



**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. 47/16

Date to Members: 25/11/2016

Member's Deadline: 01/12/2016 (5.00pm)

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

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

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

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

NOTES FOR COUNCILLORS - FORMAL ARRANGEMENTS

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

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

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

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

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

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

GUIDANCE FOR 'REFERRING' APPLICATIONS

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

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

CIRCULATED SCHEDULE 25 November 2016

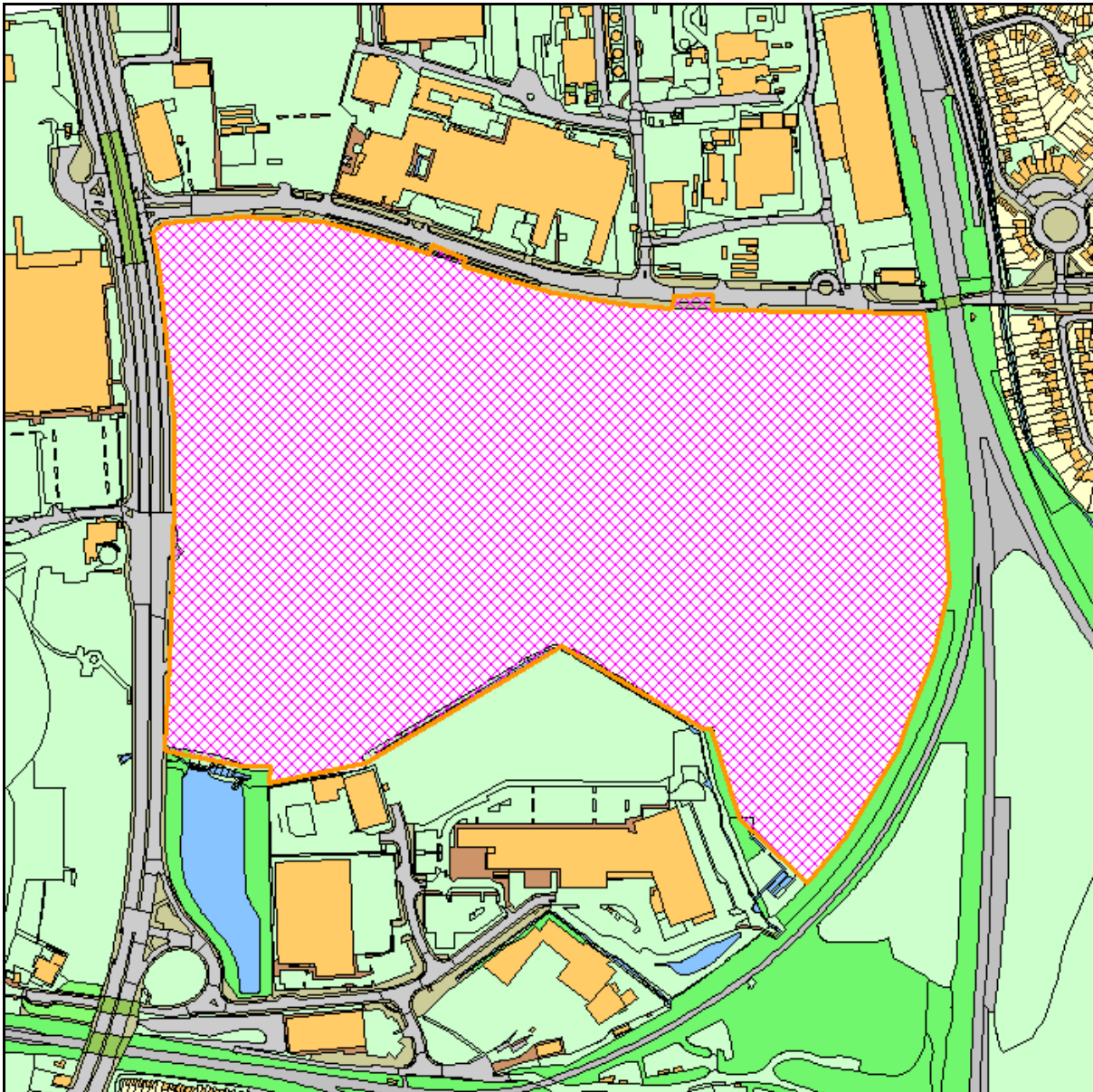
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ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
1	MODT16/0005	No Objection	East Works Site Gloucester Road North Filton South Gloucestershire BS34 7BQ	Filton	Filton Town Council
2	PK16/1731/RV	Approve with Conditions	53 Badminton Road Downend South Gloucestershire BS16 6BP	Downend	Downend And Bromley Heath Parish Council
3	PK16/3214/F	Approve with Conditions	Little Shortwood Farm Wickwar Road Yate South Gloucestershire BS37 6PA	Ladden Brook	Wickwar Parish Council
4	PK16/4837/F	Approve with Conditions	Fairview House Residential Home 42 Hill Street Kingswood South Gloucestershire BS15 4ES	Woodstock	None
5	PK16/5101/CLE	Approve	Henfield Barn The Hollows Coalpit Heath South Gloucestershire BS36 2UU	Westerleigh	Westerleigh Parish Council
6	PK16/5172/AD	Approve	Fleur De Lys 12 Shortwood Road Pucklechurch South Gloucestershire BS16 9RA	Boyd Valley	Pucklechurch Parish Council
7	PK16/5337/CLE	Approve	Exon's Yard Doynton Lane Dyrham South Gloucestershire	Boyd Valley	Dyrham And Hinton Parish Council
8	PK16/5503/F	Approve with Conditions	54 High Street Wickwar Wotton Under Edge South Gloucestershire GL12 8NP	Ladden Brook	Wickwar Parish Council
9	PK16/5504/LB	Approve with Conditions	54 High Street Wickwar Wotton Under Edge South Gloucestershire GL12 8NP	Ladden Brook	Wickwar Parish Council
10	PK16/5538/F	Approve with Conditions	49 Pool Road Kingswood South Gloucestershire BS15 1XN	Rodway	None
11	PK16/5751/F	Approve with Conditions	4 Batley Court North Common South Gloucestershire BS30 8YZ	Oldland	Bitton Parish Council
12	PK16/5923/PD	Approve with Conditions	9 Langley Mow Emersons Green South Gloucestershire BS16 7DS	Emersons	Emersons Green Town Council
13	PK16/5995/TCA	No Objection	Algars Mill Frampton End Road Iron Acton South Gloucestershire BS37 9TD	Frampton Cotterell	Iron Acton Parish Council
14	PT16/4353/F	Approve with Conditions	East Works Site Gloucester Road North Filton South Gloucestershire BS34 7BQ	Filton	Filton Town Council
15	PT16/4898/F	Approve with Conditions	Turnpike House Old Gloucester Road Winterbourne South Gloucestershire BS36 1RU	Frampton Cotterell	Frampton Cotterell Parish Council
16	PT16/5298/F	Approve with Conditions	40 Orchard Rise Olveston South Gloucestershire BS35 4DZ	Severn	Olveston Parish Council
17	PT16/5362/F	Approve with Conditions	2A Rose Lane Coalpit Heath South Gloucestershire	Frampton Cotterell	Frampton Cotterell Parish Council
18	PT16/5414/CLE	Approve	Henfield Barn The Hollows Coalpit Heath South Gloucestershire BS36 2UU	Westerleigh	Westerleigh Parish Council

ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
19	PT16/5683/F	Approve with Conditions	47 St Francis Drive Winterbourne South Gloucestershire BS36 1PZ	Winterbourne	Winterbourne Parish Council
20	PT16/5710/F	Approve with Conditions	79 Berkeleys Mead Bradley Stoke South Gloucestershire BS32 8AU	Bradley Stoke South	Bradley Stoke Town Council

CIRCULATED SCHEDULE NO. 47/16 – 25 NOVEMBER 2016

App No.:	MODT16/0005	Applicant:	St Francis Group And Marcol (MSF Filton LLP)
Site:	East Works Site Gloucester Road North Filton South Gloucestershire BS34 7BQ	Date Reg:	30th August 2016
Proposal:	Deed of Variation of S106 Agreement attached to planning application PT15/1634/RVC	Parish:	Filton Town Council
Map Ref:	360236 179078	Ward:	Filton
Application Category:		Target Date:	20th October 2016



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MODT16/0005

REASON FOR REPORTING TO CIRCULATED SCHEDULE

The application relates to the modification of a S106 legal agreement and as such is required to be referred to the Circulated Schedule.

1. THE PROPOSAL

- 1.1 The application is made under section 106A of the Town and Country Planning Act 1990. The proposed Deed of Variation relates to Planning Permission PT15/1634/RVC as detailed in section 3 of this report.
- 1.2 By way of background, the approved development allows the wholesale redevelopment of the Rolls Royce East Works site including a hotel, B1, B2, B8, Sui Generis car sales. The development is arranged on a grid, with two main access roads running North to South off Gypsy Patch Lane. The approved development would provide (amongst other obligations) traffic light controlled junctions at these points (East and West Junctions).
- 1.3 At this time, the approved development is subject to a s106 legal agreement which includes a requirement to provide specific highway improvements associated with the access to the approved development associated with the former Rolls Royce East Works site (as detailed in section 3 of this report). The proposed Deed of Variation seeks to vary the s106 legal agreement so that the delivery of the highway improvement works onto Gypsy Patch Lane are delivered in a phased manner. This and the purpose of the change is explained in more detail in the main body of this report.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework
Planning Policy Guidance

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design
CS4A Presumption in Favour of Sustainable Development
CS5 Location of Development
CS8 Improving Accessibility
CS9 Managing the Environment and Heritage
CS11 Distribution of Economic Development Land
CS12 Safeguarded Areas for Economic Development
CS25 Communities of the North Fringe of Bristol Urban Area
CS26 Cribbs/Patchway New Neighbourhood

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

E3 Employment Development within the Urban Area
L9 Species Protection
L11 Archaeology
EP2 Flood Risk and Development
EP6 Contaminated Land

T12 Transportation Development Control Policy for New Development

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

PSP1	Local Distinctiveness
PSP2	Landscape
PSP3	Trees and Woodland
PSP11	Transport Impact Management
PSP13	Safeguarding Strategic Transport Schemes and Infrastructure
PSP20	Flood Risk, Surface Water and Flood Risk
PSP26	Enterprise Areas
PSP27	B8 Storage and Distribution Uses

2.4 Supplementary Planning Guidance

South Gloucestershire Design Checklist (August 2007)

Waste Collection Guidance for New Developments (January 2015)

2.5 Other Material Considerations

West of England Local Enterprise Partnership - Filton Enterprise Area

3. RELEVANT PLANNING HISTORY

3.1 There is a large amount of planning history associated with this site. The most relevant planning history in that it directly informs this proposal, is listed below.

3.2 PT07/2478/O Redevelopment of site for mixed use development comprising Use Classes: B1(a) Offices, B1(c) Light Industry, B2 General Industry, B8 Storage and Distribution, C1 Hotel including ancillary leisure and food and drink, sui generis trade units and car dealerships, with associated infrastructure, access, parking (Outline) with access to be considered with all other matters to be reserved.

Approved 20th April 2009 subject to a s106 agreement (this planning consent was renewed on 8th June 2012)

3.3 PT07/2481/F Redevelopment of site for a mixed use development comprising Use Classes: B1(a) Offices, B1(c) Light Industry, B2 General Industry, B8 Storage and Distribution, C1 Hotel including ancillary leisure and food and drink, sui generis trade units and car dealerships, with associated infrastructure, access, parking and landscape (Hybrid).

Approved 20th April 2009 (this consent has now expired)

3.4 PT12/0577/EXT Redevelopment of site for a mixed use development comprising Use Classes: B1(a) Offices, B1(c) Light Industry, B2 General Industry, B8 Storage and Distribution, C1 Hotel including ancillary leisure and food and drink, sui generis trade units and car dealerships, with associated infrastructure, access, parking and landscape (Hybrid). (Application for consent to extend time limit implementation for PT07/2481/F)

Approved 8th June 2012 (this consent has now expired).

- 3.5 PT12/0601/EXT Redevelopment of site for mixed use development comprising Use Classes: B1(a) Offices, B1(c) Light Industry, B2 General Industry, B8 Storage and Distribution, C1 Hotel including ancillary leisure and food and drink, sui generis trade units and car dealerships, with associated infrastructure, access, parking (Outline) with access to be considered with all other matters to be reserved. (Application for consent to extend time limit for implementation for PT07/2478/O)

Approved 8th June 2012 subject to a s106 agreement

- 3.6 PT14/1721/F Erection of Electricity sub-station with access and associated works.

Approved 11th September 2014

- 3.7 PT15/1634/RVC Variation of conditions 5 and 32 and removal of conditions 31 and 33 attached to planning permission PT12/0601/EXT.

Approved 15th July 2015 subject to a s106 legal agreement (this planning consent remains extant by virtue of the submission of this reserved matters application).

- 3.8 PT15-006-SCO Scoping Opinion in relation to the scope of the addendum to the Environmental Statement to support this Reserved Matters application.

The Local Planning Authority adopted the Scoping Opinion for the purpose of this application.

- 3.9 PT15/2209/RM Layout, scale, appearance and buildings, landscaping of the site together with associated parking. (Approval of Reserved Matters to be read in conjunction with Outline Planning Permissions (PT15/1634/RVC).

Approved subject to conditions 30th September 2015

- 3.10 PT15/033/SCR EIA Screening - for Section 73 planning application to vary Condition 4 (Approved Drawings) of PT15/2209/RM - to amend the layout of development approved under reserved matters.

Decision dated 8th January 2016 Environmental Impact Assessment is **not** required

- 3.11 PT16/1176/RVC Variation of condition 4 attached to planning permission PT15/2209/RM to substitute approved drawings with those received by the Council on 15th March 2016.

Approved 10th June 2016

- 3.12 PT16/5502/RVC Variation of condition 4 attached to planning permission PT16/1176/RVC to substitute plans numbered 13671-S73-102G, 13671-S73-F2-101A, 13671-S73-107C, 13671-S73-111J with revised plans.

Undetermined at the time of compiling this report

- 3.13 PT16/4353/F Erection of a Trade Warehouse (Class B8) with associated service yard, loading bay and parking.

Undetermined at the time of compiling this report. This application appears elsewhere on this agenda.

4. CONSULTATION RESPONSES

This is not a planning application and there is no requirement for public consultation.

5. ANALYSIS OF PROPOSAL

- 5.1 The relevant section of the s106 agreement is Schedule 1 (Highway Improvements). The extant agreement secures the provision purpose designed junctions onto Gypsy Patch Lane and the A38 (Gloucester Road) to provide access to the approved redevelopment of the former Rolls Royce East Works Site. In this instance, the proposed Deed of Variation seeks to amend the delivery of traffic light controlled junctions onto Gypsy Patch Lane from the new development (East and West Junctions).
- 5.2 Under the extant agreement the junctions onto Gypsy Patch Lane are to be delivered as traffic light controlled junctions. It is proposed to deliver the East junction as a 'left in and left out' arrangement and excluding the installation of traffic lights. This would be temporary in order to allow for the implementation of the MetroBus which follows a route along this part of Gypsy Patch Lane, and will require substantial alterations to the highway and the Gypsy Patch Railway Bridge. This work is anticipated to commence in 2019.
- 5.3 In consultation, the South Gloucestershire Highway Engineers and the developer of the Rolls Royce East Works site have agreed that the delivery of the East junction as a full traffic light controlled junction prior to the commencement of the MetroBus highway works would be abortive. In order to prevent unnecessary expenditure and unnecessary further highway disruption South Gloucestershire Council engineers and the developer have agreed that the temporary arrangement would be a pragmatic solution. The full traffic light junction would then be delivered as part of and at the same time as the extensive highway works involved in the delivery of the MetroBus.
- 5.4 The Deed of Variation seeks to amend the extant schedule 1 of the extant s106 legal agreement to enable to phase delivery of the east junction as described above. The Deed would effectively allow South Gloucestershire Council to deliver (at the financial cost of the developer) the second phase of the junction works (the full traffic light controlled junction) as part of the works to construct the MetroBus route, where it passes under Gypsy Patch Railway Bridge and the east part of the subject development site. The Deed also makes provision for a financial bond to ensure that the works are delivered at the cost of the developer.

- 5.5 Officers are satisfied that the proposed Deed of Variation is effective in delivering the East junction on a phased approach and that, ultimately, the East junction is delivered consistent with the scope of the original s106 agreement. It is considered that the long-term highway safety and capacity objectives for Gypsy Patch Lane will not be undermined by the effect of the proposed Deed of Variation. Furthermore, it is considered that the proposed phased approach would be effective in the reduction in traffic disruption ahead of the delivery of the MetroBus. On this basis, officers consider that the Deed of Variation is acceptable and would be made for the benefit of the greater public interest.

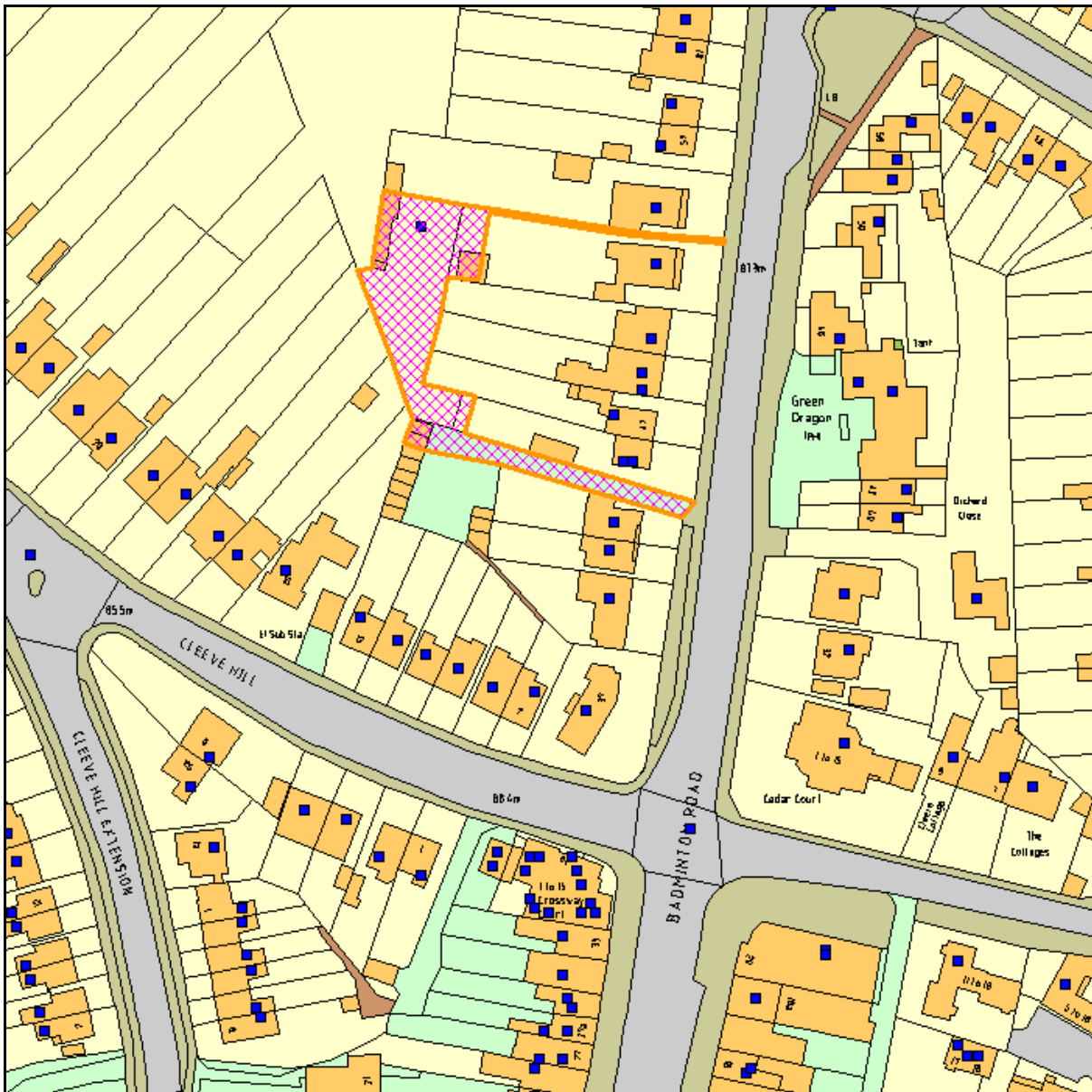
6. RECOMMENDATION

- 6.1 That authority is delegated to the Director of Environment and Community Services and the Head of Legal Governance and Democratic Services to vary the s106 legal agreement dated 16th April 2009 (associated with PT15/1634/RVC) so as to replace Schedule 1 (Highway Improvements) with a redefined Schedule securing a phase delivery of the East junction of the development onto Gypsy Patch Lane.

Contact Officer: Simon Penketh
Tel. No. 01454 863433

CIRCULATED SCHEDULE NO. 47/16 – 25 NOVEMBER 2016

App No.:	PK16/1731/RVC	Applicant:	Mrs Mellings
Site:	53 Badminton Road Downend Bristol South Gloucestershire BS16 6BP	Date Reg:	20th April 2016
Proposal:	Removal of condition 10 attached to planning permission PK12/0623/O and condition 5 attached to planning permission PK15/0714/RM to allow retention of garage.	Parish:	Downend And Bromley Heath Parish Council
Map Ref:	365164 176968	Ward:	Downend
Application Category:	Minor	Target Date:	14th June 2016



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PK16/1731/RVC

REASON FOR REPORTING TO THE CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 The applicant seeks planning permission to remove condition 10 attached to planning permission PK12/0623/O and condition 5 of PK15/0714/RM to allow a retention of existing 2 no. garages for the bungalow, which is situated at the rear of No. 53 Badminton Road, Downend.

Condition 10 of PK12/0623/O states 'The existing garages shall be demolished and all off-street parking facilities (for all vehicles, including cycles) shown on the plan 1356-06_A hereby approved shall be provided before the dwelling is first occupied, and thereafter retained for that purpose. Reason: To ensure the satisfactory provision of parking facilities and in the interest of highway safety and the amenity of the area, and to accord with Policies T7, T8 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.'

Condition 5 of PK15/0714/RM states 'The existing 2no. garages shall be demolished and all off-street parking facilities (for all vehicles, including cycles) shown on the plan 1356-06_A hereby approved as part of outline permission (Ref. PK12/0623/O), shall be provided before the dwelling is first occupied and thereafter retained for that purpose. Reason: To ensure satisfactory provision of parking facilities in the interest of highway safety and the amenity of the area. To accord with saved Policies T7 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006 (Saved Policies), Policy CS8 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013, and the Council's Residential Parking Standard SPD (Adopted) 2013.'

- 1.2 Both planning permissions were granted for an erection of 1 no. dwelling subject to a number of conditions. The site visit revealed that the approved detached dwelling has been constructed and occupied.
- 1.3 During the course of the application, a revised proposal has been submitted to address officers' concern regarding the provision of parking space for the approved bungalow and the provision of a footpath from the bungalow to Badminton Road. This plan has been considered acceptable to address the officers' concerns. In addition, an arboricultural report letter, a coal mining report and details of the surface water drainage have been submitted to discharge the remaining conditions. In addition, Certificate D and a copy of notice have been submitted with the application.

2. POLICY CONTEXT

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

2.2 Development Plans

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

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

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

L1 Landscape Protection and Enhancement
H4 Development within Existing Residential Curtilages, Including Extensions and New Dwellings
T12 Transportation Development Control Policy for New Development

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted 2007)
Landscape Character Assessment (Adopted 2005)
Residential Parking Standards (Adopted December 2013)
Winterbourne Down Village Design Statement (Endorsed by SGC on November 2012)

3. RELEVANT PLANNING HISTORY

- | | | |
|-----|--------------|---|
| 3.1 | PK15/0714/RM | Erection of 1no. dwelling with appearance, landscaping and scale (Approval of reserved matters to be read in conjunction with Outline planning permission PK12/0623/O). Approved 17.04.2015 |
| 3.2 | PK12/0623/O | Erection of 1no. dwelling and garage (Outline) with access and layout to be determined. All other matters reserved
Approved 20.04.2012 |
| 3.3 | PK10/2366/O | Erection of one dwelling and garage. Access and layout to be determined – all other matters reserved
Refused 2010 |

4. CONSULTATION RESPONSES

- | | |
|-----|---|
| 4.1 | <u>Downend and Bromley Heath Parish Council</u>
No objection. |
| 4.2 | <u>Highway Officer</u>
No objection subject to conditions securing the provision of off-street parking for both bungalow and No. 53 Badminton Road and the provision of footpath link between the bungalow and Badminton Road. |

4.3 Arboricultural Officer

No objection to the submitted arboricultural details.

4.4 Coal Authority

No objection to the submitted coal mining report.

4.5 Drainage Engineer

Further details are required regarding the proposed drainage.

Other Representations

4.6 Local Residents

Six letters of objection have been received and the local residents' concerns are summarised as follows: (Full comments are available in the Council website):

Highway issues:

- No change in circumstances: there are same number of houses, cars still present at the car park, the very busy main road coming out of the lane
- Car park is congested, there is a big danger reversing as the entrance to the lane is quite concealed, and the view is limited if reversing onto the main road
- Unsafe to other highway users and pedestrians
- Two spaces in front of the garages constantly occupied by work tracks, vans and the applicant's car, causing an obstruction to other occupants
- Use as a single garage is not a solution, no room to turn / reverse if any vehicle coming in or out of the lane
- Retain the existing garages will mean car constantly parked in front of its, and limit residents to manoeuvre their cars
- New gates have been erected at entrance to the property. The driveway and private parking will restrict emergency access to the property with the garages left as they are.
- The original plan makes sense as it provides more space for cars to turn or pass each other
- Garages would not be used to keep vehicles as with most families the garages are not suitable for the size of some cars. Parking in front of garages will limit turning space and access to the car park.
- Leave little room for emergency vehicles

Other issues:

- Condition 10 (removal of existing garages), 11 (footpath linking from the bungalow to Badminton Road) and 12 (off street parking for No. 53) of PK12/0623/O have been breached
- The space in front of the garage is not in the ownership of the applicant
- The path from the new dwelling to Badminton Road by passing between No. 53 and 55 Badminton Road has not been showed on the submitted plan. That means waste bins would have to be dragged up the lane and postal services etc would be brought down.

- Clarification is required with regard to the contributions to the maintenance of the car park.
- As far as the residents are aware, none of the residents own the land in front of their garages, or any part of the shared site.

5. **ANALYSIS OF PROPOSAL**

5.1 **Principle of Development**

An outline planning permission PK12/0623/O and a reserved matter planning permission PK15/0714/RM were granted for the erection of 1 no. dwelling at the rear of No. 53 Badminton Road, Downend, subject to a number of conditions. Condition 10 of the approved outline planning permission and Condition 5 of the approved reserved matters are related to the removal of the existing garages before the first occupation of the approved dwelling.

This application proposed to remove these conditions in order to retain these existing garages for the use of the bungalow. During the course of the application, the applicant submitted a revised plan showing parking facilities within the site and the provision of footpath in line with the previous approved plan.

The scope of s73 applications is limited so that the local planning authority should principally consider the condition subject to this s73 application, specifically, with regard to the reason for why this condition was originally imposed. Accordingly, the matters for consideration under this application would specifically relate to the provision of parking facilities, highway safety and the amenity of the area for allowing the retention of these garages.

Since the grant of previous planning permission PK12/0623/O, the South Gloucestershire Local Plan: Core Strategy has been adopted in December 2013, and there is no material change in the adopted Core Strategy since the grant of reserved matters application, PK15/0714/RM. The Council however cannot currently demonstrate a 5 year land supply and as such the national test in paragraph 14 of the NPPF applies to this proposal. However, given the limited scope of this proposal, this is not considered to be particularly relevant, only in so far that it may make the dwelling more deliverable.

5.2 **Transportation Issues**

The detached bungalow is situated at the rear of No. 53 Badminton Road, Downend. Officers acknowledged the residents' concerns regarding the parking and highway safety issues. The proposal is to remove condition 10 attached to planning permission PK12/0623/O and condition 5 attached to planning permission PK15/0714/RM. Both conditions relate to the same requirement of demolishing the existing garages in order to provide off-street parking facilities before the dwelling is firstly occupied.

The main highway issues of this proposal are:

- The size of the existing garages does not meet the Council's Residential Parking Standards, which was adopted in December 2013. The Standards requires garages to be 3 metres wide and 6 metres long. As

these existing garages do not meet this standard, therefore officers cannot consider them as parking spaces.

- The South Gloucestershire Parking Standards also suggest that garages will not be acceptable as the sole parking spaces serving new dwelling. If these garages are retained, all casual parking for the new dwelling would take place in front of the garages.

In order to address the highway concerns, a revised plan has been submitted. The plan shows the existing garages will be used solely for the bungalow and an allocated parking space, which would measure 6.6 metres by 8 metres, will be provided within the residential curtilage of the new dwelling (outside the land in front of the garages and the existing access lane / drive). In addition, the approved pedestrian access has also been included as part of this scheme. Officers consider that the revised proposal would provide adequate and suitable off-street parking facilities for this one-bed dwelling. In addition, the approved off-street parking facilities, turning area and widened access for No 53 will remain unchanged and a condition will secure this. As such, the Highway Officer and your case officer have no highway objection to the proposed removal of conditions provided that a condition is imposed to secure that the existing garages will solely used by the existing bungalow and the allocated parking space will be retained for parking vehicles at all time.

5.3 Amenity of area

The proposal is to retain the existing garages. As these garages are part of an existing garage block, officers do not consider that the retention of these garages would cause any material adverse impact upon the amenity of the area or residential amenity of the neighbouring properties. As such, there is no objection for their retention.

5.4 Other conditions

The recent site visit revealed that the development has been implemented. The applicant has submitted further details and plans regarding the arboricultural report, surface water drainage, mining report, to discharge other conditions of planning permission, PK15/0714/RM. It is considered that the submitted arboricultural report letter and the mining report are adequate to discharge conditions. However, further details are required regarding the surface water drainage, therefore the original conditions have been amended accordingly.

5.5 Other issues

Concerns relating ownership and maintenance contribution have been raised regarding the land in front of the garages, and a local resident has advised that the land is not owned by the applicant nor other residents. Officers also noted that the land is neither owned by the Council. Certificate D and a copy of notice have been submitted, therefore the application can be determined accordingly. There is no reason to suppose that matter of land ownership would prevent the applicant parking and using the land in the way proposed here, and therefore in so far as this application is concerned it is not considered that land ownership has any further relevance.

6. CONCLUSION

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

7. RECOMMENDATION

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

Contact Officer: Olivia Tresise
Tel. No. 01454 863761

CONDITIONS

1. Development shall be carried out in accordance with the approved aboricultural report letter issued by Treework Environmental Practice, dated 22nd August 2016.

Reason

To protect the character and appearance of the area, to accord with saved policies H4 and L1 of the South Gloucestershire Local Plan (Adopted) January 2006 (Saved Policies) and Policies CS1 and CS9 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013.

2. Within two months of this decision, surface water drainage details including the soakaway size and storage volume, a plan indicating its location within the site along with any associated pipes and features, details of pipe size used and invert levels for all features making up the drainage system, and the result of the infiltration test to confirm that this is an acceptable option shall be submitted to the Local Planning Authority for approval. Development shall be carried out in accordance with the approved details.

Reason

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

3. The development shall be implemented in accordance with the details in the approved CON29M Residential Mining Report dated 4 August 2016.

Reason

To ensure that in the event of the land being unstable, it is suitably stabilised to build on. To accord with Policy CS9 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013.

4. All off-street parking facilities including the existing garages shown on the plan 1389-04F shall only be used in association with the approved bungalow, and such facilities shall be provided and retained for such purposes thereafter.

Reason

To ensure satisfactory provision of parking facilities in the interest of highway safety and the amenity of the area. To accord with saved Policies T7 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006 (Saved Policies), Policy CS8 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013, and the Council's Residential Parking Standard SPD (Adopted) 2013.

5. Within two months of this decision, the off-street parking facilities, turning area and widened access for No. 53 Badminton Road, as shown on the block plan 1389-04F, which was received on 26 July 2016, shall be provided and thereafter retained for that purpose.

Reason

To ensure the satisfactory provision of parking and turning facilities and in the interest of highway safety and the amenity of the area. To accord with saved policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006 (Saved Policies), policy CS8 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 and the Council's Residential Parking Standard SPD (Adopted) 2013.

6. Within two months of this decision, the footpath linking the new dwelling with Badminton Road, shown on the approved plan 1389-04 A, which was received by the Council on 26 July 2016, shall be completed and provided and thereafter retained for that purpose.

Reason

In the interests of highway safety and to accord with saved policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006 (Saved Policies).

7. The hours of working on site during the period of construction shall be restricted to 08:00 to 18:00 from Monday to Friday; 09:00 to 13:00 Saturdays; and no working shall take place on Sundays or Public Holidays. The term 'working' shall, for the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery, deliveries to the site, and the movement of vehicles within the curtilage of the site.

Reason

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with saved policies H4 of the South Gloucestershire Local Plan (Adopted) January 2006 (Saved Policies) and policy CS9 of the South Gloucestershire Local Plan Core Strategy (Adopted) January 2013.

CIRCULATED SCHEDULE NO. 47/16 – 25 NOVEMBER 2016

App No.:	PK16/3214/F	Applicant:	Mr J Bartram
Site:	Little Shortwood Farm Wickwar Road Yate South Gloucestershire BS37 6PA	Date Reg:	15th July 2016
Proposal:	Erection of a building for storage and indoor training facilities in respect of existing dog training business (sui generis).	Parish:	Wickwar Parish Council
Map Ref:	372881 186325	Ward:	Ladden Brook
Application Category:	Minor	Target Date:	6th September 2016



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N.T.S.

PK16/3214/F

REASON FOR SUBMISSION TO THE CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 This application seeks planning permission for the erection of a barn-like building. The proposed building would be used for storage and indoor training for the existing dog training business at the site. The existing dog training business was granted planning permission at the site in March 2008 (planning ref. PK08/0249/F).
- 1.2 The application site is Little Shortwood Farm situated between Yate and Wickwar within the open countryside, but outside of the Green Belt or an Area of Outstanding Natural Beauty.

2. POLICY CONTEXT

2.1 National Guidance

NPPF	National Planning Policy Framework March 2012
PPG	Planning Practice Guidance

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1	High Quality Design
CS5	Location of Development
CS8	Improving Accessibility
CS9	Managing the Environment and Heritage
CS11	Distribution of Economic Development Land
CS34	Rural Areas

South Gloucestershire Local Plan Adopted January 2006 Saved Policies

L1	Landscape
T12	Transportation Development Control Policy for New Development
E6	Employment Development in the Countryside
LC12	Recreational Routes

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

PSP1	Local Distinctiveness
PSP2	Landscape
PSP8	Residential Amenity
PSP11	Transport Impact Management
PSP16	Parking Standards
PSP28	Rural Economy

At the Council meeting on 29 June 2016, Members determined the next steps for the Policies, Sites and Places (PSP) Plan. Formal consultation on the PSP plan (in accordance with Regulations 19, 20 and 35 of the Town and Country Planning (Local Planning – England Regulations 2012) took place from 21 July

– 8 September 2016. The next stage for the PSP plan is submission to the Secretary of State, with adoption expected in May 2017.

2.3 Supplementary Planning Guidance

Residential Parking Standard SPD (Adopted) December 2013

South Gloucestershire Design Checklist SPD (Adopted) August 2007

3. RELEVANT PLANNING HISTORY

3.1 PK16/6235/F Pending Determination
Erection of side porch (Retrospective). Erection of a side conservatory.

3.2 PK16/3622/F Approve with Conditions 27/07/2016
Erection of single storey rear extension to form additional living accommodation.

3.3 PK08/0249/F Approve with Conditions 07/03/2008
Change of use of agricultural land to land used for the training and exercising of dogs (sui-generis) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended) (Retrospective). Change of use of agricultural land to residential curtilage.

Relevant Conditions:

Cond. 3:

Dog Training and exercising shall be restricted to the following hours; Monday to Friday 10.00 to 20.30 hours

Saturday/Sunday/Bank Holidays 10.00 to 1600 hours

Reason

To safeguard the amenity of the locality, and to accord with Policy EP1 of the South Gloucestershire Local Plan (Adopted) January 2006.

Cond. 6:

The number of dogs attending classes or any events at the site shall at no time exceed 10 in number.

Reason

To restrict the number of vehicles movements in the interests of highway safety, and to accord with Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

4. CONSULTATION RESPONSES

4.1 Wickwar Parish Council
No objections.

4.2 Sustainable Transport
No objection in principle given the use of the site. The training facility was originally permitted subject to a condition intended to limit trip generation, this condition stated that the maximum number of dogs at the site should not

exceed 10 in number, this condition should be retained. A further condition is recommended to prevent the site being used for a separate class at the same time as a class is occurring in the open air training area – the premise of the condition is to prevent the facility from holding more than one class at once.

4.3 Environmental Protection

No adverse comments.

4.4 Highway Structures

No comment.

4.5 Lead Local Flood Authority

No objection, but an informative note regarding land drainage consent is recommended. In the event of approval, such a note would be added.

4.6 Public Right of Way

Public right of way LYA/24 runs adjacent to the proposed unit, the construction of the building may therefore impact upon the public right of way, a number of informative notes are therefore suggested.

4.7 Landscape Officer

No landscape objections, the site is relatively secluded with high hedges and hedgerow trees to the west and east. The south west corner of the building is in close proximity to a hedgerow tree, a tree survey/report is therefore required.

4.8 Ecology Officer

No objections subject to a condition requiring a method statement to be submitted regarding the sensitive clearance of the site where the building will be located.

4.9 Tree Officer

No objection provided the development is carried out in accordance with the submitted report.

Other Representations

4.10 Local Residents

A letter from a member of the public has been received in response to this application. The letter was in objection to the application, such comments are summarised below:

- No notification was received (immediate neighbour – Shortwood Farm);
- The building will encourage more dog training and customers;
- The site sits in an ONB;
- Visitors to the site have to drive on a single track lane which is owned by the occupiers of Shortwood Farm, rather than the dog training business;
- Traffic problems resulting from the development as well as the existing use;
- Noise from dogs;
- Conditions of existing planning permission regularly breached;
- The construction cost of the building will warrant an intensification of the use, which will in turn have noise and traffic impacts.

- 4.11 Shortwood Farm is located to east of the application site, the main residential building is understood to be approximately 337 metre to the east, although in 2015 it is understood that a barn was permitted to change use to a residential dwelling, this unit is approximately 283 metres from the application site. The application site utilises the same access road as Shortwood Farm – Birds Bush Lane.

5. ANALYSIS OF PROPOSAL

- 5.1 This application seeks planning permission for the erection of a building to provide storage and an indoor training facility in association with an existing dog training business. The application site is within the open countryside.
- 5.2 Principle of Development
Paragraph 28 of the NPPF states that planning policies should support sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well-designed new buildings. In keeping with paragraph 28 of the NPPF, policy CS34 of the adopted Core Strategy is relatively supportive appropriate employment development in rural areas.
- 5.3 Policy E6 of the adopted Local Plan stated that proposals for new employment uses outside of existing settlement boundaries will only be permitted where the proposal represents the conversion/re-use of an existing building, or the extension or intensification of existing employment generating uses. This policy specifically lists B Uses as employment generating uses. However, officers consider that as the use of a site as a dog training facility generates employment, and the proposed building is consistent with this use, the proposal therefore represents the intensification of an existing employment generating use. Policy E6 also requires that development does not have an unacceptable impact on: the environment; residential amenity; or traffic generation.
- 5.4 Emerging Policy PSP28 'Rural Economy' states that sustainable development which promotes a strong rural economy will be acceptable in rural areas. In the case of new buildings, there must be no existing suitable underused of reasonably available buildings capable of conversion at the site, officers witnessed no such building when visiting the site. Further to this, policy PSP28 requires that new buildings are necessary for the purposes for the use and clearly designed for that purpose, the design of the proposal will be assessed at a later stage of this report. The building is considered to be necessary given there are no other available and acceptable buildings at the site to provide sufficient indoor training facilities. The emerging policy also requires development to be of scale that is consistent with its function, use and location; proposals must also make an efficient use of land. Further to this, policy PSP28 supports the intensification of existing businesses in rural locations where the development is within the curtilage of an existing business which the proposal is.
- 5.5 The proposal is acceptable in principle subject to the considerations set out within this section.

5.6 Design and Landscape

The proposal is located appropriately to the north of an existing building and to the south of a dog training arena, with a hedgerow to the west and a footpath and further hedgerow to the east. The proposal has a pitched roof with a maximum height of 5.2 metres (3.5 metres from ground level to eaves); a length of 32 metres and wither of 12.2 metres. The proposal will have the appearance of a modern farm building with timber boarding elevations based on blockwork, and steel corrugated metal roofing which is green in appearance. The proposal will have one steel sliding door.

- 5.7 The proposal requires a relatively large internal space to provide indoor dog training, in this way the scale of the floor space proposed is acceptable with the use of the site in mind. Further to this, due to the low pitch of the roof the proposal's scale is acceptable, the building is also afforded screening from views from the west due to the existing mature hedgerow. No immediate screening is afforded to the other elevations of the building, however, this is not considered to be a reason to refuse the proposal given the secluded nature of the site.

- 5.8 Overall, the development is not considered to be harmful to the character of the area or landscape.

5.9 Residential Amenity

The nearest residential dwelling is approximately 60 metres to the south of the proposed building, this is understood to be within the same ownership as the dog training business. Given the fact that dogs can be lawfully trained in the same position as the proposed building, officers do not find that the occupiers of this residential dwelling will be materially harmed. Officers note comments received from a resident who lives approximately over 280 metres to the east. Given the distance, and the nature of the proposal, it is unlikely that this development will give rise to a materially harmful impact to the residential amenity of Shortwood Farm, or any nearby residential occupiers.

5.10 Transport and Parking

Condition 6 of planning ref. PK08/0249/F states:

The number of dogs attending classes or any events at the site shall at no time exceed 10 in number.

- 5.11 This condition covers the whole site, not just the application building. For the avoidance of doubt, it is recommended that this condition is reapplied in accordance within planning permission ref. PK08/0249/F.

- 5.12 The transport officer has stated concern suggesting that the condition could allow for a number of classes at once, resulting in excess of 10 dogs, giving rise to highway safety issues. Officers have reviewed the condition, and whilst the wording could be said to be confusing, the condition would limit the number of dogs at the site at one time to 10.

As such the concerns of the transportation officer do not warrant a new re-worded condition as requested by the transport officer, rather as stated above

condition 6 of the planning ref. PK08/0249/F will be reapplied and re-worded in relation to the condition applying to not just the proposed building, but the whole site.

- 5.13 Officers note the concerns of a nearby resident with regard to the number of customers visiting the application site resulting congestion and highway safety impacts on Birds Bush Lane. The number of customers visiting the site is not expected to materially increase as a result of this development. Further to this, the extant planning permission at the site does not limit the number of customers utilising the site, apart from the number of dogs utilising the site at one time. With this in mind, the fall-back position for the site is that the number of customers is not limited, apart from the number of dogs allowed on site at one time. Accordingly, officers do not find that the development will materially harm the amenity of Birds Bush Lane.

- 5.14 Overall, the proposal is likely to improve facilitates at the site, rather than increase visitor numbers. Accordingly, the development is acceptable in highway safety terms.

5.15 Ecology

A section of the building proposed will be constructed on rough grassland. Whilst the Council's Ecology Officer has no ecological objection to the proposal, the officer has requested that the following condition is imposed in the case of planning permission being granted:

That prior to development commencing, a method statement for the sensitive clearance of vegetation from the site to avoid harm to reptiles and hedgehog should be drawn up and agreed with the Council in writing. All works are to be carried out in accordance with said statement.

- 5.16 Planning consent ref. PK08/0249/F permits the training and exercising of dogs in the location where the proposal will be situated. Further to this, there are no conditions on this planning permission to restrict the maintenance of this grassland through cutting or clearing the grass. Accordingly, regardless of this planning permission, the grassland could be cleared without the need for any form of permission from the Local Planning Authority. With this in mind, officers find it unreasonable to request a method statement for the clearance of vegetation, as the statement would be excessive when compared to the scale of the development and the fall-back position at the site. An informative note will be added to the decision notice to alert the applicant to potential presence of reptiles and hedgehog.

5.17 Public Right of Way

A public right of way runs adjacent to the application site on the eastern side. The amenity of this route is unlikely to be materially harmed as a result of this development. An informative note will be added to any positive decision notice in order alert the applicant to the relevant restrictions associated with public right of ways.

5.18 Trees and Hedgerows

As mentioned within the Design and Landscape section, the hedgerows and trees at the site form an important screen which is an attractive feature of the site. The applicant has submitted an arboricultural report to assess the potential impact of the construction of the proposed building. The report includes a number of recommendations in order to protect the hedgerow and trees at the site, the Council's Arboricultural Officers has stated that the submitted protection measures are acceptable in order to protect the trees and hedgerow at the site. A condition is therefore suggested to require the development to accord with the recommendations included within the submitted Arboricultural report.

5.19 Use of the Proposed Building

The proposed building will be used for dog training and storage in connection with the existing dog training and exercising business use at the site. In order to ensure that this building will only be used as such, a condition is suggested that requires the building to operate in an ancillary manner to the training and exercising of dogs at the application.

5.20 Operating Hours

Condition 3 of planning ref. PK08/0249/F states:

Dog Training and exercising shall be restricted to the following hours; Monday to Friday 10.00 to 20.30 hours

Saturday/Sunday/Bank Holidays 10.00 to 1600 hours.

5.21 For the avoidance of doubt, this condition is recommended in order to ensure the proposed building operates in accordance with the existing planning permission for the use of the land, and also in the interests of the amenity of the locality. Officers also note that the submission includes no suggested operating hours which officers would expect should the applicant or agent have specific operating hours in mind.

5.22 Planning Balance

The proposed building has been assessed and has been found to represent sustainable development that aids an employment generating business within a rural area, this attracts significant weight in favour of approving this development. No adverse harm has been found to result from this development.

5.23 Other Matters

Officers note comments from the occupier of Shortwood Farm. The occupier suggests they were not consulted, this is correct. This member of the public was not notified of the proposal as the Council's Statement of Community Involvement (SCI) does not require the Council to do so. However, a site notice was erected at the site which advertised the proposal sufficiently. With this in mind, officers find that the application was consulted on correctly meaning no members of the public were prejudiced by the Council's method of consultation for this application.

5.24 The ownership of the Birds Bush Lane has been questioned, the application site gains access from this lane. The lane appears to serve at least 6

properties, and has served the application site's business since at least 2008. Officers do not consider this to be an issue give the fact that the access lane was considered to be acceptable when planning permission was granted at the site in 2008.

- 5.25 A member of the public has also raised issue with conditions of the previous planning permission at the site being breached by the applicant. This is not a matter for consideration within this application, should there be a suspected breach in the previous planning permission, the Council's planning enforcement team is the correct Council department/team to contact.

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/and on the decision notice.

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. The development hereby approved shall be carried out in strict accordance with the protection measures contained within the submitted Arboricultural Report prepared by Silverback arboricultural consultancy ltd, dated November 2016.

Reason

In interests of the health of trees and hedgerow at the application site and also with regard to the visual amenity and character of the area; and to accord with Policy L1 of the South Gloucestershire Local Plan (Adopted) January 2006; and Policies CS1, CS9 and CS34 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013.

3. The building hereby approved shall only operate in an ancillary manner to the training and exercising of dogs at the site known as Little Shortwood Farm.

Reason

To provide the Local Planning Authority with an opportunity in future to assess any potential new use of the building, and to accord with Policies E6, T12, L1 and LC12 of the South Gloucestershire Local Plan (Adopted) January 2006; and Policies CS5, CS8, and CS34 of the South Gloucestershire Local Plan: Core Strategy (Adopted) 2013, and the provisions of the National Planning Policy Framework.

4. Dog Training and exercising within the building hereby approved, and accompanying land outlined within the blue line on the submitted Site Location Plan, 51392-01-001 A, shall be restricted to the following hours: Monday to Friday 1000 to 2030 hours
Saturday/Sunday/Bank Holidays 10.00 to 1600 hours.

Reason

To safeguard the amenity of the locality and to remain consistent with planning permission ref. PK08/0249/F. Further to this, the condition is necessary in order to accord with Policy E6 of the South Gloucestershire Local Plan (Adopted) January 2006; and Policy CS34 of the South Gloucestershire Local Plan: Core Strategy (Adopted) 2013, and the provisions of the National Planning Policy Framework.

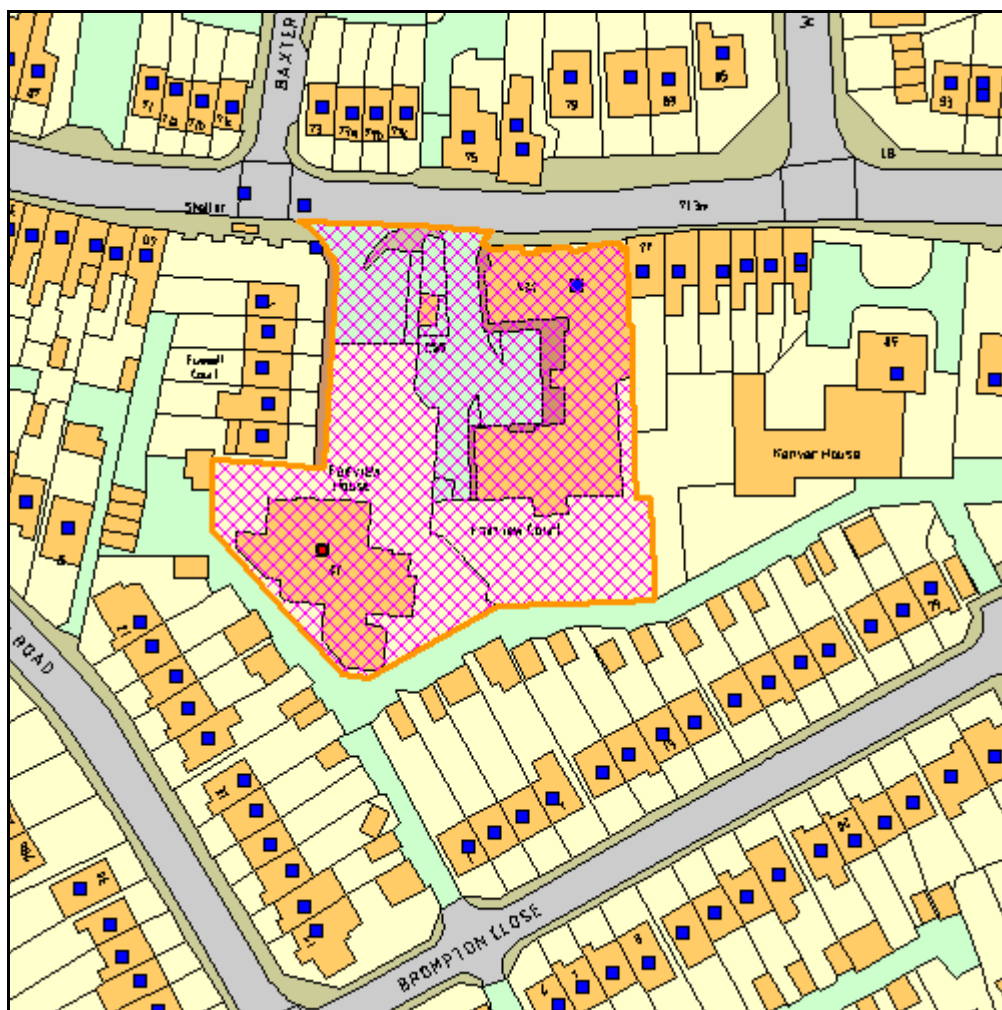
5. The number of dogs attending classes or any events at the site shall at no time exceed 10 in number. For the avoidance of doubt, with this condition in mind, site is determined to include the building hereby approved and the accompanying land outlined within the blue line on the submitted Site Location Plan, 51392-01-001 A.

Reason

To restrict the number of vehicles movements in the interests of highway safety and to remain consistent with planning permission ref. PK08/0249/F. Further to this, the condition is necessary in order to accord with Policies E6 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006; and Policies CS8 and CS34 of the South Gloucestershire Local Plan: Core Strategy (Adopted) 2013, and the provisions of the National Planning Policy Framework.

CIRCULATED SCHEDULE NO. 47/16 – 25 NOVEMBER 2016

App No.:	PK16/4837/F	Applicant:	Linksmax
Site:	Fairview House Residential Home 42 Hill Street Kingswood South Gloucestershire BS15 4ES	Date Reg:	30th August 2016
Proposal:	Partial demolition of existing care home and erection of two storey and single storey extensions to create six additional bedrooms.	Parish:	None
Map Ref:	365951 173625	Ward:	Woodstock
Application Category:	Minor	Target Date:	21st October 2016



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PK16/4837/F

1. THE PROPOSAL

- 1.1 This application seeks planning permission for a partial demolition of existing care home, Fairview House, and the erection of two storey and single storey extensions to create six additional bedrooms at the host building and to create a single storey structure linking the adjacent Fairview Court, which is also a residential care home. During the course of the application, a revised plan has been submitted to address officers' concerns regarding the design of the proposed two storey side extension. Furthermore, additional information has been submitted regarding the number of employee and the parking arrangement of both sites. The applicant also submitted an updated Coal Mining Risk Assessment to address the Coal Authority comments. All these details are considered acceptable.
- 1.2 Fairview House and Fairview Court are located within the urban area of Kingswood. Fairview House is a locally listed building and the protected Yew tree and Cedar tree are located in proximity to the proposed extensions.
- 1.3 The proposed two storey side extension would be approximately 4.5 metres wide to largely replace the existing two storey structure and there would be a two storey rear extension, which is approximately 7.5 metres deep. Both extensions would have a flat roof. The side extension and the rear extension would be approximate 7.2 metres and 6.2 metres in height respectively. There would be a number of single storey extensions between Fairview House and Fairview Court.
- 1.4 There are proposed alterations to the internal layout of the host building and it is considered that these alterations would not require planning permission.

2. POLICY CONTEXT

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

South Gloucestershire Local Plan Core Strategy Adopted December 2013
CS1 High Quality Design
CS4A Presumption in Favour of Sustainable Development
CS5 Location of Development
CS8 Improving Accessibility
CS20 Extra Care Housing

South Gloucestershire Local Plan Adopted January 2006 Saved Policies
T12 Transportation
- 2.3 Supplementary Planning Guidance
Residential Parking Standard SPD (Adopted) December 2013
South Gloucestershire Design Checklist SPD (Adopted) August 2007

3. RELEVANT PLANNING HISTORY

- 3.1 PK15/2427/F Erection of single storey extension to east elevation. Approved 06.08.2015.
- 3.2 PK06/2985/F Installation of roof mounted extraction units to existing nursing home (retrospective application). Approved 29.10.07
- 3.3 K5608/1 Single storey rear extension and first floor side extension to provide 21 bed nursing home. Refused 06.06.88
- 3.4 K5608/3 Provision of fire escape to rear of nursing home. Withdrawn 24.07.89
- 3.5 K5608 Change of use to 16 bed residential institution (Class A2) alterations and extensions. Approved 07.12.87
- 3.6 K5608/2 Alterations and additions to provide nursing home. Approved 04.08.88

Planning History for the adjacent site (Fairview Court Care Home)

- 3.7 K4915/6 Erection of 48-bed nursing home. Approved 20.11.1995

4. CONSULTATION RESPONSES

- 4.1 Parish Council
The application site is within an area with no parish.
- 4.2 The Coal Authority
The applicant is now supported by a new Coal Mining Risk Assessment dated 26 October 2016 and prepared by GRM Development Solutions. The Coal Authority considers that the content and conclusions of the Coal Mining Risk Assessment Report are sufficient for the purposes of the planning system and meets the requirements of the NPPF in demonstrating that the application site is, or can be made, safe and stable for the proposed development. The Coal Authority therefore withdraws its objection to the proposed development.
- 4.3 Highway Structures
No comments, but advised that there is retaining wall along Fussell Court.
- 4.4 Conservation Officer
No objection.
- 4.5 Arboricultural Officer
No objection provided that the development is carried out in accordance with the submitted Arboricultural Report.
- 4.6 Sustainable Transport
No objection.

- 4.7 Lead Local Flood Authority
No comment.

Other Representations

4.8 Local Residents

Three letters of objection have been received and the residents' concern are summarised as follows: (Full comments are available in the Council website)

- Completely out of character with the main Georgian building.
- Parking is a massive issue at any given time of day with residents relatives and care staff. This tiny cul-de-sac can barely cope with parking as it is.
- The heavy plant machinery and workforce involved in demolition and construction would do little to resolve parking issues
- Fail to see how all this upheaval could possibly improve nursing home residents quality of life or make a lot of differences
- The new extension is invasive and overlook my garden
- Where exactly will the machinery need to gain access to commence the demolition and building of the new building etc.?
- What types of residents will be occupying the new rooms, I am assuming that this has been carefully considered as not create any additional disturbance?
- There is no rear access to Fairview House, the lane at the back is private for the use of residents in Brampton Close, Fairview Road and the terraced houses in Fussell Court. The lane needs to be kept clear at all time. It is also recently resurfaced and heavy lorry using it cause it to break up
- What is the proposed route of access?
- If two homes share facilities, will it cause more disturbance from Fairview House, and what facilities are likely to be shared.

5. ANALYSIS OF PROPOSAL

- 5.1 This application seeks planning permission for a side extension to an existing residential care home to form an office ancillary to the existing nursing home.

5.2 Principle of Development

Policy CS23 of the South Gloucestershire Core Strategy (adopted December 2013) supports extended or enhanced community infrastructure. The proposal is to provide additional six bedrooms on the established health care facilities, therefore some weight should be given to support the proposal as the proposal would meet the needs of mixed communities.

Policy CS1 'High Quality Design' of the South Gloucestershire Core Strategy (adopted December 2013) states development proposals will only be permitted if the highest possible standards of site planning and design are achieved. Meaning developments should demonstrate that they: would enhance and respect the character, distinctiveness and amenity of the site and its context; have an appropriate density and well integrated layout connecting the

development to wider transport networks; safeguard and enhance important existing features through incorporation into development; and contribute to strategic objectives.

5.3 Design and Visual amenity

The proposal is to erect a number of extensions including a two-storey extension to side and the rear of Fairview House Residential Home, which is a locally listed building, and single storey extensions to provide additional rooms and a link to the adjacent building, Fairview Court Care Home.

Part of the proposal is also to demolish part of the existing structures to make way for the development. Although the property is a locally listed building, the existing extensions have little contribution to the character or appearance of the host building, therefore there is no objection to the proposed demolition.

Fairview House Residential House is a Victorian building has an interesting and attractive composition of pennant stone elevations embellished with freestone dressings. Compared to the simplicity of a the prevailing domestic architecture in the immediate context, this building was clearly one of status and the first OS map shows an extensive curtilage with formal entrance from Hill Street which has sadly been lost through modern development encroaching into this area.

The significance of this locally listed building can be considered to be drawn from the appearance of the principal elevation (north facing) and the contribution it makes to the character and distinctiveness of the locality.

Officers acknowledge residents' concerns regarding the design and scale of the proposed extensions. During the course of the application, a revised plan has been submitted to make changes on the detailed design and external wall materials on the front elevation of the proposed two-storey side extension.

In most instances flat-roofed extensions are not considered to be appropriate as a matter of principle, but in this case the proposed flat roof and modern design would give a visual break from the traditional appearance to allow the historic architectural features to be dominant on the host building. Officers therefore consider that such design approach is acceptable as it would add interesting additions to this building.

Whilst the proposed extensions are large in scale, the revised proposal has been carefully designed to preserve the historic character of the host dwelling by lowering the eaves height and replicating the design of the fenestration. In this instance, it is considered that the proposal would be acceptable subject to conditions seeking appropriate external materials and detailing.

5.4 Residential Amenity

The proposal comprises an erection of two-storey side extension (west wing), a two-storey rear extension, a number of single storey extensions including a link to the adjacent building Fairview Court. The site is wrapped around by residential properties and the nearest residential properties are those in Fussell Court, Brompton Close and Fairview Road. The host building is situated on a higher ground level.

Regarding the proposed single storey extensions, they would replace the existing single storey elements and construct new extensions to provide an additional six bedrooms, a secondary kitchen and a corridor to link to the adjacent Fairview Court nursing home. Given that the structures would be single storey and the projection would only be closer to the rear access lane and the neighbouring garages along Brampton Close, it is considered that the proposed single storey would not cause unreasonable overbearing or overlooking impact upon the neighbouring properties.

Regarding the proposed two storey side extension, it would replace the existing structure, which has three blocked up dormers windows. Although there would be a number of windows on the first floor of the west elevation, it is considered that these windows would not cause significant overlooking issues given these windows would be largely overlooking the adjacent garage blocks.

Regarding the proposed two storey rear extension, it would be approximately 7.5 metres deep and there would be two bedrooms, two small high-level windows, and a fire escape staircase on the first floor level on the rear elevation. The proposed extension would be approximately 18 metres away from the rear elevation of the nearest properties along Fairview Road and would be situated at an angle to the neighbouring properties. Whilst the proposal is large in scale and would cause a degree of overlooking to the neighbouring properties, it is considered that such adverse impact would not be so significant as to be detrimental to the living conditions of the neighbouring properties given the siting to the neighbouring properties and its urban location.

The proposal would increase the number of bedrooms and create a link between two residential homes. Given the existing use of both buildings and the small increase in the number of the bedrooms, it is considered that the potential increase in noise would not cause material adverse impact upon the neighbouring residents over the existing situation.

5.5 Ancillary Use

By nature of the scale of the extensions and its intimate relationship with the two residential homes, the case officer is satisfied that the proposed extension would have an ancillary relationship to the main residential home, and will not manifest into a separate planning unit.

5.6 Transport and Parking

Regarding the transportation impact upon the locality, concerns are raised regarding the parking issues and the impact upon the locality during the construction and demolition period.

The application is seeking partial demolition of an existing building and for the construction of a replacement one, and two storey extension structure to Fairview House Care Home. It further proposes to provide a physical link with the neighbouring Fairview Court Care Home, which is under the same ownership, allowing the two Homes (i.e. Fairview House Care home and Fairview Court Care Home) to share resources more effectively. The proposal would result in net additional six bedrooms in this Care-Home.

In terms of traffic movement, it must be noted that the residents of the care home have no access to cars and therefore they do not drive. Information submitted by the applicant confirms that the number of staff working at this Care-Home would not be increased as part of this application. Whilst there may be some additional visitors as the result of extra six bedrooms on site, overall, the transportation officer is satisfied that traffic movements to and from the site will not be changed significantly.

With regard to parking, the proposed development will not significantly alter the way in which people travel to and from the two Care Homes. Across the two homes, there are total of 20 parking spaces which includes 7 disabled parking spaces, 2 spaces for light goods vehicles and 8 bicycle parking bays. Information provided by the applicant suggests that the majority of the staff live within the local vicinity and either walk or travel by bus to work. A very small number drive to the site and use approximately eight of the car parking spaces in Fairview Court and four of the spaces in Fairview House. This still leaves eight car parking spaces available for visitors to the Care Homes. With this in mind, it is concluded that existing level of parking on site is acceptable and is in line with the Council's [maximum] parking standards.

Additionally, it must be noted that Kingswood is already well served by bus routes and has a number of central stops within walking distance from the application site. Pedestrian and cycle routes in the area are also good making the site accessible by alternative means of travelling than the means of private cars.

In view of the above mentioned therefore, there is no highway objection to this proposal. Regarding the issues during the demolition and construction period, officers consider that it would be necessary to impose a condition seeking a detailed construction management plan of the proposal to safeguard the amenity of the neighbouring residents.

5.7 Arboricultural Issues

The proposed extension would be in close proximity to existing protected trees and the Council Arboricultural Officer has been consulted. An arboricultural report has been submitted with the proposal. Officers consider that the submitted details are acceptable, therefore there is no arboricultural objection to the proposed extensions subject to a condition to ensure that the development to be carried out in accordance with the submitted Arboricultural Report in order to protect the existing trees from an accidental damage during the construction of the development.

5.8 Coal Mining Issues

The Coal Authority originally objected the proposal as the submitted details are inaccurate. To address the concerns a new Coal Mining Risk Assessment dated 26 October 2016 has been submitted. The Authority considers that the content and conclusions of the Report are sufficient to address the concerns. Therefore there is no 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 It is recommended that planning permission is **GRANTED** subject to the following conditions.

Contact Officer: Olivia Tresise
Tel. No. 01454 863761

CONDITIONS

1. Time Limit for Implementation

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. List of approved plans

Development shall be carried out in accordance with the following plans:

Site location plan, Existing and Proposed block plans, Existing Elevations and Floor Plans received by the Council on 25 August 2016, and Revised Proposal Elevations and Floor Plans received by the Council on 24 October 2016.

Reason

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

3. Construction Management Plan

Prior to the commencement of the development hereby approved a site specific Construction Environmental Management Plan (CEMP) shall be agreed in writing with the Local Planning Authority. The development shall be carried out in accordance with the agreed details.

For the avoidance of doubt, the CEMP shall address the following matters:

- (i) Procedures for maintaining good public relations including complaint management and public consultation
- (ii) Mitigation measures as defined in the British Standard BS 5228: Parts 1 and 2 Noise and Vibration Control on Construction and Open Sites shall be used to minimise noise disturbance. Piling will not be undertaken and Best Practice alongside the application of BS 5228 shall be agreed with the LPA.
- (iv) The use of a Considerate Contractors or similar regime for the site induction of the workforce highlighting pollution prevention and awareness.
- (v) Measures to control the tracking of mud off-site from vehicles.
- (vi) Measures to control dust from the demolition and construction works approved.
- (vi) Adequate provision of fuel oil storage, landing, delivery and use, and how any spillage can be dealt with and contained.
- (vii) Adequate provision for the delivery and storage of materials.
- (viii) Adequate provision for contractor parking.

Reasons:

- a. This is a pre-commencement condition in order to avoid any unnecessary remedial works in the future.
- b. In the interests of the residential amenity of neighbouring occupiers and to accord with Policy CS9 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013.

4. Large Scale Drawings of Detailing

Prior to the commencement of the relevant part of the development, the detailed design of the following terms shall be submitted and approved in writing by the local planning authority. Development shall be implemented in accordance with the approved details.

- a. Eaves
- b. Verges
- c. All new windows and fixed glazing (including framing, cill and head details)
- d. All new doors
- e. Vents and flues
- f. Details of roof construction if a secondary roof covering is required.

Reason

To ensure a satisfactory standard of external appearance and in the historic interests of the building. All in accordance with the provisions of the National Planning Policy Framework, the accompanying practice guide, and Policy CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013).

5. Samples of External Materials

Prior to the commencement of the relevant part of the development, details/samples 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 in the historic interests of the building. All in accordance with the provisions of the National Planning Policy Framework, the accompanying practice guide, and Policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013.

6. Work around the protected trees

Development hereby approved shall be carried out in accordance with the Arboricultural Report prepared by Alan J Engley and Associates dated July 2016.

Reason

To ensure the works are carried out in an appropriate manner and in the interests of the health and visual amenity of the tree, and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and saved Policy L1 of the South Gloucestershire Local Plan (Adopted) January 2006.

7. Construction Hours

The hours of working on site during the period of construction shall be restricted to 07.30am to 18.00pm Mondays to Fridays, and 08.00am to 13.00pm 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 neighbouring occupiers and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; and the National Planning Policy Framework.

8. Obscured Glazed

Prior to the use or occupation of the extensions hereby permitted, and at all times thereafter, the proposed first floor bathroom / shower room windows on the west elevation, which are shown the submitted plans, 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, and the proposed high level windows on the first floor rear elevation shall be strictly carried out in accordance with the approved drawings.

Reason

To protect the privacy and amenity of neighbouring occupiers, and to accord with Policy CS1 of the South Gloucestershire Local Plan (Adopted) January 2006; and the National Planning Policy Framework.

CIRCULATED SCHEDULE NO. 47/16 – 25 NOVEMBER 2016

App No.:	PK16/5101/CLE	Applicant:	Mr Ian Brown
Site:	Henfield Barn The Hollows Coalpit Heath South Gloucestershire BS36 2UU	Date Reg:	12th September 2016
Proposal:	Application for a certificate of lawfulness, for the renovation of a former agricultural barn (Building A) to facilitate the existing use of the building as a self-contained residential dwelling; and change of use of associated land to residential curtilage.	Parish:	Westerleigh Parish Council
Map Ref:	367456 178908	Ward:	Westerleigh
Application Category:	Certificate of Lawfulness	Target Date:	2nd November 2016



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N.T.S.

PK16/5101/CLE

REASON FOR REPORTING TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 The application comprises a Certificate of Lawfulness submitted under Section 191 (1) of the Town and Country Planning Act 1990 as amended by S.10 of the Planning and Compensation Act 1991 in respect of a former agricultural building i.e. the building known as Building A and its associated courtyard.
- 1.2 The application relates to a single-storey building lying in the north-eastern corner of the site of Henfield Barn, located on the northern side of The Hollows, Coalpit Heath.
- 1.3 The applicant submits that the building known as Building A but also referred to as The Annex, was converted to a separate dwelling and first occupied by the applicant Mr Ian Brown, in 2004.
- 1.4 The applicant submits that Building A has in fact been occupied by himself and members of his family, as a separate residential dwelling, in breach of planning control, for a continuous period in excess of 4 years.
- 1.5 The applicant also states that the area of land to the west enclosed by the courtyard, edged red on the submitted Location Plan, has served as a residential curtilage and been used in connection with the occupation of Building A as a separate dwelling for more than 10 years.
- 1.6 In order to regularise the breach of planning control, the applicant seeks a Certificate of Lawful Existing Use for both the works to convert the building and the use of the building as a separate dwelling (4 years) and use of the land to the west as associated curtilage (10 years).

2. POLICY CONTEXT

- 2.1 National Guidance
Town and Country Planning Act 1990: Section 191
Town and Country Planning (Development Management Procedure) (England) 2015
Town and Country Planning (Use Classes) Order 1987 (as amended).
The Planning Practice Guidance March 2014
- 2.2 Development Plans
The application is for a Certificate of Lawfulness for the renovation of and existing use of a former agricultural barn as a separately occupied and independent unit of residential accommodation and use of the land to the west of the building as residential garden. The application therefore seeks to demonstrate that the building has been used as a separately occupied dwelling for a period in excess of four years prior to the date of submission (i.e. since 7th Sept. 2012) and that the land to the west edged red on the Location Plan

has been used as residential curtilage in excess of 10 years prior to the date of submission (i.e. since 7th Sept. 2006).

3. RELEVANT PLANNING HISTORY

- 3.1 P97/1043 - Conversion of agricultural building to one dwelling, garage and store, construction of vehicular access and driveway to serve existing farm and dwelling.
Approved 9th July 1997
This permission relates to the main dwelling Henfield Barn.
- 3.2 PT00/1475/F - Conversion of barn into two-storey dwelling house and retention of outbuildings for garages and store.
Approved 9th August 2000
This permission relates to the main dwelling house Henfield Barn but makes reference to the retention of outbuildings for garage and store, which includes Building A.
- 3.3 PT00/2527/F - Conversion of barn into dwelling, retention of outbuildings for garages and store.
Approved 8th November 2000
This permission again relates to the main dwelling house Henfield Barn but also makes reference to the retention of outbuildings for garage and store, which includes Building A.
- 3.4 PT01/0608/F - Erection of detached double garage/workshop and garden store. Erection of storage building attached to main dwelling by covered walkway. Erection of stone boundary wall.
Approved 26th July 2001
This application related specifically to Building A and related to the conversion of the building to a double garage and workshop.

A series of later applications all relate to the main house Henfield Barn

4. SUMMARY OF EVIDENCE SUBMITTED IN SUPPORT OF THE APPLICATION

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

1. Statutory Declaration of Ian Brown of The Annex, Henfield Barn, The Hollows, Coalpit Heath, Bristol BS36 2UU signed 25th August 2016. Mr Brown states that:
 - I am the owner of the freehold property known as Henfield Barn, The Hollows, Coalpit Heath, Bristol, BS36 2UU, which is registered at the Land Registry under title number GR229165.
 - I purchased the property in 2000 and have owned the property since that date.
 - I have resided in the dwelling on the site known as The Annex.
 - Upon purchase of the property, the building shown on the marked up copy of the title plan as Building A was in situ and derelict, having been used for agricultural purposes.
 - The building is understood to pre-date 1948.

- Planning permission was granted in 2001 (PT01/0608/F) for the conversion of the building to a double garage and workshop and the works were completed in 2002 in accordance with approved drawing no. 1246/7 Rev A.
- The change of use of the building to a self-contained residential dwelling was commenced and completed in 2004 when the building comprised a self-contained residential dwelling with ancillary ground floor storage area and garage.
- The building has been in continuous use as a self-contained residential dwelling from that date hence.
- At no point since has the building been used for agriculture or non-domestic purposes.
- Internal alterations comprising the conversion of the ancillary garage and store room were completed in February 2013.

2. Supporting Statement

The applicant's agent has submitted a Supporting Statement appended to which are the following:

- Location Plan showing Building and associated curtilage.
- Annotated aerial photograph dated 9th Sept. 2014.
- Elevations and Floor Plans Drawing No. 1246/7 approved under PT01/0608/F.
- Land Registry Title GR229165 and Plan for Henfield Barn.
- Google Aerial Photographs for 1999, 2004, 2005, 2006, 2009, 2013 and 2014.

5. SUMMARY OF CONTRARY EVIDENCE

5.1 There is no contrary evidence at all.

6. OTHER CONSULTATIONS

6.1 Local Councillors
No response

6.2 Westerleigh Parish Council
No comment

6.3 Transportation Officer
No comment

Other Representations

6.4 Local Residents
No responses

7. ASSESSMENT

7.1 S191(1) of the Town and Country Planning Act 1990 (TCPA) provides that a person may make an application to ascertain whether:

7.1.1 Any existing use of buildings or other land is lawful.

- 7.1.2 Any operations which have been carried out in, on over or under land are lawful.
- 7.1.3 Any failure to comply with any condition or other limitation subject to which planning permission was granted is lawful.
- 7.2 As there was no planning permission for the use of the building as a separate dwelling or for the use of the land to the west as residential curtilage, the relevant question is 2.1.1 as set out above. The works carried out to facilitate the use fall under 2.1.2. S191(2) TCPA sets out the grounds on which the use to be considered would be deemed lawful, including that no enforcement action could be taken either because the operation did not involve development or require planning permission or because the time for taking enforcement action had expired.
- 7.3 The time limits for taking enforcement action are set out in s171B TCPA. The period for change of use of a building to use as a dwelling house is 4 years (as also are the physical works to facilitate the change) and for a change of use of land is 10 years. There is an exception to this, set out in s171BA-BC. This applies where the breach of planning control has been concealed such that the LPA could not have been aware of the breach and taken enforcement action within the prescribed period. In such cases the LPA has six months, beginning on the date when it had sufficient evidence to apply to the Magistrates' Court for a planning enforcement order enabling it to take enforcement action against the breach.
- 7.4 Dealing with the latter point, there are no enforcement notices relating to this property.
- 7.5 The issues to be considered in this case are therefore:
- a. Were the works to the building to render it a self-contained separate unit of accommodation completed 4 years or more before 7th Sept. 2016 i.e. receipt of the application?
 - b. Has the building been occupied continuously as a separate dwelling house since that time to the present?
 - c. Has the land to the west (edged red on the Location Plan) been used as residential curtilage for 10 years consecutively before 7th Sept 2016?
 - d. Was there any attempt to conceal any aspect of the use in this case such that the LPA could apply for a planning enforcement notice?
- 7.6 The relevant test of the submitted evidence
- The onus of proof is firmly on the applicant and the relevant test of the evidence on such matters is "on the balance of probability". Advice contained in Planning Practice Guidance states that a certificate should not be refused because an applicant has failed to discharge the stricter criminal burden of proof, i.e. "beyond reasonable doubt."

Furthermore, the applicant's own evidence need not be corroborated by independent evidence in order to be accepted. If the Council has no evidence of their own, or from others, to contradict or otherwise make the applicant's version of events less than probable, there is no good reason to refuse the application, provided the applicant's evidence alone is sufficiently precise and unambiguous. The planning merits of the development are not relevant to the consideration of the purely legal issues, which are involved in determining an application. Any contradictory evidence, which makes the applicant's version of events less than probable, should be taken into account.

7.7 Hierarchy of Evidence

The evidence submitted comprises one affidavits or statutory declaration plus the Supporting Statement. Inspectors and the Secretary of State usually value and give weight to evidence in the following order of worth:-

1. Personal appearance, under oath or affirmation, by an independent witness whose evidence can be tested in cross-examination and re-examination, especially if able to link historic events to some personal event that he/she would be likely to recall.
2. Other personal appearance under oath or affirmation.
3. Verifiable photographic evidence.
4. Contemporary documentary evidence, especially if prepared for some other purpose.
5. Sworn written statements (witness statements or affidavits), which are clear as to the precise nature and extent of the use or activity at a particular time.
6. Unsworn letters as 5 above.
7. Written statements, whether sworn or not, which are not clear as to the precise nature, extent and timing of the use/activity in question.

7.8 When were the works to convert the building to a separate dwelling completed?

- 7.9 From the aerial photographic evidence submitted by the applicant and from that within the Council's own archive, officers are satisfied that the building was in-situ when the applicant purchased Henfield Barn in 2000. From the officer site visit it is confirmed that the building has all the characteristics of a separate self-contained dwelling.
- 7.10 The planning history clearly indicates an intention to convert the building to a garage and workshop in 2001. This use appears to be ancillary to the main dwelling i.e. Henfield Barn. The applicant submits that the building was converted to a separate residential dwelling in 2004 and that this is evidenced by the insertion of 5no. roof-lights in the south-west roof-slope. This statement is supported by the fact that these roof-lights appear for the first time on the 2005 photograph along with a new pitched roof.
- 7.11 Given that there is no evidence to the contrary and that the planning history and photographic evidence concur with Mr Brown's version of events, as given in a sworn statement, it is likely on the balance of probability that the works to

convert the building to a dwelling house were indeed completed in 2004 as stated, which is well before the start of the requisite 4 year period on 7th Sept. 2012.

7.12 When did the change of use of land occur?

The land in question i.e. that associated with Building A was, from the evidence submitted, originally part of the overall residential curtilage of Henfield Barn, when that barn was converted for residential use (see P97/1043). Little mention has been made in the submission as to when the curtilage was subdivided to create separate curtilages for Henfield Barn and Building A although this is implied as being in 2004 when the separate residential use began.

7.13 The aerial photographs are inconclusive because until 2013 there is no demarcation of the respective curtilages. Given that there is no real evidence to the contrary, there is no reason to disbelieve Mr Brown's version of events.

7.14 Period of occupation.

An internal investigation of the Council Tax records has proven inconclusive as it appears that Council Tax has only been paid on the site as a whole. Given the absence of any evidence to the contrary, officers are satisfied that Building A has been occupied for a period in excess of 4 years prior to the receipt of the application.

7.15 Was there Deliberate Concealment?

Although the site is reasonably remote and concealed behind high boundary treatments, there is nothing to suggest that there was any attempt to deliberately conceal the use of the building as a separate dwelling.

8. CONCLUSION

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

8.2 The evidence is primarily in the form of a sworn Statutory Declaration, which carries significant weight. There is no contradictory evidence from third parties or from the Council's own aerial photographs to make the applicant's version of events less than probable. There is sufficient evidence to suggest that the building has been used as a separate dwelling for more than 4 years prior to the receipt of this application and has been continuously occupied as a residential dwelling during that time and to the present. Furthermore there is sufficient evidence to demonstrate that the land edged in red on the submitted Location Plan has been used as residential curtilage in association with Building A for over 10 years prior to the receipt of the application.

8.3 In the absence of any contrary evidence, it is the considered view therefore that on the balance of probability the applicants have provided the evidence to support the claim.

9. **RECOMMENDATION**

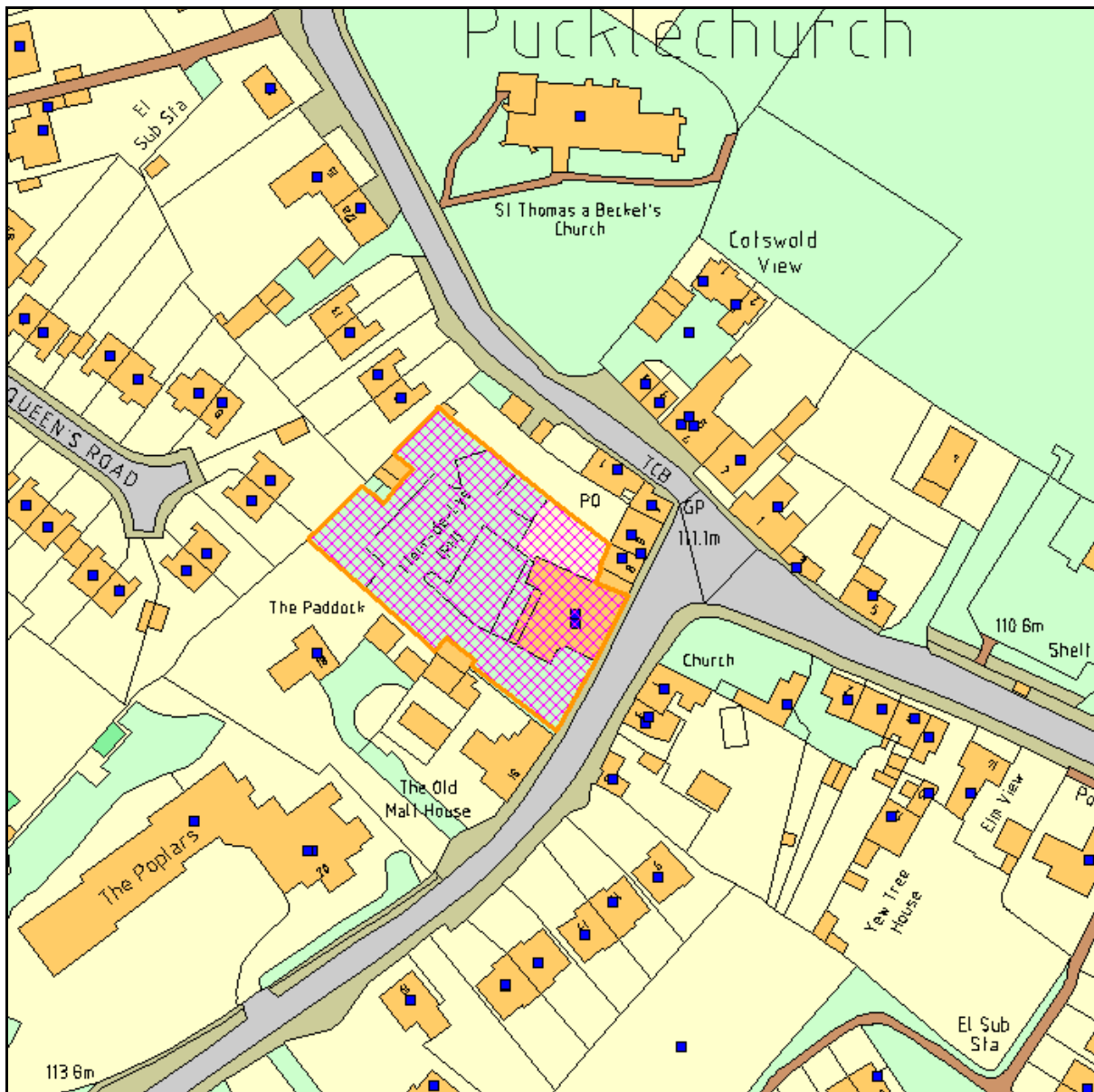
- 9.1 That a Certificate of Existing Lawful Use be GRANTED for the continued use of the building for residential (C3) purposes and use of the land as associated residential curtilage as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended) for the following reason:

Sufficient information has been submitted to demonstrate that, on the balance of probability, the building shown red on the submitted plan has been present and occupied as a separate residential dwelling house (Use Class C3) for a continuous period of 4 years or more immediately prior to the submission of the application. The land edged in red on the submitted plan has been used as associated residential curtilage for a continuous period of 10 years or more prior to the submission of the application.

Contact Officer: Roger Hemming
Tel. No. 01454 863537

CIRCULATED SCHEDULE NO. 47/16 – 25 NOVEMBER 2016

App No.:	PK16/5172/ADV	Applicant:	Ms Elisa Blackburn
Site:	Fleur De Lys 12 Shortwood Road Pucklechurch South Gloucestershire BS16 9RA	Date Reg:	17th October 2016
Proposal:	Display of various internally and externally illuminated and non illuminated advertisement signs.	Parish:	Pucklechurch Parish Council
Map Ref:	369923 176426	Ward:	Boyd Valley
Application Category:	Minor	Target Date:	8th December 2016



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PK16/5172/ADV

REASON FOR SUBMISSION TO THE CIRCULATED SCHEDULE

This application appears on the Circulated Schedule due to 2no. objections from local residents, contrary to the officers recommendation

1. THE PROPOSAL

- 1.1 The proposal seeks advertisement consent to display a number of replacement, internally and externally illuminated and non-illuminated advertisements to Fleur De Lys, a public house in Pucklechurch.
- 1.2 The public house is a historic inn which sits within the Conservation Area of Pucklechurch, and a number of listed and locally listed buildings are located nearby the application site. There are a range of existing advertisements at the public house, and this application proposes to update and replace these signs.
- 1.3 The original scheme proposed to introduce additional text to the front of the building, and text which was relatively bold and large. This was not considered appropriate, especially within the context of the Conservation Area. Accordingly, as a result of correspondence with the agent, revised plans were received 22nd November 2016, which now show the additional text omitted and a more appropriate design.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework March 2012

Planning (Listed Buildings and Conservation Areas) Act 1990

The Town and Country Planning (Control of Advertisements) (England) (Amendment) Regulations 2007

2.2 Adopted Development Plans

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

T12 Transportation

L12 Conservation Areas

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

CS14 Town Centres and Retail

2.3 Emerging Development Plan

Proposed Submission South Gloucestershire Policies, Sites and Places Plan (June 2016)

PSP1 Local Distinctiveness

PSP17 Heritage Assets and the Historic Environment

- 2.4 Supplementary Planning Guidance
Design Checklist SPD (Adopted) August 2007
Shopfronts and Advertisements SPD (Adopted) April 2012
Pucklechurch Conservation Area SPD

3. **RELEVANT PLANNING HISTORY**

Due to an extensive planning history on the application site; the most relevant applications have been selected below.

- 3.1 P98/4280/A Advert Refusal 24.08.1998
Retention of wall-mounted and free-standing fascia and directional signs
- 3.2 P98/4950/A Advert Approval 17.02.1999
Retention of wall-mounted and free-standing fascia and directional signs
- 3.3 PK10/3302/ADV Approve 20.01.2011
Display of 1no. externally illuminated hanging sign, 2no. externally illuminated wall signs and 3 no. non-illuminated directional signs. (Retrospective)

4. **CONSULTATION RESPONSES**

- 4.1 Pucklechurch Parish Council
Original Proposal
No objection
- 4.2 Conservation Officer
Original Proposal
Objection. Comments as follows;
- Advertisement is extremely bold with the use of large, capitalised lettering.
- This is compounded by use of black paint against pale background
- Excessive in scale and amount
- Muted colour scheme and restrained image would be preferred. Additional text should be removed
- Revised Proposal*
"These revisions overcome my earlier objections. I consider the impact of the revised proposal on the conservation area is neutral."
- 4.3 Sustainable Transport
Original Proposal
The advertisements will not create any highway or transportation issues, therefore no comment.

Other Representations

- 4.4 Local Residents
Original Proposal
2no. objections were received from local residents. Comments can be summarised as follows:
- Size and colour of text would impact on character of conservation area

- Intrusive in streetscene
- Concerns regarding additional text proposed to front of building

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 state that a local planning authority shall exercise its powers under these Regulations in the interests of amenity and public safety. The National Planning Policy Framework (NPPF) states that those advertisements which clearly have an appreciable impact on a building or their surroundings should be subject to a local planning authority's detailed assessment. Para. 67 of the NPPF sets out what should form such an assessment, consequently, this application will be considered with regard to amenity and public safety, as well the advertisements cumulative impact. As this application is located in a Conservation Area, its impact on such will also need to be assessed.

5.2 Design, Visual Amenity and the Conservation Area

There are a number of existing signs at the site, notably to the side and front of the building which display a logo and text relating to the public house. The comments of the Conservation Officer and local residents are noted in relation to the original proposal, however, the revised plans received by the Council 22nd November 2016 are considered to overcome these concerns.

5.3 The revised proposal would no longer introduce additional text to the elevations of the building. It is acknowledged that the text remains black, however, the style of text is similar to the existing and the proposed logo design is considered less intrusive in the streetscene than existing advertisements at the site.

5.4 The public house is located in the 'Commercial Core' of the Pucklechurch Conservation Area, as set out in the SPD. One of the preservation and enhancement strategies for this area is the encouragement of good quality design and use of traditional materials when considering replacement of advertisements. With this in mind, it is no longer considered that the revised advertisement would result in a detrimental impact to the unit or wider Conservation Area.

5.5 Public Safety and Residential Amenity

It is noted that there are residential units nearby the proposed advertisements. However, given the application would not increase the amount, scale, or illumination of signs that are currently at the site, it is unlikely there would be any significant change to the existing situation.

5.6 With regard to transport issues, the proposed signage would be similar to signage already found at the site, and would not detrimentally impact highway safety. It is also noted that transportation colleagues have no objection to the proposal.

6. **CONCLUSION**

- 6.1 In accordance with Section 220 of the Town and Country Planning Act 1990 and Regulation 4 of the Advertisement Regulations 1992, 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 set out above, and to all the relevant material considerations set out in the report.

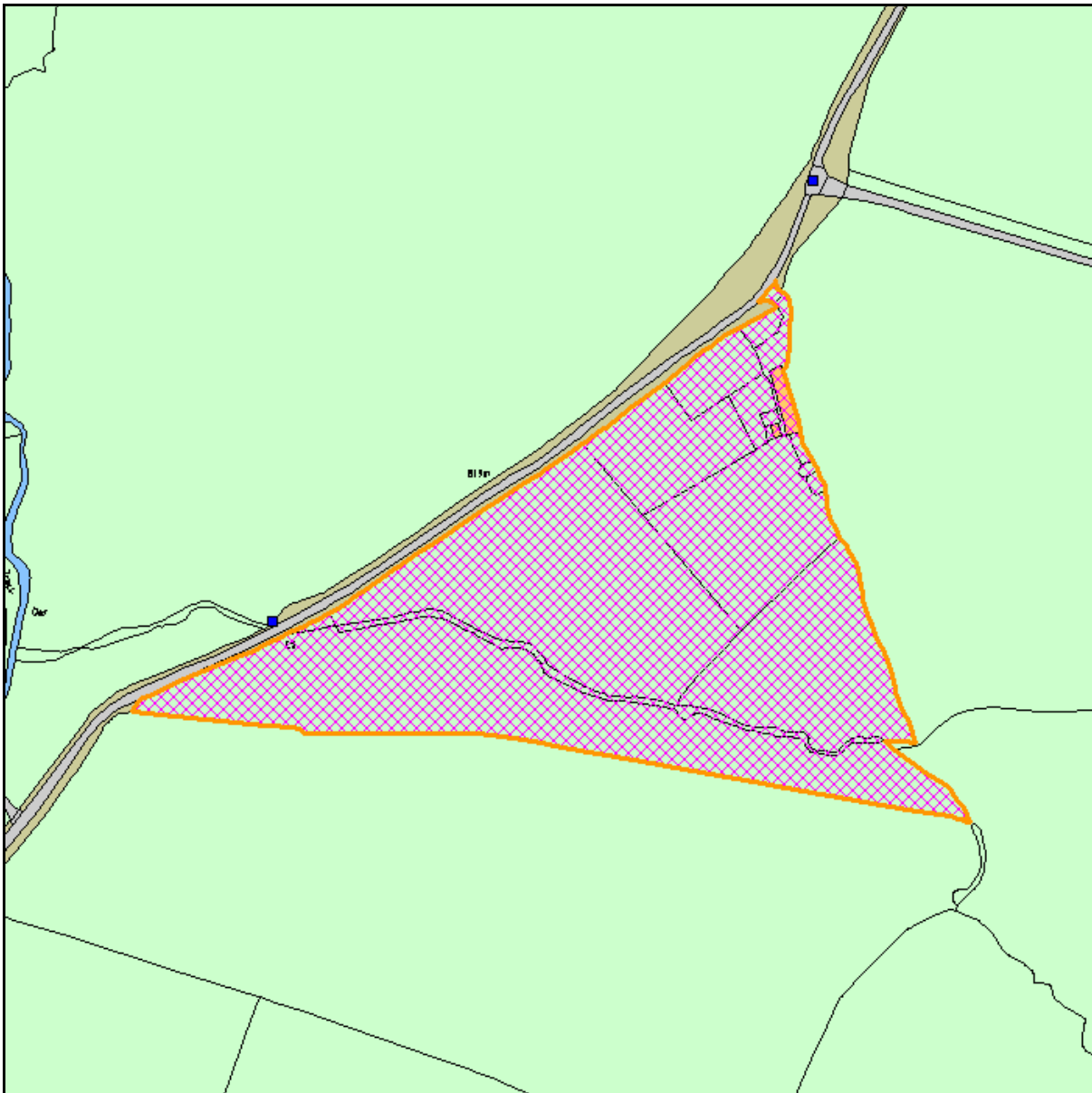
7. **RECOMMENDATION**

- 7.1 It is recommended that the advertisement consent be **GRANTED**.

Contact Officer: Lucy Paffett
Tel. No. 01454 863436

CIRCULATED SCHEDULE NO. 47/16 – 25 NOVEMBER 2016

App No.:	PK16/5337/CLE	Applicant:	C/O North & Letherby
Site:	Exon's Yard Doynton Lane Dyrham South Gloucestershire SN14 8EY	Date Reg:	29th September 2016
Proposal:	Application for a certificate of lawfulness for the existing use of land, buildings and structures as DIY horse livery business.	Parish:	Dyrham And Hinton Parish Council
Map Ref:	373338 174933	Ward:	Boyd Valley
Application Category:	Certificate of Lawfulness	Target Date:	21st November 2016



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PK16/5337/CLE

REASON FOR APPEARING ON CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 This application is for a Certificate of Lawfulness for the existing use of the land, buildings and structures at Exon's Yard, Doynton Lane as a DIY horse livery business.
- 1.2 The application site is situated within the Cotswolds AONB, the Bristol/Bath Green Belt and is considered to be within the open countryside.
- 1.3 A previous planning approval in 1999 to permanently change the use of the land to the keeping of horses and to erect the stable block (P99/4097) was subject to the following condition:

The use of the loose boxes and Field No. 6900 hereby authorised shall be used solely for horses and for the private use of the applicants and shall at no time be used as a riding school, livery stables or for any type of commercial activity.

Reason

The use of the site in connection with any type of commercial activity would be inappropriate in this location.

2. POLICY CONTEXT

2.1 National Guidance

- I. Town and Country Planning Act 1990
- II. Town and Country Planning (Development Management Procedure) Order 2015
- III. National Planning Practice Guidance 2014

3. RELEVANT PLANNING HISTORY

- 3.1 PK02/2561/TMP Refusal 01/10/2002
Erection of 1 no. residential log cabin

Refusal reasons:

1- The site is located within the Bristol to Bath Green Belt and the proposal does not fall within the limited categories of development normally considered appropriate within the Green Belt. In addition, the applicant has not demonstrated that very special circumstances apply, such that the normal presumption against development in the Green Belt should be overridden. The proposal is therefore contrary to the provisions of PPG2, Policy 16 of the Joint Replacement Structure Plan, Policy RP34 of the adopted Rural Areas Local Plan and Policy GB1 of the South Gloucestershire Local Plan (Revised Deposit Draft).

2- The application site lies outside of the surrounding village development boundaries, and is therefore located within the open countryside. The proposed residential development does not constitute acceptable development within the open countryside and fails the criteria attached to policies RP7 of the adopted Rural Areas Local Plan and Policy H3 of the South Gloucestershire Local Plan (Deposit Draft). The development is therefore considered contrary to guidance contained within PPG7, Policies RP1 and RP7 of the adopted Rural Areas Local Plan and Policy H3 of the South Gloucestershire Local Plan (Revised Deposit Draft).

- 3.2 P99/4097 Approval 06/04/1999
Retention of the change of use of the land and the erection of a stable block.
(Previously approved as a temporary consent until August 1999.)
- 3.3 P94/1794 Approval 22/08/1994
Change of use of land from agricultural to keeping of horses. Erection of stable
block measuring 21.6 metres by 3.8 metres. Formation of new access.

4. CONSULTATION RESPONSES

- 4.1 Dyrham and Hinton Parish Council
No comment received.

- 4.2 Doynton Parish Council
No comment received.

- 4.3 Other Consultees

British Horse Society
No comment received.

Councillor
No comment received.

Other Representations

- 4.4 Local Residents
One consultation response supporting the application was received however
they did not give a reason for taking that stance.

5. SUMMARY OF EVIDENCE IN SUPPORT OF THE APPLICATION

- 5.1 In support of the application, the following information has been submitted:
- an application form, stating that the land buildings and structures have
 been used as a DIY horse livery business for over 10 years
 - three undated photographs of horses within the stables at the site
 - a statutory declaration from the owner of the site, Pauline Mary Kathleen
 Exon
 - a statutory declaration from four users of the livery yard, Susan Frances
 Toland, Lisa Marie Horton, Jane Belcher and Gillian Elizabeth Love

- a statutory declaration from Peter William Dinham, who has done work for the applicant on the site
- a statutory declaration from Peter R Lawson, who has supplied hay and fence posts to the applicant and hay to Gillian Love
- two aerial photographs of the site and Certificates of Authenticity confirming the dates as 1999 and 2005
- a statement from the agent, North & Letherby Ltd
- a Site Location Plan
- a public consultation comment from Christine Howard, a Chipping Sodbury resident, supporting the application.

6. SUMMARY OF CONTRARY EVIDENCE

6.1 None

7. SUMMARY OF EVIDENCE HELD BY THE COUNCIL

7.1 The Council's own evidence consists of aerial photographs for the following years: 1991, 1999, 2005, 2006, 2008-2009. Looking specifically at the 2006 and 2008-2009 images, as these are within the 10 year time period being assessed, the site does appear to be in use as described by the applicant. The 2006 image shows horses to the south of the stream running through the site, in an area which was not previously part of the change of use applications in 1994 and 1999.

8. ANALYSIS OF PROPOSAL

8.1 The application for a Certificate of Lawfulness is not a planning application and is purely an evidential test. The test of evidence to be applied is whether or not the case has been shown on the balance of probability. As such, the applicant needs to provide precise and unambiguous evidence. For a certificate to be issued, evidence must be demonstrated that the land within the red edged application site-plan is lawful and no enforcement action may then be taken in respect of the operations on site. The time for taking enforcement action in this case is 10 years from the breach, and therefore the land, buildings and structures must have been continuously used as a DIY horse livery business for 10 years consecutively, prior to the receipt of the application on 26th August 2016.

8.2 The guidance contained within the National Planning Practice Guidance 2014 states that if a local planning authority has no evidence itself, nor any from others, to contradict or otherwise make the applicant's version of events less than probable, there is no good reason to refuse the application. This is however with the provision that the applicant's evidence alone is sufficiently precise and unambiguous to justify the grant of a certificate on the balance of probability. The planning merits of the use are not relevant to the consideration of the purely legal issues, which are involved in determining an application. Any contradictory evidence, which makes the applicant's version of events less than probable, should be taken into account.

8.3 Hierarchy of Evidence

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

1. Personal appearance, under oath or affirmation, by an independent witness whose evidence can be tested in cross-examination and re-examination, especially if able to link historic events to some personal event that he/she would be likely to recall.
2. Other personal appearance under oath or affirmation.
3. Verifiable photographic evidence.
4. Contemporary documentary evidence, especially if prepared for some other purpose.
5. Sworn written statements (witness statements or affidavits), which are clear as to the precise nature and extent of the use or activity at a particular time.
6. Unsworn letters as 5 above.
7. Written statements, whether sworn or not, which are not clear as to the precise nature, extent and timing of the use/activity in question.

8.4 Examination of Evidence

The evidence provided is accepted as true unless contradictory evidence indicates otherwise. The statutory declaration of the applicant Pauline Mary Kathleen Exon includes the following relevant information:

- Has owed the site for 22 years and applied for temporary planning permission for a change of use to land for the keeping of horses and the erection of a stable block in 1994, and this permission was made permanent in 1999
- Began renting stable space in 1999 following her daughter's retirement from competing in dressage competitions
- Gillian Love's horse arrived at the yard in 2001 and has stayed there ever since in return for money to help with costs
- Lisa Horton's horse arrived at the yard in 2004, and is still there today
- Has rented stables and grazing to different people on a continuous basis since 2001

8.5 The other statutory declarations received from users of the yard also confirm the following additional information:

- Susan Frances Toland's horse stayed at the site on a DIY basis from 2008-2010, and she has kept horses there ever since
- Over the years the horses had use of all of the fields including the adjoining field across the stream. The applicant sold this field to Susan Toland in 2014 however she has allowed horses to continue to use it for supplementary grazing
- In 2001, the barn, stables, feed shed, field shelter, riding arena and fencing were all present at the site

- A woman named Vanessa, a friend of Gillian Love, also kept her horse at the yard from 2001. End date not confirmed.
- A woman named Helen Case kept her horse at the yard on a DIY basis from 2003 for a period of two years
- All of the statutory declarations from users of the yard make reference to the DIY nature of the use, whereby they typically do their own mucking out, turning out and feeding and money is given to the applicant in order to help cover the costs of running the yard
- Jane Belcher has kept horses at the yard continuously since 2014
- There are currently six horses kept at the yard
- Peter Dinham removes the muck heap from the site every summer and has done since 1999, and helped to build the riding arena in 2000
- Peter Lawson has supplied hay and haylage to the DIY users of the yard for the last 12 years, and provided fencing and gates to help with pasture management after the applicant bought the field to the south of the stream

8.6 The Council's aerial records confirm the applicants claim that the site has been used in the same manner as it is today for the last 10 years. That said, the use applied for in 1994/1999 and the use applied for here would have a similar appearance when photographed from above.

8.7 Significant weight has been given to the statutory declarations as they are all consistent with each other, and no contrary evidence has been found by the Council or submitted by any interested parties. The statutory declarations clearly state that horses have been kept continuously on a DIY basis without any breaks, including two horses which have remained there throughout the ten year period. Only limited weight has been given to the photographs which are difficult to date and do not differentiate between a DIY livery and the stables they had permission for.

8.8 Based on the evidence and assessment outlined above, and on the balance of probability, it is likely that the submitted area outlined in red has all been used continuously as a DIY horse livery business for the last 10 years.

9. **CONCLUSION**

9.1 It is considered that the evidence submitted, along with that of the evidence gathered by the Local Planning Authority, demonstrates, on the balance of probability, the land edged in red has been used as a DIY horse livery business for a consistent period of at least ten years prior to the submission of the application.

10. **RECOMMENDATION**

10.1 That the Certificate of Lawfulness is **APPROVED**.

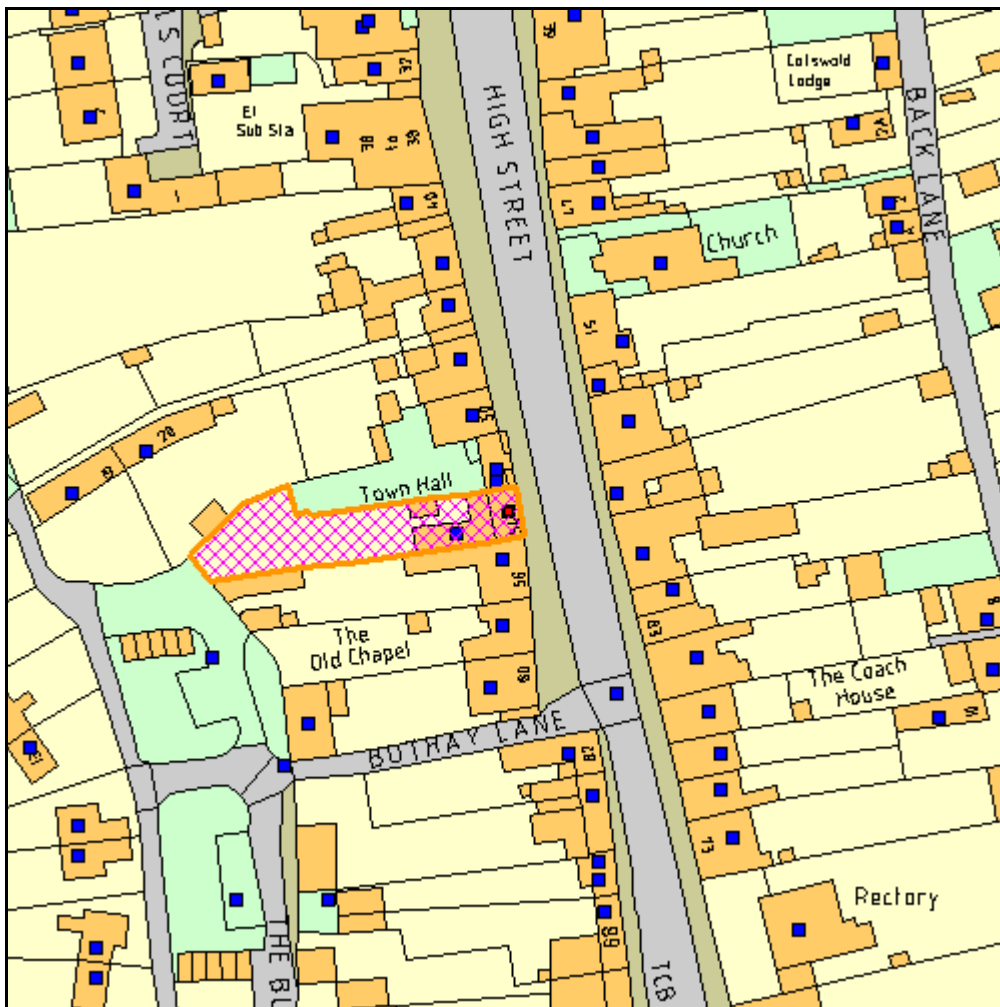
Contact Officer: Trudy Gallagher
Tel. No. 01454 862217

CONDITIONS

1. It is considered that the evidence submitted, along with that of the evidence gathered by the Local Planning Authority, demonstrates, on the balance of probability, the land edged in red has been used as a DIY horse livery business for a consistent period of at least ten years prior to the submission of the application.

CIRCULATED SCHEDULE NO. 47/16 – 25 NOVEMBER 2016

App No.:	PK16/5503/F	Applicant:	Mr Ian Mackie
Site:	54 High Street Wickwar Wotton Under Edge South Gloucestershire GL12 8NP	Date Reg:	12th October 2016
Proposal:	Erection of single storey rear infill extension to form additional living accommodation.	Parish:	Wickwar Parish Council
Map Ref:	372408 188429	Ward:	Ladden Brook
Application Category:	Householder	Target Date:	2nd December 2016



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PK16/5503/F

REASON FOR SUBMISSION TO THE CIRCULATED SCHEDULE

This application appears on the Circulated Schedule due to an objection from a local resident. The application should be read in conjunction with a Listed Building Consent application PK16/5504/LB.

1. PROPOSAL AND SITE DESCRIPTION

- 1.1 The application seeks planning permission for the erection of a single storey infill extension to form additional living accommodation at the rear of 54 High Street, Wickwar. A number of existing 20th Century lean-tos sit to the rear of the house, and it is proposed that these would be demolished as part of this application.
- 1.2 The application site relates to a Grade II listed early to mid-19th Century property, which forms an historic burgage plot in the linear village, and Conservation Area of Wickwar. It is a double fronted, two storey building, with natural stone front elevations accompanied by two 16- pane glazing bar timber sash windows. The property benefits from vehicular access and parking to the rear from Buthay Lane, off the main High Street.
- 1.3 This application is accompanied by an application for Listed Building Consent, which is also pending determination (planning ref. PK16/5504/LB).

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework March 2012
National Planning Policy Guidance 2014

2.2 Adopted 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 Managing the Environment and Heritage
CS34 Rural Areas

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

H4 Development within Existing Residential Curtilages, Including Extensions and New Dwellings
L12 Conservation Areas
L13 Listed Buildings
T12 Transportation Development Control

2.3 Emerging Development Plan

Proposed Submission South Gloucestershire Policies, Sites and Places Plan (June 2016)

PSP1 Local Distinctiveness

PSP7 Development in the Green Belt

PSP8 Residential Amenity

PSP17 Heritage Assets and the Historic Environment

PSP38 Development within Existing Residential Curtilages

PSP43 Private Amenity Space Standards

2.4 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted) August 2007

Residential Parking Standard SPD (Adopted) December 2013

South Gloucestershire SPD: Wickwar Conservation Area

3. RELEVANT PLANNING HISTORY

- 3.1 P93/2084 Approval 20.09.1993
Erection of single storey rear extension to provide kitchen. (In accordance with amended plans received by the council on 11/8/93 and 27/8/93)
- 3.2 P96/1182 Approval 03.06.1996
Erection of first floor rear extension to provide bathroom and bedroom
- 3.3 PK10/0892/LB Approve with Conditions 25.06.2010
Installation of replacement windows to front elevation.
- 3.4 PK12/4057/F Approve with Conditions 01.02.2013
Erection of single storey extension and conversion of existing detached garage/games room to form residential annexe.

4. CONSULTATION RESPONSES

- 4.1 Wickwar Parish Council
No comments recieved
- 4.2 Archaeology Officer
No objection
- 4.3 Conservation Officer
No objection subject to conditions.

Other Representations

- 4.4 Local Residents
1 objection received from a neighbour, comments as follows;
- Details of works to boundary wall not provided
 - Drainage issues

5. **ANALYSIS OF PROPOSAL**

5.1 **Principle of Development**

CS1 of the Core Strategy seeks the highest possible standards of design and states that the siting, form, scale, height, massing, detailing, colour and materials are informed by, respect and enhance the character, distinctiveness and amenity of both the application site and its context. Saved policy H4 of the South Gloucestershire Local Plan (Adopted) 2006 and the emerging Policy PSP38 of the PSP Plan (June 2016) allow the principle of extensions within residential curtilages, subject to considerations of visual amenity, residential amenity and highway safety.

- 5.2 In addition, the site is subject to a Grade II listing and located within the Wickwar Conservation Area. Policies L12 and L13 of the Adopted Local Plan and well as the emerging Policy PSP17 of the PSP Plan set out that development should preserve, and where appropriate, enhance the character or appearance of the Conservation Area. Furthermore, any works to a Listed Building will be expected to retain architectural and historic interest and where relevant, provide enhancement. Policy CS9 of the Core Strategy expects heritage assets to be conserved, respected and enhanced in a manner appropriate to their significance. The proposal accords with the principle of development subject to the consideration below.

5.3 **Design and Heritage**

The host dwelling is a Grade II listed, early to mid-19th Century property which has previously been extended, notably a two storey 'wing' to the rear and 2no. lean-to structures which provide a link to an existing garden room from the rear of the main building. These later additions to the property enclose a small courtyard, which is currently not utilised. This application proposes to demolish the contemporary existing lean-to structures and replace with an infill extension which would adjoin to the rear of the main property, the two storey 'wing' to the south and the existing garden room to the west.

- 5.4 The extension would extend by a maximum depth of 4.5 metres, it would have a width of 4.7 metres and a maximum height of 3.5 metres. It is proposed that it would have a flat roof design with an aluminium roof lantern to provide the proposed kitchen with natural light. Whilst a flat roof design is not preferable, given the location of the extension and existing structures at the site, it is considered acceptable in this instance. Plans submitted as part of this application show that the development would be formed in natural stone to match that existing at the site and it would be accessed through a glazed door which would sit between the existing garden room and two storey 'wing'.
- 5.5 It is acknowledged that the proposal represents a modern addition to the Listed Building and wider Conservation Area. However, the development would not generally be visible within the public realm, and would not compromise the enclosed linear High Street character of the Wickwar Conservation Area. Its design is considered an enhancement in comparison to the multiple existing contemporary additions and provides the rear of the property with a 'neater' appearance. Accordingly, overall, it is considered that the extension would not materially harm the historical or architectural significance of the Listed Building.

The proposal, therefore, is deemed to comply with national policy as well as Policy CS1 and CS9 of the Core Strategy (Adopted) December 2013, L12 and L13 of the Adopted Local Plan, as well as the emerging Policy PSP1 and PSP17 of the PSP Plan (June 2016). Having said this, a number of conditions are issued to the related Listed Building Consent with regard to details of external finishes and materials.

5.6 Residential Amenity

The property is attached to the Town Hall to the east and No.56 High Street to the west. The application replaces existing structures at the rear of the site, of which the majority of the built form would be the same height as the existing lean-tos, albeit the glazed lantern would extend 0.5 metres higher. It would likely not be visible to those occupiers at No.56 given the two storey 'wing' of the host separates the rear gardens.

- 5.7 Following the development a suitable amount of garden amenity space would remain, and it is not considered the extension would result in detrimental impacts to the residential amenity of nearby occupiers. Overall therefore, the proposal is acceptable in terms of Policy H4 of the Local Plan (Adopted) January 2006.

5.8 Transport and Parking

Submitted plans show that the development would not increase the number of bedrooms at the property, nor would it alter the parking provision or access at the site. As such no objection is raised in relation to highway matters.

5.9 Other matters

Officers note objections from a neighbouring occupier in relation to works to the existing north boundary wall surrounding the rear garden of the application site. Plans show that this wall would remain, the existing adjacent lean-to would be demolished and the rear extension erected adjacent to this wall.

- 5.10 Concerns were also raised in relation to structural drainage issues at the boundary of the site. With a development of this scale, structural drainage is primarily an issue for the associated Building Regulations application rather than the planning application. It is also noted that the existing drainage roof layout of the lean-tos is overly complicated and has resulted in some moisture ingress in to the building. Accordingly, this application represents improvements to such.

6. CONCLUSION

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

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

7. RECOMMENDATION

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

Contact Officer: Lucy Paffett
Tel. No. 01454 863436

CONDITIONS

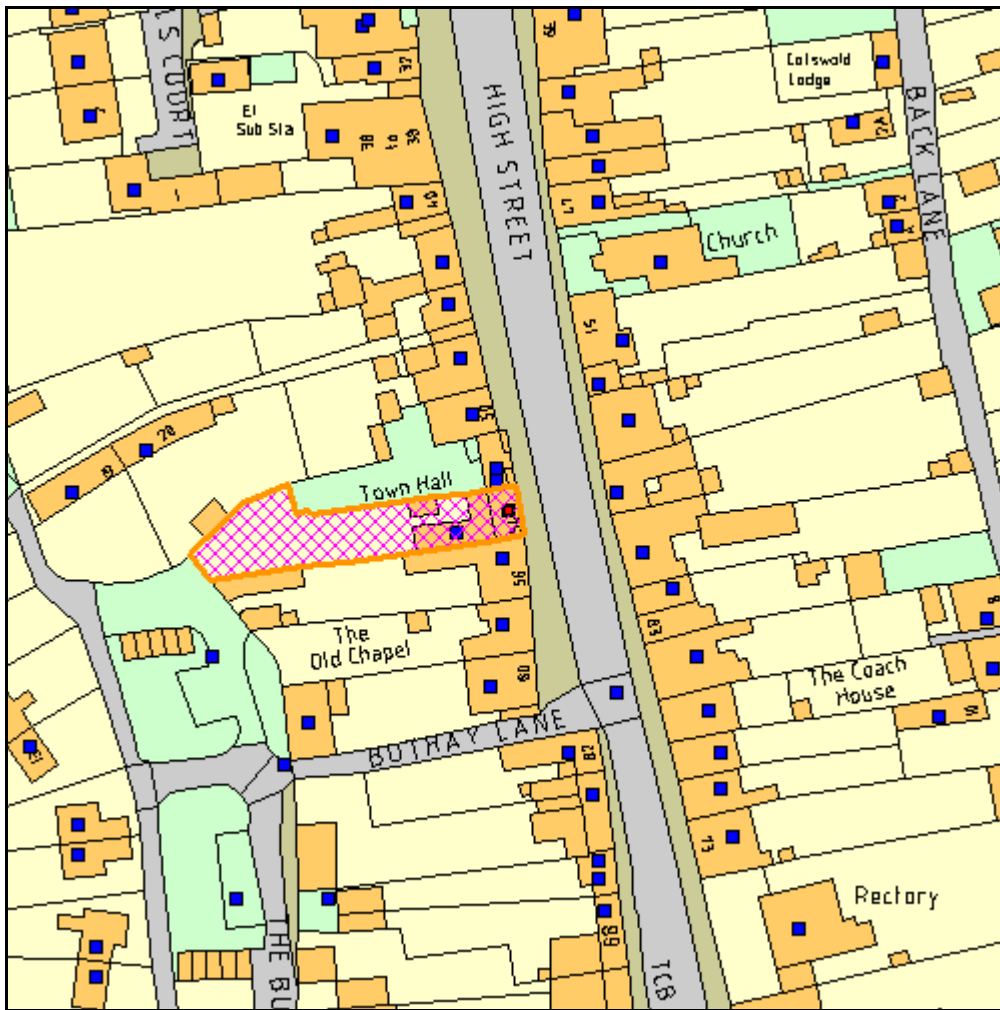
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason

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

CIRCULATED SCHEDULE NO. 47/16 – 25 NOVEMBER 2016

App No.:	PK16/5504/LB	Applicant:	Mr Ian Mackie
Site:	54 High Street Wickwar Wotton Under Edge South Gloucestershire GL12 8NP	Date Reg:	12th October 2016
Proposal:	Internal and external alterations to include demolition of lean-to extensions and erection of rear single storey infill extension.	Parish:	Wickwar Parish Council
Map Ref:	372408 188429	Ward:	Ladden Brook
Application Category:	Minor	Target Date:	2nd December 2016



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PK16/5504/LB

REASON FOR SUBMISSION TO THE CIRCULATED SCHEDULE

This application appears on the Circulated Schedule due to an objection from a local resident. The application should be read in conjunction with a full application PK16/5503/F and although this is an application for listed building consent, it is felt necessary and for the sake of completeness, to include it on the circulated schedule as the two proposals are linked.

1. THE PROPOSAL

- 1.1 This application seeks Listed Building Consent for the demolition of lean-to rear extensions and the erection of a single storey rear infill extension, amongst other internal and external alterations, to a Grade II listed early to mid-19th century building at 54 High Street, Wickwar. This application is accompanied by an application for planning permission which is also pending determination (planning ref. PK16/5503/F).
- 1.2 The application site falls within the settlement boundary and Conservation Area of Wickwar. The property benefits from vehicular access and parking to the rear from Buthay Lane, off the main High Street.

2. POLICY CONTEXT

2.1 National Guidance

Planning (Listed Buildings and Conservation Areas) Act 1990
NPPF National Planning Policy Framework March 2012
PPG National Planning Proactive Guidance

2.2 Adopted Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design
CS9 Managing the Environment and Heritage
CS34 Rural Areas

South Gloucestershire Local Plan Adopted January 2006 (Saved Policies)

L12 Conservation Areas
L13 Listed Buildings

2.3 Emerging Development Plan

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

PSP1 Local Distinctiveness
PSP17 Heritage Assets and the Historic Environment

2.4 Supplementary Planning Guidance

Design Checklist SPD (Adopted) 2007

3. RELEVANT PLANNING HISTORY

- 3.1 P93/2084 Approval 20.09.1993
Erection of single storey rear extension to provide kitchen. (In accordance with amended plans received by the council on 11/8/93 and 27/8/93)
- 3.2 P96/1182 Approval 03.06.1996
Erection of first floor rear extension to provide bathroom and bedroom
- 3.3 PK10/0892/LB Approve with Conditions 25.06.2010
Installation of replacement windows to front elevation.
- 3.4 PK12/4057/F Approve with Conditions 01.02.2013
Erection of single storey extension and conversion of existing detached garage/games room to form residential annexe.

4. CONSULTATION RESPONSES

- 4.1 Wickwar Parish Council
No comments received
- 4.2 Conservation and Listed Building Officer
No objections subject to conditions
- 4.3 Historic England
No comment

Other Representations

- 4.4 Local Residents
1 objection received from a neighbour, comments as follows;
- Details of works to boundary wall not provided
- Drainage issues

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development
This is an application for Listed Building consent. This application stands to be assessed against National Planning Policy Framework March 2012 and Planning (Listed Buildings and Conservation Areas) Act 1990. As such, the only consideration is the impact of the proposed development on the special historic or architectural features of the property.
- 5.2 Assessment of Impact on Heritage Asset
The works affect predominantly 20th century fabric at the rear of this grade II listed building, the additions to the rear having been raised, extended and rebuilt over a period of time. The piecemeal changes to the structures has created a small, featureless courtyard and an overly complicated roof drainage layout which has been causing moisture ingress in to the building. The only fabric of any particular interest is the wide door into the larger of the two rear

wings and it is recommended that this be retained and reused as part of the scheme.

- 5.3 The application seeks permission to infill the small courtyard and to take down the 20th century walls forming the small lean-tos against the back of the house. A section of wall leading into the larger two storey rear wing will be removed but this in itself will have no demonstrable impact on the special interest of the listed building. A flat roof will be created over the courtyard, lit by a central glazed lantern, enclosed by existing stone walls and a short section of new walling abutting the neighbour's lean-to roof. A door set into a small panel of natural stone walling is to provide access to the garden, with the walls to be capped with reconstituted stone coping.
- 5.4 Overall, the proposed development acceptable and is considered to make better use of the small courtyard to the rear of the building without affecting the character or significance of the listed building. Further to this, the proposal is not considered to be harmful to the wider Conservation Area. Officers note that the Conservation and Listed Building Officer has suggested conditions in relation to detailing and samples of stonework; all of which will be imposed should listed building consent be granted.
- 5.5 Other Matters
Officers note objections from a neighbouring occupier in relation to works to the existing north boundary wall surrounding the rear garden of the application site. Plans show that this wall would remain, the existing adjacent lean-to would be demolished and the rear extension erected adjacent to this wall.
- 5.6 Concerns raised in relation to drainage are understood and have been assessed. Such comments will be taken into account within the accompanying full planning application.

6. CONCLUSION

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

7. RECOMMENDATION

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

Contact Officer: Lucy Paffett
Tel. No. 01454 863436

CONDITIONS

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

Reason

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

2. Prior to the commencement of the relevant works, the detailed design of the following items shall be submitted and approved in writing by the local planning authority:
 - a. The proposed glazed roof lantern
 - b. The proposed external door

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

Reason

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

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

For avoidance of doubt all new stonework including coping should be formed of natural stone.

Reason

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

CIRCULATED SCHEDULE NO. 47/16 – 25 NOVEMBER 2016

App No.:	PK16/5538/F	Applicant:	Mr Chris Lovell
Site:	49 Pool Road Kingswood Bristol South Gloucestershire BS15 1XN	Date Reg:	17th October 2016
Proposal:	Erection of single storey side and rear extension to provide additional living accommodation.	Parish:	None
Map Ref:	365321 175115	Ward:	Rodway
Application Category:	Householder	Target Date:	8th December 2016



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PK16/5538/F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 The application seeks planning permission for the erection of a single storey side and rear extension to provide additional living accommodation at 49 Pool Road in Kingswood.
- 1.2 The host dwelling is a two storey semi-detached property within an established residential area of Kingswood. The dwelling has a hipped roof with double roman roof tiles, pebble dash render elevations and white PVC windows and doors.
- 1.3 During the course of the application amendments were sought to change the roof style of the single storey side extension from a gable to a hipped roof. The amendment was sought to make the proposal more in keeping with the existing dwelling.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework March 2012
National Planning Policy Guidance 2014

2.2 Development Plans

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

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

South Gloucestershire Local Plan Core Strategy Adopted December 2013

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

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

PSP1 Local Distinctiveness
PSP8 Residential Amenity
PSP38 Development within Existing Residential Curtilages
PSP43 Private Amenity Standards

2.3 Supplementary Planning Guidance

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

3. RELEVANT PLANNING HISTORY

3.1 There is no relevant planning history.

4. CONSULTATION RESPONSES

4.1 Town/ Parish Council
No comments received.

Other Representations

4.2 Local Residents
A comment has been received from a neighbouring resident neither supporting nor objecting to the proposal, but raising the following comments:
-concerned about the proposal damaging my property including my conservatory wall, roof, guttering and foundations through negligence.

5. ANALYSIS OF PROPOSAL

5.1 The application seeks planning permission for the erection of a single storey side and rear extension to provide additional living accommodation at 49 Pool Road in Kingswood.

5.2 Principle of Development
Saved Policy H4 of the South Gloucestershire Local Plan (adopted January 2006) and emerging Policy PSP38 of the PSP Plan (June 2016) are supportive of development within the residential curtilage of existing dwellings providing there are no negative effects on residential amenity, transport and visual amenity. Additionally, Policy CS1 of the Core Strategy and emerging Policy PSP1 exist to make sure developments enhance and respect the character, distinctiveness and amenity of the site and its context. The proposal shall be determined against the analysis below.

5.3 Design and Visual Amenity
The application site is a two storey semi-detached dwelling in Kingswood. The application seeks planning permission for the erection of a single storey side and rear extension.

5.4 The proposed side extension will extend beyond the existing side elevation by 1.5 metres with a length of 5.9 metres. The proposed rear extension will extend beyond the rear elevation by 2.7 metres and span a total width of 7.4 metres (this includes the width of the side extension). The total height of the proposed extension will be 3.2 metres (to the ridge line).

5.5 During the course of the application amendments were sought regarding the roof style of the proposed extension. Originally the single storey side extension was designed with a gable roof; officers considered that it would be more in keeping and of a higher quality design to have a hipped roof to match that of the original dwelling.

- 5.6 The materials proposed for the single storey side and rear extension consist of pebble-dash render elevations. The roof tiles will be Redland double roman roof tiles for the roof and white UPVC windows and doors. The materials will match those used within the existing dwelling.
- 5.7 Overall, it is considered that the proposal respects the character of the site and the wider context as well as being of an appropriate scale and proportion with the original dwelling and surrounding properties. Thus, the proposal satisfies policy CS1 of the adopted Core Strategy and emerging Policy PSP1 of the PSP.
- 5.8 Residential Amenity
Saved policy H4 of the adopted Local Plan aims to ensure that residential development within established residential curtilage does not prejudice the residential amenity of any neighbouring occupier.
- 5.9 The application seeks planning permission for the erection of a single storey side and rear extension to provide additional living accommodation at 49 Pool Road in Kingswood. The existing boundary treatments at the site consist of 1.8 metre fences.
- 5.10 The proposed extension is not considered to be adversely overbearing or overlooking because of the nature of the extension. There are no side elevation windows to overlook no.47, The openings are all on the rear elevations.
- 5.11 Overall, it is considered that there will be adequate private amenity space remaining for the present and future occupiers of 49 Pool Road. Furthermore, it is considered that the proposal accords with saved policy H4 of the adopted Local Plan.
- 5.12 Transport
There are three existing parking spaces at the dwelling. No new bedrooms are proposed within the development. It is noted that the proposed single storey side extension will reduce the space on the driveway however it is considered that adequate parking will remain at the site. As such, there are no transportation objections to the proposal.
- 5.13 Other Matters
It is noted that an objector raises a comment concerned about damage to their conservatory wall and foundations as the objector has spent a lot of money on their property. This is not a planning consideration, concerns regarding boundary walls is covered by other legislation such as the Access of Neighbouring Land Act 1992 and Party Wall Act 1996. An informative will be used to make the applicant aware of this.

6. CONCLUSION

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

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

7. RECOMMENDATION

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

Contact Officer: Fiona Martin
Tel. No. 01454 865119

CONDITIONS

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

Reason

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

CIRCULATED SCHEDULE NO. 47/16 – 25 NOVEMBER 2016

App No.:	PK16/5751/F	Applicant:	Mr Paul Andrews
Site:	4 Batley Court North Common Bristol South Gloucestershire BS30 8YZ	Date Reg:	20th October 2016
Proposal:	Erection of single storey and two storey side extension to provide additional living accommodation.	Parish:	Bitton Parish Council
Map Ref:	367586 171836	Ward:	Oldland Common
Application Category:	Householder	Target Date:	13th December 2016



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PK16/5751/F

REASONS FOR REPORTING TO CIRCULATED SCHEDULE

The application has been referred to circulated schedule due to representations being received contrary to the findings of this report. Under the current scheme of delegation it is required that the application is decided via circulated schedule as a result.

1. THE PROPOSAL

- 1.1 The proposal seeks to erect a two storey side link extension and first floor extension over an existing garage to form additional living accommodation. This application is for an amendment to previously approved scheme (ref. PK16/0899/F)
- 1.2 The subject property is a late-20th Century two storey semi-detached dwelling with a pitched gabled roof a single storey detached garage. The property has reconstituted stone elevations and a portico door to the front. The site is relatively level. Boundaries are 1 metre rendered walls with timber fences above (totalling around 2 metres) to the rear and a low picket fence to the front drive.
- 1.3 The proposed two storey side extension will extend over the existing garage to the side. The application is a re-submission of PK16/0899/F which was approved following amendments to an earlier refused scheme PK15/4882/F. The main difference with this current scheme compared with the earlier approved scheme is that the pedestrian access to the garden has been removed and the scale of the side garage has been reduced meaning there is no longer living accommodation above.
- 1.4 The subject property is situated in the built up residential area of North Common.

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 Sustainable Development
CS5 Location of Development
CS8 Improving Accessibility
CS9 Managing the Environment and Heritage

South Gloucestershire Local Plan Adopted January 2006 (Saved Policies)

H4 Development within Existing Residential Curtilages
T12 Transportation

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

PSP1	Local Distinctiveness
PSP8	Residential Amenity
PSP16	Parking Standards
PSP38	Development within Existing Residential Curtilages
PSP43	Private Amenity Space Standards

2.3 Supplementary Planning Guidance

Design Checklist SPD (adopted) August 2006

Residential Parking Standards SPD (adopted) December 2013

3. RELEVANT PLANNING HISTORY

- 3.1 PK16/0899/F – Approval - Erection of two storey side link extension and first floor extension over existing garage to form additional living accommodation. (Re-submission of PK15/4882/F).
- 3.2 PK15/4882/F – Refusal – 21/01/2016 – Erection of two storey side extension to provide additional living accommodation – Refused as it failed to meet the required standard of design and would detriment the character of the host property and street scene. This was attributed to the form and scale of the proposal and the use of render in the front elevation.
- 3.3 K6369/1 – Approval – 14/08/1995 – Erection of single storey rear extension. OFFTEM 3.3 K6369 – Approval – 30/08/1989 – Extension to existing garage.
- 3.4 K670/22 – Approval – 27/01/1981 – Erection of 5 three bed houses 11 two bed houses, 18 one bed houses and 6 one bed studio houses, associated garages and parking spaces, construction of roads and footpaths.
- 3.5 K670/15 – Approval – Erection of 6 detached houses, 16 semi-detached houses and 3 bungalows associated garages and parking spaces, construction of roads footpaths and play space.

4. CONSULTATION RESPONSES

4.1 Bitton Parish Council Objection

Cite concern with the width of the proposal and its impact on the streetscene.

4.2 Other Consultees

Transportation DC

No Objection

Other Representations

4.3 Local Residents

No comments Received. On the earlier approved application two objections were received. These were concerned with the impact on residential amenity of neighbouring properties and the design of the proposed scheme largely due to the proposed elevational treatments. One of the objectors noted they were not against the original submitted application and felt the current application went beyond that of the previous proposal.

5. **ANALYSIS OF PROPOSAL**

5.1 **Principle of Development**

Policy CS1 'High Quality Design' of the South Gloucestershire Core Strategy (adopted December 2013) states development proposals will only be permitted where the highest possible standards of design and site planning are achieved. Proposals should demonstrate that they; enhance and respect the character, distinctiveness and amenity of both the site and its context; have an appropriate density and its overall layout is well integrated with the existing development. Saved Policy H4 of the South Gloucestershire Local Plan (adopted 2006) is supportive in principle of development with the residential curtilage of existing dwellings. This support is subject to the proposal respecting the existing design of the dwelling and it does not prejudice the residential and visual amenity; adequate parking provision; and has no negative effects on transportation. The proposal accords with the principle of development subject to the consideration below.

5.2 **Design and Visual Amenity**

The character of the area is relatively uniform with the majority of buildings being constructed in the late 20th century with reconstituted stone elevations. This has a typical suburban atmosphere.

5.3 The proposal consists of two storey and single storey side extensions to form additional living accommodation. The proposed extension will project beyond the side elevation of the host dwelling over around half the existing detached garage. This application is for an amendment to a previously approved scheme. The appearance of the proposal remains much the same but the pedestrian access to the rear garden has been removed and the height of the garage has been reduced. Furthermore as a result of the height reduction no additional living accommodation is proposed above the garage. This application is a second resubmission and first application was refused (PK15/4882/F). In this refused case the officer had found that the proposal would be out of keeping with the host dwelling and the remainder of the cul-de-sac. The considerations for this current proposal remain much the same as the approved application but have been amended to reflect the revised design.

5.4 The area is characterised by modern semi-detached and terraced dwellings constructed with reconstituted stone blocks with a similar colour and hue to natural bathstone. The historic proposal (PK15/4882/F) had put forward K render for the elevations of the extension – this was seen as resulting in significant negative impact on the street scene. Further to this the form of the proposal was viewed as upsetting the balance of the dwelling by introducing a structure with a significant volume in such a prominent position. The second revised proposal has indicated the material to the front elevation will match that of the existing buildings. The side and rear elevations of the current proposal will be K rendered; this is not a material evident in the locality, however it will not be prominent and will be reasonably well screened from the street whilst not being an unusual choice of material for a proposal of this type. There is no objection to the elevational treatment of the building as it is the same as in the previously approved scheme.

- 5.5 There were also objections to the proposed scale and form of the refused extensions (PK15/4882/F). The officer considered the proposal to be disproportionate addition at odds with the modest proportions of the original dwelling. This was in part due to the ridge line of the extension. Though it was subservient to the dwelling due to the width of the proposal it was a significant addition and would not result in a balanced building and pair of semis. The revised application has introduced a further step in the ridge line and the distance from the boundary to the front elevation, significantly reducing the form of the building and its dominance of the streetscene. This subsequent application has retained the form of the two storey side extension but will infill the area at ground floor where previously there was a pedestrian access. Furthermore the height of the garage has been reduced further. It is thought that the revised design is an added improvement in terms of form to the previously approved scheme.
- 5.6 No objections have been received from local residents with regard to the revised proposal but objection has been received from the parish council. The council had also objected to the approved proposal on the same grounds. It has been considered that this current scheme is an improvement from the earlier approved scheme for the reasons outlined above.
- 5.7 Overall, it is considered that the proposed extensions would not harm the character or appearance of the area and as such is considered acceptable in terms of visual amenity. Therefore, it is judged that the proposal has an acceptable standard of design and is considered accord with policies CS1 and H4 and conforms to the criteria in the adopted Local Plan.
- 5.8 Residential Amenity
Policy H4 of the adopted Local Plan gives the Council's view on new development within existing residential curtilages. Proposals should not prejudice the residential amenity (through overbearing, loss of light and loss of privacy) of neighbouring occupiers as well as the private amenity space of the host dwelling. The refused proposal was assessed as having an acceptable impact on the amenities of the host dwelling and surrounding occupiers. The first revised proposal had not been considered to have any further negative impact on residential amenity and would be considered acceptable subject to the same assessment as the previous officer's report. This latest revision would further reduce any impact on neighbouring properties as the height of the garage has been reduced.
- 5.9 The properties forward of the front elevation are set a significant distance from the host property and separated by a highway and driveways. The proposal has not been considered to unacceptably impact the amenities of properties to the front of the host dwelling.
- 5.10 The side of the extension closest to no.3 Batley Court has been reduced in height further and has a lower ridge line than the remainder of the extension and the host dwelling. This will act to reduce any overbearing impact on the adjacent dwellings along the perpendicular spur of Batley Court (no's 1, 2, 3).

There are no windows oriented at less than 45 degrees to the rear elevation of these dwellings and consequently would not be considered to have a negative impact on the privacy of the dwellings nor result in any significant overlooking impact.

- 5.11 The proposals will utilise the footprint of the existing garage and would not project any further in any direction. They would not result in a floor area significantly larger than the existing dwelling and would leave an acceptable amount of outdoor amenity space.
- 5.12 The subject property is located within a built up residential area and given the scale and location of the proposed development, the proposal will not result in a detrimental impact on the residential amenity of its neighbouring occupiers, meaning the proposal is in accordance with saved policy H4 of the adopted Local Plan.
- 5.13 Sustainable Transport and Parking Provision
The proposal no longer contains an additional bedroom. Currently the property has an area of hardstanding to the front of the property and a detached double garage. The proposal would retain one of the existing garage spaces and convert the other. According to the residential Parking Standards SPD a 4 bedroom property would be required to provide 2 private parking spaces. This requirement is more than satisfied by the area of hardstanding to the front of the property and the retained garage space. The proposal would not require any additional parking spaces nor will it have a negative impact on highway safety or the retention of an acceptable level of parking provision, meaning the proposal is in accordance with saved policy T12 of the Local Plan (2006). The council has no objection to the proposal in relation to highway safety or parking provision.

6. CONCLUSION

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

7. RECOMMENDATION

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

Contact Officer: **Hanni Osman**
Tel. No. **01454 863787**

CONDITIONS

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

Reason

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

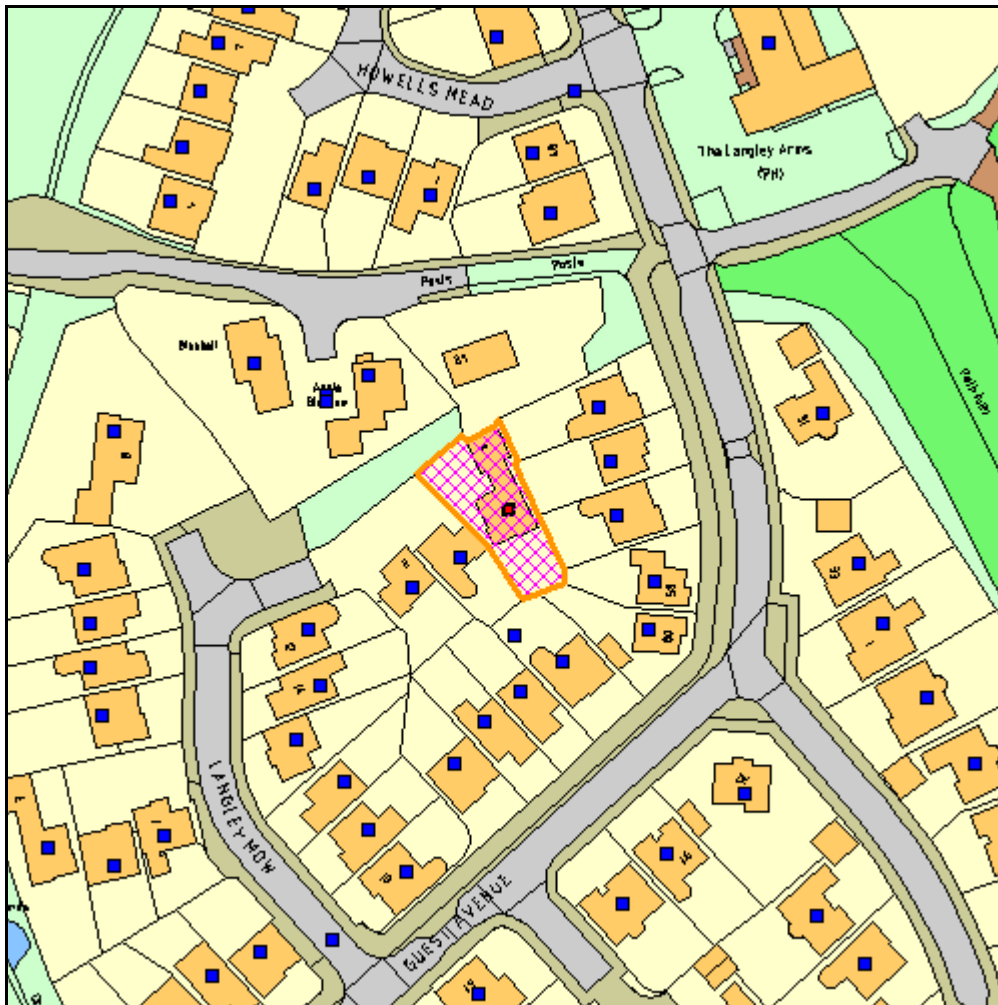
2. The materials to be used in the construction of the external surfaces to the front elevation of the extension hereby permitted shall match those used in the existing building.

Reason

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

CIRCULATED SCHEDULE NO. 47/16 – 25 NOVEMBER 2016

App No.:	PK16/5923/PDR	Applicant:	Mr And Mrs Britton
Site:	9 Langley Mow Emersons Green Bristol South Gloucestershire BS16 7DS	Date Reg:	28th October 2016
Proposal:	Conversion of existing garage into office/ store.	Parish:	Emersons Green Town Council
Map Ref:	366669 177261	Ward:	Emersons Green
Application Category:		Target Date:	21st December 2016



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PK16/5923/PDR

REASONS FOR REPORTING TO CIRCULATED SCHEDULE

The application has been subject to representations contrary to the findings of this report. Under the current scheme of delegation it is required to be taken forward under the Circulated Schedule procedure as a result.

1. THE PROPOSAL

- 1.1 The application seeks permission for the conversion of an existing garage into an office/store at No. 9 Langley Mow, Emersons Green.
- 1.2 The application site consists of a large, modern detached dwelling located in the urban fringe area of Emersons Green. The main dwelling is finished in red facing brick with a brown tiled roof. A double garage extends from the north facing side elevation of the dwelling. The materials used in the finish of the garage match those of the main dwelling.
- 1.3 The proposed works meet the criteria set out in the Town and Country Planning (General Permitted Development) (England) Order 2015, and would therefore, ordinarily, constitute permitted development. However the permitted development rights at this property were restricted under planning application ref. P96/4669, conditions 3, 4 and 5. Condition 5 places a restriction on the change of use of the garage at the property through permitted development rights.

2. POLICY CONTEXT

2.1 National Guidance

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

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

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

South Gloucestershire Local Plan Adopted January 2006 (Saved Policies)

H4 Development within Existing Residential Curtilages
T12 Transportation

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

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

2.3 Supplementary Planning Guidance
Residential Parking Standards SPD (Adopted) 2013

3. **RELEVANT PLANNING HISTORY**

- 3.1 P96/4669 Erection of 50 dwellings (reserved matters)
Approved: 11.03.1997

This application restricted permitted development rights at the property under conditions 3, 4 and 5. Condition 5 relates directly to the retention of the garage for the parking of vehicles at the property:

- (5) *“Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995, as amended, (or any Order revoking or re-enacting that Order), the garage(s) forming part of the dwelling(s) hereby permitted shall be retained as such and shall not be used for any purpose other than the garaging of private motor vehicles, and ancillary domestic storage, without the prior permission of the Local Planning Authority.”*

4. **CONSULTATION RESPONSES**

- 4.1 Emersons Green Town Council
No objection

- 4.2 Other Consultees

Sustainable Transport

No objection - subject to a condition that the garage building is used by the owners of the dwelling only and is not sub-let or sub-divided from the main building.

Other Representations

- 4.3 Local Residents

One comment raising concerns over the proposal has been received by the Local Authority. Whilst the comment outlines no objection to the conversion itself, concerns have been raised relating to the potential use of the converted garage as a 'shop', and the impacts this could have on the number of cars being parked in and around the property.

5. **ANALYSIS OF PROPOSAL**

- 5.1 Principle of Development

The application seeks permission for the conversion of an existing garage into an office/store. Saved policy H4 of the Local Plan permits extensions and alterations to existing dwellings within established residential curtilages subject to an assessment of design, amenity and transport. As well as the criteria of

saved policy H4, the proposal will be considered with regards to design against policy CS1 of the Core Strategy. The development is acceptable in principle but will be determined against the analysis set out below.

5.2 Design and Visual Amenity

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

- 5.3 The only proposed alteration to the exterior of the garage is the replacement of an east facing obscure glazed window with a new clear double glazed window. It is not considered that this alteration would have impact upon the character of the site or the surrounding area.

5.4 Residential Amenity

Saved Policy H4 of the Local Plan explains that development will be permitted provided that it would not detrimentally impact the residential amenities of nearby occupiers and would not prejudice the retention of adequate private amenity space.

- 5.5 It is not considered that the conversion of the garage in to an office/store would impact upon the residential amenities of nearby occupiers or the occupiers of the subject property. The only proposed alteration to the exterior of the property is replacement of an east facing obscure glazed window with a new clear double glazed window. As this is a ground floor window located in close proximity to a boundary fence, it is not deemed that the clear glazing of this window would impact upon the residential amenity of neighbouring properties.

5.6 Transport

It is acknowledged that the conversion of the garage would represent the loss of 2 potential parking spaces at the site. However the existing and proposed site plans submitted demonstrate that 3 parking spaces will be retained at the site. Following correspondence with the agent, it has been ascertained that the subject property has 3 bedrooms. Residential Parking Standards outline that a 3-bed property must make provision for a minimum of 2 off-street parking spaces each measuring a minimum of 2.4m x 4.8m. Although 3 spaces have been indicated on the plans, as the property is a 3-bed, a condition will be attached to any decision requiring a minimum of 2 parking spaces to be retained at the site.

5.7 Objection Comments

Concern has been raised relating to the potential use of the converted garage as a 'shop'; and the impacts that this could have on the number of cars being parked in and around the property. A further comment has been submitted by the applicant confirming that the converted garage as proposed will not be used for business purposes, and will not result in members of the public visiting the property. However a condition will be attached to any decision, requiring for the proposed office/store to be used in association with the main dwelling, and not

for any commercial purposes without the prior consent of the Local Planning Authority.

6. CONCLUSION

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

7. RECOMMENDATION

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

Contact Officer: Patrick Jackson
Tel. No. 01454 863034

CONDITIONS

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

Reason

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

2. The off-street parking facilities at the site shall make provision for the parking of a minimum of 2 vehicles, and shall be thereafter retained for that purpose.

Reason

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

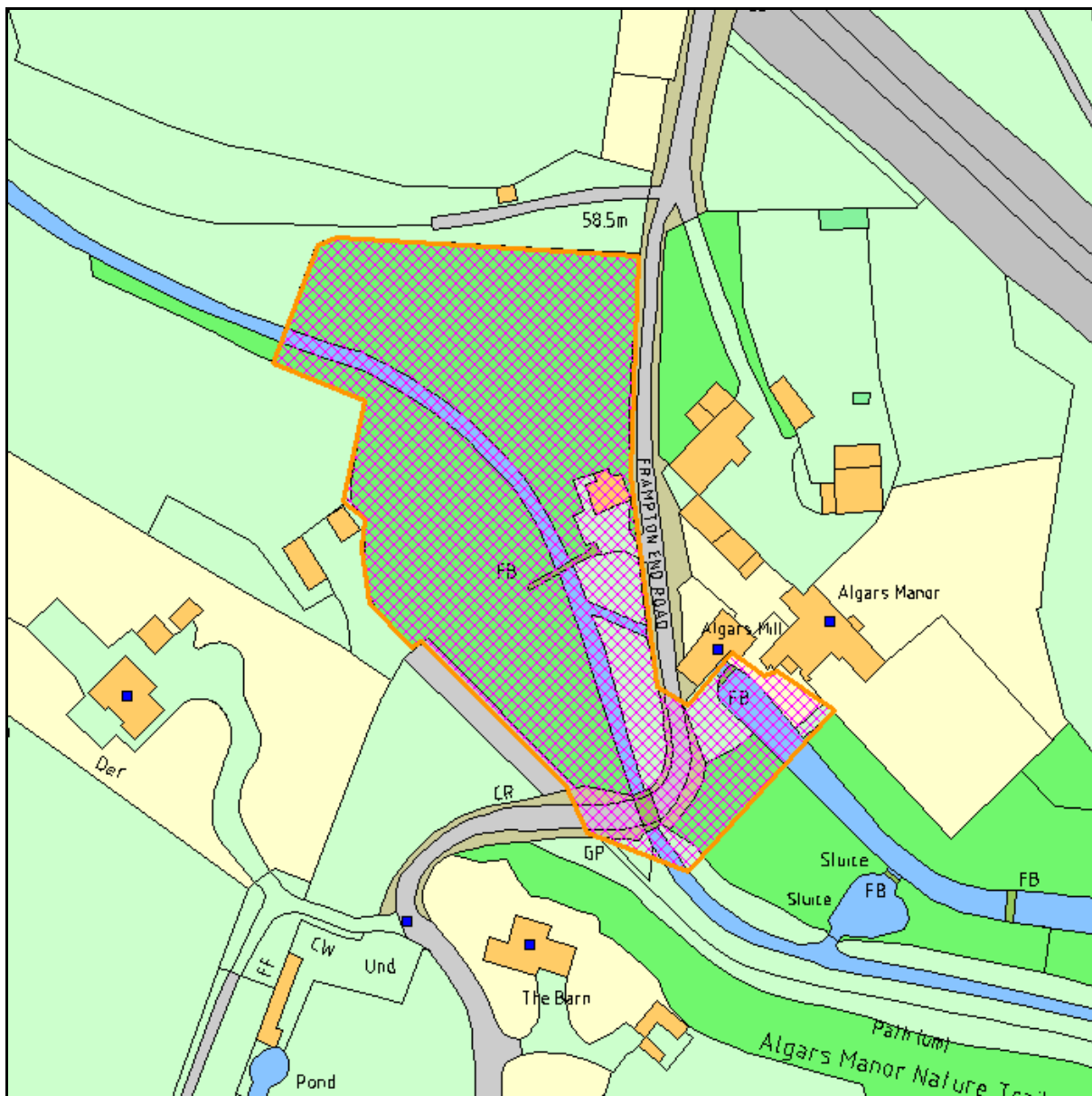
3. The office/store hereby permitted shall not be used at any time other than for purposes ancillary to the residential use of the dwelling known as 9 Langley Mow.

Reason

The application has been assessed on the basis that the usage of the office/store is ancillary to the dwellinghouse. Any commercial use would have significant implications in terms of privacy and amenity of neighbouring occupiers, and parking arrangements. This is to accord with Policy H4 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006; and the National Planning Policy Framework.

CIRCULATED SCHEDULE NO. 47/16 – 25 NOVEMBER 2016

App No.:	PK16/5995/TCA	Applicant:	Mrs Marilyn Wright
Site:	Algars Mill Frampton End Road Iron Acton Bristol South Gloucestershire BS37 9TD	Date Reg:	28th October 2016
Proposal:	Works to various trees as stated on description of works schedule on application form all trees situated within the Iron Acton Conservation Area	Parish:	Iron Acton Parish Council
Map Ref:	367599 183119	Ward:	Frampton Cotterell
Application Category:		Target Date:	6th December 2016



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PK16/5995/TCA

REASON FOR REPORTING TO THE CIRCULATED SCHEDULE

This application is referred to the Circulated Schedule as comments have been received during the public consultation period that are contrary to the recommendation.

However, this application is a prior notification of proposed works to trees in a conservation area. The purpose of such an application is to provide an opportunity for the Local Planning Authority (LPA) to serve a Tree Preservation Order (TPO) on the tree, should it fulfil the criteria of designation. A TPO must be served within a period of six weeks. Failure by the LPA to serve a TPO or respond to the notification within this timeframe results in a default position of the works gaining deemed consent. Therefore this application appears on the Circulated Schedule for information purposes only.

1. THE PROPOSAL

- 1.1 Works to various trees as stated on description of works schedule on application form all trees situated within the Iron Acton Conservation Area.
- 1.2 The trees are situated within the estate of Algars Mill, Frampton End Road, Iron Acton, Bristol, South Gloucestershire, BS37 9TD.

2. POLICY CONTEXT

- 2.1 National Guidance
 - i. The Town and Country Planning Act 1990
 - ii. The Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990
 - iii. The Town and Country Planning (Tree Preservation) (England) Regulations 2012

3. RELEVANT PLANNING HISTORY

- 3.1 None relevant

4. CONSULTATION RESPONSES

- 4.1 Iron Acton Parish Council made no comment in this application.

Other Representations

- 4.2 Local Residents

Comments were received from a resident in Frampton Cotterell objecting to the proposals on the grounds that the works will adversely affect the visual appearance and character of the area.

5. ANALYSIS OF PROPOSAL

- 5.1 This application provides prior notification of proposed works to trees situated within a conservation area.

5.2 Principle of Development

Under the Planning (Listed Buildings and Conservation Areas) Act 1990, it is recognised that trees can make a special contribution to the character and appearance of a conservation area. Under the above Act, subject to a range of exceptions, prior notification is required for works to a tree in a conservation area. The purpose of this requirement is to provide the Local Planning Authority an opportunity to consider bringing any tree under their general control by making a Tree Preservation Order. When considering whether trees are worthy of protection the visual, historic and amenity contribution of the tree should be taken into account and an assessment made as to whether the tree fulfils the criteria of a Tree Preservation Order.

5.3 Consideration of Proposal

Having walked the site with the applicant the Tree Officer can confirm that the majority of the work is prescribed in the interests of safety.

5.4 The bulk of the remaining tasks involve the removal of low limbs to allow access beneath the trees and to allow better low level light penetration throughout the estate.

5.5 The gardens are well maintained and contain an unusual mix of specimens. This work can be seen as ongoing management of a valuable tree resource.

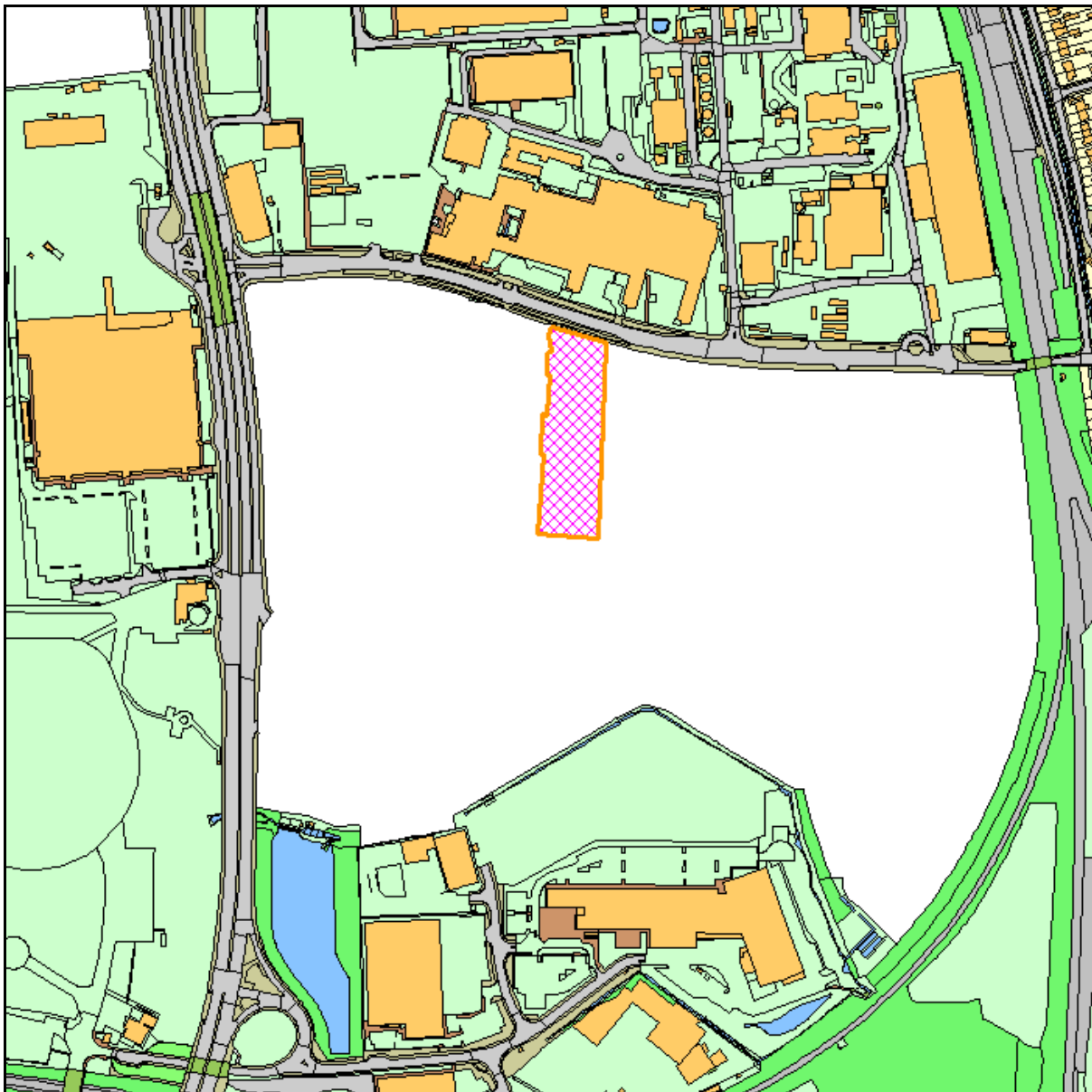
6. RECOMMENDATION

6.1 No objections

Contact Officer: Simon Penfold
Tel. No. 01454 868997

CIRCULATED SCHEDULE NO. 47/16 – 25 NOVEMBER 2016

App No.:	PT16/4353/F	Applicant:	MSF Filton LLP
Site:	East Works Site Gloucester Road North Filton South Gloucestershire BS34 7BQ	Date Reg:	8th August 2016
Proposal:	Erection of a Trade Warehouse (Class B8) with associated service yard, loading bay and parking.	Parish:	Filton Town Council
Map Ref:	360236 179078	Ward:	Filton
Application Category:	Major	Target Date:	4th November 2016



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PT16/4353/F

REASON FOR REPORTING TO THE CIRCULATED SCHEDULE

The application appears on the Circulated Schedule as any approval of this application requires a s106 legal agreement (Unilateral Undertaking).

1. THE PROPOSAL

- 1.1 The site is located within the former Rolls Royce East Works factory site. The site benefits from outline and subsequent reserved matters planning permission for a large scale employment generating development across the whole of the East Works site; and as detailed in section 3 of this report. The area is a designated Enterprise Zone.
- 1.2 By way of background, the approved development (latest reserved matters approval PT16/1176/RVC) allows the wholesale redevelopment of the Rolls Royce East Works site including a hotel, B1, B2, B8, Sui Generis car sales. The development is arranged on a grid, with two main access roads running North to South off Gypsy Patch Lane which are in turn linked by a main road running East to West. This application site seeks to alter the development approved on Unit F1 and Unit G1 which are accessed from the Western access road. The application affects only the plot and access points. It does not propose to alter the area occupied by Units F1 and G1 and does not propose to alter the main access to the site off Gypsy Patch Lane. The proposal would result in the effective consolidation of the buildings currently approved for Units F1 and G1. Both of these buildings are authorised for B8 storage and distribution use. It should be noted that, whilst the development has commenced, no buildings or road network has been constructed at the time of compiling this report.
- 1.3 The application is made in full and details the provision of a trade warehouse distributing building materials locally (use class B8). The development includes a trade counter, staff and trader parking, delivery facilities and external storage. The proposed building would measure approximately 52 metres wide by 65 metres in length. The building would be approximately 10 metres in height. Landscaping and trade-customer parking (47 oversized parking spaces to accommodate van sized vehicles) is proposed in the northern area of the site and is accessed off the main western spine road.
- 1.4 A further two accesses are proposed to the south of the proposed building giving access to delivery and staff parking.

2. PLANNING POLICY

- 2.1 National Guidance
National Planning Policy Framework
Planning Policy Guidance

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design

CS4A Presumption in Favour of Sustainable Development

CS5 Location of Development
 CS8 Improving Accessibility
 CS9 Managing the Environment and Heritage
 CS11 Distribution of Economic Development Land
 CS12 Safeguarded Areas for Economic Development
 CS25 Communities of the North Fringe of Bristol Urban Area
 CS26 Cribbs/Patchway New Neighbourhood

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

E3 Employment Development within the Urban Area
 L9 Species Protection
 L11 Archaeology
 EP2 Flood Risk and Development
 EP6 Contaminated Land
 T12 Transportation Development Control Policy for New Development

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

PSP1 Local Distinctiveness
 PSP2 Landscape
 PSP3 Trees and Woodland
 PSP11 Transport Impact Management
 PSP13 Safeguarding Strategic Transport Schemes and Infrastructure
 PSP20 Flood Risk, Surface Water and Flood Risk
 PSP26 Enterprise Areas
 PSP27 B8 Storage and Distribution Uses

2.4 Supplementary Planning Guidance

South Gloucestershire Design Checklist (August 2007)
 Waste Collection Guidance for New Developments (January 2015)

2.5 Other Material Considerations

West of England Local Enterprise Partnership - Filton Enterprise Area

3. RELEVANT PLANNING HISTORY

3.1 There is a large amount of planning history associated with this site. The most relevant planning history in that it directly informs this proposal, is listed below.

3.2 PT07/2478/O Redevelopment of site for mixed use development comprising Use Classes: B1(a) Offices, B1(c) Light Industry, B2 General Industry, B8 Storage and Distribution, C1 Hotel including ancillary leisure and food and drink, sui generis trade units and car dealerships, with associated infrastructure, access, parking (Outline) with access to be considered with all other matters to be reserved.

Approved 20th April 2009 subject to a s106 agreement (this planning consent was renewed on 8th June 2012)

3.3 PT07/2481/F Redevelopment of site for a mixed use development comprising Use Classes: B1(a) Offices, B1(c) Light Industry, B2 General

Industry, B8 Storage and Distribution, C1 Hotel including ancillary leisure and food and drink, sui generis trade units and car dealerships, with associated infrastructure, access, parking and landscape (Hybrid).

Approved 20th April 2009 (this consent has now expired)

- 3.4 PT12/0577/EXT Redevelopment of site for a mixed use development comprising Use Classes: B1(a) Offices, B1(c) Light Industry, B2 General Industry, B8 Storage and Distribution, C1 Hotel including ancillary leisure and food and drink, sui generis trade units and car dealerships, with associated infrastructure, access, parking and landscape (Hybrid). (Application for consent to extend time limit implementation for PT07/2481/F)

Approved 8th June 2012 (this consent has now expired).

- 3.5 PT12/0601/EXT Redevelopment of site for mixed use development comprising Use Classes: B1(a) Offices, B1(c) Light Industry, B2 General Industry, B8 Storage and Distribution, C1 Hotel including ancillary leisure and food and drink, sui generis trade units and car dealerships, with associated infrastructure, access, parking (Outline) with access to be considered with all other matters to be reserved. (Application for consent to extend time limit for implementation for PT07/2478/O)

Approved 8th June 2012 subject to a s106 agreement

- 3.6 PT14/1721/F Erection of Electricity sub-station with access and associated works.

Approved 11th September 2014

- 3.7 PT15/1634/RVC Variation of conditions 5 and 32 and removal of conditions 31 and 33 attached to planning permission PT12/0601/EXT.

Approved 15th July 2015 subject to a s106 legal agreement (this planning consent remains extant by virtue of the submission of this reserved matters application).

- 3.8 PT15-006-SCO Scoping Opinion in relation to the scope of the addendum to the Environmental Statement to support this Reserved Matters application.

The Local Planning Authority adopted the Scoping Opinion for the purpose of this application.

- 3.9 PT15/2209/RM Layout, scale, appearance and buildings, landscaping of the site together with associated parking. (Approval of Reserved Matters to be read in conjunction with Outline Planning Permissions (PT15/1634/RVC).

Approved subject to conditions 30th September 2015

- 3.10 PT15/033/SCR EIA Screening - for Section 73 planning application to vary Condition 4 (Approved Drawings) of PT15/2209/RM - to amend the layout of development approved under reserved matters.

Decision dated 8th January 2016 Environmental Impact Assessment is **not** required

- 3.11 PT16/1176/RVC Variation of condition 4 attached to planning permission PT15/2209/RM to substitute approved drawings with those received by the Council on 15th March 2016.

Approved 10th June 2016

- 3.12 PT16/5502/RVC Variation of condition 4 attached to planning permission PT16/1176/RVC to substitute plans numbered 13671-S73-102G, 13671-S73-F2-101A, 13671-S73-107C, 13671-S73-111J with revised plans.

Undetermined at the time of compiling this report

- 3.13 MODT16/0005 Deed of Variation of S106 Agreement attached to planning application PT15/1634/RVC

Undetermined at the time of compiling this report

4. CONSULTATION RESPONSES

- 4.1 Filton Town Council
No representation has been received

- 4.2 Highway Authority
No objection.

- 4.3 Urban Design Officer
No objection in principle. Measures for future installation of solar panels is suggested.

- 4.4 Lead Local Flood Authority
No objection in principle.

- 4.5 Environmental Protection
No objection in principle subject to ground contamination investigation and remediation if necessary.

- 4.6 Landscape Officer
No objection

- 4.7
No Objection

- 4.8 Economic Development Officer
No Objection. The EDO considers that the proposed development would result in a significant economic benefit.
- 4.9 Police Crime Prevention Officer
No Objection
- 4.10 Arts Co-ordinator
No objection in principle. The link to wider a public arts strategy through the s106 agreement relating to the East Works site is noted and the Arts Co-ordinator recommends that the development is part of the public arts strategy.

Other Representations

- 4.11 Local Residents
No comment has been received.

5. ANALYSIS OF PROPOSAL

- 5.1 The proposed development comprises the construction of a trade warehouse (use class B8) and associated parking and access.
- 5.2 Principle of Development
The wholesale redevelopment of the former Rolls Royce East Works site for a mix of employment generating uses is established through extant outline and reserved matters planning permissions (the latest planning consents held under applications PT15/1634/RVC and PT16/1176/RVC. The proposed development effects a parcel of land within the former Rolls Royce East Works site associated with the approved development. Essentially, the proposed development would replace Units F1 and G1 as approved with a single unit consolidating the approved floor space. There would be no effective change of use, which would remain B8 (Storage and Distribution). On this basis, officers consider that the principle of the proposed development is established.
- 5.3 Design and Landscaping Considerations
Under the extant reserved matters planning permission, a high quality pallet of materials and broad 'design code' has been established. The proposed development is consistent with this design code. Essentially the building would retain similar detailing and use of materials to the extant buildings (Units F1 and G1) and would utilise colours (dark grey and silver grey) to be applied consistently through-out the wholesale redevelopment of the former Rolls Royce site.
- 5.4 The proposed building would be positioned approximately 42 metres from the frontage of the site with Gypsy Patch Lane. This compares to approximately 15 metres in respect of the currently approved Unit F1. Nonetheless, the proposed building is two to three metres higher than the approved Unit F1, but is lower than the building associated with approved Unit G2.
- 5.5 Given the broad context of the approved development on the former Rolls Royce East Works site, officers consider that the proposed building is

acceptable. Whilst it is higher that the building which it would effectively replace, officers are satisfied that the appearance of the building and its position on the plot would be consistent with the area as the redevelopment of the East Works site unfolds. This application includes revised landscaping to the frontage of the site with Gypsy Patch Lane and this adequately addresses the impact of the introduction of a car-parking area against Gypsy Patch Lane. Such landscaping can be conditioned in the event of an approval. Similarly, the submitted proposal plans detail the type and colour of materials to be used on the building and as such can be conditioned in the event of the approval of this application. Accordingly, officers are satisfied that the development would provide good quality development that is fully consistent with the general design and appearance of the redevelopment of the East Works site.

5.6 It is noted that the Urban Design Officer has suggested that the proposed building is designed in such a way to accommodate solar panels in the future. The applicant has submitted an 'energy statement' which sets out the general performance of the building and this shows that the building would achieve BREEAM 'very good' and would exceed the Building Regulation Requirements in terms of its energy performance. Officers are therefore satisfied that the development would make a positive contribution to efficient energy use. A condition will be attached to any approval that secures the development in accordance with agreed plans and documents, which can include the Whilst it is acknowledged that the installation of solar panels onto the roof of the building could offer power generation up to the National Power Supply Grid, this would be a matter for the future occupiers of the development to implementing as part of the management of the building. It should be noted that the extant planning permission makes no specific obligation to provide for solar panels and as such officers do not consider that it would be reasonable to apply such a condition at this stage. However, an informative can be added to any approval that would draw attention to the potential benefits of 'future proofing' the structure of the building to take solar panels.

5.7 Having regards to the above, officers consider that the proposed development is acceptable in design and landscape terms.

5.8 Environmental Considerations

Contaminated Land – The extant outline planning permission is subject to specific land contamination condition across the whole of the former Rolls Royce East Works site. Officers are aware that considerable site investigation is underway in respect of that condition and the South Gloucestershire Council Environmental Protection Officer is involved in this process. This has enabled the development of a broad remediation strategy that is being considered to be acceptable in principle by the Environmental Protection Officer and officers anticipate that final approval will follow in the very near future. Furthermore, in this particular area of the East Works Site, it is considered likely that the site can be made safe for the type and nature of the proposed development. Nonetheless, whilst the final discussions continue regarding the remediation strategy continue, it is appropriate to apply a condition to any approval of this application to ensure that the development proceeds in accordance with any specifically required and agreed remediation.

5.9 *Drainage*

A broad drainage strategy was approved and controlled by condition as part of the outline planning permission across the development of the East Works site. The extant approval (units F1 and G1) would fit into this broad strategy. The applicant has submitted a specific drainage plan demonstrating how the proposed development would fit into the broad drainage strategy and officers consider that the submitted approach is acceptable and capable of accommodating surface water in a sustainable manner.

- 5.10 Subject to the above mentioned conditions, officers are satisfied that the development is acceptable in this regard.

5.11 Residential Amenity

Given the location of the site which sits centrally within the wider former Rolls Royce East Works site it is considered that there is ample distance from the site to existing residential properties. Similarly, there is ample separation to residential development underway as part of the Cribb Patchway New Neighbourhood and Charlton Hayes developments. Furthermore, it is considered that the impact of this development proposal compared to the extant permission would not be materially greater. Accordingly, officers are satisfied that the proposed development would have a minimal impact in respect of residential amenity.

5.12 Economic Considerations

The site is located in an Enterprise Zone and is a Safeguarded Economic Development Site. The proposed development would, in effect, reconfigure the approved B8 use under the outline/reserved matters applications. The development would not undermine the principle of providing positive economic development on the site and as such is acceptable in those terms. Furthermore officers consider that the development would continue to provide a significant economic development and employment opportunity consistent with the scope of including the area in an enterprise zone.

5.13 Transportation

The Highway Authority has compared the scope of the proposed development with the scope of the extant development for the wholesale redevelopment of the former Rolls Royce East Works. Officers are satisfied that the scale of the development proposed is comparable with the extant planning consent relating to this site specifically and consider that the proposed development would not have a materially greater impact in respect of highway safety and capacity in the locality. It is of particular note that the development would not alter the access junctions into the broad development and would not undermine the provision of the approved cycle and public transport network associated with the site as a whole; and, that the development would provide adequate parking, turning and delivery facilities within the development site. On this basis, it is considered that the proposed development is acceptable in transportation terms.

5.14 Planning Obligations

It is acknowledged that the extant outline and subsequent reserved matters planning consents are subject to a s106 legal agreement which secures planning obligations including;

- i) Highways improvements for the route to Patchway Railway Station
- ii) Highways improvements at the access to Patchway Railway Station
- iii) Public transport
- iv) Green transport measures
- v) Bus stop improvements
- vi) Travel Plan monitoring
- vii) Public Art

5.15 Officers understand that financial obligations triggered by the implementation of the outline/reserved matters permission have been progressed by the developer. Other obligations relating to specific highways works (traffic lights and junction implementation) and public art is to be provided directly by the developer at the relevant stages. The proposed development does not trigger further requirements/obligations over and above those already secured under the outline planning consents for the broader site. However, to ensure that the proposed development is not separated from the obligations established it is appropriate to link any approval of this application to the s106 legal agreement associated with the broad outline consent associated with the redevelopment of the former Rolls Royce East Works site. This can be achieved by way of Unilateral Undertaking made by the applicant which would bind the decision to the existing s106 agreement. Subject to this Unilateral Undertaking being made officers consider that the proposed development is acceptable.

6. CONCLUSION

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

7. RECOMMENDATION

- 7.1 That 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 a Unilateral Undertaking under Section 106 of the Town & Country Planning Act 1990 (as amended) to secure the following;

- 7.2 Should the agreement not be completed within 6 months of the date of the committee resolution that delegated authority be given to the Director of Environment and Community Services to refuse the application.

Contact Officer: Simon Penketh
Tel. No. 01454 863433

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. Ground Remediation

Prior to the commencement of the development hereby approved, the required remediation works (as set out in GJ051-GT-L03 East Works, Bristol - Planning Briefing Note: Remediation Strategy for Proposed SELCO Unit, as received by the Local Planning Authority on 19th July 2016) shall be carried out in accordance with the agreed remediation strategy (Remedial Options and Implementation Strategy Report (GJ051_ROIP_V2_FINAL) prepared by G& J Geoenvironmental Consultants Ltd. May 2015) and controlled waters risk assessment (Controlled Waters DQRA report (GJ501-CWDQRA-V2-FINAL) prepared by G& J Geoenvironmental Consultants Ltd) (excepting for the final cover system required to complete the development). Prior to the first occupation of the development hereby approved, a report shall be submitted to the Local Planning Authority verifying that the remediation has been implemented satisfactorily.

Reason

In order to protect the occupants of the development from unacceptable pollution impact and to accord with Policy CS9 of the South Gloucestershire Local Plan, Core Strategy (adopted) December 2013.

3. Ground Remediation

Prior to the first occupation of the development hereby approved, a report verifying that the final cover system (where required) has been completed satisfactorily, shall be submitted to and agreed in writing by the Local Planning Authority.

Reason

In order to protect the occupants of the development from unacceptable pollution impact and to accord with Policy CS9 of the South Gloucestershire Local Plan, Core Strategy (adopted) December 2013.

4. Ground Remediation

In the event that unexpected contamination is found during the construction of the development hereby approved, development shall immediately cease upon the part of the site affected. The Local Planning Authority shall be informed immediately in writing. A further investigation and risk assessment shall be undertaken and where necessary an additional remediation scheme prepared. The findings and report shall be submitted to and agreed in writing to the Local Planning Authority prior to works recommencing. Thereafter the works shall be implemented in accordance with any further mitigation measures so agreed.

Reason

In order to protect the occupants of the development from unacceptable pollution impact and to accord with Policy CS9 of the South Gloucestershire Local Plan, Core Strategy (adopted) December 2013.

5. SuDS Implementation

The development hereby approved shall be implemented strictly in accordance with the agreed drainage strategy (Drawing No.CWA-16-432-520 / Revision T2 / Dated 06-10-16 (Proposed Drainage Strategy)) and thereafter retained as such.

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.

6. Provide Landscaping

The agreed landscaping as detailed on drawing numbered V13671A Rev F (as received by the Local Planning Authority on 13th October 2016) and V13671AD01 (as received by the Local Planning Authority on 19th July 2016) shall be provided in the first available planting season following the completion of the approved building and associated parking and access facilities and thereafter shall be retained as such. In the event that any plants die, become diseased or otherwise removed within five years of the landscaping being implemented, those plants shall be replaced in the next available planting season on a like for like basis.

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.

7. Access, Parking, Delivery and Turning Facilities

Prior to the first occupation of the development hereby approved, all on site access, parking (including cycle parking), delivery and turning facilities shall be fully implemented in accordance with drawing numbered 13671A-102 Rev J and thereafter retained as such.

Reason

To ensure the satisfactory provision of parking, access, turning and delivery 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.

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.

8. Plans

The development hereby approved shall be implemented strictly in accordance with the following drawings and documents;

13671A-100F (Site Location Plan)

13671A-101E (Existing Site Plan)

as received by the Local Planning Authority on 15th October 2016

13671A-DA01J (Design and Access Statement)

13671A-102J (Proposed Site Plan)

13671A-106D (Proposed Street Scene Elevations)

V13671A L01F (Landscape Plan)

as received by the Local Planning Authority on 13th October 2016

CWA-16-403-SEL-520_T2 (Proposed Drainage Strategy)

as received by the Local Planning Authority on 6th October 2016

d160816 Rev A - (Selco Energy Statement)

as received by the Local Planning Authority on 17th August 2016

13671A-103D (Proposed GA Plan)

as received by the Local Planning Authority on 5th August 2016

13671A-104C (Proposed Elevations)

13671A-105A (Proposed Roof Plan)

V13671A D01 Plot F1 Selco (Tree Pit Detail)

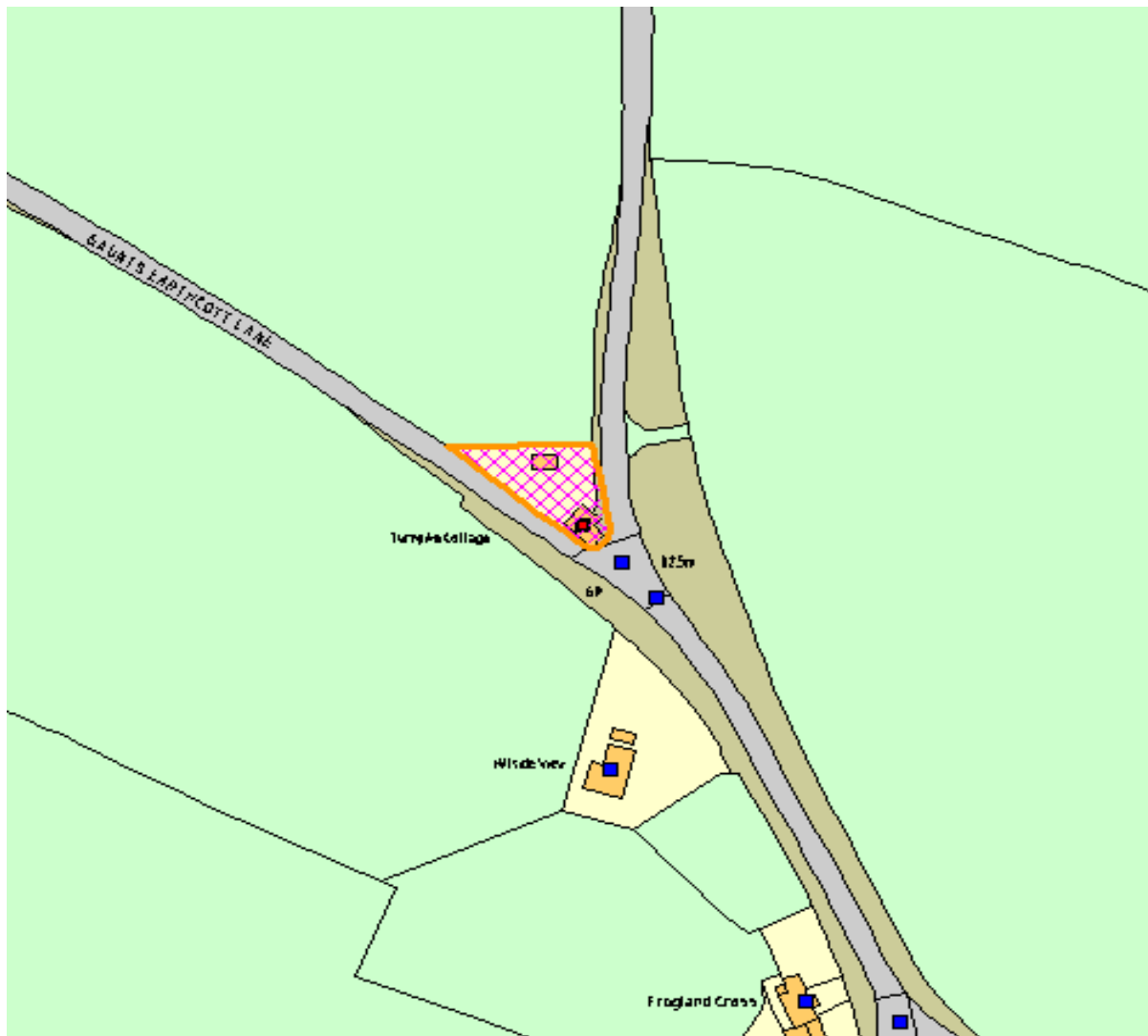
as received by the Local Planning Authority on 19th July 2016

Reason

For the avoidance of doubt.

CIRCULATED SCHEDULE NO. 47/16 – 25 NOVEMBER 2016

App No.:	PT16/4898/F	Applicant:	Mr Robert Challis
Site:	Turnpike House Old Gloucester Road Winterbourne South Gloucestershire BS36 1RU	Date Reg:	5th September 2016
Proposal:	Alterations to roof and installation of cladding	Parish:	Frampton Cotterell Parish Council
Map Ref:	364445 183798	Ward:	Frampton Cotterell
Application Category:	Householder	Target Date:	27th October 2016



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PT16/4898/F

1. PROPOSAL AND SITE DESCRIPTION

- 1.1 The proposal seeks full planning permission for alterations to the roof and installation of cladding to Turnpike House, Winterbourne.
- 1.2 The application site relates to a highly prominent dwelling which sits at the centre of a fork between Old Gloucester Road and Gaunts Earthcott Lane. The triangular plot has seen a number of later additions, including a detached garage at the site. It is a two storey building, which has rendered elevations, UPVC windows and a concrete tiled roof. The site is located within part of the Bristol and Bath Green Belt and is outside an urban area or defined settlement. A nearby Turnpike marker post is locally listed.
- 1.3 Original plans submitted also sought permission for the erection of a first floor extension, above an existing single storey addition to the side of the property. Officers expressed that this would have been an incongruous and disproportionate addition and therefore; inappropriate development within the Green Belt. Accordingly, the applicant submitted amended plans which now show the first floor side extension is omitted from the proposal. Such changes were considered material, and therefore the case officer undertook a period of re-consultation.
- 1.4 Alterations to the roof require planning permission as they would not meet criteria as set out in the Town and Country Planning (General Permitted Development) (England) Order 2015 (GDPO), Part 1, Class C, C.1, (b); the alteration would protrude more than 0.15 metres beyond the plane of the slope of the original roof of the dwellinghouse. Similarly, the installation of cladding to the exterior of the property would require planning permission, as it does not meet criteria as set out in the GDPO, Part 1, Class A, A.2, (a).

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework March 2012
National Planning Policy Guidance 2014

2.2 Adopted 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
CS34 Rural Areas

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

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

2.3 Emerging Development Plan

Proposed Submission South Gloucestershire Policies, Sites and Places Plan (June 2016)

PSP1 Local Distinctiveness

PSP7 Development in the Green Belt

PSP8 Residential Amenity

PSP38 Development within Existing Residential Curtilages

2.4 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted) August 2007

Residential Parking Standard SPD (Adopted) December 2013

Development within the Green Belt SPD (Adopted) June 2007

3. RELEVANT PLANNING HISTORY

- 3.1 N5292 Approve with Conditions 04.10.1979
Erection of a single storey side extension to provide entrance lobby (in accordance with amended plans received by the Council on 12th September 1979).
- 3.2 PT10/0515/F Approve with Conditions 22.04.2010
Erection of single storey rear extension to provide additional living accommodation.
- 3.3 PT13/2084/F Refusal 13.08.2013
Demolition of existing garage and erection of replacement detached double garage with storage and office space above, two single dormers in the north and south roofslopes and Juliet balcony to the front elevation.
- 3.4 PT13/4554/F Approve with Conditions 03.02.2014
Demolition of existing garage and erection of replacement detached double garage with storage and office space above with velux windows and external staircase. (Resubmission of PT13/2084/F).

4. CONSULTATION RESPONSES

4.1 Frampton Cotterell Parish Council

Original proposal

"The Parish Council objects; this property lies within the greenbelt and the extent of the proposed increase in size ought to be checked against the size of the original building, if approved this property will no longer look like a toll house. The Parish Council supports the comments made by the Conservation Officer."

Revised proposal

"The [Parish] Council reiterates its previous objections: The property lies within the greenbelt and the extent of the proposed increase in size ought to be checked against the size of the original building, if approved this property will no longer look like a toll house. The Parish Council supports the comments made by the Conservation Officer."

4.2 Sustainable Transport

Original proposal

No objection

Revised proposal

No comments received

4.3 Archaeology Officer

Original proposal

No objection

Revised proposal

No comments received

4.4 Landscape Officer

Original proposal

No comment

Revised proposal

No comments received

4.5 Conservation Officer

Original proposal

Objection, comments as follows:

- Considered a non-designated heritage asset
- Turnpike cottage were originally simply detailed and of modest scale
- Extension does not reflect local distinctiveness or character of building as a non-designated heritage asset.

Revised proposal

No objection, comments as follows:

- Although roof alteration removes degree of interest, the harm to non-designated heritage asset would not be sufficient to warrant refusal.

Other Representations

4.6 Local Residents

Original proposal

No comments received

Revised proposal

No comments received

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The NPPF states in paragraph 89 that the extension or alteration of a building in Green Belt would be allowed, providing that the development does not result in disproportionate additions over and above the size of the original building. Accordingly, the development would be appropriate in principle providing that it is not deemed disproportionate in relation to the original building.

- 5.2 CS1 of the Core Strategy seeks the highest possible standards of design and states that the siting, form, scale, height, massing, detailing, colour and materials are informed by, respect and enhance the character, distinctiveness and amenity of both the application site and its context. Saved policy H4 of the South Gloucestershire Local Plan (Adopted) 2006 and the emerging Policy PSP38 of the PSP Plan (June 2016) allow the principle of extensions within residential curtilages, subject to considerations of visual amenity, residential amenity and highway safety. The proposal accords with the principle of development subject to the consideration below.
- 5.3 Green Belt
This application proposes alterations to the roof and installation of cladding to the host dwelling, which is located in Green Belt. The Case Officer notes through historic records and a site visit that the main dwelling has been previously extended.
- 5.4 It is estimated that the existing volume of additions over and above the dwelling is approximately 115.5%, as such the comments from the Parish Council with regard to volume increase are understood. The case officer estimates however, that the alterations to the roof would represent a reduction in volume by approximately 14.5 cubic meters. Accordingly, it is not considered that it would represent, or appear as, a disproportionate alteration to the property. Furthermore, whilst it is acknowledged that following the development, the property would appear different in the landscape, it is not considered it would be such to impact openness of the Green Belt.
- 5.5 Accordingly, given the assessment above, it is considered that the development would not appear disproportionate in the context of the site or cause harm to the Green Belt.
- 5.6 Design and Visual Amenity
The property is located at a highly prominent location and is regarded by the Conservation Officer as a 'non-designated heritage asset'. Whilst it is altered it can still be read within the landscape as a former turnpike keeper's cottage. The roof of the front elevation is formed of the roof slope of a side facing gable, the roof of the property is then pitched towards the rear. As a result of the development the front elevation would now be form a front facing gable and the entire roof would be of the same pitch. Officers note the comments of the conservation officer, and agree that these alterations would alter the appearance of the property, and remove a degree of character. Whilst this is somewhat regrettable, the proportions of the property would largely remain, and as such, it is not considered that the changes would be such to warrant refusal of the application.
- 5.7 Plans show that cladding would be introduced to the front elevation, and part of the side elevation of the property. Correspondence with the applicant, received 16th November 2016, confirm that the clad would also be introduced to the new front facing gable. It is proposed that it would be Cedral cladding in a light grey shade. Whilst such materials are considered acceptable in this instance, given the prominent location of the property; to ensure a satisfactory standard of external appearance and the highest quality of design, a condition will be

issued for the applicant to provide samples of facing materials prior to the relevant stage of the development.

- 5.8 The NPPF sets out in para. 135 that the effect of an application on a non-designated heritage asset requires a balanced judgement having regard to the scale of harm. Accordingly, whilst it is acknowledged that the alterations would visibly change the property, its proportions would largely remain the same and its appearance as a turnpike cottage would not be wholly lost. Therefore, the proposal is deemed to comply with national policy as well as Policy CS1 and CS9 of the Core Strategy (Adopted) December 2013 and the emerging Policy PSP1 of the PSP Plan (June 2016).

5.9 Residential Amenity

The application site is isolated, and its nearest neighbours are over 60 metres away. The proposal is relatively minor and would not result in any detrimental impact to the residential amenity of nearby occupiers. Overall therefore, the proposal is acceptable in terms of Policy H4 of the Local Plan (Adopted) January 2006.

5.10 Transport and Parking

Submitted plans show that the development would not increase the number of bedrooms at the property, nor would it alter the parking provision or access at the site. It is noted that transportation colleagues have not expressed any concerns with the development, and as such no objection is raised in relation to highway matters.

6. CONCLUSION

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

7. RECOMMENDATION

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

Contact Officer: Lucy Paffett
Tel. No. 01454 863436

CONDITIONS

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

Reason

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

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

Reason

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

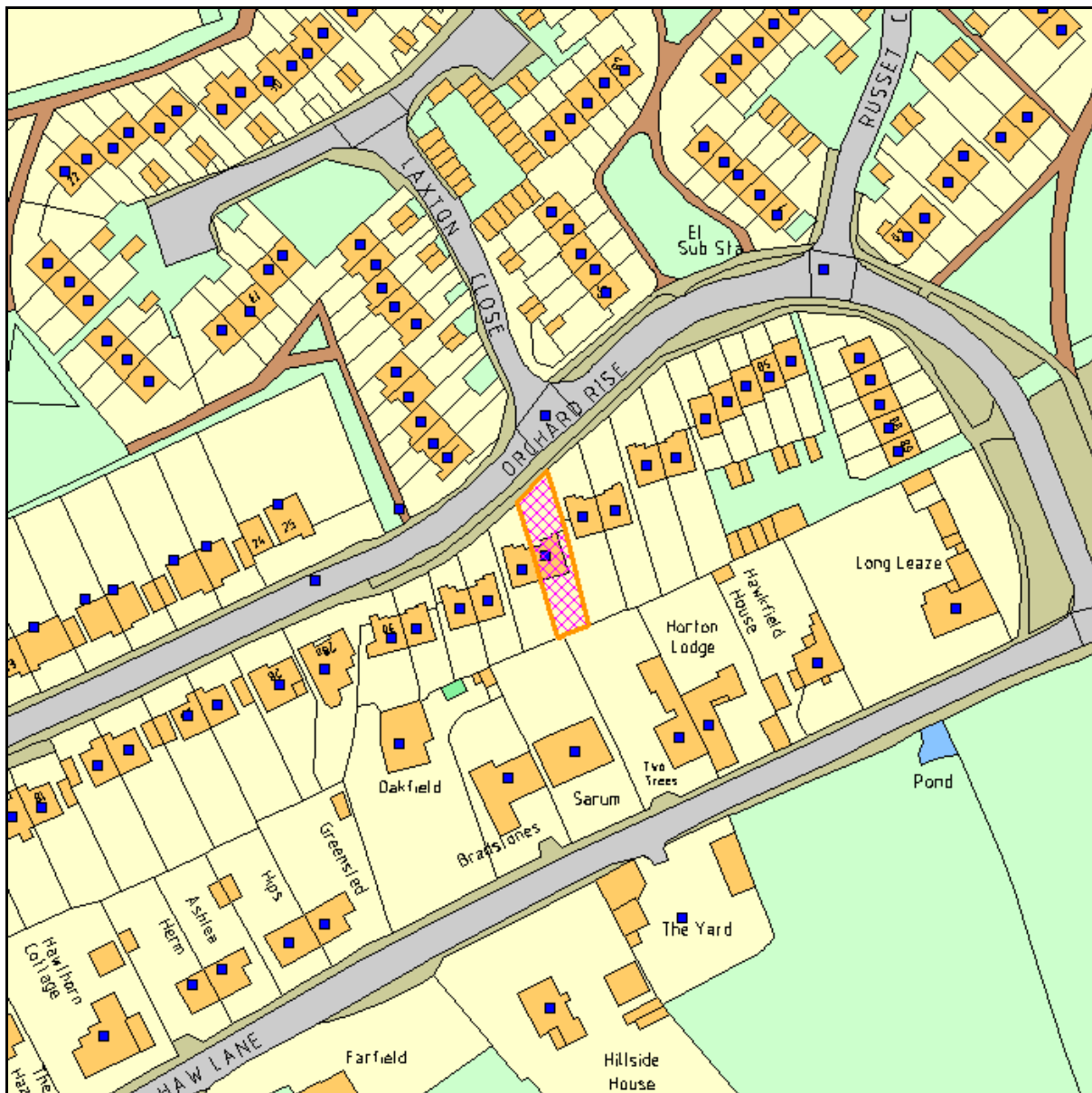
3. Prior to the relevant stage of development samples of the external cladding material proposed to be used shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

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.

CIRCULATED SCHEDULE NO. 47/16 – 25 NOVEMBER 2016

App No.:	PT16/5298/F	Applicant:	Mr Matthew Wright
Site:	40 Orchard Rise Olveston Bristol South Gloucestershire BS35 4DZ	Date Reg:	12th October 2016
Proposal:	Erection of single storey and two storey rear extension to provide additional living accommodation and the alteration of existing solar photovoltaics	Parish:	Olveston Parish Council
Map Ref:	360356 187038	Ward:	Severn
Application Category:	Householder	Target Date:	6th December 2016



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PT16/5298/F

1. PROPOSAL AND SITE DESCRIPTION

- 1.1 The proposal seeks full planning permission for the erection of single storey and two storey rear extensions to provide additional living accommodation at 40 Orchard Rise, Olveston. It would also involve alteration to the layout of existing solar photovoltaics on the roof.
- 1.2 The application site relates to a semi-detached property, which comprises buff brick and clad elevations, with upvc windows and a concrete tile roof. The site is located in the built up residential area and settlement boundary of Olveston, and within part of the Bristol and Bath Green Belt. The property benefits from parking on hardstanding as well as an integral garage. The surrounding area is characterised by semi-detached properties of a similar design.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework March 2012
National Planning Policy Guidance 2014

2.2 Adopted 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
CS34 Rural Areas

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

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

2.3 Emerging Development Plan

Proposed Submission South Gloucestershire Policies, Sites and Places Plan (June 2016)

PSP1 Local Distinctiveness
PSP7 Development in the Green Belt
PSP8 Residential Amenity
PSP38 Development within Existing Residential Curtilages

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted) August 2007
Residential Parking Standard SPD (Adopted) December 2013
Development within the Green Belt SPD (Adopted) June 2007

3. RELEVANT PLANNING HISTORY

- 3.1 No relevant planning history

4. CONSULTATION RESPONSES

4.1 Olveston Parish Council
No comment received

4.2 Sustainable Transport
"The applicant seeks to erect a single storey and two storey rear extension. The proposals would create a 4th bedroom. A dwelling with 4 bedrooms requires 2 off street parking spaces. These are existing on the driveway to the front of the property. There are no transportation objections."

4.3 Archaeology Officer
No objection

Other Representations

4.4 Local Residents
1no. objection received from a neighbouring occupier at No. 38 Orchard Rise.
Comments as follows;
- Loss of light
- encroachment

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development
The NPPF states in paragraph 89 that the extension or alteration of a building in Green Belt would be allowed, providing that the development does not result in disproportionate additions over and above the size of the original building. Accordingly, the development would be appropriate in principle providing that it is not deemed disproportionate in relation to the original building.

5.2 CS1 of the Core Strategy seeks the highest possible standards of design and states that the siting, form, scale, height, massing, detailing, colour and materials are informed by, respect and enhance the character, distinctiveness and amenity of both the application site and its context. Saved policy H4 of the South Gloucestershire Local Plan (Adopted) 2006 and the emerging Policy PSP38 of the PSP Plan (June 2016) allow the principle of extensions within residential curtilages, subject to considerations of visual amenity, residential amenity and highway safety. The proposal accords with the principle of development subject to the consideration below.

5.3 Green Belt
This application proposes to erect rear additions to the host dwelling, which is located in Green Belt. The case officer notes through historic records and a site visit that the main dwelling has not previously been extended.

5.4 The Development in the Green Belt SPD (2007) sets the disproportionate test, indicating that an increase in volume of under 30% over and above that of the original property is considered acceptable, an increase of between 30 and 50% could be appropriate and that exceeding 50% is likely to be considered in

excess of a reasonable definition of a 'limited extension'. It also emphasises that the disproportionate test will be assessed on a case-by case basis, and will depend upon individual circumstances of the site.

- 5.5 The application was not supported by volume calculations, but it is estimated that the volume of the extension over and above the existing dwelling would be approximately 28.5%. Accordingly, the Green Belt SPD sets out that such an increase would be likely to be approved subject to a detailed assessment.
- 5.6 The application site is already located in a built up residential area, and a number of nearby properties (notably No.42 Orchard Rise) have similar extensions. Furthermore, the extension would be entirely enclosed within the rear garden of the application site and would be unlikely to have an impact on the surrounding area. The dwelling sits in a relatively large plot and the case officer estimates that if the extension was constructed the footprint of the building would still only cover approximately one third of the plot.
- 5.7 Accordingly, given the above, it is considered that the development would not appear disproportionate in the context of the site or cause harm to the Green Belt.
- 5.8 Design and Visual Amenity
The proposed extension would run along the entire rear elevation at ground floor, having a total width of 6.5 metres, it would then have a first floor element to just the eastern side, which would run for a width of 4.1 metres. The single storey element of the extension would have a width of 2.9 metres and a depth of 3 metres. It would have a lean-to roof which would have a maximum height of 3.9 metres to the ridge, and 2.5 metres to the eaves. The two storey element would form a rear facing gable, and would be set down from the existing roof by 0.7 metres. It would have a maximum height of 5.8 metres, and a depth of 3 metres.
- 5.9 Plans show that materials would be complimentary to the existing dwelling. The extension would introduce 1no. window at first floor level, as well as bi-folding doors, 1no. window and 2no. rooflights to the ground floor. It also appears that the development would involve alterations to the placement of solar panels on the roof of the property. These changes are considered relatively minor, and would not be visible to the wider streetscene.
- 5.10 It is acknowledged that the extension would be a relatively large addition to the property, however it would be enclosed within the rear garden, and by virtue of its reduced ridge height, the two storey component manages to appear subservient to the existing dwelling. The case officer is also mindful that similar extensions are found within the vicinity of the property. Accordingly, the proposal is deemed to comply with Policy CS1 of the Core Strategy (Adopted) December 2013 and the emerging Policy PSP1 of the PSP Plan (June 2016).
- 5.11 Residential Amenity
Orchard Rise is an angular road, and semi-detached pairs are arranged in a staggered layout along the street. The host adjoins to the adjacent No. 38 to the west, and together they form a semi-detached pair. They sit forward by 6

metres of Nos. 34 and 36 to the west and sit backward by 5 metres to Nos.42 and 44 to the east.

- 5.12 The adjoining neighbour at No. 38 Orchard Rise has objected to the development in relation to loss of light and encroachment. It is acknowledged for No.38, the development would introduce an increased amount of built form adjacent to the rear boundary. However it is considered that, only the first floor element is likely to further impact these occupiers. Whilst it is acknowledged that this may cause some change to residential amenity, it would be located to the eastern side of the rear elevation, and it is therefore not deemed that any impact would be such to warrant a refusal.
- 5.13 The main rear building line of the neighbouring dwelling at No.42 Orchard Rise currently sits approximately 4 metres forward of the main rear building line of the host. The case officer noted on site that the neighbouring dwelling at No.42 has an existing two storey rear extension. Historic records show that this extension extends by a depth of 3.1 metres (ref. PT03/3540/F) and is a similar design to proposal. Given the above, whilst it is noted that the development may result in some change to the existing situation, it is not considered that it would cause an unacceptable impact upon these neighbours.
- 5.14 The application site benefits from a relatively large plot and following the development an adequate amount of garden area would remain to serve the property. Overall the proposal is acceptable in terms of Policy H4 of the Local Plan (Adopted) January 2006.
- 5.15 Transport and Parking
Submitted plans show that following the development the number of bedrooms at the property would increase from 3 to 4. Accordingly, the Council's Residential Parking SPD sets out that 2 off-street parking spaces should be provided at the site. Following a site visit the case officer noted that these could be provided on hardstanding to the front of the property, in excess of an integral garage at the site. With this in mind, there is no objection raised in relation to highway matters.

6. CONCLUSION

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

7. RECOMMENDATION

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

Contact Officer: Lucy Paffett
Tel. No. 01454 863436

CONDITIONS

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

Reason

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

2. Prior to the use or occupation of the development hereby permitted, and at all times thereafter, the proposed first floor window on the eastern side 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 Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006; and the National Planning Policy Framework.

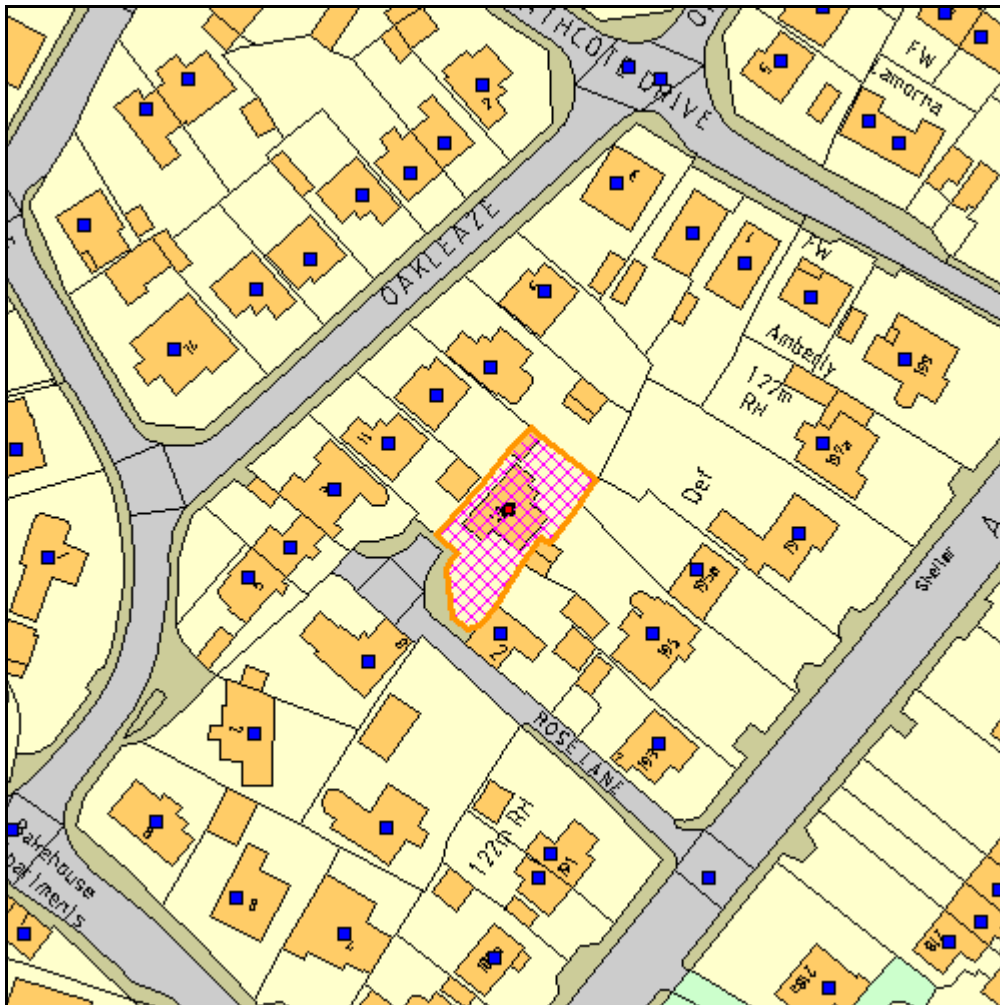
3. No windows other than those shown on the plans hereby approved shall be inserted at any time to the first floor side elevation (eastern and western) of the extension.

Reason

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

CIRCULATED SCHEDULE NO. 47/16 – 25 NOVEMBER 2016

App No.:	PT16/5362/F	Applicant:	Mr And Mrs Lewis Cox
Site:	2A Rose Lane Coalpit Heath Bristol South Gloucestershire BS36 2PS	Date Reg:	29th September 2016
Proposal:	Alterations to raise roof line to provide additional living accommodation.	Parish:	Frampton Cotterell Parish Council
Map Ref:	367558 181020	Ward:	Frampton Cotterell
Application Category:	Householder	Target Date:	22nd November 2016



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 The application is for alterations to raise roof line to provide additional living accommodation. This would essentially consist of a first floor extension to create a two storey dwelling from the existing bungalow.
- 1.2 The property is a detached bungalow located on a small cul-de-sac containing and surrounded by a variety of dwellings, within the residential area of Coalpit Heath.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework
National Planning Policy Guidance
- 2.2 Development Plans
South Gloucestershire Local Plan (Adopted) January 2006
H4 Development within Existing Residential Curtilages, Including Extensions and New Dwellings
T12 Transportation

South Gloucestershire Local Plan Core Strategy Adopted December 2013
CS1 High Quality Design
CS8 Access/Transport
- 2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist (Adopted) 2007.
South Gloucestershire Parking Standards SPD

3. RELEVANT PLANNING HISTORY

- 3.1 None relevant

4. CONSULTATION RESPONSES

- 4.1 Frampton Cotterell Parish Council
The Parish Council has no objection.

Sustainable Transportation

The applicant seeks to raise the roof line to convert the existing 2 bed bungalow into a 3 bed dwelling house. The existing off street parking arrangements will remain unchanged. As the driveway to the side of the dwelling is relatively narrow, it is suggested that the applicant may wish to remove the section of wall to the front of the driveway to aid access onto the wider driveway. There are no transportation objections.

Archaeology

There are no objections to this proposal on archaeological grounds.

Other Representations

4.2 Local Residents

Two letters of objection from local residents have been received, as follows:

'As the owner of a neighbouring property, which faces the northwest elevation of 2a Rose Lane, we wish to raise objections on two grounds:

1. The proposed development is approximately 46 feet from our house and will block both the sun and daylight from our garden, which is only 8 feet from the property. In the winter months we will also be denied sunlight in our rear ground floor rooms.

2. The proposed 1st floor windows on the rear elevation will have a clear line of sight into our garden thus denying us any privacy in our garden, which is already compromised by the existing kitchen window. We have already built another patio in the rear corner of our garden, abutting the garage of 2a Rose Lane, to obtain privacy due to the position of the kitchen window. This would no longer apply if the development goes ahead.'

The second letter raises concerns as follows:

'The reason for objection are the two bedroom windows which will overlook the whole of the back of my house and garden. These windows will mean there is no privacy in rooms or outside. A loft conversion would be less intrusive and blend in with the existing cottages on Rose Lane'

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 Residential Amenity

The amenity concerns raised above are noted. The extension of the property to first floor is limited to the existing footprint of the dwelling, so the side rear and front walls would not protrude any further from their current location.

Immediately to the north west is a detached garage in the rear curtilage of a property associated with Oakleaze, a residential road to the north. Much of the extension to first floor would be behind this building. The side wall of the application site is located approximately 2 metres off the boundary in this direction, beyond which are the rear curtilage gardens of the properties on Oakleaze, which extend to approximately 11 metres, beyond which are the rear wall of the dwellings. No windows are proposed in either side elevation at first floor level. The maximum height of the building on this elevation, to apex of the roof on what is a gable end would be 5 metres. The height of the side wall once

extended would be similar to this with the slope of the roof pitched away from the shared boundary, helping to reducing the impact.

- 5.3 It is not considered that there would be material issues of increased direct intervisibility between properties as windows would be at right angles and not facing each other and further to this the distances from the nearest part of adjacent properties would be approximately around 14 metres, and at an angle. The first floor rear bedroom windows would immediately overlook the applicants rear garden curtilage area. These windows would be approximately 10 metres from the curtilage boundary, beyond which is the curtilage of another property on Oakleaze. At present there is a small boundary fence separating the curtilages which allows direct intervisibility between gardens. Boundary treatment, if greater privacy was sought, could be increased to up to two metres without the requirement for planning permission. The nature of the layout of the built up area is such that gardens will be able to be seen from certain angles from certain windows, the issue is the extent, the current situation, the distances involved and any mitigation that could be reasonably utilised. Given the relative scale of the proposal, its location, relationship and distance with surrounding properties it is not considered that it would give rise to significant or material amenity on the basis of overbearing impact or overlooking /intervisibility such as to warrant objection and sustain refusal of the application on this basis.

5.4 Design

The proposals are considered to be of an appropriate standard in design and would not be out of keeping or incongruous with the character of the area surrounding properties where there are a mix of styles, designs and scales of dwelling. The extension is of an acceptable size in comparison to the plot and the site and surroundings. Materials would match those of the existing dwelling.

5.5 Transportation

The existing off street parking arrangements will be unchanged and sufficient off-street parking provision remains available to serve 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 proposals are of an appropriate standard in design and are not out of keeping with the context of the area and surrounding properties. Furthermore the proposal would not materially or significantly harm the amenities of the neighbouring properties by reason of loss of privacy or overbearing impact. Adequate parking can be provided on the site. As such the proposal accords with Policies H4 and T12 of the South Gloucestershire Local Plan (Adopted) 2006 and CS1 of the South Gloucestershire Local Plan Core Strategy Adopted December 2013.

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

7. RECOMMENDATION

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

Contact Officer: Simon Ford
Tel. No. 01454 863714

CONDITIONS

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

Reason

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

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

Reason

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

3. The hours of working on site during the period of construction shall be restricted to 08.00 - 18.00 Mondays to 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.

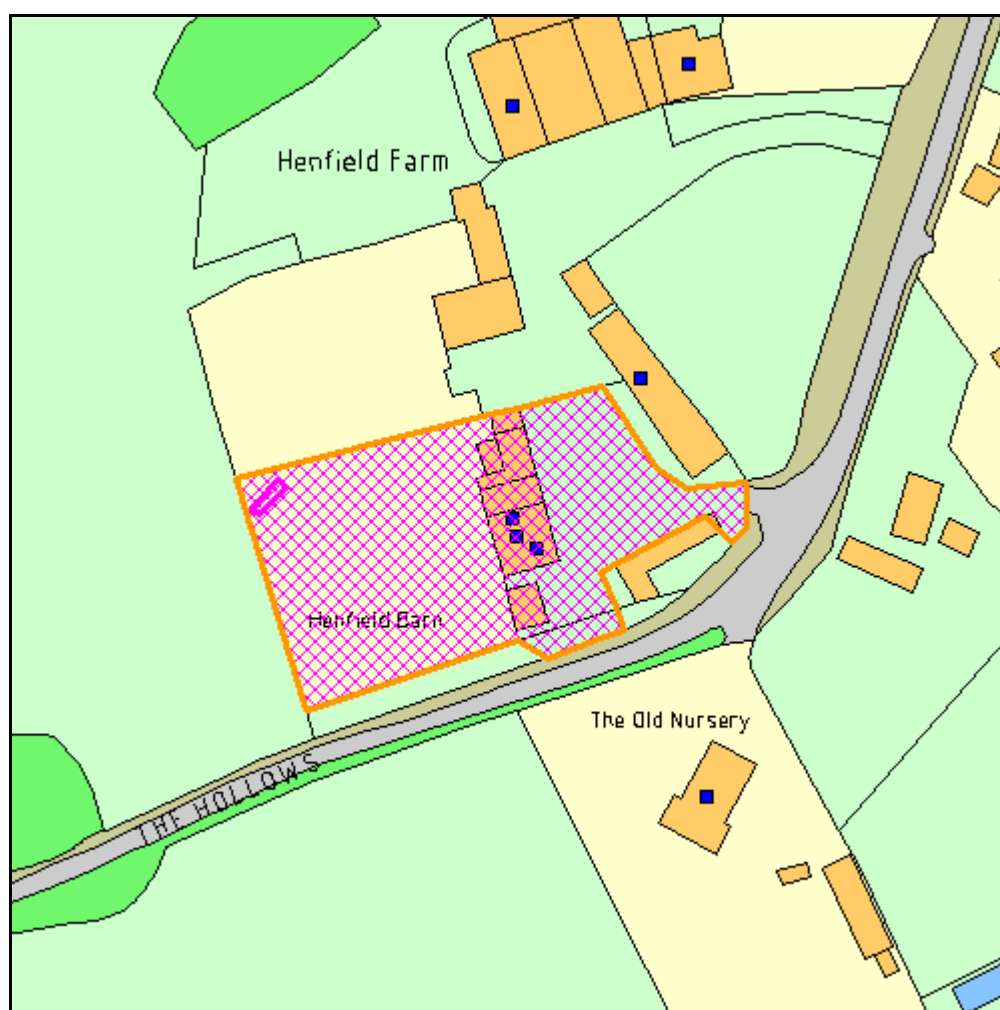
4. No windows shall be inserted at any time in the first floor north-west and south-east elevations of the property.

Reason

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

CIRCULATED SCHEDULE NO. 16 – 47/16 – 25 NOVEMBER 2016

App No.:	PT16/5414/CLE	Applicant:	Mr Ian Brown
Site:	Henfield Barn The Hollows Coalpit Heath Bristol South Gloucestershire BS36 2UU	Date Reg:	4th October 2016
Proposal:	Application for a certificate of lawfulness for existing sauna outbuilding (sui generis)..	Parish:	Westerleigh Parish Council
Map Ref:	367452 178907	Ward:	Westerleigh
Application Category:		Target Date:	24th November 2016



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PT16/5414/CLE

REASON FOR REPORTING TO CIRCULATED SCHEDULE

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

By way of information, Members should be aware, that the test to be applied to this application for a Certificate of Lawful Development, is that the applicant has to prove on the **balance of probability**, that the building as described, was substantially completed 4 years prior to the receipt of the application on the 29th Sept. 2016. The relevant period for consideration is therefore between 29th Sept. 2012 to 29th Sept. 2016.

1. THE PROPOSAL

- 1.1 The application comprises a Certificate of Lawfulness submitted under Section 191 (1) of the Town and Country Planning Act 1990 as amended by S.10 of the Planning and Compensation Act 1991 in respect of a detached Sauna outbuilding situated within the grounds of Henfield Barn, The Hollows, Coalpit Heath.
- 1.2 The single-storey building lies in the north-western corner of the grounds of Henfield Barn and was erected in breach of planning control. The sauna is used in connection with the commercial accommodation and leisure use of Henfield Barn (sui generis).
- 1.3 In order to regularise the breach of planning control, the applicant seeks a Certificate of Lawful Development for the Sauna outbuilding as shown outlined in green on the submitted site plan.

2. POLICY CONTEXT

- 2.1 National Guidance
Town and Country Planning Act 1990: Section 191
Town and Country Planning (Development Management Procedure) (England) Order 2015
Town and Country Planning (Use Classes) Order 1987 (as amended).
The Planning Practice Guidance March 2014
- 2.2 Development Plans
As the application is for a Certificate of Lawfulness, the policy context is not directly relevant, as the land use merits are not under consideration. The applicant need only demonstrate that on the balance of probability, the building, as applied for, was substantially complete 4 years prior to the receipt of the application on the 29th Sept. 2016.

3. RELEVANT PLANNING HISTORY

- 3.1 P97/1043 - Conversion of agricultural building to one dwelling, garage and store, construction of vehicular access and driveway to serve existing farm and dwelling.

Approved 9th July 1997

This permission relates to the main dwelling Henfield Barn.

- 3.2 PT00/1475/F - Conversion of barn into two-storey dwelling house and retention of outbuildings for garages and store.

Approved 9th August 2000

This permission relates to the main dwelling house Henfield Barn but makes reference to the retention of outbuildings for garage and store.

- 3.3 PT00/2527/F - Conversion of barn into dwelling, retention of outbuildings for garages and store.

Approved 8th November 2000

This permission again relates to the main dwelling house Henfield Barn but also makes reference to the retention of outbuildings for garage and store.

A series of later applications all relate to extensions or other outbuildings around the main house Henfield Barn.

4. SUMMARY OF EVIDENCE SUBMITTED IN SUPPORT OF THE APPLICATION

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

1. Statutory Declaration of Ian Brown of The Annex, Henfield Barn, The Hollows, Coalpit Heath, Bristol BS36 2UU. Mr Brown states the following:
 - I am the owner of the freehold property known as Henfield Barn, which is registered at the Land Registry under title number GR229165.
 - I purchased the property on the 13th June 2000 and have owned the property since that date, residing in the dwelling known as The Annex, Henfield Barn..
 - In 2006 I erected a timber outbuilding in the northwest corner of the site, which has been used as a sauna since that date. Its position is outlined in green on the attached site location plan.
 - Since the date of erection, the sauna has been used solely and continuously in connection with the residential dwelling known as Henfield Barn, and has remained in the same position for that period.
2. The applicant's agent has also submitted a Supporting Statement, appended to which are the following documents:
 - Location Plan showing the Building outlined in green.
 - Annotated aerial photograph dated 9th Sept. 2014.
 - Land Registry Title GR229165 and Plan for Henfield Barn.
 - Google Aerial Photographs for 1999, 2004, 2005, 2006, 2009, 2013 and 2014.

5. SUMMARY OF CONTRARY EVIDENCE

- 5.1 There is no contrary evidence at all.

6. OTHER CONSULTATIONS

- 6.1 Local Councillors
No response
- 6.2 Westerleigh Parish Council
No objection

Other Representations

- 6.3 Local Residents
No responses

7. ASSESSMENT

- 7.1 S191(1) of the Town and Country Planning Act 1990 (TCPA) provides that a person may make an application to ascertain whether:
 - 2.1.1 Any existing use of buildings or other land is lawful.
 - 2.1.2 Any operations which have been carried out in, on over or under land are lawful.
 - 2.1.3 Any failure to comply with any condition or other limitation subject to which planning permission was granted is lawful.
- 7.2 As there was no planning permission for the erection of the Sauna building or existing buildings on the site the relevant question is 2.1.2 as set out above. S191(2) TCPA sets out the grounds on which the operations to be considered would be deemed lawful, including that no enforcement action could be taken either because the operation did not involve development or require planning permission or because the time for taking enforcement action had expired.
- 7.3 The time limits for taking enforcement action are set out in s171B TCPA for building operations. The relevant period is 4 years beginning with the date on which the operations were substantially completed (s171B(1)). This applies where the breach of planning control has been concealed such that the LPA could not have been aware of the breach and taken enforcement action within the prescribed period. In such cases the LPA has six months, beginning on the date when it had sufficient evidence to apply to the Magistrates' Court for a planning enforcement order enabling it to take enforcement action against the breach.
- 7.4 The issues to be considered in this case are therefore:
 - a. Were the works to construct the Sauna outbuilding substantially completed 4 years or more before 29th Sept. 2016 i.e. receipt of the application?
 - b. If any of the building works were not substantially completed 4 years or more before 29th Sept. 2016, could the works nevertheless be regarded as permitted development and therefore lawful?

- c. Was there any attempt to conceal any aspect of the works in this case such that the LPA could apply for a planning enforcement notice?

7.5 Dealing with the latter point, there are no enforcement notices relating to this property.

7.6 The relevant test of the submitted evidence

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

7.7 Hierarchy of Evidence

The evidence submitted comprises primarily an affidavit or statutory declaration plus the Supporting Statement and appendices. Inspectors and the Secretary of State usually value and give weight to evidence in the following order of worth:-

1. Personal appearance, under oath or affirmation, by an independent witness whose evidence can be tested in cross-examination and re-examination, especially if able to link historic events to some personal event that he/she would be likely to recall.
2. Other personal appearance under oath or affirmation.
3. Verifiable photographic evidence.
4. Contemporary documentary evidence, especially if prepared for some other purpose.
5. Sworn written statements (witness statements or affidavits), which are clear as to the precise nature and extent of the use or activity at a particular time.
6. Unsworn letters as 5 above.
7. Written statements, whether sworn or not, which are not clear as to the precise nature, extent and timing of the use/activity in question.

7.8 Construction of Sauna Building

Mr Brown has stated in his Statutory Declaration that the Sauna outbuilding was erected in 2006. From an inspection of the aerial photographs submitted as part of the Supporting Statement and from the photographs within the Council’s own archive, it is evident that the building was not in-situ in 1999. The 2005 photograph apparently shows the building being constructed and all

subsequent photographs show the completed building in-situ. Officers have visited the site and can confirm that the building is in the location shown on the photographs and is in use as a Sauna.

- 7.9 Given that there is no evidence to the contrary and that the photographic evidence concurs with Mr Brown's version of events, as given in a sworn statement, it is likely on the balance of probability that the building was in-situ and completed prior to the start of the requisite 4 year period on the 29th Sept. 2012.

7.10 Was there Deliberate Concealment?

Although the site is fairly remote and concealed behind high boundary treatments; there is nothing to suggest that there was any attempt to deliberately conceal the building.

8. CONCLUSION

- 8.1 The submitted evidence covers the relevant 4-year period prior to receipt of the application and beyond.
- 8.2 The evidence submitted by the applicant is considered to be sufficiently precise and unambiguous. There is no contradictory evidence from third parties or from the Council's own aerial photographs to make the applicant's version of events less than probable.
- 8.3 It is the considered view therefore that on the balance of probability the applicants have provided the evidence to support the claim and a certificate should be issued.

9. RECOMMENDATION

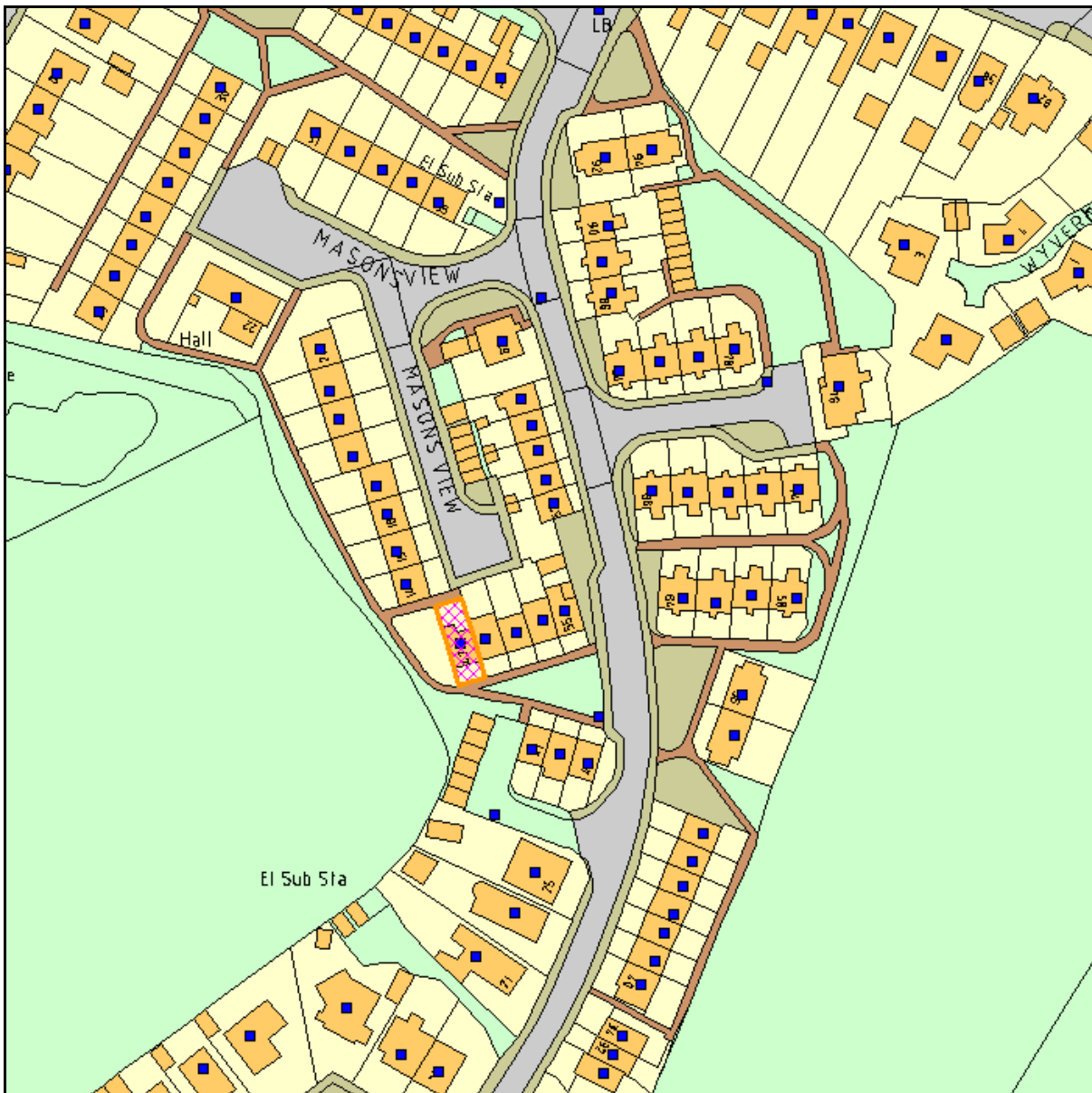
- 9.1 That a Certificate of Lawful Development should be GRANTED for the existing Sauna outbuilding for the following reason:

Sufficient information has been submitted to demonstrate that, on the balance of probability, the building shown outlined in green on the submitted plan has been present and used as a Sauna for a continuous period of 4 years or more immediately prior to the submission of the application and in connection with the commercial leisure uses of Henfield Barn outlined red on the submitted plan.

Contact Officer: Roger Hemming
Tel. No. 01454 863537

CIRCULATED SCHEDULE NO. 47/16 – 25 NOVEMBER 2016

App No.:	PT16/5683/F	Applicant:	Allen
Site:	47 St Francis Drive Winterbourne South Gloucestershire BS36 1PZ	Date Reg:	19th October 2016
Proposal:	Removal of existing render and re-cladding with 20mm brick slips.	Parish:	Winterbourne Parish Council
Map Ref:	365571 180977	Ward:	Winterbourne
Application Category:	Householder	Target Date:	13th December 2016



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PT16/5683/F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 The application seeks planning permission for the removal of existing render and recladding of the property with 20mm brick slips at 47 St Francis Drive in Winterbourne.
- 1.2 The applicant site is a two storey end of terrace property within an established residential area of Winterbourne.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework March 2012
National Planning Policy Guidance 2014

2.2 Development Plans

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

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

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design

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

PSP1 Local Distinctiveness

PSP8 Residential Amenity

PSP38 Development within Existing Residential Curtilages

2.3 Supplementary Planning Guidance

Design Checklist Supplementary Planning Document (adopted) August 2007

3. RELEVANT PLANNING HISTORY

- 3.1 P87/2537 Erection of single storey rear extension to form conservatory
Approval Full Planning 21.10.1987

4. CONSULTATION RESPONSES

4.1 Winterbourne Parish Council

No comments received.

4.2 Planning Enforcement

No comments received.

Other Representations

4.3 Local Residents

One letter of objection has been received from a neighbouring resident, the comments raised are summarised below:

- Their existing extension which towers 12ft above us and is extremely close to the boundary line shows us the effect of a red brick wall. The red brick wall is garish when dry and oppressive when wet.
- In order for the proposal to works to be carried out a dividing line will need to be cut in the rendering at the front and back of the property, at present we are concerned that the existing builder knows how to do this or is capable of doing this.
- The red brick house will stand out like a sore thumb and completely destroy the existing harmony.

5. ANALYSIS OF PROPOSAL

5.1 The application seeks planning permission for the removal of the existing render and the re-cladding of the dwelling with 20mm brick slips.

5.2 Principle of Development

Saved Policy H4 of the South Gloucestershire Local Plan (adopted January 2006) and emerging Policy PSP38 of the PSP Plan (June 2016) are supportive of development within the residential curtilage of existing dwellings providing there are no negative effects on residential amenity, transport and visual amenity. Additionally, Policy CS1 of the Core Strategy and emerging Policy PSP1 exist to make sure developments enhance and respect the character, distinctiveness and amenity of the site and its context. The proposal shall be determined against the analysis below.

5.3 Design and Visual Amenity

The application site is a two storey end of terrace dwelling within an established residential area of Winterbourne. The application seeks planning permission for the removal of the existing pebble dash render and the re-cladding of the dwelling with 20mm brick slips.

5.4 The dwelling is an end of terrace property, officers note that no. 55 which is located on the other end of the terrace is finished in a different style render. Furthermore, the bungalows on Masons View are finished in red brick. Whilst a neighbouring resident objects and suggests the alterations will result in the property sticking out like a 'sore thumb', officers consider that the character of the area is already mixed with a number of different property designs and finishes.

5.5 Overall, it is considered that whilst the proposal will result in the property differing from adjacent dwellings the proposed changes are not considered to be detrimental to the character of the area.

5.6 Residential Amenity

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

5.7 The application seeks planning permission for the removal of existing render and the re-cladding of no.47 St Francis Drive with 20mm brick slips. The proposed changes are not considered to harm the residential amenity of surrounding properties.

5.8 Whilst it is noted that there are objections to the proposal from a neighbouring resident the comments raised are not planning considerations and will be discussed further in 5.11.

5.9 Overall the proposed works are not considered to harm the residential amenity of the site and the proposal is considered to accord with saved policy H4 of the adopted Local Plan.

5.10 Transport

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

5.11 Other Matters

The objector raises concerns about the existing single storey rear extension which towers above them at 3.6 metres and is clad in red brick, this planning application does not relate to the single storey rear extension.

Secondly, the neighbouring resident is concerned about the creation of the dividing line as this will need to be cut in the render, the objector is concerned with the existing builder's experience. This is not a planning matter these concerns are covered by the Party Wall Act 1996.

6. CONCLUSION

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

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

7. RECOMMENDATION

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

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

CONDITIONS

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

Reason

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

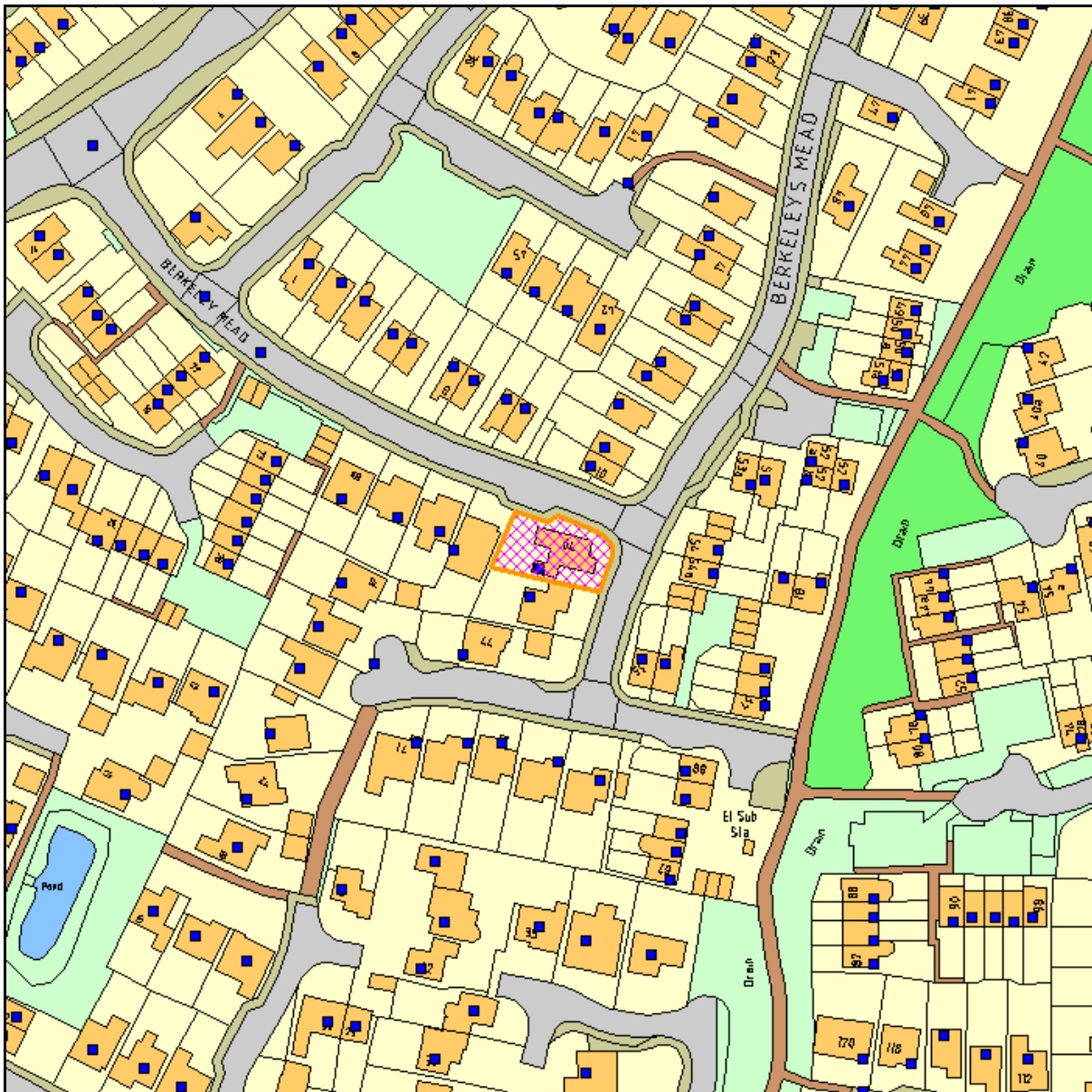
2. The hours of working on site during the period of construction shall be restricted to 7:30 to 18:00 Monday to Friday and 8:00 to 13:00 on Saturdays; and no working shall take place on Sundays or Public Holidays. The term 'working' shall, for the purpose of clarification of this condition include: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

Reason

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

CIRCULATED SCHEDULE NO. 47/16 – 25 NOVEMBER 2016

App No.:	PT16/5710/F	Applicant:	Mr And Mrs Shadbolt
Site:	79 Berkeleys Mead Bradley Stoke Bristol South Gloucestershire BS32 8AU	Date Reg:	25th October 2016
Proposal:	Partial demolition of existing garage. Erection of a two storey side extension to provide additional living accommodation.	Parish:	Bradley Stoke Town Council
Map Ref:	363036 180629	Ward:	Bradley Stoke South
Application Category:	Householder	Target Date:	15th December 2016



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PT16/5710/F

REASON FOR SUBMISSION TO THE CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 This application seeks planning permission for the partial demolition of an existing garage in order to erect a two storey side extension in order to provide additional living accommodation.
- 1.2 The application site is no. 79 Berkeleys Mead, which is composed of a two storey detached dwelling set within a corner plot in a wider residential estate in the urban area of Bradley Stoke.
- 1.3 The property's householder permitted development rights are intact and are therefore exercisable.
- 1.4 Over the course of the application the proposal was amended through marginally increasing the width of the proposal. This was not considered to be a significant enough change to warrant a re-consultation.

2. POLICY CONTEXT

2.1 National Guidance

NPPF	National Planning Policy Framework March 2012
PPG	Planning Practice Guidance

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

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

South Gloucestershire Local Plan Adopted January 2006 Saved Policies

T12	Transportation
H4	Development within Existing Residential Curtilages

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

PSP1	Local Distinctiveness
PSP2	Landscape
PSP8	Residential Amenity
PSP11	Development Related Transport Impact Management
PSP16	Parking Standards
PSP38	Development within Existing Residential Curtilages, Including Extensions and New Dwellings
PSP43	Private Amenity Space Standards

At the Council meeting on 29 June 2016, Members determined the next steps for the Policies, Sites and Places (PSP) Plan. Formal consultation on the PSP plan (in accordance with Regulations 19, 20 and 35 of the Town and Country Planning (Local Planning – England Regulations 2012) took place from 21 July – 8 September 2016. The next stage for the PSP plan is submission to the Secretary of State, with adoption expected in May 2017.

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

3. RELEVANT PLANNING HISTORY

- 3.1 P88/0020/93 Approval of Reserved Matters 17/10/1998
Residential development on approximately 1.52 hectares (3.75 acres) to include erection of 42 dwellings with related garages and boundary walls. Construction of associated estate roads and vehicle parking areas (in accordance with the amended plans received by the council on 19TH September 1988).
- 3.2 P84/0020/1 Approval 03/12/1986
Residential, shopping & employment development inc. Roads & sewers and other ancillary facilities on approx.1000 acres of land.

4. CONSULTATION RESPONSES

- 4.1 Bradley Stoke Town Council
Objection, the proposal represents overdevelopment of the site and lack of adequate parking provision.
- 4.2 Sustainable Transport
A 4 bed dwelling requires a minimum of 2 off street parking spaces. The proposed garage dimensions do not comply with SGC parking standards and therefore would not count as an off street parking space. As such only one off street parking space would remain. In order to comply with SGC parking standards and be considered a parking space, the proposed garage needs to have minimum dimensions of 6m by 3m. If the applicant can provide a scale plan detailing the garage with dimensions of 6m by 3m and the remaining space on the driveway, there would be no transportation objection.
- 4.3 Archaeology Officer
No objections.

Other Representations

- 4.4 Local Residents
One comment has been submitted by a member of the public, the comment makes observations, neither in objection or support of the proposal. The comments are summarised below:

Residential Amenity

- The proposal provides no windows that overlook the commenter's property (address not provided).

Parking Provision

- Reduction in parking from two to one vehicles;
- The commenter stated that as the neighbouring household, with only one parking space, off-road parking can be difficult;
- Opportunity for increased parking within the front garden.

5. ANALYSIS OF PROPOSAL

5.1 This application seeks planning permission for the erection of an extension to a residential dwelling within an urban area.

5.2 Principle of Development

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

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

5.4 The development is acceptable in principle provided the development has an acceptable design and impact on the amenities of area.

5.5 Design and Visual amenity

This application seeks planning permission for a two storey side extension which would involve the partial demolition of an existing garage. The extension would have ridge line set down from the ridge line of the host dwelling, and the principal elevation of the proposed extension is set back from that of the host dwelling. This allows the proposal to remain subservient to the scale and presence of the host dwelling. The proposal utilises appropriate materials that match those used in the existing dwelling, and the fenestration proposed matches the design of those used in the host dwelling. Overall the proposal has an acceptable design which accords with policy CS1 of the adopted Core Strategy.

5.6 Residential Amenity

Saved policy H4 of the adopted Local Plan aims to ensure that residential development within established residential curtilage does not prejudice the residential amenity of any neighbouring occupiers. Whilst the development would result in a further rear elevation window this would not result in a material

loss of privacy to any nearby residents. The proposal would also not materially harm the outlook of any nearby residents, further to this the proposal's physical presence would not have a materially overbearing impact on any nearby residential properties. There is a side elevation window on the adjacent property, this would directly face the extension at a distance of approximately 3 metres. Officers do not find this to be a reason to refuse the development as this window is a bathroom window, and not a window to a primary room. Overall, the proposal would not materially harm the residential amenity of any nearby residential occupiers.

5.7 Transport and Parking

The existing dwelling has four bedrooms as demarcated within the submitted 'Existing Ground and First Floor Plans', although 'Bedroom 4' does seem rather small only measuring 2.2 metres by 2.1 metres. There are also facilities for at least three off-street car parking spaces within the application site, although one of the existing parking spaces within the driveway is just sub-standard of the required parking space dimensions of 2.4 metres by 4.8 metres. Further to this, the existing garage could also provide car parking for a small car. However, if proposed today, the garage would be sub-standard, as a garage should measure at least 3 metres by 6 metres to accord with the adopted Residential Parking SPD (known hereafter as SPD). Nonetheless, as the garage was erected prior to adoption of the SPD, officers accept this garage to constitute a parking space. Accordingly, the application site includes a four bedroom dwelling with three existing off-street car parking spaces.

5.8 The SPD includes a minimum car parking standard for residential dwellings. The standards requires that a three or four bedroom dwelling provides at least two off-street car parking spaces within the residential curtilage of the dwelling. As noted above, the existing dwelling provides three off-street car parking spaces. The proposal includes four bedrooms at the site, the same as the existing dwelling, although, the proposal would result in a larger 'Bedroom 3'. The proposal would therefore not trigger a requirement to provide additional car parking spaces at the site.

5.9 Notwithstanding this, the proposal does result in the removal of one car parking space at the site. Although the proposal provides a garage, the garage is not wide enough to constitute a parking space to accord with the SPD. Whilst the proposed garage is substandard, the garage is no smaller than the existing garage internally measuring 2.4 metres by 5.3 metres – the existing garage measures 2.4 metres by 5 metres. Strictly speaking the proposal would not conform to standards set out within the SPD due to there being only one car parking space that meets the minimum dimensions. However, the application site would have one substandard car parking space available within the garage at the application site. Accordingly, although the proposal does not stringently meet the minimum car parking standard with regard to the required dimensions of car parking spaces, the proposal would nonetheless provide one external off-street car parking space that exceeds the minimum dimensions to the front of the dwelling, and one substandard car parking space through the proposed garage.

- 5.10 Officers have considered the possibility of positioning a further car parking space to the front of the dwelling. Technically, a car parking space measuring 2.4 metres by 4.8 metres would fit. However, it would be in a contrived arrangement likely blocking part of the front door and touching the boundaries of the application site. With this in mind, the car parking space would not be that attractive to residents of the host site, meaning the car parking space may not actually be used in reality. Further to this, there are engineering problems with such a space, the existing garden at the front of the dwelling slopes from a high ground level set by the host dwelling down to the highway. This would mean that any car parking space would require significant engineering works to lower the ground level in order to remove the slope. Such engineering works would likely have repercussions to the structure of the host dwelling, and importantly, such works would harm the visual amenity of the area through lowering the ground level meaning the front elevation of the dwelling would look rather contrived. Further to this, the open space to the front of the dwelling is a positive feature within the wider estate that contributes to the character of the area, meaning parking in this location is undesirable.
- 5.11 Turning back to the SPD, there are circumstances where variation from the standard within the SPD may be acceptable - Appendix A of SPD states:
- There may be extenuating circumstances where it may be appropriate to allow a variation from the standards. Any such circumstance will need to be justified by a transport statement or assessment. A travel plan(s) is also likely to be required to support lower parking standards on major development schemes.*
- 5.12 The applicant has not submitted a travel plan, a transport statement or assessment. Officers find this to be acceptable in this case given the scale of the proposal. Notwithstanding this, an 'extenuating circumstance...where it may be appropriate to allow a variation from the standards' would be evident where no material harm to the immediate area could be demonstrated. Accordingly, it is important to consider if this development would result in harm, or more specifically, what harm would actually occur if on street car parking did occur as a result of this development.
- 5.13 When visiting the site, although on street car parking was evident, officers did not witness signs of severe stress within area through on street car parking. It was also evident that there were unallocated parking bays in the area. One being immediately to the north west, and one to the north east which could provide parking for approximately two car parking spaces, and a further unallocated parking bay area to the north east of the application site also, providing parking for approximately 2 cars (approximately 23 metres from the host site). This assessment leads officers to consider that there are opportunities for further on street car parking in the area that would not result in materially harmful highway safety impacts.
- 5.14 In summary, whilst the proposal does not strictly accord with the SPD, officers cannot find any material harm resulting from this with the context of the site in mind. This is considered to represent an extenuating circumstance in the context of Appendix A of the SPD. Accordingly, officers find the lack of SPD compliant off street car parking provision to not represent a reason to refuse this development.

- 5.15 Notwithstanding this, officers would recommend a condition that requires the retention of the driveway for off-street car parking, and also the retention of the garage for car parking, or domestic storage.

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/and on the decision notice.

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. One car parking space measuring 2.4 metres by 4.8 metres shall be retained to the front of the dwelling within the curtilage of the application site.

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. The garage within the development hereby approved shall be retained for the parking of cars and ancillary storage to the dwellinghouse known as 79 Berkeleys Mead.

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.