the South Gloucestershire Local Plan (Adopted) January 2006; and Policy CS9 of the South Gloucestershire Local Plan Core strategy (Adopted) December 2013. It is necessary for this condition to be a prior to commencement condition in order to prevent the disturbance of any archaeological features which development could harm.

6. The development hereby approved shall be undertaken in strict accordance with the Arboricultural Survey, Impact Assessment, Tree Protection Plan and Method Statement dated 10th July 2014 (Pegasus Group) approved under planning ref. PK14/1648/F.

Reason

In the interests of the health and amenity of the trees, to protect the character and appearance of the area, and to accord with policy L1 of the South Gloucestershire Local Plan (Adopted) January 2006, and policy CS1 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013.

7. The hereby permitted hardstanding used within the driveway of the property will be finished in a matching brick and layout style with that used in the adjacent dwelling no. 33 Blue Cedar Close. Such hardstanding should be completed prior to the occupation of the dwelling.

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.

8. The materials to be used in the construction of the external surfaces of the dwelling hereby permitted shall match those used in the existing adjacent building, no. 33 Blue Cedar Close.

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.

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

Reason

To protect the privacy and amenity of neighbouring occupiers, and to accord with the provisions of the National Planning Policy Framework.

10. No windows other than those shown on the plans hereby approved shall be inserted at any time in the side elevations of the property.

Reason

To protect the privacy and amenity of neighbouring occupiers, and to accord with the provisions of the National Planning Policy Framework.

11. Two 1.8 metre high obscure screens will be erected for the entire depth of the side elevations of the hereby permitted rear balcony. These screens shall be erected prior to the occupation of the hereby permitted dwelling, and shall be retained as such thereafter.

Reason

To protect the privacy and amenity of neighbouring occupiers, and to accord with the provisions of the National Planning Policy Framework.

12. 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 and E) 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

In the interests of the residential amenity of the future occupiers of the hereby approved dwelling, and to accord with the provisions of the National Planning Policy Framework; and Policy CS1 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013.

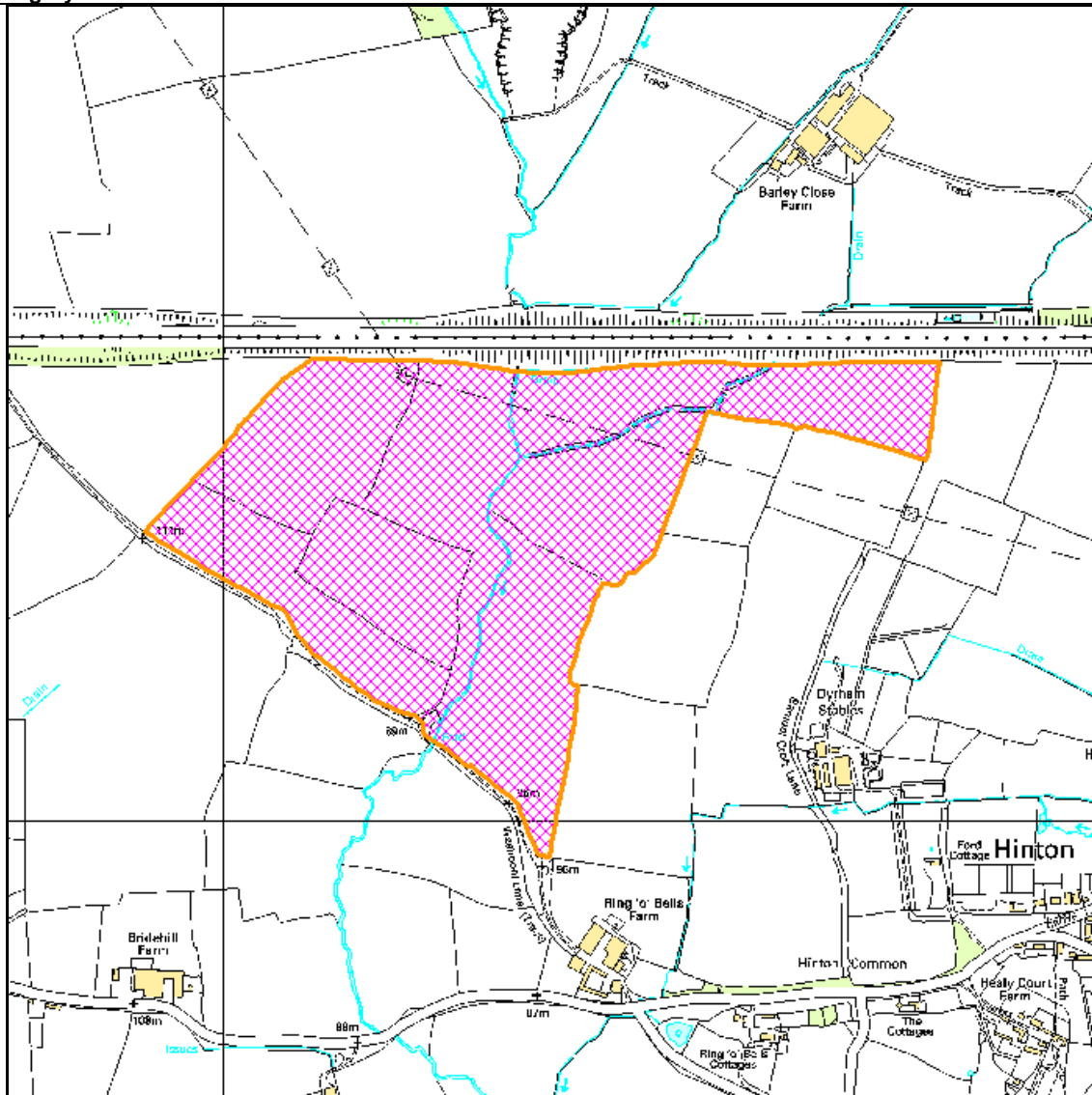
13. The hours of working on site during the period of construction shall be restricted to 0730-1800 Mondays to Fridays; 0730 to 1300 Saturday; and no working shall take place on Sundays or Public Holidays. The term 'working' shall, for the purpose of clarification of this condition include: the use of 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 the National Planning Policy Framework 2012

**CIRCULATED SCHEDULE NO. 16/16 – 22 APRIL 2016**

<b>App No.:</b>	PK15/5241/RVC	<b>Applicant:</b>	Green Energy UK Direct
<b>Site:</b>	Ring O Bells Farm Pucklechurch Road Hinton South Gloucestershire SN14 8HJ	<b>Date Reg:</b>	11th December 2015
<b>Proposal:</b>	Variation of condition 17 attached to PK14/2339/F to substitute substation drawings to alter location of substation, Variation of condition 12 of application PK14/2339/F to use galvanized steel deer fencing and posts rather than green or brown weld mesh fencing and regularize the layout of the solar arrays as per Module Array Layout plan no 2207.AP.001.0.E Dated 23 Oct 2015	<b>Parish:</b>	Dyrham And Hinton Parish Council
<b>Map Ref:</b>	372598 176744	<b>Ward:</b>	Boyd Valley
<b>Application Category:</b>	Major	<b>Target Date:</b>	8th March 2016



© South Gloucestershire Council 2007.all rights reserved.  
 This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.  
 100023410, 2008. **N.T.S.** **PK15/5241/RVC**

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

This application appears on the circulated schedule as it relates to a major application and the application is a Departure from the Development Plan. Two comments have also been received from local residents.

### **1. THE PROPOSAL**

- 1.1 The applicant seeks permission for the Variation of condition 17 attached to PK14/2339/F to substitute substation drawings to alter the location of a substation; Variation of condition 12 of application PK14/2339/F to use galvanized steel deer fencing and posts rather than green or brown weld mesh fencing and regularize the layout of the solar arrays as per Module Array Layout plan no 2207.AP.001.0.E Dated 23 Oct 2015
- 1.2 The applicant seeks permission for the variation of conditions attached to PK14/2339/F. The plans approved as part of the original application gave planning permission for the erection of a large scale 5MW Solar farm for a temporary period of 25 years. This application seeks relatively minor amendments to the originally approved scheme.
- 1.3 In considering this application, the starting point is to focus on the original conditions and the reasons for them. The reason for listing the plans as a condition of the original consent related to visual and landscape amenity; green belt impact; highway impact and residential amenity.
- 1.4 A variation of condition application has the effect of issuing a new planning permission, and so 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 in the event of an approval. Whatever the outcome of this proposal, the original consent will still stand.
- 1.5 Officers noted that the plans submitted with the proposed variation of condition application showed a different array layout to that which was originally approved. As a result the description of development was changed to include the new panel layout as well as the revisions to the substation and subsequently the agent requested that new materials for the deer fencing also be added. For these reasons the application was put out for re-consultation.
- 1.6 The site lies in the open countryside, in the Green Belt and close to, but not within, the Cotswold Area of Outstanding Natural Beauty and is currently agricultural land. The site area equates to 38 hectares but only 12 hectares are to be covered by solar panels. The River Boyd flows through the application site. There are also a number of public rights of way in the immediate vicinity.

### **2. POLICY CONTEXT**

National Planning Policy Framework (NPPF)  
National Planning Policy Guidance (NPPG)  
UK Solar PV Strategy Part 1 and Part 2  
National Policy Statement for Energy (EN-1)  
National Policy Statement for Renewable Energy Infrastructure (EN-3)

Written Ministerial Statement on the revocation of the North West, West Midlands, South West Regional Strategies (27<sup>th</sup> March 2013)

## 2.2 Development Plans

### South Gloucestershire Local Plan (Adopted) January 2006

L1	Landscape Protection and Enhancement
L13	Listed buildings
L16	Protecting the Best Agricultural Land
EP2	Flood Risk and Development
T12	Transportation Development Control Policy for New Development

### South Gloucestershire Core Strategy (Adopted) December 2013

CS1	High Quality Design
CS2	Green Infrastructure
CS3	Renewable and Low Carbon Energy Generation
CS5	Location of Development
CS9	Environmental Resources and Built Heritage
CS34	Rural Areas

## 2.3 Supplementary Planning Guidance

Development in the Green Belt (Adopted)  
South Gloucestershire Design Checklist (Adopted)  
South Gloucestershire Landscape Character Assessment (Adopted)  
Renewable Energy SPD (Adopted) November 2014  
Biodiversity Action Plan

## 2.4 Other Material Considerations

Report on the Potential for Renewable and Low Carbon Energy Supply in South Gloucestershire June 2010 (AECOM Report)  
South Gloucestershire Climate Change Strategy – Low Carbon South Gloucestershire Plan 2012 to 2015 (adopted).  
Gregory Barker speech to the Large Scale Solar Conference (25<sup>th</sup> April 2014)

## 3. RELEVANT PLANNING HISTORY

- |     |               |   |
|-----|---------------|---|
| 3.1 | PK14/005/SCR  | Erection of 25MWp solar farm and associated works<br>Environmental Impact Assessment is not required.   |
| 3.2 | PK14/2339/F   | The installation of a 5MW Solar PV Park complete with inverters, CCTV, security fencing, soft landscaping, a new bridlepath, access routes, and all ancillary works.<br>Approved 7.8.15   |
| 3.3 | PK15/4671/NMA | Non material amendment to PK14/2339/F- The installation of a 5MW Solar PV Park complete with inverters, CCTV, security fencing, soft landscaping, a new bridle path, access routes and all ancillary works.<br>Approved 26.1.16 |



- 3.4 PK15/4873/NMA Non material amendment to PK14/2339/F to make all plans accompanying this application a condition of the permission.  
Approved 3.12.15
- 3.5 PK15/4879/F Construction of temporary vehicular access track and compound relating to application PK14/2339/F  
Pending

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

- 4.1 Dyrham and Hinton Parish Council  
No comment

4.2 Other Consultees

Listed Building Officer  
No objection

Historic England  
No objection

Landscape Architect  
No objection

Economic development  
No objection

Ecologist  
No objection

Highway Structures  
No comment

Lead Local Flood Authority  
No objection

Environmental Protection  
No objection  
Tree Officer  
No objection

Public Rights of Way Officer  
Following discussions between the officer and the agent there are no objections subject to informatives attached to the decision notice

## **Other Representations**

### 4.3 Local Residents

Two comments have been received from local residents:

- Please ensure the substation is planted around so can be hidden
- Plan not included in the documents
- Object to the change to use galvanised material for the fence – camouflaged fencing was an important element

## 5. **ANALYSIS OF PROPOSAL**

### 5.1 Principle of Development

This is an application to vary conditions 12 and 17 attached to PK14/2339/F (by virtue of an NMA) to substitute substation drawings and alter the location of the substation and to change the material for the deer fencing and to alter the pattern of the panels as per the submitted plan. In assessing this application it is necessary to assess whether the conditions affected by this variation of condition application satisfy the requirements of planning conditions as set out in the NPPF. The NPPF requires all planning conditions to pass three tests – that conditions should be:

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

5.2 In assessing the proposal the impact of the proposed changes on visual amenity, highway safety, residential amenity and the historic environment are important considerations. In addition, it is necessary to consider what conditions attached to application PK14/2339/F need to be carried forward and if any further conditions need to be attached to any new consent.

The remainder of this report focuses on the proposed differences when compared to the original consent. It is not considered necessary to re-examine the principle of the development as the original consent has established that and remains extant. However suffice it to say that the original scheme was considered to be inappropriate development in the Green belt but that very special circumstances were demonstrated to clearly outweigh the harm caused to openness. This is considered insofar as whether any alteration would make a material difference to the impact upon openness. It is not considered that there have been any significant changes in national or local policy; or other material changes since the original decision was taken to grant approval.

### 5.3 Green Belt

The protection of the Green Belt is of paramount importance and as such the NPPF limits development giving a specific list of categories of appropriate development under Paragraph 89. The erection of a solar farm does not fall within these categories and is therefore inappropriate development with substantial harm to the Green Belt. However under the original application the assessment of harm to the Green Belt was balanced against the potential benefit of a solar farm.

Very special circumstances along with the mitigating circumstances such as the scheme of planting were put forward and in the overall balancing exercise the benefits were deemed to outweigh the harm and the scheme was viewed as being appropriate. The introduction of a substation as part of that whole scheme was approved under PK14/2339/F. Given that this scheme is proposing changes to the design of the substation and a proposed change to its location within the site, the previously approved permission is of significant weight in favour of this scheme. In addition to the changes to the substation, the proposed changes to the layout of the solar panels must be examined.

- 5.4 The substation would be moved closer to the listed farm house and this is identified as a harmful to the openness. However, a scheme of planting has been proposed to screen the substation and this is sufficient to outweigh that perceived harm. Changes to the pattern of the array of panels is proposed and this similarly has been identified as a potential harm. However, given the overall size of this scheme, the small changes to the pattern of the array which amounts to them being moved very slightly within the site, is considered minimal and outweighed by the benefits of the solar farm as a whole. With regard to the colour/material of the fence, it is noted that other schemes for solar panel farms have used galvanised steel fences. This material is not unusual and would not be unacceptable in this instance.

It is considered that the changes would not impact on the openness of the Green Belt and are therefore acceptable in comparison to the consented scheme.

#### 5.5 Visual Impact and the Historic Environment

Substation:

The sub-station is to be relocated from the south-western corner of the fenced site to the southern tip of the fenced area closest to the listed Ring O Bells Farmhouse. The approved design was slightly smaller in height and had a more squared footprint. The changes now proposed would result in the substation being more rectangular measuring approximately 6 x 2.5 metres and it would be 60cm taller at 3.4 metres. It is considered that the changes in the overall size of the sub-station are relatively small given the size of the development and the site and are therefore acceptable.

- 5.6 It is acknowledged that the new location would be closer to the listed building, and concern has been expressed by a local resident regarding the proposed planting. The Listed Building Officer has expressed no concerns and the scheme has been assessed by the Landscape Architect. It is considered that the proposed planting of forestry copse around the relocated substation is of a suitable species and would successfully screen it within 5-10 years. In these terms the proposal is acceptable.
- 5.7 Fencing:  
Under the original permission the proposed deer fencing was to be weld-mesh painted a green or brown colour. It is noted that a local resident has objected to the proposed change in colour and material of the fencing.

The agent has provided justification by stating that the change has been requested on the basis of the applicant being unable to source fencing of the originally stipulated colours. Fencing of the more traditional galvanised steel is therefore proposed. Officers have no reason to dispute the stated sourcing problems experienced by the applicant and given that other solar panel schemes have used the galvanised steel as a barrier, in design terms there can be no objection to the change. One important point to note is that once again the plans/details submitted are confusing and some refer to wooden posts while others refer to metal posts. For the avoidance of doubt given that the proposed new material is to be galvanised steel the posts should be wooden and not painted metal. This is because painted metal posts would contrast too much with the galvanised mesh. A condition will ensure wooden posts are secured.

- 5.8 **Solar array pattern:**  
Plans show the proposed new pattern of the solar panels would be slightly altered within the site. This would result in a number of panels being moved further to the west at the most northern part of the site. Given the scale of the development these changes are considered acceptable.
- 5.9 With regards to the overall impact on the historic environment, the Conservation Officer raises no objection to any of the proposals in terms of their impact on the fabric or setting of the locally listed building. The changes are therefore considered visually acceptable in these terms.
- 5.10 Residential Amenity  
The proposed changes would not have an adverse impact on the closest residential properties.
- 5.11 Sustainable Transport  
The proposed changes would be within the approved site and there would be no adverse impact on the highway from this proposal.
- 5.12 Need for Conditions  
Most of the conditions attached to the original permission PK14/2339/F have been discharged with the exception of the condition relating to a transport survey to be conducted before and after the construction phase. It is therefore reasonable that this condition be attached to this application.
- 5.13 During the course of this application a number of comments have been received from concerned locals stating that construction traffic is not using the agreed route to and from the site. On this basis it is considered appropriate that the condition relating to the Traffic Routing Plan associated with PK14/2339F be included on this decision notice.
- 5.14 Other matters  
One comment received following the re-consultation process declares the plans were not included in the documents. The plans however have not changed and are those that were originally submitted with this current application. It was merely the description of development that changed in order to ensure that the revised layout was fully considered.

#### 5.15 Overall conclusion

The proposed changes are to a consented scheme which gave permission for a solar farm in the Green Belt. Substantial harm to the Green Belt by means of inappropriate development was identified under the original application. Very special circumstances put forward under that application were assessed and judged to outweigh the harm. The changes proposed under this application include the relocation of the substation within the site and closer to the listed farmhouse. The change in location would once again be harmful to the openness of the Green Belt and the listed building but this potential harm has been mitigated by the revised planting scheme. The changes to the array pattern would again impact on the openness of the Green Belt by the panels being in a different location to the approved scheme. However, the changes are considered to be minimal and as they remain within the site, the impact on the openness of the Green Belt is considered acceptable given the overall and previously approved scheme. Changes to the colour of the fence have been explained above and the justification accepted. The changes to the design of the substation are also considered acceptable. On balance the proposed alterations are acceptable and can be supported.

### 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 application has been advertised as a departure from the adopted plan. However, due to the small scale of the changes proposed under this application it is not considered necessary to refer it to the Secretary of State.
- 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.
- 6.3 The proposal represents a departure from the Development Plan as the recommendation for approval is made on the basis that very special circumstances have been demonstrated. The application has been advertised as a departure but it is not considered that a referral to the Secretary of State is necessary.

### 7. RECOMMENDATION

- 7.1 Planning permission is granted subject to the conditions set out below and the decision to be issued upon the expiry of the consultation period for the departure advertisement (22nd May 2016).

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

## **CONDITIONS**

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

### Reason

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

2. The development hereby approved shall be removed not later than 25 years from the date that electricity from the development is first exported to the National Grid; or within 3 years of the cessation of the exportation of electricity to the grid, whichever is the sooner; and the land shall be returned to its former condition within 12 months of the removal of the solar farm equipment and all associated road, equipment and structures. Any panel installed but not connected to the grid within a 3 year period shall be removed and the land restored to its former condition. Such renovation of the landscape shall be carried out in accordance with a scheme previously approved in writing by the Local Planning Authority.

### Reason

In order to ensure that the approved development does not remain in situ beyond the projected lifetime of the equipment so installed in the interests of the visual amenity and character of the surrounding landscape; and to accord with Policy CS3 and CS5 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013) and saved policies L1, and L13 of the South Gloucestershire Local Plan (Adopted) 2006.

3. All development must be carried out strictly in accordance with the Traffic Routing Plan received by the Council on 12th November 2014.

### Reason

In the interests of highway safety and to comply with the requirements of Policy T12 of the South Gloucestershire Local Plan (Adopted).

4. Prior to the first export to the grid details of the planting of forestry copse around the relocated substation shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the programme agreed with the Local Planning Authority.

### Reason

To ensure all planting works are carried out in accordance with best horticultural practice and establishment of a successful robust planting scheme is achieved as mitigation for and screening of the substation in accordance with policy L1 of the South Gloucestershire Local Plan and Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013).

5. For the avoidance of doubt the proposed deer fencing shall be of galvanised steel mesh with wooden and not metal posts.

Reason

In the interests of the visual amenity of the area and to comply with the requirements of Policies CS1, CS3 and CS9 of the South Gloucestershire Core Strategy (Adopted) December 2013.

6. On completion of the construction a second highway condition survey shall be submitted to and approved in writing by the Local Planning Authority. Any damage identified as a result of the surveys shall be repaired and the road restored to its former condition prior to the exportation of energy to the national grid.

Reason

To ensure that the development does not result in excessive road degradation over and above that which could usually be expected, In the interests of highway safety and to comply with the requirements of Policy T12 of the South Gloucestershire Local Plan (Adopted).

7. The developer shall notify the Local Planning Authority in writing within 21 days of such time that electricity from the development is first exported to the National Grid.

Reason

In order to allow the Local Planning Authority to adequately monitor the time scale of the development; and conditions contained in this decision notice.

8. The hours of working on site during the period of construction shall be restricted to 07:30 until 18:30 Monday to Friday, and 08:00 until 13:00 on Saturday; and no working shall take place on Sundays or Public Holidays. The term 'working' shall, for the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the curtilage of site.

Reason

To protect the residential amenity of the residents of surrounding residential properties and to accord with Policy CS3 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013)

9. All planting works shall be carried out in accordance with the landscape master plan and phasing plan, and in accordance with BS4428 - general landscape operations.

Reason

To ensure all planting works are carried out in accordance with best horticultural practice and establishment of a successful robust planting scheme is achieved as mitigation for and screening of the development in accordance with policy L1 of the South Gloucestershire Local Plan and Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013).

10. The development shall be implemented strictly in accordance with the following plans:  
Received by the Council on 11th March 2015 - Biodiversity Management Plan and Construction Method Statement.  
Received by the Council on 6th March 2015 - Soil Improvement Management Plan, Mitigation Planting Plan.

Received by the Council on 12th November 2014 - Section BB, Access Route, Addendum to Alternative Site Search, ECOP Plan, Site Location Plan, Mile Marker, Access Track Drawing, Swept Path Analysis, Flood Risk Assessment, Panel Design, Flood Risk Plan, Noise Impact, Geophysical Survey and Report, Archaeological Evaluation, Section AA, ZTV, BMP, Planning Statement.

Received by the Council on 8.12.15:  
Proposed layout plan - 2207.AP.001.0.E rev E  
Proposed substation - 2207.AP.009.2.0

Received by the Council on 25.2.16:  
Proposed deer fencing - 2207.AP.006.3.B

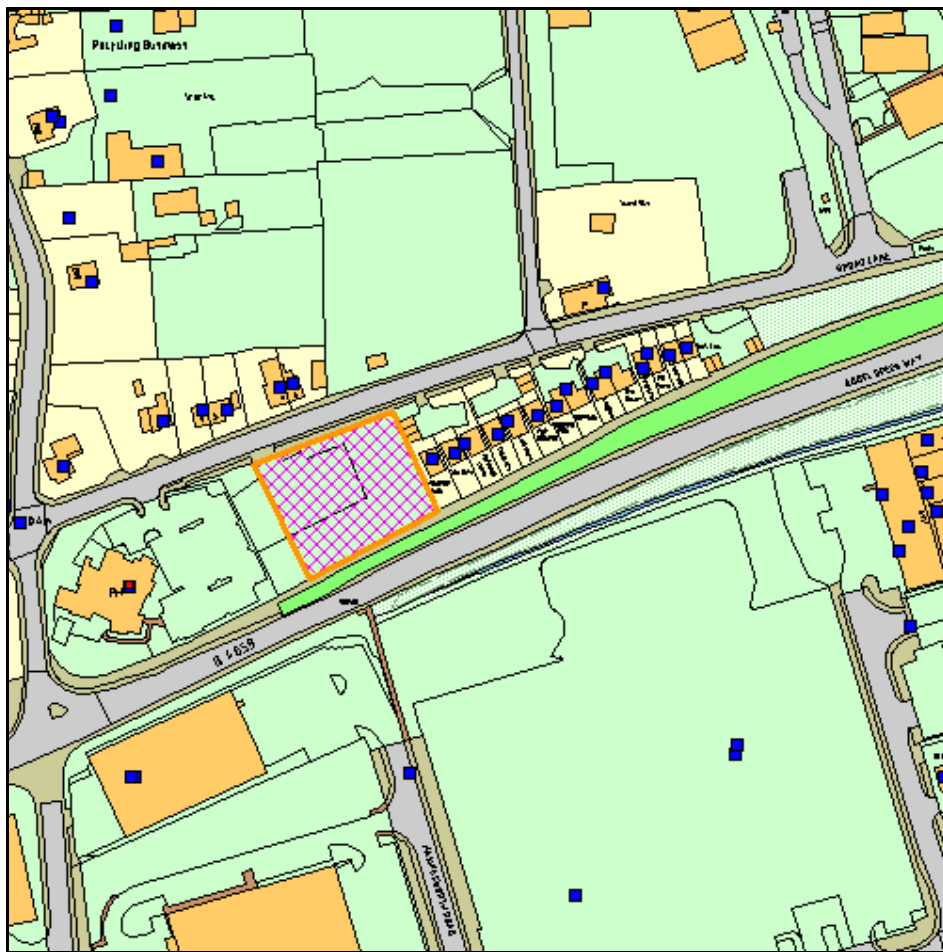
#### Reason

To ensure that the development complies with the submitted details, in the interests of visual and landscape amenity, openness of the green belt, highway safety and residential amenity and to accord with policies CS1, CS2, CS3, CS5, CS9, and CS34 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013, and Policies L1, L9, L16, EP2, and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.



**CIRCULATED SCHEDULE NO. 16/16 – 22 APRIL 2016**

<b>App No.:</b>	PK15/5286/RM	<b>Applicant:</b>	Helm
<b>Site:</b>	Land Adjacent To The Fox Broad Lane Yate Bristol South Gloucestershire BS37 7LD	<b>Date Reg:</b>	17th December 2015
<b>Proposal:</b>	Erection of 9no. dwellings. (Approval of reserved matters to be read in conjunction with Outline planning permission PK15/0671/O).	<b>Parish:</b>	Iron Acton Parish Council
<b>Map Ref:</b>	369955 183496	<b>Ward:</b>	Ladden Brook
<b>Application Category:</b>	Minor	<b>Target Date:</b>	8th February 2016



© South Gloucestershire Council 2007.all rights reserved.  
 This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.  
 100023410, 2008. N.T.S. PK15/5286/RM

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

This application has been 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 approval of the reserved matters connected with outline planning permission PK15/0671/O. The outline planning permission granted consent for the erection of 9 dwellings. Only the principle of development was established under the outline permission as all matters were reserved.
- 1.2 The application site is a 0.21 hectare plot of land, located between Yate and Engine Common. The site is enclosed by Goose Green Way to the south and Broad Lane to the north and was formerly a garden centre. To the west of the site is The Fox public house and car park and to the immediate east is a small recent development of 14 houses.
- 1.3 Located within the settlement boundary of Yate. The site contains trees subject to protection under a tree preservation order. No further constraints are relevant to this site.

### **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  
CS13 Non-safeguarded Economic Development Sites  
CS15 Distribution of Housing  
CS16 Housing Density  
CS17 Housing Diversity  
CS30 Yate and Chipping Sodbury

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

L1 Landscape  
L5 Open Areas within Existing Urban Areas  
EP2 Flood Risk and Development  
T12 Transportation

#### 2.3 Supplementary Planning Guidance

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

(c) Waste Collection: Guidance for New Developments SPD (January 2015)

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

- 3.1 PK15/0671/O Approve with Conditions 03/07/2015  
Erection of 9no. dwellings (Outline). All matters reserved.
- 3.2 PK10/0006/F Approved with Conditions 23/03/2011  
Erection of 2no. two storey office blocks for B1a Office Use as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended) with access parking and associated works. (Resubmission of PK09/0891/F)
- 3.3 PK09/0891/F Withdrawn 06/08/2009  
Erection of 2no. two storey office blocks for B1a Office Use as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended) with access parking and associated works.

### **4. CONSULTATION RESPONSES**

- 4.1 Iron Acton Parish Council  
None received
- 4.2 Arts and Development Officer  
No comment
- 4.3 Bristol Water  
No objection
- 4.4 Coal Authority  
Standing advice applies
- 4.5 Ecology Officer  
No objection; development should proceed in accordance with the outline
- 4.6 Environmental Protection  
No objection; suggest working times restrictions
- 4.7 Highway Structures  
No comment
- 4.8 Landscape Officer  
No objection; detailed planting should be secured by condition
- 4.9 Lead Local Flood Authority  
No objection; confirmation required as to the management of the SUDS
- 4.10 Police Community Safety Team  
No objection

- 4.11 Sustainable Transport  
No objection
- 4.12 Tree Officer  
No objection subject to tree protection
- 4.13 Waste Engineer  
Bins should not be presented on the pavement for collection
- 4.14 Wessex Water  
No objection; applicant should contact Wessex Water

### **Other Representations**

- 4.15 Local Residents  
11 comments of objection have been received from local residents, in which the following matters are raised:
- access problems for emergency vehicles
  - bungalows would be more appropriate
  - busy public house next to site
  - development has commenced
  - development is motivated by money
  - different from outline permission
  - existing parking problems
  - lack of facilities in the locality
  - lane used as a route to school
  - no need for family homes given North Yate New Neighbourhood
  - not in line with neighbouring properties
  - number of entrances a problem on busy road
  - overdevelopment of a small site
  - play equipment should be provided
  - too many dwellings are proposed
  - visibility issues

## **5. ANALYSIS OF PROPOSAL**

- 5.1 This application seeks to agree the reserved matters for the erection of 9 dwellings on land adjacent to The Fox public house on Broad Lane, Yate.
- 5.2 Principle of Development  
The application site lies within the defined settlement boundary for Yate and Chipping Sodbury where development is directed by the council's strategic planning policies. Furthermore, under the outline planning permission (PK15/0671/O) the principle of development on this site for 9 residential units was established.
- 5.3 Therefore the proposed development is acceptable in principle and this application should consider the specific elements included within the reserved matters. In this instance, all matters were reserved and therefore this application should consider everything bar the location of the site.

- 5.4 As stated, the development is acceptable in principle and should be determined against the analysis set out below.
- 5.5 Design/Layout  
Only development that meets the highest possible standards of design and site planning are permitted under policy CS1. This policy requires development proposals to demonstrate that the siting, form, scale, height and massing respect and enhance the character of the site.
- 5.6 The locality is characterised by Goose Green Way and the trading estate to the south and linear settlement of Engine Common extending along North Road to the north-west. To the west of the application site is a public house located on the junction. Along Broad Lane to the north-east is the council's depot. Engine Common is characterised by a range of dwelling types and styles of varying plot size.
- 5.7 Under the indicative plans submitted at outline stage, 4 semi-detached pairs and a detached dwelling were shown. However, following negotiation to improve the layout by breaking up the proposed terraces, permission is sought for a short terrace of 3 dwellings and 3 pairs of semi-detached houses. This is considered to be broadly consistent with the outline permission and the layout is acceptable.
- 5.8 To the front of the proposed properties would be parking courtyards and garages. These are similar to those at the recently built dwellings between the site and the railway bridge. In appearance, the proposal would also be similar to these dwellings.
- 5.9 The design is considered to be acceptable and a draft materials schedule has been included on the elevation plans. These are also considered to be broadly acceptable and will be subject to a condition to confirm the final details.
- 5.10 Residential Amenity  
Development will not be permitted that has a prejudicial impact on residential amenity of nearby occupiers or on the application site itself. New dwellings need to demonstrate that they would be subject to a satisfactory level of residential amenity in their own right.
- 5.11 It has been found at outline that there was no in principle objection to the development with regard to amenity. Now that full plans have been submitted, it can be confirmed that it is not considered that the proposed development would have a detrimental impact on the residential amenities of nearby occupiers. It is also considered that the proposed dwellings would have an acceptable level of amenity.
- 5.12 An acoustic assessment was required on the outline permission and the environmental protection team do not raise any concerns that the occupants would suffer from excess noise disturbance.

- 5.13 Given the small size of the gardens it is considered necessary to remove the permitted development rights so that any further development at the properties can be managed by the planning authority.
- 5.14 Residential amenity during construction works is already protected by provision on the outline application of a working hours restriction.
- 5.15 Access, Transport and Parking  
The principle of access to the site was established under the outline permission; this application therefore considers the internal site layout in more detail. This includes parking provision and manoeuvring.
- 5.16 The proposed site layout shows 2 parking spaces per dwelling and visitors parking. The proposed parking would accord with the Residential Parking Standard SPD and is acceptable.
- 5.17 In terms of manoeuvring, the layout of the site provides sufficient space to enable cars to turn around and access and egress the site in a forward gear. This is also considered to be acceptable.
- 5.18 As access can be gained in a forward gear and there is sufficient parking on site there is no highway objection to the proposal. Concern has been raised by local residents about existing on street parking and the proposal exacerbating that problem. Given that parking is provided to meet the council's standards, it is not considered that the proposal would lead to additional on street parking in the vicinity. Concern has also been raised about the provision of two site entrances. This is considered to be an appropriate means to access the site and provides an acceptable layout. The impact of two entrances would not be 'severe' and therefore in highway terms there is no objection to it. It is noted that Broad Lane is used as a route to school. The development is not considered to impact upon the route to school. The access to the site is considered to have sufficient visibility.
- 5.19 Landscape and Trees  
Along the front stands a mature hedge with some limited vegetation at the rear of the site. To the north east of the site is an Oak tree subject to a preservation order.
- 5.20 A landscaping and tree protection plan has been submitted as part of this application. This shows the long-term retention of the hedge and adequate protection for the Oak tree. In terms of the impact of the proposal on the landscape, the development is acceptable when considered alongside the landscaping plan and tree protection measures. A detailed planting plan for the communal areas should be secured by condition to clarify the species, size at planting, and planting density.
- 5.21 Drainage and Waste  
As part of the outline permission, a SUDS scheme was required. This has been submitted as part of the planning application. It has been demonstrated that sustainable urban drainage can be achieved on this site although the management regime has not been submitted. Details of how the proposed

SUDS will be managed will be requested by condition. Notwithstanding that, the proposal is considered acceptable with regard to drainage.

- 5.22 With regard to waste, the waste team raised concern about the waste collection point and the use of gravel. In revised plans, the bin collection area has been shown as paved and the provision for bin storage has been made in the rear gardens of the dwellings. It is considered by the officer that the provisions made for waste collection are acceptable.
- 5.23 Other Matters  
Comments have been received from members of the public which have not been included in the above analysis. These will be considered here.
- 5.24 Whilst the authority has policies to promote diversity in the housing stock, such as bungalows, the policy is more strategic in nature. The authority must consider the application as submitted; it is not considered that the provision of two-storey dwellings would be contrary to policy and therefore the authority would have no reason to negotiate the provision of bungalows.
- 5.25 It is noted that the site is next to the public house; this is not considered to be a constraint to residential development on the site. The scale of development is not significant enough to warrant the provision of paly equipment.
- 5.26 The site is within the settlement of Yate. Although there are new dwellings being constructed as part of the new neighbourhood, that is not a reason to resist further development in the district - particularly in areas identified for development, such as within settlement boundaries.
- 5.27 The financial motivation of the development is given little weight in determining this application. It is noted that clearance works have started on site; officer do not consider these amount to the commencement of 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 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. 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, and D), or any minor operations as specified in Part 2 (Class A) where such development would be between the principal elevation of the dwellinghouse and the public highway, other than such development or operations indicated on the plans hereby approved, shall be carried out without the prior written consent of the Local Planning Authority.

### Reason

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

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

### Reason

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

3. Prior to the first occupation of any dwelling hereby permitted, a scheme of management for the SUDS shall be submitted to and approved in writing. The development shall be managed in accordance with the approved scheme.

### Reason

To ensure that a satisfactory means of drainage is provided, and to accord with policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

4. Prior to the first occupation of any dwelling hereby permitted, a detailed landscape plan (based on plan 836103D) to show plant species, plant size at time of planting, and density of planting shall be submitted to and approved in writing by the Local Planning Authority.

### Reason

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



5. The proposed landscaping as shown on plan 836103D as supplemented by the details required by Condition 4, shall be completed in full within the first planting season following the first occupation of any of the dwellings hereby approved maintained in accordance with the schedule of maintenance for a period of 5 years starting with the date of the first occupation of the final property to be occupied.

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.

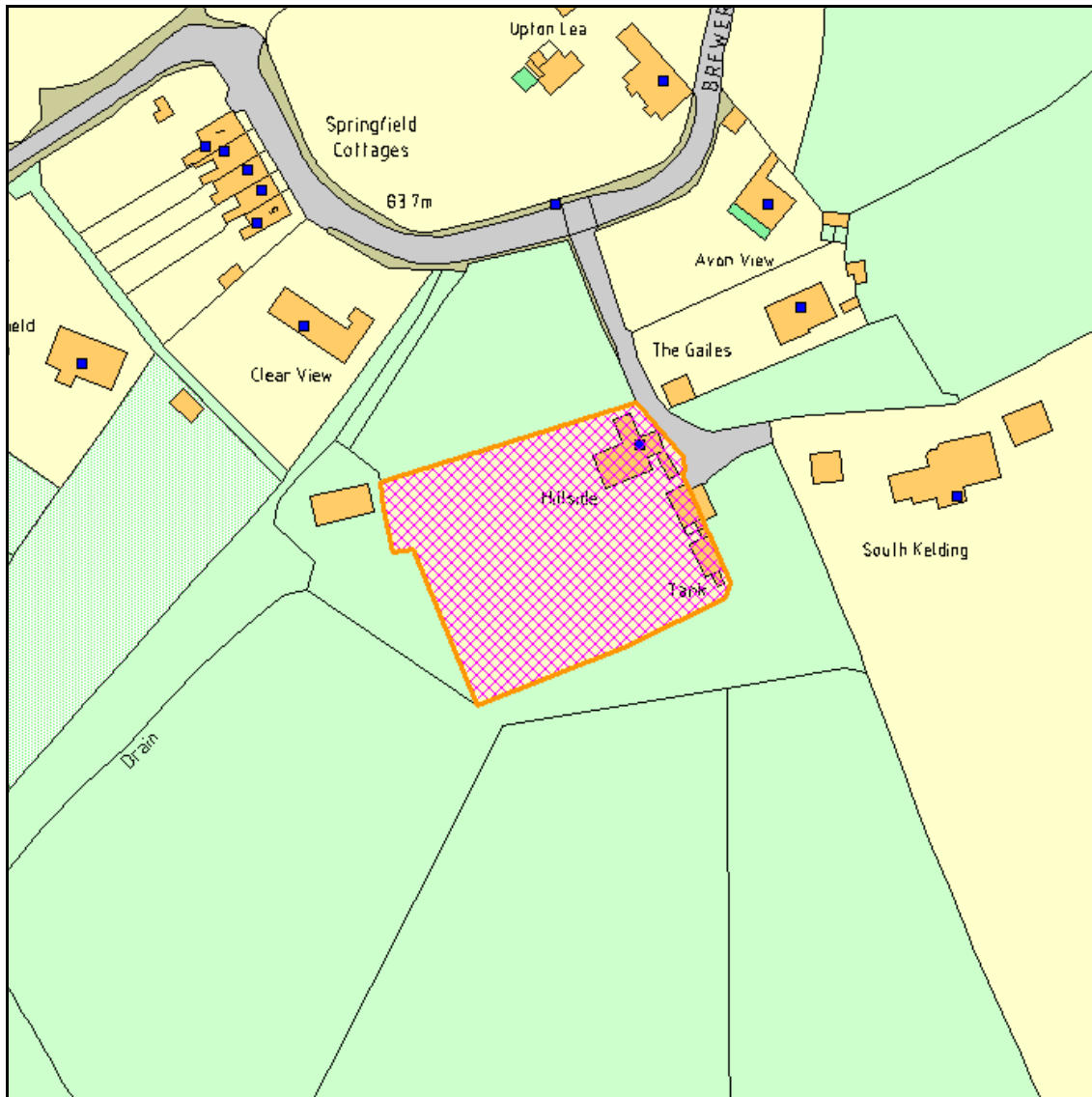
6. The proposed tree protection measures, as shown on plan 836103D, shall be erected prior to the commencement of development and shall thereafter be retained in full until the development is complete.

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.

CIRCULATED SCHEDULE NO. 16/16 – 22 APRIL 2016

<b>App No.:</b>	PK16/0459/F	<b>Applicant:</b>	Mr Charlie Troman
<b>Site:</b>	Hillside Willmotts Lane Upton Cheyney Bristol South Gloucestershire BS30 6LY	<b>Date Reg:</b>	15th February 2016
<b>Proposal:</b>	Change of use of land from agricultural to residential curtilage to form parking area. Erection of single storey rear extension to form additional living accommodation and erection of front porch.	<b>Parish:</b>	Bitton Parish Council
<b>Map Ref:</b>	369197 169667	<b>Ward:</b>	Bitton
<b>Application Category:</b>	Minor	<b>Target Date:</b>	4th April 2016



© South Gloucestershire Council 2007.all rights reserved.  
This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.  
100023410, 2008. N.T.S. PK16/0459/F

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

This application has been referred to the Circulated Schedule following the receipt of an objection from Bitton Parish Council, the concern raised being contrary to the officer recommendation. The proposal also represents a departure from Green Belt policy.

### **1. THE PROPOSAL**

- 1.1 The application relates to 'Hillside' which is a detached, 3-bedroomed cottage at the south-eastern edge of the village of Upton Cheyney. The property includes a paddock to the north and several outbuildings. The property is not listed but does lie within the Upton Cheyney Conservation Area, the Cotswolds AONB and the Bristol/Bath Green Belt. The property is accessed off a narrow lane just off Brewery Hill.
- 1.2 It is proposed to erect a single-storey infill extension to the rear and a new front porch. In addition it is proposed to utilise part of the adjacent paddock to create a new parking area for two cars, with associated turning area and access off Willmotts Lane.

### **2. POLICY CONTEXT**

#### **2.1 National Guidance**

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

#### **2.2 Development Plans**

The South Gloucestershire Local Plan (Adopted) 6<sup>th</sup> January 2006 (saved policies)

L1 - Trees and landscape  
L2 - Cotswolds AONB  
L9 - Species Protection  
L12 - Conservation Area  
EP2 - Flood Risk and Development  
H4 - Development within Existing Residential Curtilages, Including Extensions and New Dwellings  
T7 - Cycle Parking  
T12 - Highway Safety  
LC12 - Recreation Routes

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

CS1 - High Quality Design  
CS4A – Presumption in Favour of Sustainable Development  
CS5 - Location of Development  
CS8 - Improving Accessibility  
CS9 - Managing the Environment and Heritage  
CS13 - Non-safeguarded economic development sites  
CS15 - Distribution of Housing  
CS34 - Rural Areas

- 2.3 Supplementary Planning Guidance  
Trees on Development Sites SPG (Adopted) Nov. 2005.  
The South Gloucestershire Design Check List (SPD) Adopted Aug 2007.  
South Gloucestershire Council Residential Parking Standards (SPD) Adopted.  
SG Landscape Character Assessment as adopted Nov 2014  
Development in the Green Belt SPD Adopted June 2007

2.4 Emerging Plan

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

- PSP1 - Local Distinctiveness
- PSP2 - Landscape
- PSP3 - Trees and Woodland
- PSP6 - Onsite Renewable & Low Carbon Energy
- PSP7 - Development in the Green Belt
- PSP8 - Settlement Boundaries
- PSP9 - Residential Amenity
- PSP10 - Development Related Transport Impact Management
- PSP17 - Parking Standards
- PSP18 - Heritage Assets and the Historic Environment
- PSP20 - Wider Biodiversity
- PSP21 - Flood Risk, Surface Water and Watercourses
- PSP22 - Environmental Pollution and Impacts
- PSP39 - Development within Existing Residential Curtilages Including Extensions and New Dwellings
- PSP44 - Private Amenity Space Standards

**3. RELEVANT PLANNING HISTORY**

- 3.1 K664 - Improvements and extension to existing dwelling to provide lounge area with bedroom space over and new bathroom.  
Approved 27 March 1975
- 3.2 K664/1 - Erection of entrance porch on north elevation.  
Approved 3 May 1978

**4. CONSULTATION RESPONSES**

- 4.1 Bitton Parish Council  
Councillors objected to the proposals on the basis of the information available to them. The large area of hard-standing would be prominent and easily visible, spoiling the aspect of the Conservation Area. The porch and decking are not seen as in-keeping with the Area. They had no objections to the proposed rear extension. It was noted that amendments to the proposals and additional information were to be submitted by the applicant.

4.2 Other Consultees

Highway Structures  
No comment

Lead Local Flood Authority

No objection.

PROW

No objection

Open Spaces Society

No response

Conservation Officer

No objection subject to conditions to ensure matching materials and compliance with the revised site plan along with a condition to ensure a time frame for the area identified to be removed from the residential curtilage.

**Other Representations**

4.3 Local Residents

2no. local residents support the scheme; there comments are summarised as follows:

- No objection but would suggest that the parking area is located above the telegraph pole located opposite 'The Gailes' where the lane is flatter.
- The proposal would restore some of the original features of the cottage.
- The parking area would need to be landscaped.

**5. ANALYSIS OF PROPOSAL**

Principle of Development

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

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

5-Year Land Supply

5.2 A recent appeal decision APP/P0119/A/14/2220291 – Land South of Wotton Road, Charfield, established (para. 146) that the Council can currently only demonstrate a 5-year housing land supply sufficient for 4.64 years; as such para. 14 is therefore engaged.

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

- 5.4 In accordance with para.187 of the NPPF, Core Strategy Policy CS4A states that; when considering proposals for sustainable development, the Council will take a positive approach and will work pro-actively with applicants' to find solutions, so that sustainable development can be approved wherever possible. NPPF Para.187 states that Local Planning Authorities should look for solutions rather than problems and decision-takers at every level should seek to approve applications for sustainable development where possible.
- 5.5 Chapter 4 of the NPPF promotes sustainable transport and states that development should only be prevented on transport grounds where the residual cumulative impacts of development are 'severe'.
- 5.6 Paragraph 50 of the NPPF sets out the importance of delivering a wide range of residential accommodation. This policy stance is replicated in Policy CS17 of the Core Strategy which makes specific reference to the importance of planning for mixed communities including a variety of housing type and size to accommodate a range of different households, including families, single persons, older persons and low income households, as evidenced by local needs assessments and strategic housing market assessments.
- 5.7 Core Strategy Policy CS16 seeks efficient use of land for housing. It states that: *Housing development is required to make efficient use of land, to conserve resources and maximise the amount of housing supplied, particularly in and around town centres and other locations where there is good pedestrian access to frequent public transport services.*
- 5.8 Policy H4 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 permits development within existing residential curtilages, including extensions to existing dwellings and new dwellings subject to criteria that are discussed below. Policy CS1 of the South Gloucestershire Local Plan Core Strategy (Adopted) Dec 2013 seeks to secure good quality designs that are compatible with the character of the site and locality.

#### Green Belt Issues

- 5.9 Inappropriate development is by definition harmful to the openness of the Green Belt. At para. 89 the NPPF lists those types of development that are not considered to be inappropriate and this includes "the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building". The proposed extensions are relatively small and well integrated within the existing built form. Even taking into consideration the earlier extensions granted in 1975 and 1978, the combined extensions are not considered to be disproportionate. The proposed built development is not therefore inappropriate within the Green Belt.
- 5.10 The change of use of part of the paddock to provide a residential parking area must also be considered in Green Belt terms. Paragraph 90 of the NPPF states that other forms of development are also not inappropriate in the Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in the Green Belt; these are listed at para.90 but do not include changes of use of land.

- 5.11 In order therefore to overcome the harm to the openness of the Green Belt by reason of inappropriateness or any other harm, the onus is on the applicant to provide the very special circumstances required to demonstrate that the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
- 5.12 In this case, the applicant proposes to change the use of an equivalent sized area of the existing garden, as the proposed parking area, back to to part of the paddock. This would compensate for the loss of the paddock area used to provide the parking area; there would therefore be no net loss of open grassland. Officers are satisfied that this represents the very special circumstances required to allow a departure from Green Belt Policy.

#### Scale, Design and Conservation Issues

- 5.13 There are no objections to the proposed single-storey rear extension which represents an element of infill between an existing rear extension and a projecting side wing. The extension would provide additional space at lower ground level for the kitchen and other utility spaces. The kitchen would then have a closer connection with the garden. The garden at this point would be enhanced without cars being parked there. The extension integrates well within the existing built form and would not be prominent within the street scene.
- 5.14 Conversely the front porch as originally proposed was considered to be a discordant feature that would have been highly visible within the street scene. Officers have since negotiated a revised scheme whereby the porch has been simplified and the previously proposed decking removed such that the levels of integration have been significantly improved. The existing mid-level front door would be blocked in, allowing the room behind to become a fourth bedroom. Subject to a condition to secure matching materials, no objections are now raised and the previous concerns have been overcome.
- 5.15 As regards the proposed new parking area in the paddock, the design has also been revised so that the roadside hedge is now retained, the area is landscaped and a field gate to the entrance is proposed. Furthermore, an area of residential curtilage would be released back to agricultural use to off-set the loss of part of the paddock. On balance the character and appearance of the Conservation Area would be sufficiently preserved.

#### Impact on Residential Amenity

- 5.16 There would be little or no additional overlooking of neighbouring dwellings. The impact on residential amenity would be insignificant.

#### Landscape Issues

- 5.17 The design of the parking area has been revised with grasscrete being used for both parking spaces and the turning head. The parking area would be enclosed to the north and west by new hedgerow planting. The location of the parking next to the new porch and dwelling is considered appropriate for ease of access and to reduce the level of encroachment into the paddock. Because more of the roadside hedge is retained, the parking area should not be prominent in views from the lane or beyond. A compensatory area of garden would be returned to the paddock. The existing pedestrian gate into the

paddock from the lane would be retained. The proposed amendments would therefore have no significant landscape implications and would preserve the natural beauty of the Cotswolds AONB.

#### Transportation Issues

- 5.18 The cottage is located on a hillside and is accessed off a narrow, single-track lane that descends steeply southwards off Brewery Hill. The existing parking arrangements are very constrained and cars currently have to reverse out of the site access, which is located on a sharp bend in the lane. Deliveries to the property of such things as oil are currently very difficult.
- 5.19 Whilst an additional bedroom would be created, adequate parking provision i.e. 2 spaces would be provided which satisfies the requirements of the Residential Parking Standards SPD. A gated access to/from the lane would be created. There are no transportation objections to the proposal, which would enhance highway safety.

#### Environmental Issues

- 5.20 The site does not lie within a coal referral area and only lies in Flood Zone 1. Foul waste would be exposed to the mains sewer.

#### CIL Matters

- 5.12 The South Gloucestershire Community Infrastructure Levy (CIL) & Section 106 Planning Obligations Guide SPD was adopted March 2015. CIL charging commenced on 1st August 2015. This development, if approved, would not however be liable to CIL charging as it has a floor area less than 100sq.m.

## **6. CONCLUSION**

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

## **7. RECOMMENDATION**

- 7.1 The application be advertised as a departure from the Development Plan.
- 7.2 That planning permission be GRANTED subject to the conditions listed on the Decision Notice, once the period of advertising the application as a departure from the Development Plan has expired.

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



## **CONDITIONS**

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

### Reason

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

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

### Reason

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

3. Prior to the first occupation of the development hereby approved, the vehicular access arrangement, turning area and car parking provision for the dwelling shall be implemented in accordance with the approved Site Proposed Plan (only) Drawing No. 3840-P-10B and retained thereafter 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 T12 of the South Gloucestershire Local Plan (Adopted) January 2006, Policy CS8 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11th Dec.2013 and The South Gloucestershire Residential Parking Standards SPD (Adopted) 2013.

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

### Reason

To ensure a satisfactory standard of external appearance in the Upton Cheyney Conservation Area, and to accord with and Policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; Policies H4 and L12 of The South Gloucestershire Local Plan (Adopted) 6th Jan 2006 and the National Planning Policy Framework.

5. All hard and soft landscape works shall be carried out in accordance with the details shown on the approved Site Proposed Plan (only) Drawing No. 3840-P-10B and maintained as such thereafter. The works shall be carried out prior to the occupation of any part of the development or in accordance with a programme agreed with the Local Planning Authority.

Reason

To preserve the character and appearance of the Upton Cheyney Conservation Area, the natural beauty of the Cotswolds AONB and the landscape in general in accordance with Policies CS9 and CS34 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11th December 2013 and Policies L1, L2 and L12 of The South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

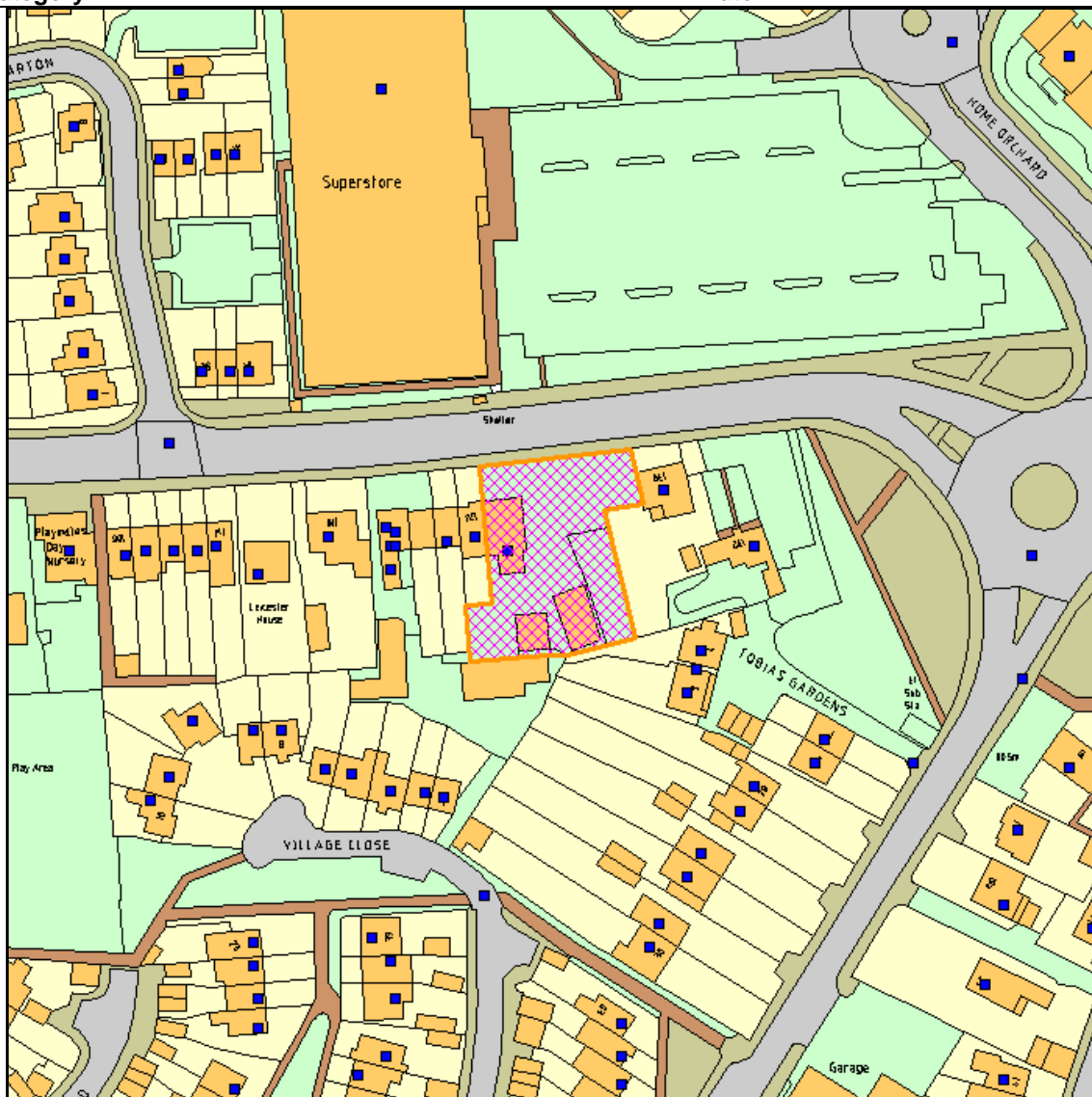
6. The area of residential garden as shown on the approved Proposed Block Plan Drawing No. 3840-L-03A shall be made over to grassed paddock and maintained as such thereafter. The works shall be carried out prior to the occupation of any part of the development or in accordance with a programme agreed with the Local Planning Authority.

Reason

To compensate for the loss of part of the paddock to provide the parking and turning area in the interests of retaining the openness of the Green Belt; to accord with Policies CS5 and CS34 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11 th December 2013, the requirements of the NPPF and the South Gloucestershire Development in the Green Belt SPD (Adopted) June 2007.

**CIRCULATED SCHEDULE NO. 16/16 – 22 APRIL 2016**

<b>App No.:</b>	PK16/0663/F	<b>Applicant:</b>	Mr & Mrs K & J Holbrook Pisces
<b>Site:</b>	126 Station Road Yate Bristol South Gloucestershire BS37 4PQ	<b>Date Reg:</b>	15th February 2016
<b>Proposal:</b>	Demolition of existing storage shed. Erection of two-storey front, side and rear extensions with balcony to facilitate change of use of first floor from Restaurant (Class A3) to 1no. two bedroom flat (Class C3); single-storey rear extension to extend kitchen (Class A5) as defined in The Town and Country Planning (Use Classes) Order 1987 (as amended).	<b>Parish:</b>	Yate Town Council
<b>Map Ref:</b>	370919 182489	<b>Ward:</b>	Yate Central
<b>Application Category:</b>	Minor	<b>Target Date:</b>	7th April 2016



© South Gloucestershire Council 2007.all rights reserved.  
 This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.  
 100023410, 2008. N.T.S. PK16/0663/F

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

This application has been referred to the Circulated Schedule following the receipt of objections from two local residents, the concerns raised being contrary to the officer recommendation.

### **1. THE PROPOSAL**

- 1.1 The application relates to the long established 'Pisces Fish and Chip Shop' (Class A5) located at the eastern end of Station Road, adjacent to the established shopping area of Yate. The properties on the southern side of Station Road are a mix of residential and commercial properties; the Fish and Chip Shop was formerly an end of terrace dwelling house. The property now comprises a take-away Fish and Chip Shop and associated kitchen at ground floor level, with sit-in restaurant (Class A3) above. Two-storey and single-storey extensions provide w.c. and storage facilities to the rear. Outbuildings used for storage and garaging also lie to the rear. The business is served by a substantial car park accessed from Station Road. The site is bounded on three sides by residential properties, with the B & Q Superstore lying on the opposite side of Station Road.
- 1.2 The premises has been the subject of several planning permissions, not least PK08/3087/F which included the erection of a two-storey side extension to facilitate the change of use of the first floor restaurant to a flat with associated roof terrace; as well as single-storey extensions to the ground floor kitchen. The permission was not however implemented.
- 1.3 The current proposal is similar to that previously approved under PK08/3087/F. It is now proposed to demolish the existing storage shed and erect two-storey extensions to the front, side and rear of the chip shop to facilitate the change of use of the first floor restaurant to a two-bedroom flat with rear balcony; the ground floor kitchen would also be extended to the rear and the car parking layout revised.

### **2. POLICY CONTEXT**

#### **2.1 National Guidance**

The National Planning Policy Framework 27<sup>th</sup> March 2012.  
The National Planning Practice Guidance 2014

#### **2.2 Development Plans**

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

CS1 - High Quality Design

CS4A – Presumption in Favour of Sustainable Development

CS5 - Location of Development

CS6 - Infrastructure and Developer Contributions

CS8 - Accessibility

CS9 - Managing the Environment and Heritage

CS17 - Housing Diversity

CS18 - Affordable Housing

CS23 - Community Infrastructure and Cultural Activity

CS24 - Green Infrastructure, Sport and Recreation Standards  
CS30 - Yate and Chipping Sodbury

South Gloucestershire Local Plan (Adopted) January 2006

L1 - Landscape Protection and Enhancement  
L9 - Species Protection  
EP2 - Flood Risk and Development  
EP4 - Noise-sensitive development  
T7 - Cycle Parking  
T8 - Parking Standards  
T12 - Transportation Development Control Policy for New Development  
LC1 - Provision for Built Sports, Leisure and Community Facilities (Site Allocations and Developer Contributions)  
LC2 - Provision for Education Facilities (Site Allocations and Developer Contributions)  
RT12 - Use of Upper Floors in Town/Local Centres

2.3 Supplementary Planning Guidance

Trees on Development Sites SPG (Adopted) Nov. 2005.  
The South Gloucestershire Design Check List (SPD) Adopted Aug 2007.  
Affordable Housing SPD Adopted Sept.2008.  
South Gloucestershire Council Residential Parking Standards (SPD) Adopted.

2.4 Emerging Plan

Proposed Submission: Policies, Sites & Places Development Plan March 2015

PSP1 - Local Distinctiveness  
PSP2 - Landscape  
PSP3 - Trees and Woodland  
PSP6 - Onsite Renewable & Low Carbon Energy  
PSP8 - Settlement Boundaries  
PSP9 - Residential Amenity  
PSP12 - Development Related Transport Impact Management  
PSP17 - Parking Standards  
PSP20 - Wider Biodiversity  
PSP21 - Flood Risk, Surface Water and Watercourses  
PSP22 - Environmental Pollution and Impacts  
PSP44 - Private Amenity Space Standards  
PSP36 - Hot Food Take-Aways

**3. RELEVANT PLANNING HISTORY**

There is an extensive planning history to the site with the most relevant applications being as follows:

- 3.1 PK03/2600/O - Demolition of existing garage and outbuilding to facilitate residential development.  
Approved April 2004

- 3.2 PK07/1711/F - Change of use from restaurant to residential at first floor. Erection of two-storey side extension. Installation of new shop-front, windows and flue.  
Approved July 2007
- 3.3 PK08/3087/F - Erection of two-storey side extension to facilitate change of use of first floor restaurant (A3) to 1 no. flat (C3) with associated decked roof terrace. Erection of single-storey side and rear extensions to form additional kitchen area to existing take-away (A5) and new café unit (A3). Installation of new shop front.  
Approved 21 Jan 2009
- 3.4 PK10/3247/F - Change of use of land from residential curtilage to car park, revision of existing car park layout and creation of new vehicular access from Station Road.  
Approved 21 December 2010

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

4.1 Yate Town Council

Don't object to the principle of the extension and change of use. Concerns however over the car park layout. The one entrance/exit will impede on access to the disabled space.

4.2 Other Consultees

Highway Structures

No comment

Transportation D.C

We have no objection to this change of use as we consider that this change of use is likely to reduce the traffic generation of this property and lead to less intensive use of its access. Consequently, we believe that this application will be broadly beneficial in terms of highway use and safety.

We also note that it is proposed to increase the car parking provide at this location from 18 to 24 spaces. The guidance set out in South Gloucestershire Councils Adopted Local Plan (Policy T7) indicates that this exceeds the minimum requirement for this development. Hence, we believe that the car parking provision at this site remains consistent with the Councils policy.

Lead Local Flood Authority

No objection

Economic Development Officer

The proposed change of use of the first floor from Class A3 restaurant to Class C3 flat is acceptable as this floor has been vacant since 2014 and the application proposes to extend the kitchen to complement the existing Class A5 takeaway on the ground floor. There are therefore no objections on economic grounds.

## **Other Representations**

### 4.3 Local Residents

Letters/emails of objection have been received from 2no. local residents. The concerns raised are summarised as follows:

- Design not in-keeping with housing in the area.
- Loss of privacy - the proposed first floor windows and terrace will look directly onto 4 Tobias Gardens property and bedroom windows.
- Increased light pollution for nos. 3 & 4 Tobias Gardens – floodlights already added.
- Proposal will result in gaps in boundary with 4 Tobias Gardens providing exposure to Station Road with increased noise/litter and reduced security.
- Diversion of already sub-standard sewer will make matters worse.
- Demolition of existing store shed will open views across the garden of 3 Tobias Gardens and reduce security.
- Access to rear gate of no.3 Tobias Gardens would be restricted. Cars could park parallel to the garage.
- Increased noise levels from car park.
- Loss of house values.

## **5. ANALYSIS OF PROPOSAL**

### 5.1 Principle of Development

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

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

### 5.2 5-Year Land Supply

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

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

- 5.4 In accordance with para.187 of the NPPF, Core Strategy Policy CS4A states that; when considering proposals for sustainable development, the Council will take a positive approach and will work pro-actively with applicants' to find solutions, so that sustainable development can be approved wherever possible. NPPF Para.187 states that Local Planning Authorities should look for solutions rather than problems and decision-takers at every level should seek to approve applications for sustainable development where possible.
- 5.5 Chapter 4 of the NPPF promotes sustainable transport and states that development should only be prevented on transport grounds where the residual cumulative impacts of development are 'severe'.
- 5.6 Paragraph 50 of the NPPF sets out the importance of delivering a wide range of residential accommodation. This policy stance is replicated in Policy CS17 of the Core Strategy which makes specific reference to the importance of planning for mixed communities including a variety of housing type and size to accommodate a range of different households, including families, single persons, older persons and low income households, as evidenced by local needs assessments and strategic housing market assessments.
- 5.7 Core Strategy Policy CS16 seeks efficient use of land for housing. It states that: *Housing development is required to make efficient use of land, to conserve resources and maximise the amount of housing supplied, particularly in and around town centres and other locations where there is good pedestrian access to frequent public transport services.*
- 5.8 The site lies close to Yate Town Centre but is not within any Primary or Secondary Shopping Frontage as defined in the South Gloucestershire Local Plan (Adopted) 6th Jan 2006. Policy RT12 permits the residential use of upper floors of existing premises within Town and Local Centres, provided that it would not have unacceptable environment or transportation effects and would not prejudice residential amenity. The acceptance in principle of a very similar scheme to that now proposed was previously established with the grant of PK08/3087/F.
- 5.9 The key differences between the current proposal and that approved in 2009 are as follows:
- 2 bedrooms as opposed to 3.
  - No Sedum Roof.
  - Larger parking area.
  - A single entry/exit point as opposed to separate entry and exits.
  - More contemporary design.
- 5.10 Scale and Design  
Policy CS1 of the South Gloucestershire Local Plan Core Strategy (Adopted) 11<sup>th</sup> Dec. 2013 only permits new development where the highest standards of site planning and design are achieved. Criterion 1 of Policy CS1 requires that siting, overall layout, density, form, scale, height, massing, detailing, colour and materials, are informed by, respect and enhance the character, distinctiveness and amenity of both the site and the locality.



- 5.11 The location is not characterised by any established architectural vernacular, being predominantly an area of mixed development of varying styles and ages. The 'Pisces Fish and Chip Shop' is already read in design terms as an anomaly within the street scene. It is however in a prominent position at the end of Station Road and its side elevation is most prominent to views across the open expanse of the car park, especially for car drivers and pedestrians leaving the centre of Yate. The existing building has a somewhat uncoordinated appearance and the proposal offers the opportunity to improve the appearance of the building and create a 'landmark' feature.
- 5.12 Apart from a section of roof to the rear, the proposed extensions would not be higher than the existing eaves level and as such would be subservient to the host building. Some concerns have been expressed by local residents about the appearance of the proposed extensions not being in-keeping with existing housing, however officers consider that the appreciation of design can be subjective but in this case the contemporary approach is superior to that existing or previously approved and would add interest to the building. The existing unsightly fire-escape would be completely removed. All materials to be used in construction are shown on the plans.
- 5.13 The NPPF para.60 confirms that planning decisions should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. On balance therefore the scale and design proposed is considered to be acceptable.
- 5.14 Landscape and Tree Issues  
Policy L1 of the South Gloucestershire Local Plan (Adopted) 6th January 2006 seeks to conserve and enhance those attributes of the landscape, which make a significant contribution to the character of the landscape.
- 5.15 The only vegetation of note within the site is the two trees on the south-western boundary of the site; these are however shown retained and would not be adversely affected by the scheme. Some minor landscaping was implemented when the car park was extended under PK10/3247/F and more is proposed for the areas around the north-eastern part of the car park and the extension itself. On balance therefore the proposal accords with Policies L1 and L5 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.
- 5.16 Transportation Issues  
It is proposed to rationalise the existing separate entry and exit from Station Road, to one widened entry/exit point; officers have raised no objection to this arrangement.
- 5.17 The proposed change of use of the restaurant, to a two-bedroom flat, is likely to reduce traffic generation to the site and lead to a corresponding reduction in traffic through the access to/from Station Road, which would be beneficial to highway safety. The site lies in a highly sustainable location, close to the centre of Yate; there is also a bus stop nearby on Station Road and a Railway Station within walking distance.

- 5.18 As a result of this proposal, which includes demolition of the existing store, the level of on-site car parking provision would in fact be increased from 18 to 26 with the existing large garage sub-let for parking. This level of parking would be policy compliant and is a further enhancement over the current situation. A secure bin storage and cycle parking facility would be provided for the flat, adjacent to the side door and a separate refuse storage area for the chip shop retained in the south-western part of the car park.
- 5.19 The Town Council have raised concerns that the new access arrangement would impede the accessibility to the adjacent disabled parking space. Officers acknowledge this and the applicant has now submitted a revised site plan to show the disabled parking space re-located further from the site access but still adjacent to the Chip Shop door.
- 5.20 The revised plan shows one parking space allocated to the new flat and two spaces allocated to no. 124 Station Road (which is in the applicant's ownership). The rights of access, to nos. 124 Station Road and nos.3 & 4 Tobias Gardens are shown retained and would be maintained through management of the site to ensure that parking is kept to the designated areas.
- 5.21 In light of the above and subject to conditions to secure the access, parking facilities and turning areas, there are no highway objections and the scheme is considered to accord with Policy T12 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 and Policy CS8 of The Core Strategy.
- 5.22 Impact Upon Residential Amenity  
As regards overbearing impact and overshadowing; officers are satisfied that given the layout of the site, the limited height and scale of the proposed extensions and the distance between the existing and proposed dwellings; that there would be no significant issues of overbearing impact or overshadowing.
- 5.23 Whilst some concerns about loss of privacy due to overlooking of 4 Tobias Gardens have been raised, officers consider that some overlooking of neighbouring property is only to be expected in urban locations and that in this case, the level of overlooking would not be so detrimental as to justify refusal of planning permission. Neither the proposed first floor side or rear windows would look directly towards no.4, the rear elevation of which would be some 40m away. The rear garden of no.4 is screened in part by the existing large garage shown retained within the application site. The nearest part of the rear garden of no.4, to the proposed extension/flat, would be 20m away. The proposed roof terrace serving the flat would be enclosed to the side by a 1.8m wall thus preventing overlooking of adjoining no.124 and to the rear by a 1.2m wall. Furthermore the existing and proposed boundary treatments would provide adequate screening at ground floor level.
- 5.24 The roof terrace would provide approximately 25sq.m. of private amenity space for the proposed 2-bedroom flat. Whilst the terrace is small, it is considered to be adequate given the highly sustainable location of the site.

- 5.25 Concerns have been raised about increased risk to security, for nos. 3 & 4 Tobias Gardens, due mainly to the removal of the existing store and gaps in the existing boundary treatment. Further concerns have been raised about loss of house values, increased litter and increased noise and disturbance from the car park. There is no reason to believe that future occupants would be particularly noisy or generate more litter than the existing restaurant but in any event, they would be subject to the normal environmental legislation. As regards security, the proposed flat is likely to increase passive surveillance of the car park and surrounding area. Additional soft landscaping is proposed for the southern site boundary and it is now proposed to erect an additional section of 1.8m fencing to block off the existing gap to the northern side of the retained garage adjacent to no.4 Tobias Gardens. There is no reason to believe that existing levels of security would be compromised; for the above reasons it might even be increased. Although the overall parking provision would be increased, the new spaces would not be located directly adjacent to the neighbouring residential gardens, there being a commercial area to the south, and the Transportation Officer has indicated that traffic generation may even decrease as a result of the scheme. The impact on house values is not currently a material consideration in the determination of planning applications.
- 5.26 Having regard to the above, the proposal is therefore considered to be acceptable in terms of impact on residential amenity.
- 5.27 Environmental and Drainage Issues  
Subject to a condition to control the hours of working during the construction phase, there are no objections on environmental grounds. In terms of drainage, the applicant has clarified that SUDS principles are to be used in a revised drainage strategy for disposal of surface water, which would reduce the amount of water currently entering the Wessex Water combined system, which would provide an overall betterment in drainage terms. The diverted drain would be tested prior to full commissioning to mitigate any concerns about the drain blocking up. The Council's Drainage Engineer has consequently raised no objection to the proposal. The site does not lie in a zone at high risk of flooding. The site does not lie within a Coal Referral Area. Appropriate informatives regarding construction sites, would be attached to any decision for approval.
- 5.28 Some concerns have been raised about increased light pollution but officers do not consider that the proposed change of use would generate more light. No additional floodlighting is indicated on the submitted plans.
- 5.29 Given that the existing restaurant would be converted to residential accommodation, officers have considered the likely impacts of the retained Fish & Chip shop use on future occupiers. The existing extraction flue serving the kitchen would be retained.
- 5.30 As part of the current application, the applicant has indicated the opening hours of the Fish and Chip shop as follows:
- 11.00hrs to 23.00hrs Mon to Sat and 17.00hrs to 22.00hrs Sundays and Bank Holidays.

Given the proposed residential use of the upper floor, it is considered appropriate, to secure these hours by condition.

Subject to the aforementioned conditions, the proposal accords with Policies EP2 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 and Policies CS5 and CS9 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11<sup>th</sup> Dec. 2013.

5.31 Ecology

The site is not covered by any statutory or non-statutory nature conservation designations. There are no objections on ecological grounds.

5.32 Affordable Housing

The proposal is for 1no. dwelling only, which is below the Council's threshold for affordable housing provision.

5.33 Community Services

The proposal is for 1no. dwelling only, which is below the Council's threshold (10) for contributions to Community Services.

5.34 CIL Matters

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

**6. CONCLUSION**

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

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

**7. RECOMMENDATION**

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

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

## **CONDITIONS**

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

### Reason

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

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

### Reason

To protect the residential amenity of the neighbouring occupiers and to accord with the requirements of the NPPF.

3. Prior to the first occupation of the dwelling hereby approved, the vehicular access arrangement, turning areas and car parking provision/layout for the existing and proposed developments shall be implemented in accordance with the approved Proposed Site Plan No. 1005-P06 Rev B and retained thereafter for that purpose.

### Reason

To ensure the satisfactory provision of access, turning and parking facilities and in the interest of highway safety and the amenity of the area, and to accord with Policies T8 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006, Policy CS8 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11th Dec.2013 and The South Gloucestershire Residential Parking Standards (Adopted) 2013.

4. Prior to the first occupation of the dwelling hereby approved the SUDS drainage scheme shall be implemented in accordance with the details shown on the submitted SUDS Strategy Plan Drawing No. 1005-P11.

### Reason

To comply with Policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and The National Planning Policy Framework 2012.

5. All hard and soft landscape works shall be carried out in accordance with the approved details shown on the submitted Proposed Site Plan Drawing No. 1005-P06 Rev B. The works shall be carried out prior to the first occupation of the development or in accordance with a programme agreed with the Local Planning Authority.

Reason 1

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, Policy L1 of The South Gloucestershire Local Plan (Adopted) 6th Jan. 2006 and the National Planning Policy Framework.

Reason 2

To protect the residential amenity of neighbouring occupiers in accordance with Policy RT12 of The South Gloucestershire Local Plan (Adopted) 6th Jan. 2006 and the requirements of the NPPF.

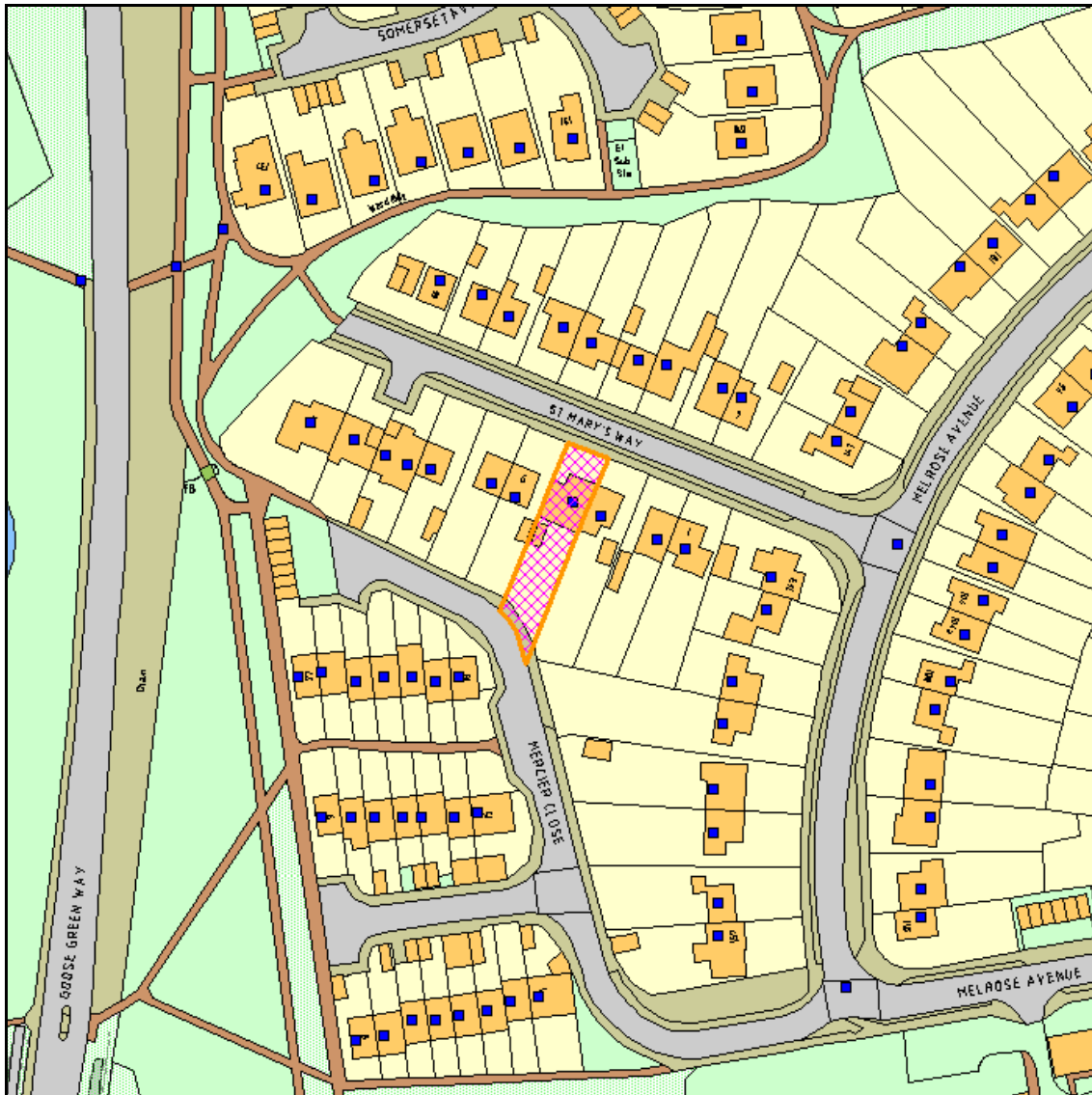
6. The retained A5 take-away use of the development hereby approved shall not be open to the public outside of the following hours: 11.00hrs to 23.00hrs Mon to Sat and 17.00hrs to 22.00hrs Sundays and Bank Holidays.

Reason

In the interests of residential amenity and accord with saved Policy RT12 of The South Gloucestershire Local Plan (Adopted) 6th Jan. 2006 and the requirements of the NPPF.

**CIRCULATED SCHEDULE NO. 16/16 – 22 APRIL 2016**

<b>App No.:</b>	PK16/0953/F	<b>Applicant:</b>	Mrs Thelma Rogers
<b>Site:</b>	7 St Marys Way Yate Bristol South Gloucestershire BS37 7AR	<b>Date Reg:</b>	8th March 2016
<b>Proposal:</b>	Erection of a single detached garage to rear.	<b>Parish:</b>	Yate Town Council
<b>Map Ref:</b>	371805 182841	<b>Ward:</b>	Yate Central
<b>Application Category:</b>	Householder	<b>Target Date:</b>	29th April 2016



© South Gloucestershire Council 2007.all rights reserved.  
 This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.  
 100023410, 2008. N.T.S. PK16/0953/F

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

This application appears on the Circulated Schedule due to consultation comments received, contrary to Officer recommendation.

## **THE PROPOSAL**

- 1.1 The application is for the erection of a detached garage in the rear garden of the property.
- 1.2 The host property consists of a semi detached dwelling, located within the residential area of Yate. The dwelling fronts St Mary's Way, the proposed garage would be to the rear, within the curtilage of the dwelling, facing and accessed via Mercier Close, a cul-de-sac that runs behind the property, to the south.

## **2. POLICY CONTEXT**

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

## **3. RELEVANT PLANNING HISTORY**

- 3.1 P88/2886 – Erection of garage to the side of dwelling. Approved 26<sup>th</sup> October 1988.
- 3.2 P94/1391 – Single storey side extension. Approved 24<sup>th</sup> April 1994
- 3.3 PK08/3213/O – Erection of 1 dwelling (outline) with means of access to be determined. Refused 30<sup>th</sup> January 2009.

## **4. CONSULTATION RESPONSES**

- 4.1 Yate Town Council  
No objection



### Sustainable Transportation

This property already enjoys suitable off-street parking to the front of the house with access from St Marys Way direction. The proposed garage would simply provide cover parking and as such we, Transportation Development Control do not object to this application.

The grass verge to the rear of the property where the new access to be created is adopted highway and hence any works at this location needs to be agreed by the Councils Street Care as such, a condition is recommended to secure the works to the satisfaction of the Council.

## **Other Representations**

### 4.2 Local Residents

Two comments from neighbours have been received, as follows

*'I have no objection with this garage being permitted however, as the neighbour most closely affected by this development I would like to make the following comments which I hope the council will consider and act upon when reviewing this application:*

*I would like to point out that the grass verge between the property and Mercier Close is owned by the Council and not by the owners at no 7 St Marys Way which is highlighted on the proposed layout plan 'site location' in the Planning Design and Access Statement, this needs to be corrected.*

*The photographs included in the Design and Access Statement unfortunately, do not show the rear of my property. If they did it would be obvious that the proposed access would encroach on the already agreed dropped kerb layout for No 5 which was carried out by the council approved contractor on the same day I received notification of the proposed garage. It would seem that the most appropriate solution to this potential conflict would be to erect the garage in a position so the dropped kerb for No 5 is moved further over to the centre of the rear garden to allow the adjacent dropped curbs to exist in harmony. The usual layout for any dropped curb would be at right angles to the rear boundary line rather than parallel to the side fence line as shown on the site layout plan. This approach is illustrated in the photograph of the garage to the rear of 131 Melrose Avenue in the Design and Access Statement. I would ask that there is no disruption to my access during the course of construction.*

*The position of the garage seems unnecessarily close to my boundary (from the plan this could be as close as 0.5m) and would ask that the garage is moved further away from the boundary so that they are able to construct and maintain the structure without access to our property.*

*In addition, the applicants have previously taken legal action against their neighbour at no 9 over a fence/boundary dispute and I am very keen not to be the victim of similar action from them. In the circumstances and due to available space within their garden this adds further weight to moving the garage away from our boundary to avoid any possible issues.*

*In addition, I note in Section 6.8 of the Design and Access Statement that the garage should be no more than 2.5m in height within 2m of the boundary under permitted development. As the proposed structure is 4.7m in height this adds to the need to move the garage away from my boundary but perhaps you could clarify the planning guidelines on construction height outside of permitted development?’*

The second letter raises the following concerns:

*The proposed garage is far too high at 4.7 metres and looking at the plans it seems to extend halfway down the garden, which will result in loss of outlook and out of keeping with existing structures nearby which have flat roofs. As far as I can see this garage will be the highest garden structure in the road. Our original garages built when the houses were constructed are only approximately two and a half metres high.*

*Allowing dropped kerbs and high structures being built in gardens could lead to other unsuitable structures being built in the future which could lead to less parking spaces for Mercier Close residents and less room for other service vehicles such as recycling lorries, fire services etc.*

*Due to the excessive amount of rain we have had since last autumn our gardens have been saturated and difficult to walk on. Surely allowing residents to concrete over gardens is not the way forward?*

## **5. ANALYSIS OF PROPOSAL**

### **5.1 Principle of Development**

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

### **5.2 Design**

There are some structures and garages in the rear of neighbouring properties, mainly of flat roof construction, the addition of a building with pitched roof in this context is not in its own right unacceptable. The proposed garage is considered to be of an appropriate standard in design and is not out of keeping with the residential character with the area or surrounding properties. The finish is proposed to be of brickwork and clay tiles. The garage is of an acceptable size in comparison to the existing dwelling, the plot, the site and the surroundings.

### **5.3 Residential Amenity**

The proposed garage would be a single storey structure with pitched roof. It would measure approximately 6.3 metres long, 3.3 metres wide and 4.7 metres to the highest point of the pitched roof. The garage is not being applied for under permitted development rights, hence the requirement for a full application. It is not considered that its size is unreasonable or would give rise to unreasonable impact upon the surrounding area. A garage of this nature

would not be considered to pose any significant drainage issues or have an unacceptable impact upon the drainage of the area as a whole. Surface water would be discharged to existing mains systems. Any permission would not grant rights to carry out works or repairs, or access any land not within the applicants control for which permission of the owner would first be required. The dropped kerb, providing access across the verge, which is adopted highway land, permission would need to be first agreed with the Council and carried out in accordance with Streetcare requirements and specification. The applicants would be informed of this requirement on any decision notice.

5.4 The length, size, location and orientation of the proposed garage is not considered to give rise to any significant or material overbearing impact on nearby properties such as to warrant refusal of the application. Further to this sufficient garden space remains to serve the property.

5.5 Transportation

The amount of off street parking provision is not impeded by the proposals and remains acceptable and off street parking also remains to the front of the property. Further covered parking is made available by the proposals. The dropped kerb, providing access across the verge, which is adopted highway land, permission would need to be first agreed with the Council and carried out in accordance with Streetcare requirements and specifications. The applicants would be informed of this requirement on any decision notice. There are no highways objections to the proposals on parking or access grounds.

**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 garage is of an appropriate standard in design and is not out of keeping with the main dwelling house and surrounding properties. Furthermore the proposal would not harm the amenities of the neighbouring properties by reason of loss of privacy or overbearing impact. The garage is considered acceptable in highways terms. As such the proposal accords with Policies H4 and T12 of the South Gloucestershire Local Plan (Adopted) 2006 and CS1 of the South Gloucestershire Local Plan Core Strategy Adopted December 2013.

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

**7. RECOMMENDATION**

7.1 That planning permission is granted.

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

Reason

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

**CIRCULATED SCHEDULE NO. 16/16 – 22 APRIL 2016**

<b>App No.:</b>	PK16/0976/F	<b>Applicant:</b>	Mr Roger Brine
<b>Site:</b>	Wapley Riding Stables Wapley Hill Westerleigh South Gloucestershire BS37 8RJ	<b>Date Reg:</b>	8th March 2016
<b>Proposal:</b>	Erection of building for equine treatment and foaling box and associated works. (Resubmission of PK15/1561/F)	<b>Parish:</b>	Dodington Parish Council
<b>Map Ref:</b>	371433 179535	<b>Ward:</b>	Westerleigh
<b>Application Category:</b>	Minor	<b>Target Date:</b>	28th April 2016



© South Gloucestershire Council 2007.all rights reserved.  
 This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.  
 100023410, 2008. **N.T.S.** **PK16/0976/F**

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

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

### **1. THE PROPOSAL**

1.1 This application seeks full planning permission for the erection of a single storey building for equine treatment and a foaling box and associated works for use as an animal therapy room. The building is to stand within the grounds of an existing riding stables, with various existing buildings, stables and facilities, forming part of the Wapley Riding Stables business, offering livery services, riding lessons and horse training on site. The application site is outside of any settlement boundary and is located within the Green Belt.

1.2 The application is essentially a resubmission of a previous application reference PK15/1561/F for the erection of single storey building to form Animal Therapy Room with parking and associated works. This was refused for the following reasons:

*1. In the long term, the building will not be used ancillary to the existing riding school business and is therefore being considered as the erection of a new building in the Green Belt for business purposes. The proposal does not fall within one of the limited categories of development that may be considered acceptable in the Green Belt and is inappropriate by definition. No very special circumstances have been demonstrated to outweigh the policy presumption against the development and the proposal would have a detrimental impact on the openness of the greenbelt through the introduction of a building on a currently open site. The principle of development is therefore unacceptable and is contrary to the requirements of the NPPF.*

*2. The application Form states foul sewage disposal will be to a Septic Tank. The preferred method for foul sewage disposal is to connect to a public foul sewer, however it is noted that there are no foul mains available in this location, therefore a Package Sewage Treatment Plant is required. Given the high water table, the Council is unable to support the use of a septic tank in this location especially when no details to demonstrate that the tank is capable of coping with the additional demand of a new business enterprise have been submitted. The application therefore fails to demonstrate that the proposal will not cause pollution to the land and water environment and is contrary to the requirements of Policy CS9 of the South Gloucestershire Local Plan Core Strategy (Adopted).*

*3. The existing site access onto Wapley Hill lane is located on a bend where visibility is restricted. Wapley Hill Lane is mainly single width with very few passing places and there is no footway. The road is de-restricted and as such vehicular speed can be high. Without improvements to existing visibility, the increase use of this access by additional development traffic is not supported. Additionally, it is considered that the increase in traffic as a direct result of this proposal would have a detrimental impact on the safety of locals and visitors that currently use the lane for access, walking, cycling, and horse riding. The application is therefore contrary to the requirements of Policy T12 of the South*

*Gloucestershire Local Plan (Adopted) and CS8 of the South Gloucestershire Local Plan Core Strategy (Adopted).*

- 1.3 A subsequent appeal of this decision was dismissed.
- 1.4 It is stated in the current application that the new building will be solely for the animals already on the site. The walls of the building are to be constructed of block timber with fibre cement roofing. Internally it will be divided to form three bays. The proposed building is slightly smaller than that previously considered at 12 metres in length by around 7.7 metres in width.

## **2. POLICY CONTEXT**

### **2.1 National Guidance**

National Planning Policy Framework March  
National Planning Policy Guidance

### **2.2 Development Plans**

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

L1 Landscape Protection and Enhancement  
T12 Transportation Development Control  
E6 Employment Development in the countryside  
E10 Horse Related Development

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design  
CS4a Presumption in Favour of Sustainable Development  
CS5 Location of Development  
CS8 Improving Accessibility  
CS9 Managing the Environment and Heritage

### **2.3 Supplementary Planning Guidance**

South Gloucestershire Design Checklist (Adopted)  
South Gloucestershire Green Belt SPD

## **3. RELEVANT PLANNING HISTORY**

There is a complicated history to the site and the neighbouring dwelling. The most relevant application is considered to be as follows:

P84/1024 - Use of land as riding school  
Approved March 1984

PK15/1561/F - Erection of single storey building to form Animal Therapy Room with parking and associated works. Refused 17<sup>th</sup> June 2015. Dismissed at appeal 20<sup>th</sup> October 2015.

## **4. CONSULTATION RESPONSES**

- 4.1 Dodington Parish Council  
No objection

## 4.2 Other Consultees

### Lead Local Flood Authority

The Drainage & Flood Risk Management team have no objection to this application.

### Highway Officer

We understand that this planning application seeks permission to erect a single storey building to form an Animal Therapy Room with parking and associated works at Wapley Riding Stables on Wapley Hill, Westerleigh. We note that this proposal was the subject of a previous application in 2015 (ref PK15/1561/F). At that time, TDC expressed concern about the potential highway safety issues which could arise if the proposed building attracted new business, and therefore additional traffic, to this site.

However, we suggested that these concerns could be overcome if this facility was limited only to treating horses kept on-site and under the care of those already working there. Under these circumstances, it was considered that this proposal would not result in any significant additional traffic generation and so would not have a material impact on the existing highway network. It was considered that this could best be achieved by an appropriate condition.

Conversely, if it was intended to permit horses to be brought onto the site for treatment at this facility, then it is considered that this would constitute a separate business with the potential to increase traffic on the adjoining highway network. This was of particular concern due to the low standard of Wapley Hill. In such a case, its traffic and highway safety impacts would be considered material and so we recommended that it should be refused.

This viewpoint has not changed. Consequently, unless a planning condition is placed on any planning permission granted for this development so that the facility is used purely to treat horses kept on site and in connection with the extant lawful use of the site, otherwise it should be refused on highway grounds.

### Landscape

It is suggested that the applicant may seek opportunities for native and wildlife friendly tree planting. This could be at the entrance to contribute to the amenity of the public realm and also in association with the proposed building.

### Highway Structures

No comment

## **Other Representations**

### 4.3 Local Residents

One letter raising concerns has been received, as follows:  
*'We object to the proposed planning application due to the proposed management of surface water. Our property is opposite and is at a lower elevation to Wapley Stables and the proposed development.'*



*As a result, due to the high water table and our lower elevation, a significant amount of water enters our property from Wapley Stables contributing to a flooding problem at Bushes Farm. This results in our pond overflowing into our garage and over our driveway and garden. Our property did not flood before Wapley Stables was first built and the frequency and severity of our flooding events have increased as Wapley Stables has been developed. The proposed soak away for managing surface water is not appropriate for a high water table. A soak away system will result in a further increase in surface water entering our property. An alternative drainage system is required to manage the surface water at Wapley Stables, with the surface water drained and directed to the northwest of Wapley Stables, where this water could enter the local waterways down stream of our property. This would minimise the impact of the proposed development and may hopefully reduce the frequency and severity of flooding at our property.*

*The water management problem is our only objection to this planning application. If the proposed development is modified to include an appropriate drainage system we will have no objections to the planning application.'*

## **5. ANALYSIS OF PROPOSAL**

### **5.1 Principle of Development**

There has been a previous refusal for a similar development, the refusal reasons of which are provided above. The key issue for consideration is therefore whether in this resubmission any changes or amendments made address the reasons for refusal.

### **5.2 Green Belt**

The application site lies in the open countryside and within the Bristol/ Bath green belt. The proposal is for the erection of an equine treatment/ therapy centre and foaling box. The previous application was necessarily considered on the basis that the applicants expected the building to allow for the expansion of the existing business attracting other new customers to the site and would therefore essentially develop into a new business, there was a clear intention to develop the building as a new business enterprise. The current application explicitly states that the proposed building is to be limited to meeting the essential needs of existing horses stabled at the riding school and this is a significant and material change to change to consider. The Inspectors report on the previous appeal did consider a request from the applicants, during the appeal, for the potential to conditionally restrict the use of the buildings. However it was at the time considered inappropriate to try and evolve the scheme at this late stage as part of the appeal process, in the interests of openness and fairness. The details are therefore subject to this further planning application for consideration.

5.3 The NPPF does allow for the construction of new buildings in the Green Belt where that building is to provide appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and the purposes of including land within it. It also allows for the limited infilling or partial or complete redevelopment of previously developed sites.

Weight must now be given to the amended intentions of the applicants to use the building for business uses ancillary to the riding school. The riding school is an existing and established recreation facility and business. The site already undertakes use of buildings for therapy and foaling purposes in the stables, but this is considered an unsatisfactory situation. A condition can secure this requirement for use associated with existing horses only.

5.4 On this basis it is considered that the proposals do represent appropriate development in the Green Belt and can therefore be considered acceptable in this respect. Further to this given the location of the building on an existing recreation and business site, adjoining an existing building, it is not considered that the openness of the Green Belt is prejudiced or impacted upon.

5.5 Drainage/Environmental Effects

The applicant has stated that the site is currently served by a septic tank and the revised proposal does not require any additional facilities requiring foul sewerage provision. Surface water would be drained to existing soakaways for the site. It is not considered that the addition of this single building would contribute significantly or materially to any additional drainage issues in its own right. There are no objections from the Council's Drainage Officer. The previous reason for refusal in this respect is considered to have been addressed and is no longer given rise to a reason for refusal.

5.6 Residential Amenity

By virtue of the location and size of the proposed building, it will not have any unacceptable impact on existing levels of residential amenity by means of overbearing, overshadowing or loss of privacy. The activities to take place within the building are unlikely to generate additional noise and disturbance for neighbouring properties. The proposals would be limited to existing horses stabled at the site.

5.7 Highways

The comments of the Highways Officer, above, are noted. This application is for use of existing stabled horses and a condition would be recommended to this effect. On this basis it is considered that the previous reason for refusal is addressed satisfactorily. There are no additional highways objections to the proposals on this basis.

5.8 Landscape

Given the location and context of the site and the proposals relationship with existing buildings and uses within the site, it is not considered that there are any landscape issues associated with the proposals. Whilst the landscape comments are therefore noted, it is not considered that in this instance a landscape condition is required or can be justified.

## 6. CONCLUSION

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

- 6.2 The recommendation to grant planning permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 set out above, and to all the relevant material considerations set out in the report. It is considered that the proposals have satisfactorily alleviated previous concerns and reasons for refusal, subject to the conditions recommended.

## **7. RECOMMENDATION**

- 7.1 That the application be 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 animal treatment room shall only be used by horses already on site for the purposes of the livery and riding school and for no other business purposes or for horses being brought in specifically for the treatment room whatsoever.

Reason

To protect the amenities of the occupiers of the nearby properties, to limit the amount of traffic accessing the site and to address Green Belt considerations, and to accord with saved Policy E10 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006; Policies CS1 and CS5 of the South Gloucestershire Local Plan Core Strategy, the South Gloucestershire Green Belt SPD and the National Planning Policy Framework.

**CIRCULATED SCHEDULE NO. 16/16 – 22 APRIL 2016**

<b>App No.:</b>	PT15/5313/F	<b>Applicant:</b>	Tortworth Court Four Pillars Hotel
<b>Site:</b>	Tortworth Court Four Pillars Hotel Estate Office Lane Tortworth Wotton Under Edge South Gloucestershire GL12 8HH	<b>Date Reg:</b>	21st December 2015
<b>Proposal:</b>	Erection of single storey rear extension to Westminster Suite and construction of terrace and gazebo. Internal alterations to facilitate the creation of 10no new bedrooms and alterations to spa and meeting room facilities. Erection of bin store and construction of new turning head.	<b>Parish:</b>	Tortworth Parish Council
<b>Map Ref:</b>	369332 192522	<b>Ward:</b>	Charfield
<b>Application Category:</b>	Minor	<b>Target Date:</b>	12th February 2016



© South Gloucestershire Council 2007.all rights reserved.  
 This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.  
 100023410, 2008. N.T.S. PT15/5313/F

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

This application has been submitted to the Council's Circulated Schedule procedure, following an objection from Cromhall Parish Council which is contrary to the officer recommendation detailed within this report.

### **1. THE PROPOSAL**

- 1.1 The site is within the curtilage of Tortworth Court Hotel. Tortworth Court is a hotel operated by the Tortworth Court Four Pillars Hotel Company. The original building is a Grade II\* Listed Building of considerable architectural merit. The surrounding park land and arboretum is also a Grade II\* landscape.
- 1.2 The application proposes a single storey rear extension to a modern part of the building known as the Westminster Suite, and construction of a terrace and a gazebo, primarily to form additional facilities for weddings. This is a permanent solution to replace the existing marquee at the site, which has a temporary consent until 16<sup>th</sup> November 2017. The application includes the erection of a bin store, the construction of a new turning head, alterations to the service yard to the west of the main building and a new boundary wall on the eastern side of the main building.
- 1.3 Also proposed are internal alterations to create 10. no new bedrooms, and alterations to the spa and meeting room facilities, however these will primarily be dealt with under the associated listed building consent application (PK15/5314/LB) currently under consideration by the Local Planning Authority.
- 1.4 Amendments have been received to the design and landscaping scheme during the course of the application, and a period of re-consultation was undertaken for 21 days.

### **2. POLICY CONTEXT**

#### **2.1 National Guidance**

National Planning Policy Framework March 2012

National Planning Policy Guidance

Planning (Listed Building and Conservation Areas) Act 1990

#### **2.2 Development Plans**

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

L1 Landscape

L9 Species Protection

L10 Historic Parks and Gardens and Battlefields

L11 Archaeology

L13 Listed Buildings

T8 Parking Standards

T12 Transportation

E11 Tourism

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design

CS5 Location of Development

CS8 Improving Accessibility

CS9 Managing the Environment and Heritage

CS34 Rural Areas

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist SPD (Adopted)

South Gloucestershire Landscape Character Assessment (Adopted) November 2014: Character Area LCA7 – Falfield Vale

**3. RELEVANT PLANNING HISTORY**

3.1 The site has a large and complex planning history. The most recent and relevant applications are listed below.

3.2 PT15/5314/LB Pending Consideration

Internal and external alterations to facilitate the erection of 10 no. bedrooms, alterations to the spa and meeting room facilities. Erection of single storey extension to Westminster Suite and bin store

3.3 PT13/0141/NMA No objection 06/02/2013

Non material amendment to PT12/3100/F to alter position of approved oak trellis to 4000mm away from south side of Marquee

3.4 PT12/3100/F Approve with conditions 16/11/2012

Erection of marquee and associated oak trellis screening and planting. (temporary)

3.5 PT11/2049/LB Approve with conditions 26/08/2011

Internal alterations to facilitate refurbishment of public areas.

3.6 PT07/0485/F Approve with conditions 07/10/2008

Conversion of existing residential accommodation and erection of buildings with associated works to facilitate change of use from residential accommodation (Class C3) to hotel (Class C1) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended) (Retrospective).

3.7 PT07/0487/LB Approve with conditions 30/11/2007

Erection of two storey extension and internal and external works to existing buildings to facilitate conversion of residential accommodation to hotel (retrospective).

**4. CONSULTATION RESPONSES**

4.1 Cromhall Parish Council

Concerns about adverse impact of this additional demand on the Townwell sewage capacity.

4.2 Tortworth Parish Council  
Support – welcome the input from the Council’s Conservation Officer and on that basis has no objections.

4.3 Other Consultees

Landscape

No objection subject to detailed design of planting being submitted.

Historic England

Some slight changes recommended, and application should be determined in accordance with Council’s conservation officer advice.

Listed Building Officer

No objection to changes, subject to conditions.

Archaeology Officer

No objection in principle, but groundworks must be monitored.

Natural England

No objection.

Lead Local Flood Authority

No objection.

Transport

No objection.

Highway Structures

No comment.

Environmental Protection

No objection, but informative regarding construction sites is recommended.

Tree Officer

Arboricultural method statement for the installation of a refuse store within the root protection areas of T1, T3 and T4.

**Other Representations**

4.4 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. Policy E11 of the Local Plan permits new tourist accommodation provided that the development does not have unacceptable environmental impacts, does not prejudice the amenities of neighbouring occupiers, and does not give rise to unacceptable levels of traffic. In addition Policy CS8 of the Core Strategy seeks to ensure that development will have no adverse impact on highway safety.

- 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. Policies L13 and L10 are also relevant at this site, as Tortworth Court has archaeological potential. The proposal is deemed to accord with the principle of development subject to the analysis detailed below.

5.3 Design and Impact on Heritage Assets

Tortworth Court is a Grade II\* listed building, which is of significant architectural importance. The building is set in a grade II\* Registered Park and Garden that includes many listed buildings and structures such as the grade II listed orangery, estate buildings and grade II listed retaining walls and steps that form long terraces immediately south of the main house. Due to the significance of the heritage assets at the site, the area is of archaeological interest. In addition to the main gardens on the southern side of the house, to the north east is an historic arboretum in which large numbers of specimen trees and shrubs survive, whilst to the west and east are found lawns dotted with specimen trees and shrubs. To the west, beyond the lawn is a shelter belt screening the house from westward views into the wider parkland setting. Extensive areas of car parking and substantial extensions to the historic stables, coach houses and offices as part of the development of the site in approximately the year 2000 dominate the north and east sides of the building, including the walled forecourt, whilst a conference suite built 2007-8 has encroached into the western lawns. A temporary marquee has been erected, and the structures proposed within this application would replace the marquee once it is removed, no later than November 2017.

- 5.4 The largest external alteration proposed is the single storey extension to Westminster Suite, the existing modern conference centre. It has been designed as a subservient additional to the existing Suite, and is of a lightweight design so as not to detract from the significance of the listed building, being primarily finished with glazing and a timber brise soleil, with the side elevations finished in natural stone (at the request of officers) to match the existing extension. Amendments were sought to the extension to raise the height of the glazed portion to mirror the ratios of the openings on the main building and give a grander sense of scale to the new entrance.



- 5.5 The gazebo on the terrace area in front of the proposed extension was considered to be rather heavy and imposing as submitted, however amendments were sought to replace it with a lightweight pergola, which is considered acceptable subject to a detailed planting plan to be conditioned (discussed further in the Landscape section below).
- 5.6 A Tithe map from the 1840s indicates that a former keepers lodge existed on or near the site of the proposed extension, and whilst this is unlikely to be of national significance, a condition ensuring that the groundworks are monitored are recommended. A Written Scheme of Investigation for Building Recording will be conditioned, in order to ensure any historic building fabric uncovered during the internal works is recorded, however this will be added to the associated listed building consent application if approved.
- 5.7 The proposed bin store was originally considered to be too close to the historic building, and it was recommended to be moved to an existing service yard currently used by the gardeners. The gardener's office will be relocated within the yard to accommodate for this, and the revised location of the bin store is considered acceptable. Stone walls are proposed around the kitchen area to the west of the main building and to screen the chiller facility to the east of the building, and both of these stone walls are considered to have a positive impact on the appearance of the grounds by hiding services. Two subtle 'dormer' vents proposed in the roof adjacent to the kitchen service area are also considered acceptable, and the turning circle is an acceptable distance from the listed building.
- 5.8 Landscape  
The proposals for the paved terrace area would appear to be an improvement on the current expanse of gravel and the rectilinear layout is appropriate for the style of garden. Amendments were sought during the course of the application to reduce the area of gravel further, to reinstate the proposed herb garden and to show additional planting, the details of which will be secured by condition. Additional tree planting is likely to be sought as part of this condition, as only one tree has been shown on the western boundary of the proposed Concept Design garden (Rev D). Historic England raised concerns about the vague description of the 'local stone paving' proposed, with sandstone has been suggested by the Landscape officer, and so these details will also be secured by condition. As previously mentioned, the bin store has been moved to an existing maintenance area, to reduce the sprawl of service facilities across the landscape.
- 5.9 Transport  
This proposal re-orders the existing uses within the hotel, by changing conference and meeting rooms into bedrooms and a small extension to the Westminster Suite. This is unlikely to create a material change in vehicular movement patterns, or intensification of the number of vehicles, and therefore there is no transportation objection to the proposal.

#### 5.10 Trees

The proposed bin store as originally submitted impacted upon the root protection areas of three large mature trees, prompting the Council's tree officer to request an arboricultural method statement to prevent harm to the trees. The bin store has now been moved to an existing service area and does not have an impact on any significant trees.

#### 5.11 Ecology

The extension and garden terrace proposed relate to an area which is predominantly serviced in gravel or covered by the existing marquee, and therefore have no ecological potential. Furthermore, the proposed extension will not key into the roof space of the Westminster Suite. An ecological survey was therefore not deemed to be required for this development.

#### 5.12 Drainage

Concerns have been raised by Cromhall Parish Council with regards to the impact that the development will have on the sewerage system. With a development of this scale, drainage and foul disposal is primarily an issue for the associated Building Regulations application rather than the planning application. The local sewerage provider has not been consulted, as they are only consulted to comment on applications for major development. The Lead Local Flood Authority have not raised any objections to the proposal, as the extension proposed is small and there will be no change to the existing surface. Furthermore, the 10no. en-suite bathrooms proposed do not require planning permission as they are internal.

### 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. Prior to the commencement of development a detailed 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 (including details of materials to be used) shall be submitted to the Local Planning Authority for approval. Development shall be carried out in accordance with the agreed details.

Reason

In order to safeguard the setting of the listed building and the historic significance of the grade II\_ listed historic garden, in accordance with policies L1 and L13 of the South Gloucestershire Local Plan (Adopted) January 2006, policy CS9 of the Core Strategy (Adopted) December 2013, the National Planning Policy Framework and the Planning (Listed Buildings and Conservation Areas) Act 1990. Details are required prior to commencement to prevent remedial works later on.

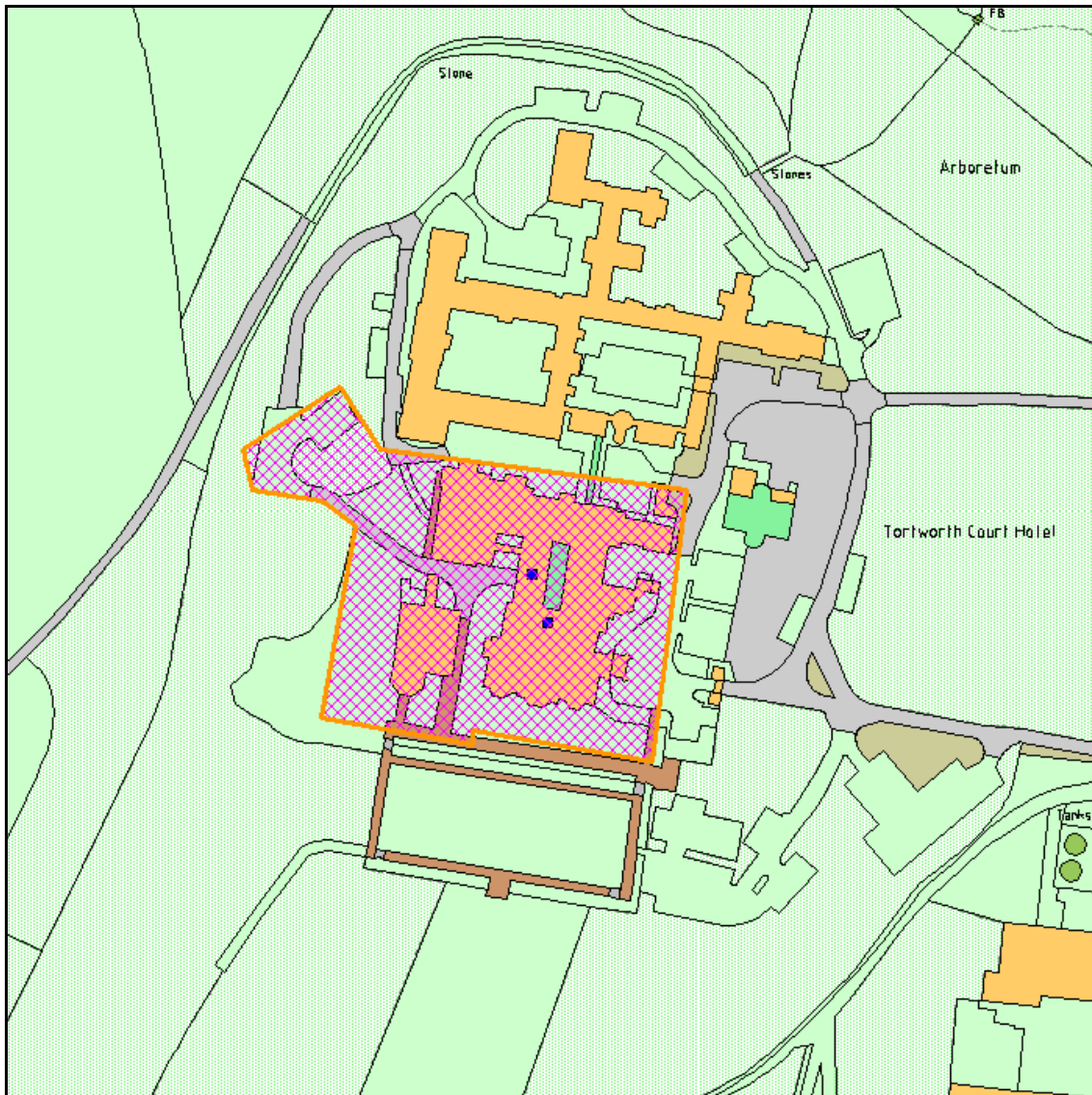
3. The developer shall ensure that a suitably qualified archaeologist is present during the undertaking of any ground disturbing works in the development area, so that an archaeological watching brief can be conducted. The Local Planning Authority shall be informed, in writing, at least two weeks prior to the commencement of the development of the name of the said archaeologist, and the watching brief report must be made available to the Local Planning Authority if requested.

Reason

To prevent damage to any items of archaeological interest, in accordance with policy CS9 of the South Gloucestershire Core Strategy (Adopted) December 2013 and policies L10 and L11 of the Local Plan (Adopted) January 2006.

**CIRCULATED SCHEDULE NO. 16/16 – 22 APRIL 2016**

<b>App No.:</b>	PT15/5314/LB	<b>Applicant:</b>	Tortworth Court Four Pillars Hotel
<b>Site:</b>	Tortworth Court Four Pillars Hotel Estate Office Lane Tortworth Wotton Under Edge South Gloucestershire GL12 8HH	<b>Date Reg:</b>	21st December 2015
<b>Proposal:</b>	Internal and external alterations to facilitate the erection of 10no bedrooms, alterations to spa and meeting room facilities. Erection of single storey extension to Westminster Suite and bin store	<b>Parish:</b>	Tortworth Parish Council
<b>Map Ref:</b>	369332 192522	<b>Ward:</b>	Charfield
<b>Application Category:</b>	Minor	<b>Target Date:</b>	12th February 2016



© South Gloucestershire Council 2007.all rights reserved.  
 This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.  
 100023410, 2008. N.T.S. PT15/5314/LB

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

This application has been submitted to the Council's Circulated Schedule procedure, following an objection from Cromhall Parish Council which is contrary to the officer recommendation detailed within this report.

### **1. THE PROPOSAL**

- 1.1 The site is within the curtilage of Tortworth Court Hotel. Tortworth Court is a hotel operated by the Tortworth Court Four Pillars Hotel Company. The original building is a Grade II\* Listed Building of considerable architectural merit. The surrounding park land and arboretum is also a Grade II\* landscape.
- 1.2 The application proposed a single storey rear extension to the Westminster Suite, as well as internal alterations to facilitate the creation of 10 no. new bedrooms and alterations to the spa and meeting room facilities.
- 1.3 Also proposed is the construction of a terrace and a gazebo, the erection of a bin store, the construction of a new turning head, alterations to the service yard to the west of the main hotel and a new boundary wall to the eastern side of the building, however these will be assessed under the associated full planning application (PT15/5313/F) currently under consideration.
- 1.4 Amendments have been received during the course of the application, and a period of re-consultation was undertaken for 21 days.

### **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 The site has a large and complex planning history. The most recent and relevant applications are listed below.
- 3.2 PT15/5313/F Pending Consideration  
Internal and external alterations to facilitate the erection of 10 no. bedrooms, alterations to the spa and meeting room facilities. Erection of single storey extension to Westminster Suite and bin store

- 3.3 PT13/0141/NMA No objection 06/02/2013  
Non material amendment to PT12/3100/F to alter position of approved oak trellis to 4000mm away from south side of Marquee
- 3.4 PT12/3100/F Approve with conditions 16/11/2012  
Erection of marquee and associated oak trellis screening and planting. (temporary)
- 3.5 PT11/2049/LB Approve with conditions 26/08/2011  
Internal alterations to facilitate refurbishment of public areas.
- 3.6 PT07/0485/F Approve with conditions 07/10/2008  
Conversion of existing residential accommodation and erection of buildings with associated works to facilitate change of use from residential accommodation (Class C3) to hotel (Class C1) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended) (Retrospective).
- 3.7 PT07/0487/LB Approve with conditions 30/11/2007  
Erection of two storey extension and internal and external works to existing buildings to facilitate conversion of residential accommodation to hotel (retrospective).

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

- 4.1 Cromhall Parish Council  
Concerns about adverse impact of this additional demand on the Townwell sewage capacity.
- 4.2 Tortworth Parish Council  
No comment.
- 4.3 Other Consultees
- Historic England  
Some slight changes suggested, however overall no objection and defers to the judgement of the Council's Listed Building and Conservation officer.
- Listed Building Officer  
No objection to amendments, subject to conditions.
- Transport  
No objection.
- Council for British Archaeology  
No comment.
- Georgian Group  
No comment.
- Twentieth Century Society  
No comment.

Society for the Protection of Ancient Buildings

No comment.

Victorian Society

No comment.

Ancient Monuments Society

No comment.

**Other Representations**

4.4 Local Residents

None received.

**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

Tortworth Court is a Grade II\* listed building, which is of significant architectural importance. The building is set in a grade II\* Registered Park and Garden that includes many listed buildings and structures such as the grade II listed orangery, estate buildings and grade II listed retaining walls and steps that form long terraces immediately south of the main house. Due to the significance of the heritage assets at the site, the area is of archaeological interest. In addition to the main gardens on the southern side of the house, to the north east is an historic arboretum in which large numbers of specimen trees and shrubs survive, whilst to the west and east are found lawns dotted with specimen trees and shrubs. To the west, beyond the lawn is a shelter belt screening the house from westward views into the wider parkland setting. Extensive areas of car parking and substantial extensions to the historic stables, coach houses and offices as part of the development of the site in approximately the year 2000 dominate the north and east sides of the building, including the walled forecourt, whilst a conference suite built 2007-8 has encroached into the western lawns. A temporary marquee has been erected, and the structures proposed within this application would replace the marquee once it is removed, no later than November 2017.

5.3 The largest external alteration proposed is the single storey extension to Westminster Suite, the existing modern conference centre. It has been designed as a subservient additional to the existing Suite, and is of a lightweight design so as not to detract from the significance of the listed building, being primarily finished with glazing and a timber brise soleil, with the side elevations finished in natural stone (at the request of officers) to match the existing extension. Amendments were sought to the extension to raise the height of the glazed portion to mirror the ratios of the openings on the main building and give a grander sense of scale to the new entrance.

Conditions requiring details and/or samples of external materials, and large scale details of features such as the glazing on the Westminster suite will be applied to any recommendation for approval.

5.4 With regards to the internal changes to change conference rooms and meeting rooms into bedrooms with en-suites, several amendments were required, for example the service pipes taken up through the ceiling were too visible, and instead plans were received to show the pipework taken through the floor instead. Similarly, the services were adjusted in the 'Stevenson' room to prevent a platform adjacent to the bed. Other changes included moving the en-suite pod in the 'Drawing' room away from the door, so that the impact when entering the room is reduced, and rearranging the 'Kipling' room so as not to detract from the historic fireplace, as well as other slight amendments. Subject to conditions requiring large scale plans of details such as the panels of the new pods and new doors and architraves, there is no objection to the proposal from a heritage perspective. In instances where new openings are being created, the developer shall appoint an archaeologist to conduct Building Recording to Historic England Level 2 standards, in order to record any historic fabric uncovered during the internal works.

#### 5.5 Other Issues

Concerns have been raised by Cromhall Parish Council with regards to the impact that the development will have on the sewerage system. With a development of this scale, drainage and foul disposal is primarily an issue for the associated Building Regulations application and is not considered under an application for listed building consent.

5.6 The local sewerage provider has not been consulted on the associated application for planning permission (PT15/5313/F) as they are only consulted to comment on applications for major development. The Lead Local Flood Authority have not raised any objections to the proposal, as the extension proposed is small and there will be no change to the existing surface. The internal changes proposing 10 no. new bathrooms do fall under the remit of this listed building consent, but only to the extent that they impact upon the significance of the listed building and not with regards to drainage or sewerage capacity.

## 6. CONCLUSION

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

## 7. RECOMMENDATION

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



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

Reason

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

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

Reason

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

4. All new external rainwater and soil pipes shall be formed in cast metal and painted to match existing fittings.

Reason

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

5. The detailed design including materials and finishes of the following items shall be approved in writing by the local planning authority before the relevant parts of the work are commenced:

- a) Cast iron air bricks.
- b) Full height glazing system, brise-soleil and eaves to Westminster suite extension.
- c) New oak framed entrance screen and door to Paxton suite.
- d) New doors and architraves to Kipling suite
- e) Arrangement of panels to the Drawing Room ensuite.

The design and details shall be accompanied by elevations and section drawings to a minimum scale of 1:5 with full size moulding cross sections. The works shall thereafter be implemented strictly in accordance with the agreed details.

Reason

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

6. Details and samples of the wall and door finishes proposed to be used for all new ensuite pods shall be submitted to and approved in writing by the Local Planning Authority before the relevant parts of the work are commenced. Development shall be carried out in accordance with the approved details.

Reason

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

7. Details of the treatment and finishes to existing and proposed walls within the Morris suite and adjacent ensuites, including the extent of removal of existing finishes, shall be submitted to and approved in writing by the Local Planning Authority before the relevant parts of the work are commenced. Development shall be carried out in accordance with the approved details.

Reason

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

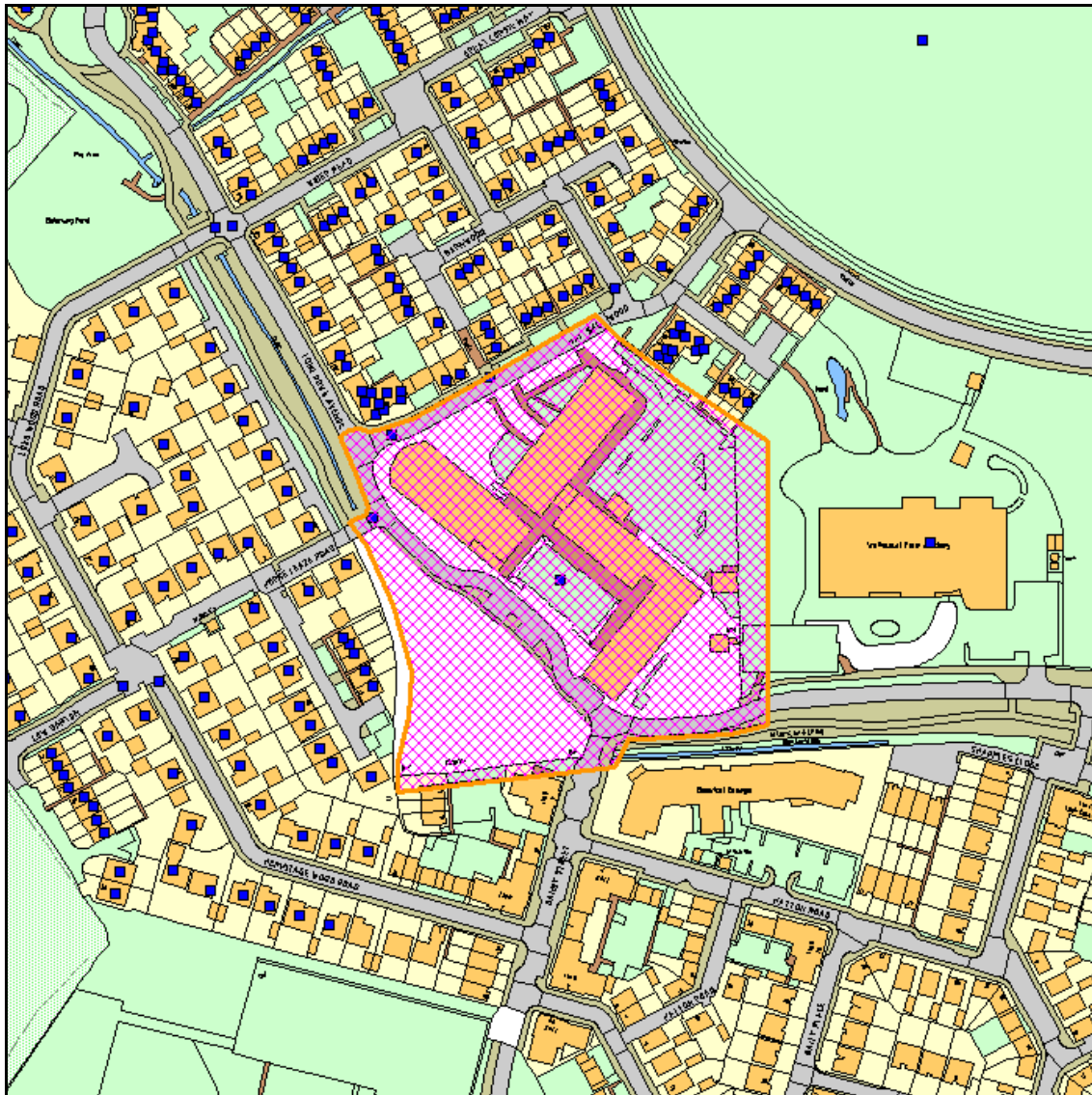
8. Prior to the commencement of the development hereby approved, the developer shall appoint an archaeological contractor who will prepare and submit a Written Scheme of Investigation for a Building Recording to Historic England Level 2 standards, for written approval by the Local Planning Authority. Thereafter the approved programme of work shall be implemented in all respects unless the Local Planning Authority agrees to any variation in writing. This work will provide a record of the historic building fabric uncovered during the renovation and alteration works hereby approved.

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.

**CIRCULATED SCHEDULE NO. 16/16 – 22 APRIL 2016**

<b>App No.:</b>	PT16/0403/RVC	<b>Applicant:</b>	Conviva Coffee Ltd
<b>Site:</b>	Unit 5 Cheswick Village Long Down Avenue Stoke Gifford South Gloucestershire BS16 1GE	<b>Date Reg:</b>	3rd February 2016
<b>Proposal:</b>	Variation of condition 1 attached to planning permission PT12/0684/RM in order to permit unit 5 to open to customers for an additional three hours between 06:00 and 23:00 seven days a week instead of 09:00 and 23.00.	<b>Parish:</b>	Stoke Gifford Parish Council
<b>Map Ref:</b>	361201 177800	<b>Ward:</b>	Frenchay And Stoke Park
<b>Application Category:</b>	Major	<b>Target Date:</b>	3rd May 2016



© South Gloucestershire Council 2007.all rights reserved.  
 This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.  
 100023410, 2008. N.T.S. PT16/0403/RVC

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

This application appears on the Circulated Schedule due to the receipt of one letter of objection from a local resident

### **1. THE PROPOSAL**

- 1.1 This application seeks consent to vary condition six attached to application PT12/0684/RM. The condition as attached originally read as follows:

*The hours of opening of the units hereby approved shall accord with the Proposed Opening Hours schedule as received on 21st August 2012. The units numbers set out within the schedule shall accord with the units numbers identified on the Proposed Lower Ground Floor Plan (drg no.P04 Rev.I) and Proposed Ground Floor Plan (drg no.P05 Rev.J), as both received by South Gloucestershire Council on 14 June 2012. There also shall be no outdoor music played at any time.*

*Reason*

*To protect the amenity enjoyed by those living in the locality and to accord with Policies EP1 & RT1 of the South Gloucestershire Local Plan (Adopted) January 2006.*

- 1.2 This application seeks consent for one of the units (unit 5) to open earlier than specified in the conditioned schedule. The current condition allows unit 5 to open for trade at 9am, this application seeks consent for unit 5 to be open for trade at 6am. The resultant proposed condition would read as follows:

*With the exception of Units 4 and 5 which may open for trade from 6am, the hours of opening of the units hereby approved shall accord with the Proposed Opening Hours schedule as received on 21st August 2012. The units numbers set out within the schedule shall accord with the units numbers identified on the Proposed Lower Ground Floor Plan (drg no.P04 Rev.I) and Proposed Ground Floor Plan (drg no.P05 Rev.J), as both received by South Gloucestershire Council on 14 June 2012 in relation to application PT12/0684/RM. There also shall be no outdoor music played at any time.*

*Reason*

*To protect the amenity enjoyed by those living in the locality and to accord with Policies EP1 & RT1 of the South Gloucestershire Local Plan (Adopted) January 2006.*

- 1.3 At the time of the officer site visit, the unit was not open to customers.

### **2. POLICY CONTEXT**

- 2.1 National Planning Guidance  
National Planning Policy Framework  
National Planning Policy Guidance

## 2.2 Development Plans

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

- L1 Landscape Protection and Enhancement
- H1 Proposed sites for new residential development (site no.12).
- T7 Cycle Parking
- T8 Parking Standards
- T12 Transportation Development Control Policy for New Development
- EP2 Flood Risk and Development
- EP4 Noise Sensitive development

### 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
- CS7 Strategic Transport Infrastructure
- CS8 Improving Accessibility
- CS9 Environmental Resources and Built Heritage
- CS25 Communities of the North Fringe of Bristol Urban Area
- CS27 East of Harry Stoke New Neighbourhood

### Supplementary Planning Guidance

South Gloucestershire Design Checklist – Adopted

## 3. RELEVANT PLANNING HISTORY

- 3.1 PT15/3722/RVC Variation of condition 6 attached to planning permission PT12/0684/RM in order to permit unit 4 (the convenience store) to open to customers for an additional hour between 06:00 and 23:00 seven days a week instead of 07:00 and 23.00.  
Approved November 2015
- 3.2 PT12/0684/RM Provision of local neighbourhood centre to comprise of 2,425 square metres of retail floorspace (Class A1/A2/A3/A4/A5), 633 square metres of D1 floorspace (including 262 sq metres nursery); 363 square metre gymnasium (Class D2); 137 residential units (C3); with car parking, landscaping and infrastructure works. (Approval of reserved matters to be read in conjunction with planning permission PT04/0684/O).  
Approved August 2012
- 3.3 PT04/0684/O Residential development at a density of 50 units per hectare overall across the site together with supporting infrastructure and ancillary facilities.  
Approved 04<sup>th</sup> November 2005. This planning permission also agreed the details of the access from Coldharbour Lane. A Master Plan, required of a section 106 legal agreement, has also been approved.
- 3.4 PT06/1893/F Extension and alteration to access road (from MoD roundabout).  
Approved.

- 3.5 PT07/1107/F Alterations to existing access road (from Coldharbour Lane)  
Approved.
- 3.6 PT07/1432/RM Access road for construction vehicles.  
Approved.
- 3.7 PT07/1886/F Alterations to access and junction (onto Coldharbour Lane).  
Approved.
- 3.8 PT07/2424/R3F Formation of public transport bus link. Approved 11 October 2007.
- 3.9 PT07/1715/RM Erection of 100No. dwellings (Phase 1).  
Approved 15 November 2007.
- 3.10 PT07/3519/RM Erection of 225No. dwellings (Phase 2).  
Approved 16 May 2008.
- 3.11 PT08/3093/F Construction of Access Road to link Phases 4,5 and 6 and Primary School Site.  
Approved 06 February 2009.
- 3.12 PT08/3118/RM Erection of 77 Dwellings (Phase 4).  
Approved 03/11/09
- 3.13 PT09/5504/RM Erection of 121 dwellings (Phase 2B).  
Approved 20/01/10
- 3.14 PT09/5336/RM Erection of 194 dwellings (Phase 3).  
Approved 26/02/10
- 3.15 PT11/1684/RVC Variation of condition 9 attached to PT04/0684/O to allow the submitted reserved matters applications to achieve a minimum density of 40 dwellings per hectare across the site.  
Approved 20<sup>th</sup> July 2011.
- 3.16 PT11/2698/RM Erection of 97 dwellings (Phase 7).  
Approved 06/03/12

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

- 4.1 Stoke Gifford Parish Council  
No objection
- 4.2 Archaeology Officer  
No objection
- 4.3 Transportation Development Control  
No Objection

- 4.4 Environmental Protection Officer  
No Objection
- 4.5 Economic Development Officer  
No Objection
- 4.6 Urban Design Officer  
No Objection
- 4.7 Economic Development Officer  
No Objection

#### **Other Representations**

- 4.8 Local Residents  
One letter of objection has been received from a local resident raising issues relating to noise pollution and setting a precedence.

### **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 National Planning Policy Framework (NPPF). The NPPF requires all planning conditions to pass three tests – that conditions should be:
- i. Necessary to make the development acceptable
  - ii. Directly related to the development
  - iii. Fairly and reasonably related in scale and kind
- 5.3 Being mindful of the reason for attaching the condition in the first place, when assessing this application your officer will consider whether the omission of the doors from the condition would undermine the objective of Policy CS1 of the South Gloucestershire Local Plan (Adopted) to take account of security and crime prevention.
- 5.4 Analysis of Proposal  
The original application related to the erection of a neighbourhood centre including 137 residential units - the development is now substantially complete. This application relates only to unit 5 of the approved development – this unit is to be a coffee shop but was not trading at the time of the officer site visit. The granted consent allows unit 5 to open at 9am and close at 11pm.

This application seeks consent to allow the unit to open at 6am – an additional three hours every morning.

- 5.5 In considering this application, your officer is mindful of the obligation as set out in the NPPF for local planning authorities to positively and proactively encourage sustainable economic growth. The modest increase in opening hours would allow the retail unit to trade for one hour longer daily therefore contributing positively towards the government's objective of achieving sustainable economic growth.
- 5.6 Deliveries may already take place to the unit from 7am and the adjacent retail shop opens for trade at 6am. Given this, it is not considered that any additional noise or disturbance from customers is likely to be in excess of that which could reasonably be expected from delivery vehicles and customers visiting the adjacent retail unit. Furthermore, it is noted that unit 2 of the approved scheme (to incorporate a gym) is able to open from 6am daily. Given the close relationship between units 2, 4 and 5, it is difficult to argue why unit 2 and 4 may open at 6am but unit 5 may not.
- 5.7 Your officer is mindful of the concerns of the neighbour who explains that road noise already wakes residents at 6am. It is important to stress that this application is not considering any change to the agreed delivery hours. This would need to be subject to a new application and the merits of that application considered. Delivery hours are not for consideration as part of this application.
- 5.8 Being mindful of the fact that this is a neighbourhood centre location and that other activities are permitted at nearby locations from 6am, the proposed increase in opening hours is deemed to be entirely acceptable.
- 5.9 Other Relevant Conditions  
In terms of all other conditions that were attached to application PT12/0684/RM, most are no longer relevant as the development has been completed. Only the relevant conditions will be carried forward.

## 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 **APPROVE** permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 (saved policies) 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** subject to the conditions below:



**Contact Officer: Marie Bath**  
**Tel. No. 01454 864769**

## **CONDITIONS**

1. With the exception of Units 4 and 5 which may open for trade from 6am, the hours of opening of the units hereby approved shall accord with the Proposed Opening Hours schedule as received on 21st August 2012 in relation to application PT12/0684/RM. The units numbers set out within the schedule shall accord with the units numbers identified on the Proposed Lower Ground Floor Plan (drg no.P04 Rev.I) and Proposed Ground Floor Plan (drg no.P05 Rev.J), as both received by South Gloucestershire Council on 14 June 2012 in relation to application PT12/0684/RM. There also shall be no outdoor music played at any time.

### Reason

To protect the amenity enjoyed by those living in the locality and to accord with the requirements of Policy RT1 of the South Gloucestershire Local Plan (Adopted) and the NPPF.

2. Notwithstanding the uses noted on the approved floor plans, for their first commercial use the uses of the units hereby approved shall accord with uses set out in the approved schedule of opening and delivery hours as received on 21st August 2012 submitted with application PT12.0684/RM.

### Reason

In the interests of ensuring an appropriate mix of uses and to protect the amenity enjoyed by those living in the locality to accord with Policy RT1 of the South Gloucestershire Local Plan (Adopted) January 2006 and the requirements of the NPPF.

3. No extraction systems associated with the commercial uses hereby approved shall be installed without the prior written consent of the Local Planning Authority.

### Reason

To protect the amenities of residents living in the locality and the visual amenity of the area, and to accord with Policy RT1 of the South Gloucestershire Local Plan (Adopted) January 2006, Policy CS1 of the South Gloucestershire Local Plan Core Strategy (Adopted) and the NPPF.

4. The development must be carried out in accordance with the approved lighting scheme received by the Council on 1st October 2014 submitted in relation to application PT12/0684/RM.

### Reason

To ensure a satisfactory standard of external appearance and to accord with Policy CS1 of the South Gloucestershire Local Plan Core Strategy (Adopted) and the requirements of the NPPF.

5. Prior to the commencement of the relevant part of the development, details of the design of the bus shelters to be located either side of Long Down Avenue to serve the local centre are to be submitted to the local planning authority for written approval.

Reason

To ensure a satisfactory standard of external appearance and to accord with Policy CS1 of the South Gloucestershire Local Plan Core Strategy (Adopted) and the requirements of the NPPF.

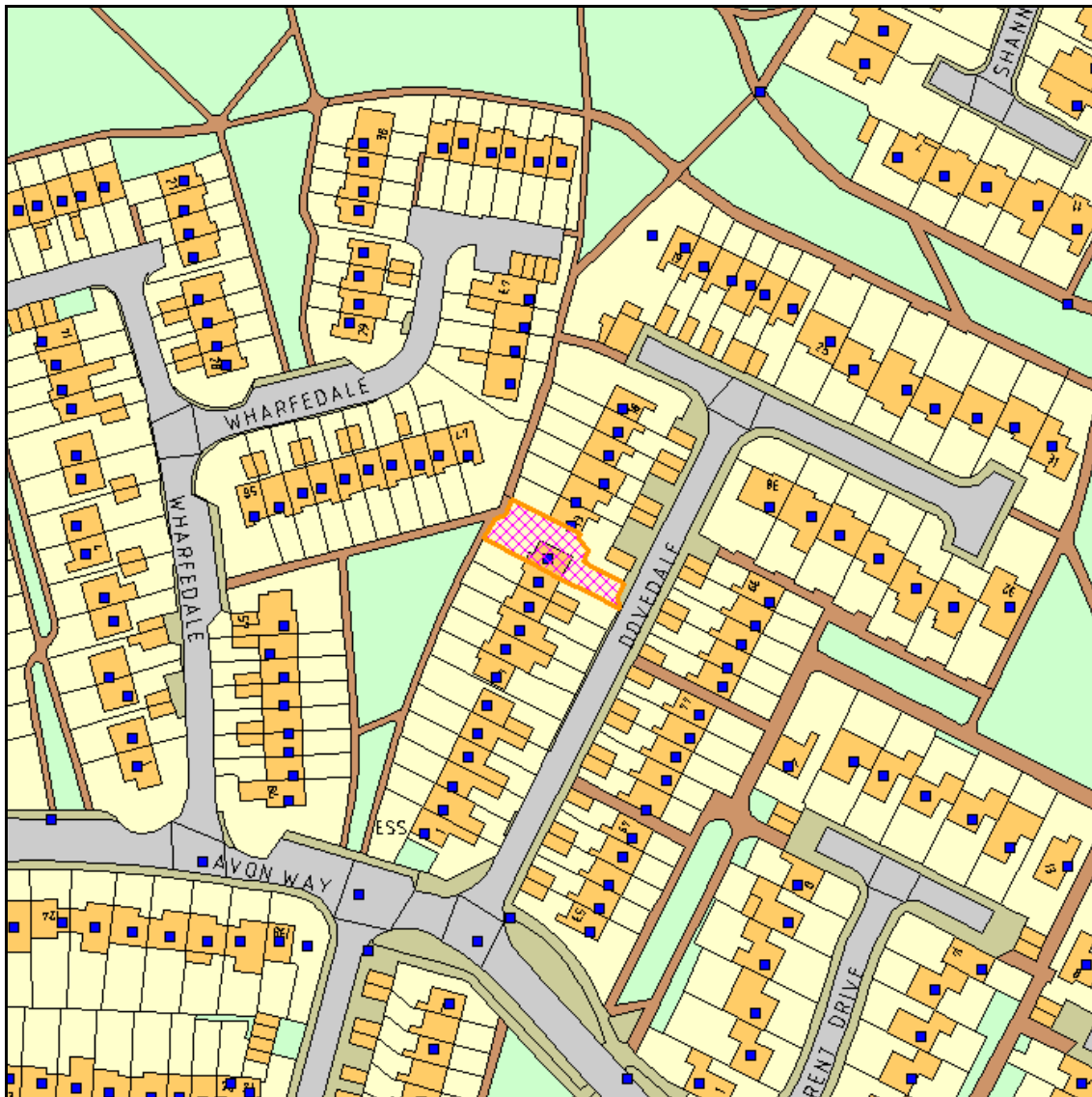
6. The development shall be completed and occupied in accordance with the approved Travel Plan received by the Council on 1st October 2014 in relation to application PT12/0684/RM

Reason

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

**CIRCULATED SCHEDULE NO. 16/16 – 22 APRIL 2016**

<b>App No.:</b>	PT16/0691/F	<b>Applicant:</b>	Mr Alex Mardon
<b>Site:</b>	12 Dovedale Thornbury Bristol South Gloucestershire BS35 2DU	<b>Date Reg:</b>	1st March 2016
<b>Proposal:</b>	Erection of two storey rear extension and single storey front extension to form additional living accommodation	<b>Parish:</b>	Thornbury Town Council
<b>Map Ref:</b>	364648 189544	<b>Ward:</b>	Thornbury South And Alveston
<b>Application Category:</b>	Householder	<b>Target Date:</b>	22nd April 2016



© South Gloucestershire Council 2007.all rights reserved.  
 This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.  
 100023410, 2008. N.T.S. PT16/0691/F

## **REASON FOR REFERRING TO CIRCULATED SCHEDULE**

This application appears on the Circulated Schedule following objections from the Parish Council.

### **1. THE PROPOSAL**

1.1 The application seeks full planning permission for the erection of a two-storey rear extension and single storey front extension to form additional living accommodation. The application site relates to a two-storey end of terrace modern dwelling situated within the established residential area of Thornbury at No. 12 Dovedale.

### **2. POLICY CONTEXT**

#### **2.1 National Guidance**

National Planning Policy Framework March 2012

#### **2.2 Development Plans**

South Gloucestershire Local Plan Core Strategy (Adopted December 2013)

CS1	High Quality Design
CS4a	Sustainable Development
CS5	Location of Development
CS8	Improving Accessibility
CS9	Environmental Resources and Built Heritage
CS24	Open Space Standards

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

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

T12 Transportation Development Control

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

South Gloucestershire Design Checklist (Adopted 2007)

South Gloucestershire SPD: Residential Parking Standards (adopted) 2013

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

3.1 No planning history

### **4. CONSULTATION RESPONSES**

#### **4.1 Thornbury Town Council**

Objection: over development of the site with loss of amenity space at the rear of the property.

#### **4.2 Other Consultees**

Highway Engineer

No comment.

## **Other Representations**

### 4.3 Local Residents

None received.

## **5. ANALYSIS OF PROPOSAL**

### 5.1 Principle of Development

The application stands to be assessed against the above listed policies and all other material considerations. Of particular importance is the overall scale of the extensions and the resulting design (CS1; CS5); the impact on residential amenity for future occupiers and that of adjacent neighbours must be considered (H4); as well as the impact on highway safety and off street parking (T12; SPD residential parking standards).

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

### 5.2 Design and visual amenity

The application site is located at the end of a terrace of modest properties within a Radburn-type estate in Thornbury. The proposed two-storey rear extension would be to the south east and would allow for the creation of a fourth bedroom with en-suite at first floor and a family room and large kitchen area at ground floor. If the extension were to stretch across the entire width of the property it would measure approximately 5 metres. A drain has been identified within the site and as such the proposed ground floor element has been designed to avoid building over this structure and as such is stepped in, this would however be built over at first floor level. It would achieve a depth of 3.4 metres, eaves to match the host property and an overall ridge height of 6.2 metres, slightly lower than the main roof. Materials used in its construction would be part brick, part plastic cladding with concrete interlocking roof tiles to match the main house. With regards to the proposed single storey front extension this would be to increase the overall size of the ground floor living room. Its proposed mono-pitched roof structure would extend across the entire front of the property for a depth of about 0.9 metres. It would be constructed of brick to match existing and large full height openings would be introduced to this elevation.

5.3 Comments from the Town Council are noted. These declare the proposal to represent over development of the site. It is acknowledged that the proposal would represent a large addition to this property in terms of its overall bulk and massing. However, at ground floor level the structure would follow on from the depth of the single storey extension of the neighbouring property No. 11. It was suggested to the applicant that the first floor be reduced in depth but this was strongly resisted by the agent and the proposal is assessed as submitted.

5.4 Every case must be considered on its own merits and thereby a balanced decision reached. On the one hand the proposal is a large addition to a modest dwelling in an area of modest dwellings where there are no other examples of two-storey rear additions.

On the other hand the proposed overall design/appearance is not unusual even for this style of property. A view on the degree of potential resulting harm to the visual amenity of the area must be taken.

- 5.5 The application site is an end of terrace property which benefits from a side garden. It is part of a Radburn-type estate where properties face out onto a communal green with pedestrian access only. The vehicular access for all these properties is to the rear where the rear of these properties can be viewed. This is an unusual situation as normally the rear of properties is the more private side where it is generally either not seen or only limited views can be gained. The retention of front elevations is more fiercely defended. Here the situation is different but this more uncommon situation should not be at the expense of hindering development. On balance, given the extension is to the rear, the perceived harm to the visual amenity of the area is considered acceptable and the proposal is considered to be appropriate in design, scale and massing with external finishes assisting its integration into the street scene.
- 5.6 Moving on to the single storey front extension; it is noted that most of the properties in this area that look out onto a communal grassed area, have modest, simple porches as their front entrances. Under this scheme the proposal would mean the loss of an entrance porch and occupants and visitors alike would step directly into the living area. The proposed full height windows and single door would be unusual, but given that the materials used would be of good quality to match the main house it is considered acceptable in design terms. It is further acknowledged that there are examples of extended porches in the immediate area which are not too dissimilar in appearance from the proposed extension. Overall, the proposal accords with policy and can be recommended for approval.
- 5.7 Residential Amenity  
The application site is located at the end of one terrace with a gap of approximately 5 metres in between it and the start of the next terrace. This adjacent neighbour to the north has no openings in the opposing elevation and thus there would be no issues of inter-visibility resulting from the proposed obscure glazed first floor window and the proposed living room window. Although, given the small gardens there would be changes for this neighbour at No. 13, it is considered that any adverse issue such as limited over-shadowing would not be unacceptable in this built up area.
- 5.8 Of more concern is the potential impact of the two-storey extension on neighbours to the south at No. 11 Dovedale. This neighbour has a single storey rear extension of approximately the same depth as proposed here. The first floor of that property has a bathroom and bedroom at first floor level. Using the 45 degree test the proposed two storey rear extension would appear to have an impact on the neighbour in terms of the amount of light entering the property. However, firstly the affected window is a bathroom window of obscure glazing and secondly the properties are set at some distance away from other houses on the opposite side of Dovedale. That property and particularly the bedroom would therefore not be deprived of light to a significantly adverse degree. It is therefore considered that the impact on the amenity of this neighbour would not be sufficient to warrant a refusal of the application.

5.9 As like most of the properties in this area, the application site has a small rear garden but has the benefit of an additional area to the side. Therefore enough amenity space would remain to serve the property following the development. With regards to the single storey front projection, given its depth it would not have an adverse impact on the amenity of neighbours or the application site itself. It is acknowledged that the Parish has objected expressing concerns regarding the loss of amenity space. It must be recognised that other properties along this rank have single storey rear additions that extend out by a similar degree. The application site could therefore have used up the same amount of footprint and associated garden space. The fact that this proposal is also creating a first floor on top has already been assessed and on balance, taking all of the above into consideration, the proposal is deemed to be acceptable in terms of impact on residential amenity and can be recommended for approval.

5.10 Sustainable Transport

The application site is a Radburn type property in that its front entrance faces out onto a communal area of open space. The main vehicular access for these types of properties is to the rear. In this case the property is located at the end of a terrace and benefits from its own area of parking to the rear of the site. Two vehicles can be accommodated on this area. As the proposal would increase the number of bedrooms to 4, a total of two off-street parking spaces are required. The application site accords with this requirement and there are no objections in highway terms and there is appropriate parking provision for the property.

6. **CONCLUSION**

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

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

7. **RECOMMENDATION**

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

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

**CONDITIONS**

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

Reason

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

2. The hours of working on site during the period of construction shall be restricted to 7:30 to 18:00 on 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. 16/16 – 22 APRIL 2016**

<b>App No.:</b>	PT16/0935/F	<b>Applicant:</b>	Mr Lee Brown and Miss Sophie Humphries
<b>Site:</b>	47 Tenth Avenue Filton Bristol South Gloucestershire BS7 0QJ	<b>Date Reg:</b>	4th March 2016
<b>Proposal:</b>	Demolition of existing garage and erection of 1no attached dwelling with access and associated works. (Resubmission of PT15/5146/F)	<b>Parish:</b>	Filton Town Council
<b>Map Ref:</b>	360500 178468	<b>Ward:</b>	Filton
<b>Application Category:</b>	Minor	<b>Target Date:</b>	27th April 2016



© South Gloucestershire Council 2007.all rights reserved.  
 This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.  
 100023410, 2008. N.T.S. PT16/0935/F

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

An objection has been received from Filton Town Council. This report therefore appears on the Council's Circulated Schedule as this representation is contrary to the officer recommendation.

### **1. THE PROPOSAL**

- 1.1 The applicant seeks full planning permission to erect one attached dwelling with new vehicular access and demolition of the existing garage.
- 1.2 The plot is set within a built up residential area within an existing settlement boundary of Filton and faces towards a highway. The existing and proposed property is an end-of-terrace with a hipped roof and rough stone render to finish. There is an existing attached lean-to garage to the side of no. 47 that is to be demolished and a driveway to the front of the property. There is garden area to the front and rear of no. 47 and a large garden area to the side of the no. 47.
- 1.3 The application is a resubmission of PT15/5146/F, which previously granted planning permission for a slightly smaller dwelling subject to conditions.
- 1.4 Amendments were received on 18<sup>th</sup> April 2016 to address parking issues by removing the study/ fifth bedroom from the proposal. A period of re-consultation was not deemed necessary.

### **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

CS15 Housing Distribution

CS16 Housing Density

CS17 Housing Diversity

CS25 The Communities of the North Fringe of Bristol Urban Area

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

T12 Transportation Development Control Policy for New Development.

T7 Cycle Parking

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

- 2.3 Supplementary Planning Guidance  
South Gloucestershire Design Checklist (Adopted 2007)  
Residential Parking Standards (Adopted 2013)

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

- 3.1 PT15/5146/F – Erection of 1 no. dwelling and associated works.  
Approved with Conditions 19.01.2016
- 3.2 P88/3565- Erection of single storey side extension to provide garage and utility room to replace existing. Approval Full Planning 15.02.1989.

### **4. CONSULTATION RESPONSES**

- 4.1 Filton Town Council  
Objection due to insufficient parking.

4.2 Other Consultees

Highway Structures  
No comment.

Lead Local Flood Authority  
No objection.

Sustainable Transport  
No comment.

#### **Other Representations**

- 4.3 Local Residents  
None received.

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

- 5.1 Principle of Development  
The principle of one new dwelling within this plot has already been established under PT15/5146/F, and therefore there is no need to repeat it here.
- 5.2 Design  
A hipped side and rear single storey extension has been proposed in addition to the design approved under the previous application. The layout and percentage of built form within the plot has increased, however looking at the immediate neighbours (no 45 and 49) it is considered that the layout and density is appropriate for the area. The hipped roof design is in keeping and the materials are to match the host dwelling. Overall, there are no objections to the additional extensions to the approved dwelling as it is in accordance with policy CS1 of the Core Strategy.

### 5.3 Residential Amenity

New openings in addition to the previously approved dwelling are only at single storey level and the elevation directly facing no. 45 has only a single door proposed. The hipped roof slopes away from the boundary and is not considered to be overbearing.

5.4 The extensions proposed reduce the amount of garden space available at the site to a level which is considered rather small for a four bedroom dwelling. It is noted however, that the previously approved dwelling still has its permitted development rights in tact, and whilst the proposed additional footprint shown in this resubmission would not be permitted development, an extension of a much larger footprint but in a different layout could be constructed under permitted development rights. It is therefore considered that a refusal reason based on lack of private amenity space could not be sustained, but it is necessary to remove permitted development rights relating to extensions and outbuildings from the new permission if approved.

### 5.5 Transport

The Town Council has raised an objection based on lack of parking. The proposed study or fifth bedroom has since been removed and replaced with a garage, causing the proposed dwelling to exceed the required parking standards by one space. Two spaces are proposed for the existing dwelling, which also meets the residential parking standards. All of the external parking spaces proposed are slightly larger than the usual, in order to allow pedestrian access between vehicles and the new dwelling along the front and the side of the building, in accordance with the standards outlined in comments made by the Transport officer to the previous proposal. There is no transportation objection to the proposal.

## 6. CONCLUSION

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

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

## 7. RECOMMENDATION

7.1 That 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.

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

2. Notwithstanding the provisions of Schedule 2 of the Town & Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no development as specified in Part 1 (Classes A & E) 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

In order to ensure that the dwelling has adequate amenity space, and to accord with policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006 and the National Planning Policy Framework.

3. The hours of working on site during the period of construction shall be restricted to 08.00 to 18:00 Monday to Friday, 08:00 to 13:00 Saturday and no working shall take place on Sundays or Public Holidays. The term 'working' shall, for the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the curtilage of site.

### Reason

In the interests of highway safety and residential amenity and to accord with Policies CS1 and CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; Policies H4 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006; and the National Planning Policy Framework.

4. The off-street, external car parking spaces shown on the plan 07 Rev A hereby approved shall be provided before the new dwelling is first occupied, and thereafter retained for that purpose, with two spaces shown for No. 47 and two spaces for the new dwelling. The driveway and parking area in each case shall be constructed with a permeable bound surface.

### Reason:

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

5. Prior to first occupation of the new dwelling, the cycle parking facilities shown on the plan 07 Rev A hereby approved shall be provided before the new building is first occupied, 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.