



**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. 34/16

Date to Members: 26/08/2016

Member's Deadline: 02/09/2016 (4.30 pm)

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

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

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

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

NOTES FOR COUNCILLORS - FORMAL ARRANGEMENTS

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

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

**Dates and Deadlines for Circulated Schedule
During August Bank Holiday Period 2016**

Schedule Number	Date to Members 9am on	Members Deadline 4.30pm on
No.35/16	Friday 26 August	Friday 02 September

Above are details of the schedules that will be affected by date changes due to August Bank Holiday.

CIRCULATED SCHEDULE 26 August 2016

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ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
1	PK16/0672/F	Approve with Conditions	The Meadows Parkfield Pucklechurch South Gloucestershire BS16 9NS	Boyd Valley	Pucklechurch Parish Council
2	PK16/2835/F	Approve with Conditions	The Star Inn 37 Castle Road Pucklechurch South Gloucestershire BS16 9RF	Boyd Valley	Pucklechurch Parish Council
3	PK16/3145/CLP	Approve with Conditions	The Rosary Chesley Hill Siston South Gloucestershire BS30 5NE	Boyd Valley	Wick And Abson Parish Council
4	PK16/3618/F	Approve with Conditions	30 Cherry Garden Lane Bitton South Gloucestershire BS30 6JH	Bitton	Bitton Parish Council
5	PK16/3999/F	Approve with Conditions	38 Couzens Close Chipping Sodbury South Gloucestershire BS37 6BT	Chipping	Sodbury Town Council
6	PK16/4219/CLP	Approve with Conditions	20 Fairview Road Kingswood South Gloucestershire	Woodstock	None
7	PT16/0353/PNS	Approve	Filton Abbey Wood Train Station Station Road Filton South Gloucestershire BS34 7JW	Filton	Filton Town Council
8	PT16/1701/F	Approve with Conditions	St Helens C Of E Primary School Greenhill Alveston South Gloucestershire BS35 2QX	Thornbury South And	Alveston Parish Council
9	PT16/2880/F	Refusal	Severn Beach United Church Beach Avenue Severn Beach South Gloucestershire BS35 4PD	Pilning And Severn Beach	Pilning And Severn Beach Parish Council
10	PT16/3575/F	Approve with Conditions	30 Braemar Avenue Filton South Gloucestershire BS7 0TE	Filton	Filton Town Council
11	PT16/3691/F	Approve with Conditions	Unit 4 Filton Park Gloucester Road North Filton South Gloucestershire BS7 0SH	Filton	Filton Town Council
12	PT16/3746/F	Approve with Conditions	12 Orchard Close Winterbourne South Gloucestershire BS36 1BF	Winterbourne	Winterbourne Parish Council
13	PT16/3880/F	Split decision	Tytherington Road Nursery Tytherington Road Thornbury South Gloucestershire BS35 3TT	Thornbury South And	Thornbury Town Council
14	PT16/4195/CLP	Refusal	Lavender Cottage 49 Over Lane Almondsbury South Gloucestershire BS32 4BL	Almondsbury	Almondsbury Parish Council

CIRCULATED SCHEDULE NO. 34/16 – 26 AUGUST 2016

App No.:	PK16/0672/F	Applicant:	Mrs Tracey Williams
Site:	The Meadows Parkfield Pucklechurch Bristol South Gloucestershire BS16 9NS	Date Reg:	17th February 2016
Proposal:	The change of use of land for the siting of 1 no Gypsy caravan with 1 no. day room. Erection of relocated stable block.	Parish:	Pucklechurch Parish Council
Map Ref:	368966 177631	Ward:	Boyd Valley
Application Category:	Minor	Target Date:	13th April 2016



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N.T.S.

PK16/0672/F

REASON FOR REPORTING TO THE CIRCULATED SCHEDULE

This application has been referred to the Circulated Schedule following the receipt of objections from Pucklechurch Parish Council and local residents; the concerns raised being contrary to the officer recommendation. The proposal also represents a departure from Development Plan Policy.

1. THE PROPOSAL

- 1.1 This application seeks planning permission for the change of use of land to facilitate the siting of 1no. Gypsy Caravan and 1no. Day Room and the erection of a re-located Stable Block. It is intended that the existing Stable Block would be re-located to the south to facilitate the proposed Gypsy Pitch. The proposal represents an extension of the existing authorised Gypsy Site known as 'The Meadows'.
- 1.2 The application site is located within the Green Belt and open countryside to the west of Parkfield. The site is accessed via a rough track (Pit Lane) off Parkfield Road. A small sewage works lies to the north and isolated dwellings i.e. Parkfield House & Longacre lie to the north-west and south-east respectively.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework (NPPF) March 2012
NPPF accompanying document Planning Policy for Traveller Sites August 2015
Ministerial Statement by the Rt. Hon. Brandon Lewis MP 2 July 2013.
National Planning Practice Guidance (NPPG) March 2014

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

L1	Landscape Protection and Enhancement
L9	Species Protection
T12	Transportation Development Control Policy
EP2	Flood Risk and Development
EP4	Noise Sensitive Development

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

Policy CS1	High Quality Design
Policy CS9	Managing the Environment and Heritage
Policy CS21	Gypsy and Traveller Accommodation
Policy CS34	Rural Areas

2.3 Supplementary Planning Guidance

The South Gloucestershire Design Check List SPD Adopted August 2007
Development in the Green Belt SPD Adopted June 2007
South Gloucestershire Landscape Character Assessment (SPD) as adopted NOV. 2014 – Character Area 6 Pucklechurch Ridge and Boyd Valley
South Gloucestershire Council Residential Parking Standards Approved 2013.

3. RELEVANT PLANNING HISTORY

- 3.1 PK02/2103/F - Change of use from grazing land to gypsy caravan site. Creation of access track.
Refused 24 March 2003 for reasons of:
- Inappropriate development in the Green Belt; no very special circumstances demonstrated.
 - Inadequate drainage information.
 - Siting would have a detrimental impact on visual amenity of Green Belt.
- Appeal APP/P0119/A/03/1115541 dismissed 13 Oct 2003.
- 3.2 PK06/0781/F - Change of use of grazing land to land for the keeping of horses. Erection of stable block and hay store.
Refused 4 May 2006 for reasons of:
- The siting of the stable block would fail to conserve the amenity and open character of the rural landscape and would adversely affect the visual amenity of the Green Belt.
- 3.3 PK07/2523/F - Change of use of land from grazing to residential land for stationing of 2no. gypsy Caravans and creation of access track. (Retrospective application).
Withdrawn 16 June 2010
- 3.4 PK10/0711/F - Use of land for the siting of 1no. gypsy caravan pitch, with associated hard standing and access. Erection of 1no. ancillary utility/day room. Retention of stable block. (Part retrospective).
Refused 15 Nov 2010 for reasons of:
- Inappropriate development in the Green Belt; no very special circumstances demonstrated.
 - Siting would have a detrimental impact on visual amenity of Green Belt.
- Appeal APP/P0119/A/10/2141502 allowed 21 June 2011 with a full award of costs.
- 3.5 PK13/2108/F - Change of use of land to gypsy/travellers site including 2no. mobile homes and 2no. touring caravans with the formation of additional hard-standing and 2no. ancillary utility/day rooms.
Approved 4 April 2014

4. CONSULTATION RESPONSES

- 4.1 Pucklechurch Parish Council
The Parish Council objects on the following grounds:

The proposed development is inappropriate development in the Green Belt and very special circumstances have not been demonstrated to exist so as to outweigh the harm arising from the inappropriate development. The proposal has a detrimental impact on the visual amenity and the

openness of the Green Belt and amounts to encroachment in the Green Belt. The land is situated within open countryside (as defined by SGC where land outside the settlement boundary is deemed open countryside) where the Planning Policy for Traveller Sites indicates that development should be strictly limited.

It has not been revealed who will be accommodated by the new pitch and therefore how this household relates to the revised Planning Policy for Traveller Sites 31 August 2015 in light of the new traveller definition. SGC is already on record as stating that the Council expects the estimate of the number of pitches that it is required to provide across the authority to reduce by a potentially significant amount (APP/P0119/W/15/3065767) and in any case the Government has already made it clear that unmet need alone is insufficient reason to justify harm to the Green Belt.

This extra pitch and movement of the stables will expand the developed land occupied by traveller pitches by approximately 25-30% - the previous intensification having already trebled the area occupied by the site. Intensification of the site should not be interpreted as enlargement.

The Design & Access statement makes reference to a bus stop 430m away but the nearest bus stop with a regular public service is in the centre of Pucklechurch over 2000m away by road - this underlines the relatively isolated location of the site and lack of access to facilities.

4.2 Other Consultees (including internal consultees of the Council)

Community Enterprise

No response

National Grid

No response

Sustainable Transport

Subject to a condition to provide and retain the parking area on site then, there is no highway objection to this application.

Children and Young People (CYP)

No requests received.

Landscape Officer

The proposed development will not have a significant impact, over and above the impact of the existing development, on the visual amenity of the wider area due to the surrounding topography and existing vegetation. It will however have an impact on the visual amenity of the immediate area visible to adjacent residents.

In the event of very special circumstances being demonstrated a condition should be attached to any permission requiring the submission of a detailed

planting plan, as indicative planting shown on dwg 09_273B_WILL2, and for the areas surrounding the site to be cleared of any rubbish and rubble.

Corporate Travellers Unit

There are no available pitches on the Council sites.

Strategic Planning Officer

The overall approach of the Core Strategy is to protect the Green Belt and open countryside from inappropriate and unsustainable development.

The proposed development would result in a new, private Gypsy/Traveller site comprising one residential pitch therefore contributing to addressing the existing shortfall of Gypsy and Traveller sites in the district.

However the site lies within the Green Belt and therefore constitutes inappropriate development which is, by definition, harmful to the Green Belt and should not be approved unless the applicant can demonstrate that very special circumstances exist. As the revised PPTS makes clear, unmet need alone is not sufficient to outweigh Green Belt considerations. This is a material consideration that attracts substantial weight in any planning balance where the case for very special circumstances is relevant.

Therefore weight can be applied to Policy CS21 and the demonstrable need for Gypsy/Traveller sites in South Gloucestershire. However, the inappropriate nature of the development in Green Belt and the apparent lack of very special circumstances submitted by the applicant provide sufficient grounds to refuse this application having full regard to national and local planning policy.

Further information has been provided since these comments were made.

Other Representations

4.3 Local Residents

4 letters/e-mails of objection have been received from local residents; the concerns raised are summarised as follows:

- Increased traffic on Pit Lane.
- The nearest bus stop is in fact 2km away in the centre of Pucklechurch, only the School Bus stops 430m from the site.
- Inappropriate development in the Green Belt.
- Adverse impact on visual amenity.
- Would expand the site by a further 25-30%
- Too close to 'Longacre'.

5. ANALYSIS OF PROPOSAL

Principle of Development

- 5.1 The application as submitted proposes the change of use of land for the siting of 1 no Gypsy pitch comprising a mobile home, touring caravan and 1 no. day room; and the erection of a relocated stable block.

- 5.2 In location terms, the application site is located beyond any settlement boundary and lies within the Bristol and Bath Green Belt.
- 5.3 The proposed site lies immediately adjacent to an existing, authorised site known as 'The Meadows', Parkfield, Pucklechurch, which is safeguarded (Site 27) under Policy CS21 of the adopted Core Strategy.

Green Belt

- 5.4 The NPPF is clear at paragraph 87 that in the case of proposals which come forward in the Green Belt, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Furthermore, the NPPF also states that the fundamental purpose of the Green Belt is to preserve its openness.
- 5.5 Paragraph 88 goes on to state that in considering any planning application, 'local planning authorities should ensure that substantial weight is given to any harm to the Green Belt'. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations'. Government policy on planning for the needs for Gypsy and Travellers is set out in the Planning Policy and Gypsy and Traveller Sites (PPTS). On August 31st 2015 the Dept. for Communities and Local Government (DCLG) issued an updated version of Planning Policy for Traveller Sites (PPTS). Among the main changes to the updated PPTS was greater protection in relation to Gypsy/Traveller proposals in the Green Belt and open countryside.
- 5.6 As with previous guidance, traveller site development in the Green Belt remains inappropriate development (Policy E). In line with the advice provided previously through Ministerial Statements issued by CLG, the revised PPTS goes further stating that: 'subject to the best interests of the child, personal circumstances and unmet need are unlikely to clearly outweigh harm to the Green Belt and any other harm so as to establish very special circumstances'. In addition to this, the guidance at paragraph 27 of PPTS confirms that where local planning authorities cannot demonstrate a 5-year land supply of deliverable sites; this continues to be a significant material consideration when considering planning applications for the grant of temporary permission. However, the guidance has now introduced exceptions to further qualify this and includes proposals that involve land designated as Green Belt (inter alia).

Open Countryside

- 5.7 In the case of sites in the open countryside, the guidance has also strengthened its advice to local planning authorities advising that new traveller site development in open countryside that is away from existing settlements should be very strictly limited. LPAs should also ensure that sites in rural areas respect the scale of, and do not dominate the nearest settled community or place undue pressure on local infrastructure.

Landscape issues

- 5.8 It is evident that the development proposals will have a potential impact on the openness and visual amenity of the Green Belt and open countryside. This matter is discussed separately below.

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

- 5.9 The Council adopted the Core Strategy on 11 December 2013. In accordance with S38(6) of the Planning and Compulsory Purchase Act 2004, this application falls to be considered in accordance with Policy CS21 (Gypsy and Traveller accommodation) of the South Gloucestershire Local Plan: Core Strategy as adopted.
- 5.10 When assessed against the policies of the Core Strategy the application site falls outside any defined settlement boundary and is within the open countryside which is also designated Green Belt. As a consequence, the Council's up to date planning policies and national guidance seeks to strictly control new development in this location.
- 5.11 Notwithstanding this, in as much as the access is concerned, part of the application site is currently identified as an existing, authorised Gypsy/Traveller site no. 21, which is safeguarded under Policy CS21 of the Core Strategy.

Need for Gypsy & Traveller Sites

- 5.12 In January 2014, the PT&SE Committee endorsed the findings of the South Gloucestershire & City of Bristol Gypsy & Traveller Accommodation Assessment (GTAA) 2013 as they relate to South Gloucestershire for the purposes of informing the Council's planning policy framework and development management decision making, thereby replacing the previous 2007 West of England GTAA.
- 5.13 The GTAA recommends that the following are required to be delivered in South Gloucestershire up to 2028:
- 46 additional Gypsy/Traveller residential pitches; and
 - 10 pitch transit site to meet transient needs of the Gypsy/Traveller community;

The GTAA shows the presence of a demonstrable unmet need for permanent residential Gypsy/Traveller and Travelling Showpeople sites in South Gloucestershire. It is clear therefore that the Council has a considerable number of new pitches to provide in order to meet the accommodation needs of Gypsies and Travellers in South Gloucestershire. This continues to attract significant weight as a material consideration, albeit that this now predates the current version of the PPTS published August 2015 where this is not a significant material consideration where temporary consents in the Green Belt are concerned; but that is not to say that less than significant weight could not be applied.

New definition of Gypsies/Travellers

- 5.14 Following the updated PPTS described above, the most significant change introduced through the revised guidance is the change to the definition of Gypsies and Travellers and Travelling Showpeople. The definition is seeking to effectively remove those who have ceased to travel on a permanent basis as falling outside of the definition of what it means to be a Gypsy/Traveller of a 'nomadic lifestyle' or Travelling Showperson.
- 5.15 Furthermore, in the case of Gypsy/Travellers, to assist in making this distinction, additional considerations have been added to the definition which states (PPTS para. 2 of Annex 1: Glossary):

'In determining whether persons are "gypsies and travellers" for the purposes of this planning policy, consideration should be given to the following issues amongst other relevant matters:

a) whether they previously led a nomadic habit of life;

b) the reasons for ceasing their nomadic habit of life;

c) whether there is an intention of living a nomadic habit of life in the future, and if so, how soon and in what circumstances.'

- 5.16 This change in definition has led to a need to refresh the existing evidence base i.e. the GTAA 2013, which sets the overall level of need for Gypsy/Traveller sites which the Council will need to provide for through its planning policy framework.
- 5.17 Work is in progress to update the GTAA, and the implications of the revised PPTS for the Council's planning policy framework are currently under review. The current expectation is that the updated GTAA will be available as part of the evidence to support the New Local Plan, the Policy relating to Gypsies and Travellers having been removed from the Proposed Submission: Policies Sites and Places Plan June 2016 which will progress separately. This will enable the evidence base and the interpretation of the new guidance to be fully considered by the Council in relation to the wider consideration of provision for residential accommodation.
- 5.18 It is anticipated that there will be an informal consultation (in line with Regulation 18, Town & Country Planning (Local Planning) (England) Regulations 2012) on the new Local Plan in the Autumn of 2016, which will set out the Council's position on what the Plan should contain and invite representations to be made. The timetable for preparing the new Local Plan is set out in the Council's Local Plan Delivery Programme.

The proposed development

- 5.19 The application proposes the change of use of land to provide 1no. additional Gypsy pitch adjacent to the established Gypsy & Traveller site known as 'The Meadows' and the re-location of the existing stable block. The original 'Meadows' site comprised one pitch and was granted consent with a full award of costs, under appeal ref: APP/P0119/A/10/2141502 in June 2011. The pitch at that time was to be occupied by Mrs Tracey Williams and her four children Mia (22), Charles (19), Lana (18) and Georgia (17). A subsequent planning application PK13/2108/F for 2no. additional Gypsy/Traveller pitches at 'The Meadows' was approved in April 2014. These pitches were for existing family members and Plot 2 is occupied by Mr Charlie Williams and partner and Plot 3 by Miss Mia Williams and partner. The pitches are located immediately to the west of the original site and within the same ownership as the family that occupy the original pitch at the 'The Meadows'. The application site is situated in open countryside outside the settlement boundary of Pucklechurch and in the Bristol & Bath Green Belt.
- 5.20 In accordance with S38(6) of the Planning and Compulsory Purchase Act 2004, this application falls to be considered in accordance with the South Gloucestershire Local Plan Core Strategy as adopted and any saved policies within the South Gloucestershire Local Plan (Adopted) 6th Jan 2006. Also of relevance is the NPPF and Supplementary Planning Documents listed at para. 2.3 above.

Openness and Purposes of the Green Belt

- 5.21 The Government attaches great importance to Green Belts. The NPPF is clear at paragraph 87 that in the case of proposals which come forward in the Green Belt, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Furthermore, the NPPF also states that the fundamental purpose of the Green Belt is to preserve its openness.
- 5.22 It should be noted however that the 2011 appeal decision (para.7) highlighted that although the development was inappropriate and would therefore by definition impact on the openness of the Green Belt, the site is well screened from public views along the nearest footpaths. Nevertheless since this previous decision, as identified above, the Planning Policy for Traveller Sites (PPTS) has been published and is a significant material consideration.
- 5.23 The proposed pitch would be located adjacent to the existing Gypsy Site primarily on land currently occupied by a stable block. The existing authorised stable block would be re-located further south into the open field. The stable block is not in itself inappropriate development in the Green Belt and given that stables are a common feature of the countryside, would not look out of place within the landscape, even in its revised location. The overall scheme however with the additional gypsy pitch would represent further encroachment into the countryside. The 2015 revision to Planning Policy for Traveller Sites para. 25 states that authorities should very strictly limit new traveller site development in open countryside that is away from existing settlements.
- 5.24 The site is in the open countryside, away from the existing settlement boundary of Pucklechurch but not a significant distance from the boundary or from the built development along Parkfield Road. The site also adjoins the previously permitted permanent pitches at 'The Meadows' which were considered appropriate for gypsy occupation. Furthermore, in landscape terms the site is very well contained by the existing vegetation and topography. The stable block also helps to screen the site from the south and existing vegetation could be enhanced and secured by condition. As a matter of degree, in this case the harm caused by encroachment can only be afforded limited weight.

Very Special Circumstances

- 5.25 The Council consider that the proposal represents inappropriate development in the Green Belt. The applicant has submitted a list of very special circumstances that she considers would justify the inappropriate development in the Green Belt; these are as follows:
- i) The absence of a 5-year land supply for additional pitches.
 - ii) The unmet need (backlog) for additional pitches in the District, the sub-region, the region and nationally;
 - iii) The lack of suitable, acceptable, affordable, available alternative sites.
 - iv) The ability of the development plan (as adopted) and any emerging process to meet the unmet need for sites, and also to demonstrate a 5-year land supply. This will involve a realistic assessment of the LPA's track record of delivery and likely progress of delivering sites through a plan-led process.

- v) The pitch is required for Mrs William's daughter Lana (and her fiance), who is currently sharing a pitch with her mother.
- vi) Lana is due to marry her partner Mitchel Carter (also a gypsy) and gypsies traditionally live close to each other as an extended family (Tracey Williams' other children Charles and Mia occupy the other two pitches on the site) and travel together to find work.

Five Year Supply of Sites

- 5.26 The PPTS requires local planning authorities, in producing their Local Plan, to identify and update annually, a supply of specific deliverable sites sufficient to provide 5 years' worth of sites against their locally set targets. It is acknowledged that the Council cannot currently demonstrate a five-year supply in respect of gypsy and traveller sites, as sought in para.10 of Planning Policy for Traveller Sites. This is considered to be a material consideration of some weight in favour of the application, albeit less than significant weight (see PPTS para.27).
- 5.27 Paragraph 27 goes on to state that this is a significant material consideration in any planning decision for the grant of temporary permission, but further states the exception where the site is on Green Belt land, as it is in this case. However, the application is for permanent use and the consideration of very special circumstances remains as set out in both the NPPF and Planning Policy for Traveller Sites.

Unmet Need for Gypsy Sites

- 5.28 As regards the need for Gypsy and Traveller Sites in South Gloucestershire, this matter is acknowledged. The Ministerial Statement by the Rt. Hon. Brandon Lewis M.P. 2 July 2013 states however that:

"The Secretary of State wishes to make clear that, in considering planning applications, although each case will depend on its facts, he considers that the single issue of unmet demand, whether for traveller sites or for conventional housing, is unlikely to outweigh harm to the Green Belt and other harm to constitute the 'very special circumstances' justifying inappropriate development in the Green Belt'.

- 5.29 Officers consider that the statement does not totally preclude every case of unmet need, making it clear that each case will depend on its facts. The statement goes on to confirm this by stating that it is '*unlikely*' to outweigh harm to the Green Belt, therefore implying that in certain cases unmet need alone might outweigh the harm by reason of inappropriateness.
- 5.30 The issue of unmet need was recently addressed in an appeal relating to a similar proposal on nearby land at Shortwood Road, Pucklechurch (see APP/P0119/W/15/3065767). In his Decision Letter the Inspector noted that (para.23) the Council sought to rely on the intended refresh of the GTAA findings and the eventual publication of an update. The Council placed weight on the possibility of numbers, and hence need, reducing as a result of the August 2015 change to the definition of gypsy and travellers in annex 1 of Planning Policy for Traveller Sites. The Inspector concluded however that whilst the new definition would be most unlikely to increase numbers, the scope for significant decrease is untested.

Alternative Sites

- 5.31 In terms of alternative Gypsy & Traveller Sites, the Council's Gypsy Liaison Officer has recently confirmed that the two Council sites are full and have waiting lists; there are no other alternative sites; the Inspector (para. 18) previously gave moderate weight to this issue. As stated in paragraph 24b of Planning Policy for Traveller Sites the availability (or lack) of alternative accommodation for the applicants is a relevant matter to be considered in decision taking.

Personal Circumstances

- 5.32 The additional pitch is to be used by Tracey William's youngest surviving daughter Lana and her fiancé, Georgia having been recently tragically killed when knocked off her moped when travelling down the Avon Ring Road. Lana is intending to marry her partner and it would clearly not be a satisfactory arrangement for the couple to be sharing a caravan with Lana's mother. Officers are satisfied therefore that there is a demonstrable need for an additional pitch. It was previously considered acceptable for Charles, Mia and their respective partners to have their own pitches
- 5.33 A number of ongoing health difficulties for both Mrs Williams and her son Charlie were previously noted in the 2011 appeal Decision letter and the Inspector gave these matters moderate weight. With the recent death of her youngest daughter Mrs Williams would no doubt require even more support from her family. Furthermore it is traditional for gypsies to live as an extended family group and an additional pitch would enable the family to continue living together.
- 5.34 The family has in fact lived at 'The Meadows' for the last 15 years. The proposed additional pitch would provide facilities to enable the occupants of the caravans to minimize the recognised hazards associated with cooking and fire in the close confines of caravans and provide facilities for washing and bathing and the maintenance of basic hygiene. The proposed caravans would conform to the definitions within Section 29 (1) of the Caravan Sites and Control of Development Act 1960 and Section 13 (1) of the Caravan Sites Act 1968.
- 5.35 Policy CS21 of the adopted South Gloucestershire Local Plan Core Strategy does provide a strategic policy, which envisages that additional provision will be addressed through the intensification of existing sites in the first instance, although some site provision would come via the Development Management Process in the form of windfall sites.
- 5.36 The Core Strategy lists those Gypsy/Traveller sites to be safeguarded at Policy CS21. The existing site at 'The Meadows' is included in this list. It is Council policy that existing, authorised Gypsy and Traveller sites are safeguarded until such time as it can be proven there is no longer an outstanding need for such sites.
- 5.37 The proposal intends to expand the area of the existing site, albeit into land in the applicant's ownership that lies immediately adjacent to and south of 'The Meadows'. A strict interpretation of Policy CS21 would suggest that the proposal is not intensification of an existing site (as permitted by the previous planning consent) but limited expansion of the existing authorised site as permitted.

- 5.38 The existing authorised site is modest in size being only 3 pitches and as such is not considered to represent a significant encroachment into the Green Belt and open countryside. The proposal however would represent further encroachment into the Green Belt and open countryside; yet as noted by the Inspector in the previous appeal (paras. 11 and 12) the site is not prominent in the landscape and is well screened. Additional native hedgerow and tree planting is also proposed as part of this application (see Landscape section below).
- 5.39 Given all of the above and the outstanding work to be carried out regarding the Council's Gypsy and Traveller Policy, officers must consider whether or not a temporary consent is appropriate in this case.

Human Rights

- 5.40 Any violation of Human Rights would relate to Article 1 of the First Protocol (protection of property) and Article 8 (respect for private and family life and the home) of the European Convention on Human Rights, which is incorporated into the Human Rights Act 1998. Article 8 reads as follows:

"Article 8

Right to respect for private and family life.

- 1. Everyone has the right to respect for his private and family life, his home and his correspondence.*
- 2. There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others."*

Officers consider that the operation of the Planning system does not conflict with the Human Rights Act. The Council has not acted unfairly in preparing the Local Plan or Core Strategy and then making decisions based upon the policies contained therein. Both plans have been tested at public enquiry and subsequently found to be sound.

Other Considerations

- 5.41 Highway Issues

The existing site is accessed via a rough track (Pit Lane) off the end of Parkfield Road. Concerns have been raised about the suitability of this track and the impacts of any increased traffic generation for walkers and horse riders,

- 5.42 The NPPF (para. 32) is clear in stating that development should only be prevented or refused on transport grounds where the cumulative impacts of development are severe. It is noted that in the 2010 application PK10/0711/F for the existing Gypsy & Traveller Site at 'The Meadows', the Council raised no objection on highway grounds. The earlier 2003 appeal was referred to in which the Inspector stated the following:

"There have been a number of representations opposing the development, including those from local residents and Pucklechurch Parish Council. One material consideration is that of highway safety. Access to the site is narrow in

places, particularly in the vicinity of Parkfield Rank and passes close to a children's area. The relative isolation of the locality means that the road is lightly trafficked and the development adds to that traffic. However the normal number of vehicle movements associated with the single family unit on site would be small and would not in my view result in a significant increase in road safety risk. The rights of access have been questioned, but this is a matter for legislation other than the Town and Country Planning Act 1990.'

- 5.43 Officers considered that satisfactory levels of on-site car parking and turning areas were available adjacent to the caravan. As such there was no highway objection to the scheme as approved under the 2011 appeal.
- 5.44 A subsequent application PK13/2108/F to provide additional pitches to accommodate Tracey William's daughter Mia Williams (and her partner) and son Charles Williams (and his partner) was approved in April 2014. The increased traffic generation was not considered to be severe.
- 5.45 The existing access would be utilised and adequate parking provision would again be made available on the proposed areas of hard-standing. Only one additional pitch would be created for a family member (who already lives on the site) and her partner. For reasons previously stated Georgia no longer occupies the site. Any additional traffic generation would therefore be minimal.
- 5.46 Officers consider that on balance, having regard to para.32 of the NPPF, a refusal reason based on highway grounds could not reasonably be justified in this case. In this respect, the proposal accords with Policies CS21 of The South Gloucestershire Local Plan Core Strategy (Adopted) 6th Jan 2006 and Policy T12 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

Landscape Issues

- 5.47 Concerns have been raised about the impact of the proposal on the visual amenity of the Green Belt and the Landscape Character in general.
- 5.48 The site is well screened by existing vegetation in all directions. The buildings are all single-storey only and the site is located at the break in the slope, which would result in the development being unlikely to have any significant visual impact in the broader landscape. The existing stable block would be re-located but would remain adjacent to the south of the Gypsy Site and help to screen it. Whilst the stable block would encroach into the field to the south, the building would not look out of place in this rural location. Such stable blocks are commonly found within the wider area.
- 5.49 With regards to the visual amenities of the Green Belt the inspector for the 2011 appeal stated that,

"The site is well screened from public view from the nearest footpaths. The substantial conifers along the western side of the site would effectively screen the mobile home and utility/day room from any longer distance view from the west, and the dense hedge to the east would largely screen the development from the public footpath beyond."

However he concluded that the development would result in some harm to the visual amenities of the Green Belt. The inspector noted that the harm would be reduced by the modest size of the development, the sites position and considerable degree of screening. Whilst there is a public footpath running down a track to the north-east and a public footpath through the fields to the east; due to intervening vegetation and the existing development the proposed additions would not be visible from the public footpaths.

5.50 Although the proposal would introduce another pitch alongside those which already exist, the development would not have a significant impact on the visual amenity of the wider area due to the surrounding topography and existing vegetation; however it would potentially have an impact on the visual amenity of the residents within the immediate area. In order to mitigate this impact, an indicative scheme of additional tree and hedgerow planting is shown on the submitted plans. This demonstrates that adequate screen planting can be achieved and this could be secured via an appropriate condition attached to any consent granted.

5.51 Subject to this condition, the scheme would satisfy Policy L1 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 and Policy CS1 of The South Gloucestershire Local Plan Core Strategy (Adopted) 6th Jan 2006.

5.52 Design Issues

A Gypsy pitch comprises a mobile home, a touring caravan and a utility/day room. The legal definition of a caravan was established in the Caravan Sites and Control of Development Act 1960; this was modified in 1968 to include twin-unit mobile homes and again in 2006 when the sizes were increased to the following:

- a) Length (exclusive of any draw bar) 20m (65.6ft)
- b) Width 6.8m (22.3ft)
- c) Overall height (measured internally from the floor at the lowest level to the ceiling at the highest level) 3.05m (10ft).

Given these definitions it is not normally the requirement for an applicant to submit plans of the mobile homes and caravans. In this case a plan has been submitted showing the proposed details of the proposed utility/day room. This would be fairly modest in scale, having a foot-print measuring 6.5m x 3.414m with eaves at only 2.5m and roof ridge at 4.0m. The materials used in construction would be rendered blockwork for the walls with clay interlocking tiles for the roofs. This scale and simple gable ended design is considered to be appropriate for such buildings and is very similar to the existing day rooms at The Meadows.

5.53 In design terms, the scheme therefore accords with Policy CS1 of The South Gloucestershire Local Plan Core Strategy (Adopted) 6th Jan 2006.

Environmental Issues

5.54 The site is not the subject of unacceptable levels of noise disturbance, air pollution, smell, dust or contamination and neither is the site prone to flooding. The site was previously considered to be habitable being granted consent at appeal and included within the list of safeguarded sites under Policy CS21 of the recently approved South Gloucestershire Local Plan Core Strategy, the plan having been tested at Public Enquiry.

5.55 Foul disposal would be via a nearby connection to the mains sewer. The Councils Drainage Engineer has raised no objection. In environmental terms, the proposal therefore accords with Policies CS1 and CS21 of The South Gloucestershire Local Plan Core Strategy (Adopted) Dec. 2013.

Impact on Residential Amenity

5.56 The nearest residential properties likely to be affected are 'Longacre' located some 45m to the south-east of the development site and 'Parkfield House' located some 160m to the north west. These properties are isolated dwellings within their own extensive plots, with separate access drives off Pit Lane leading to Parkfield Road. The houses within Parkfield Rank lie on elevated ground in relation to the development site but given that they are 300m away, are far less likely to be affected.

5.57 The proposed caravan, mobile home and utility/day room are modest in scale and only single-storey. Given the level of existing and proposed tree and hedgerow planting that would enclose the site, any views in or out of the site would be well screened.

5.58 With appropriate conditions to control the number of pitches; the size of vehicles to be stationed on the site and to prevent any commercial activities including storage on the site, officers consider that there would be no significant adverse impact on residential amenity over and above that which already occurs.

The Planning Balance

5.59 Substantial weight must be given to any harm to the Green Belt and the PPTS requires that greater protection is given to the Green Belt. Personal circumstances and unmet need are unlikely to **clearly** outweigh the harm to the Green Belt and any other harm. The lack of a 5-year land supply is now a less than significant material consideration when considering temporary consents in the Green Belt. New gypsy/traveller site development in the open countryside that is away from existing settlements should be very strictly limited.

5.60 This must be weighed against the fact that the proposal is for an extension of an existing protected Gypsy site as opposed to being isolated new development in the countryside and being only one pitch the amount of encroachment is not significant. The site is not particularly 'away' from the nearest settlement and has been considered appropriate in the recent past for Gypsy occupation. There is a demonstrable need for the additional accommodation and there is a lack of alternative sites within South Gloucestershire. The Council cannot demonstrate a 5-year land supply of deliverable sites. The additional pitch would enable the extended family to continue living on the site which they have occupied for many years and to provide support to Mrs Tracey Williams who has ongoing medical needs, most likely exacerbated by the recent death of her youngest daughter in traumatic circumstances. Whilst given the revised definition of Gypsies in the PPTS and the outstanding work to the GTAA as a result, the scope for a significant decrease in the need for pitches remains untested. There is no significant 'other harm'.

5.61 Officers consider that the applicant has on balance adequately demonstrated the very special circumstances required to overcome the potential harm to the Green Belt by reason of inappropriateness and any other harm. There are clearly in this case, a

complex combination of factors to consider in weighing up the planning balance and in this case this is a finely balanced judgment.

- 5.62 Whilst the application is for a permanent planning permission, officers consider that, in the light of the still emerging new policy relating to Gypsies and Travellers; in this case a temporary 3-year consent made personal to Ms Lana Williams and her spouse/partner and any dependent relatives, would be an appropriate solution, especially given the wording of para. 187 of the NPPF.

6. CONCLUSION

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 The acknowledged harm to the Green Belt must be balanced against the continued unmet need for, and lack of availability of, alternative Gypsy and Traveller Sites; the planning history of the site and personal circumstances of the applicant and her family.
- 6.3 Policy CS21 envisages that some new Gypsy & Traveller Sites will be delivered through the development management process as windfall sites. Given that South Gloucestershire is heavily constrained with large areas of AONB (22%), Green Belt (43%) and areas of high flood risk (18%), finding sufficient land for Gypsy and Traveller Sites outside these areas is a considerable challenge for the Council. Given this situation officers consider that it most likely that in certain cases there will be circumstances whereby the provision of a Gypsy & Traveller Site will occur in these areas; indeed some of the safeguarded sites listed under Policy CS21 of the Core Strategy do lie within these areas and 'The Meadows' is a case in hand.
- 6.4 The site at 'The Meadows' is an existing Safeguarded Site and Policy CS21 of The Core Strategy, in the first instance seeks to provide additional pitches through the intensification of existing sites.
- 6.5 The existing site is not large and is restricted by conditions to 3no. pitches only, which is now insufficient in size to house the wider family group. The occupants have local connections. There is little or no prospect of the present occupants finding an alternative Gypsy & Traveller site locally.
- 6.6 Given that the Submission : Policies, Sites and Places DPD no longer contain a Gypsy and Traveller Policy and that this policy is to be progressed separately, officers have considered whether a grant of temporary consent would be appropriate in this case. In the first instance the applicant has not applied for a temporary consent but a full planning permission. Given that 'The Meadows' has been occupied by the same family since March 2001 and the applicant is part of the extended family; in this respect a temporary consent is considered appropriate and meets the tests of a condition as listed in the NPPF & National Planning Practice Guidance (Circular 11/95 being superseded by the NPPG).

Furthermore Policy CS21 makes provision for windfall sites subject to the criteria listed therein, which in this case are considered to be met.

- 6.7 In this case officers consider that the combination of the personal circumstances of the applicant, combined with the unmet need of and lack of alternative Gypsy & Traveller Sites described previously and the planning history of the site, outweigh the limited level of harm to the Green Belt.
- 6.8 The recommendation to grant planning permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan Core Strategy (Adopted) Dec 2013 and 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 The application be advertised as a departure from the Development Plan.
- 7.2 That a temporary 3-year planning permission be GRANTED personally to Ms Lana Williams subject to the conditions listed on the Decision Notice, once the period of advertising the application as a departure from the Development Plan has expired.

Contact Officer: Roger Hemming
Tel. No. 01454 863537

CONDITIONS

1. The use hereby permitted shall be carried on for a limited period, with that period being 3 years from the date of this decision or if the premises cease to be occupied by Ms Lana Williams whichever is the shorter. Following this period the use shall cease and all materials and equipment brought onto the premises in connection with the use shall be removed and the land restored to its former condition (to include relocation of the stable block to its former position).

Reason

The development is inappropriate within the Green Belt and has only been granted planning permission giving the personal circumstances of Ms. Lana Williams; to accord with Green Belt Policy embodied within the NPPF and Policies CS5 and CS34 of The South Gloucestershire Local Plan : Core Strategy (Adopted) 11th Dec. 2013 and The 'Development in the Green Belt' SPD Adopted June 2007.

2. No commercial activities shall take place on the land the subject of this consent, including the storage of materials.

Reason

To protect the visual amenity of the Green Belt and landscape in general to accord with Policy L1 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 and Policy CS34 of The South Gloucestershire Local Plan Core Strategy (Adopted) Dec 2013.

3. No external lighting shall be installed on the site without the prior written consent of the Local Planning Authority.

Reason

To protect the visual amenity of the Green Belt and landscape in general to accord with Policy L1 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 and Policy CS34 of The South Gloucestershire Local Plan Core Strategy (Adopted) Dec 2013.

4. The proposed parking, turning and manoeuvring areas shall be provided prior to the first occupation of the development hereby approved and those areas shall not thereafter be used for any purpose other than the turning and manoeuvring of vehicles.

Reason

In the interests of highway safety and to accord with Policy T12 of The South Gloucestershire Local Plan (Adopted) 6th Jan 2006 and Policy CS21 of The South Gloucestershire Local Plan Core Strategy (Adopted) Dec 2013.

5. The existing landscaping along the boundaries of the site shall be retained at all times unless otherwise agreed in writing by the Local Planning Authority. Within 60 days of this decision, a detailed scheme of planting, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the agreed scheme of planting shall be implemented in accordance with a time frame to be agreed in writing by the Local Planning Authority.

Reason

To enhance the screening of the site to protect the visual amenity of the Green Belt and landscape in general to accord with Policy L1 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 and Policy CS34 of The South Gloucestershire Local Plan Core Strategy (Adopted) Dec 2013.

6. Notwithstanding the existing Gypsy and Traveller pitch located at 'The Meadows', there shall be no more than one additional pitch on the land the subject of this consent and within the individual pitch hereby approved no more than two caravans shall be stationed at any time, of which only one caravan shall be a residential mobile home.

Reason

To protect the visual amenity of the Green Belt and landscape in general to accord with Policy L1 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 and Policy CS34 of The South Gloucestershire Local Plan Core Strategy (Adopted) Dec 2013.

7. No vehicle over 3.5 tonnes shall be stationed, parked or stored on the land the subject of this consent.

Reason

To protect the visual amenity of the Green Belt and landscape in general to accord with Policy L1 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 and Policy CS34 of The South Gloucestershire Local Plan Core Strategy (Adopted) Dec 2013.

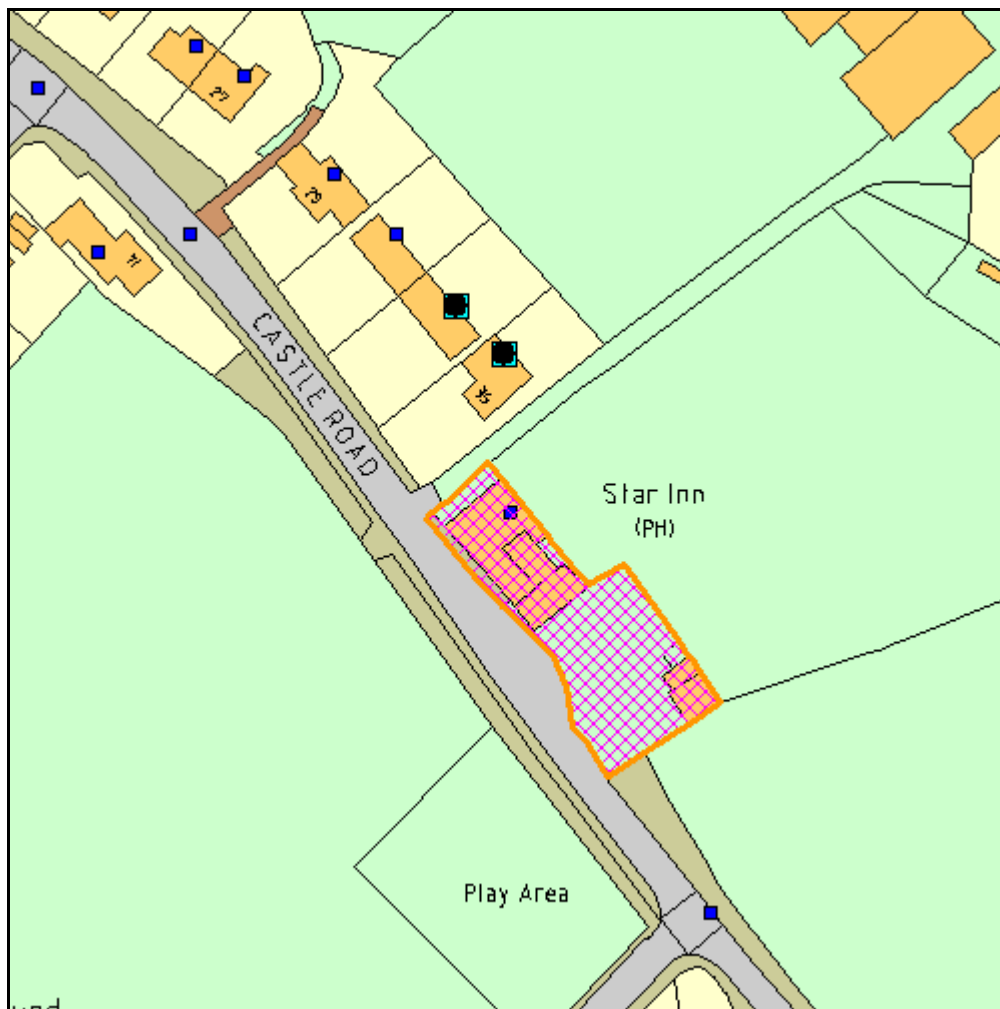
8. The pitch hereby approved shall not be occupied by any persons other than gypsies and travellers as defined in Annex 1 of DCLG document Planning Policy for Traveller Sites August 2015.

Reason

To ensure that the site is not occupied by people other than those of Gypsy and Traveller status, given the limited availability of Gypsy and Traveller sites within South Gloucestershire.

CIRCULATED SCHEDULE NO. 34/16 – 26 AUGUST 2016

App No.:	PK16/2835/F	Applicant:	Punch
Site:	The Star Inn 37 Castle Road Pucklechurch Bristol South Gloucestershire BS16 9RF	Date Reg:	
Proposal:	Demolition of existing garage, Erection of side porch. installation of rear extraction fan and air ventilation system.	Parish:	Pucklechurch Parish Council
Map Ref:	370188 176592	Ward:	Boyd Valley
Application Category:	Minor	Target Date:	13th July 2016



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application appears on the Circulated Schedule as a result of a consultation response raising concerns with regards to the proposed extraction and ventilation system elements of the proposal

1. THE PROPOSAL

- 1.1 The proposals seek planning permission for the demolition of an existing garage, and the erection of side a porch plus the installation of a rear extraction fan and air ventilation system.
- 1.2 The site is the Star Inn, an existing public house located on Castel Road, within the village of Pucklechurch. The site is near to but outside of Pucklechurch Conservation Area, the boundary of which extends to the playing fields on the other side of the road.

2. POLICY CONTEXT

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

- 2.2 Development Plans

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

3. RELEVANT PLANNING HISTORY

- 3.1 Various applications associated with the premises use as a pub.

4. CONSULTATION RESPONSES

- 4.1 Pucklechurch Parish Council
Pucklechurch Parish Council reviewed this application at its meeting on 1st June 2016 and resolved not to object to the planning application but to inform the planning inspector that the building is considerably earlier than stated in the Design and Access statement.

- 4.2 Other Consultees
Public Rights of Way
No objections. Standard informatives recommended.

Lead Local Flood Authority
No objection

Sustainable Transportation

We note that this planning application seeks to carry out a number of relatively minor works at The Star Inn, Castle Road, Pucklechurch. These works consist of demolishing an existing garage to extend the outdoor seating area, erection

of side entrance porch and the installation of rear extraction fan and air ventilation system. No changes are proposed to the sites access or car parking arrangements. We do not consider that these changes will alter the travel demand associated with this site, consequently we have no highways or transportation comments about this application.

Highways Structures

No comment

Environmental Protection

Further information required in respect of full details of the new extraction system, including location of flue and technical specifications. Standard demolition requirements/informatives should apply.

Specifications and Plans have subsequently been received regarding the extraction system.

Other Representations

4.3 Local Residents

One letter of concern has been received, as follows:

As neighbours we will object strongly if the installation of extraction fans and air ventilation systems causes any excessive noise or odour problems. We currently do not experience any such problems from this public house but are concerned that if the proposed units are in constant use that noise and odour problems will start to occur. If the planning is approved then please ensure that the units should be positioned as far away from residential property as possible to minimize any future detrimental impact to our quality of life.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The site is an existing public house premises, the main issues are therefore whether the demolition of the existing garage within the site, the addition of the porch and the introduction of a new ventilation/flue system, would have any additional material impact upon the site and surroundings.

5.2 It is not considered that the removal of the garage would have any material impact upon the context, appearance or amenity of the site or local area. Similarly the addition of a relatively small porch to the side, near to the car park, would not give rise to any design or amenity concerns.

5.3 Concerns raised above, with regards to the existing flue are noted. The site is an existing public house and the kitchen area remains the same. The nearest residential property remains the same, to the north at approximately 10 metres, across an access track. The application seeks to add a new extraction/ventilation system, including flue, as existing ventilation to the kitchen is of insufficient quality and standard. The submitted details of the flue/extraction system would meet British Standards BS6173 (installation of gas fired cooking appliances) and maintenance of any facility would be required to ensure that it meets DEFRA guidance on the control of odour and noise from

commercial kitchen exhaust systems and does not cause local amenity impacts. Any subsequent noise or odour issues would be assessed by Environmental Services. The system itself does not give rise to any material impact upon the overall appearance of the premises. It is not considered that there would be any impact from the elements of the proposal upon the Conservation Area which extends to the playing fields on the other side of the road. There are no highways issues associated with the proposals.

6. CONCLUSION

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

7. RECOMMENDATION

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

CIRCULATED SCHEDULE NO. 34/16 – 26 AUGUST 2016

App No.:	PK16/3145/CLP	Applicant:	Mr Mark Palmer
Site:	The Rosary Chesley Hill Siston South Gloucestershire BS30 5NE	Date Reg:	7th July 2016
Proposal:	Certificate of Lawfulness Proposed for erection of single storey detached building to form swimming pool and garage ancillary to main dwelling house.	Parish:	Wick And Abson Parish Council
Map Ref:	368841 173490	Ward:	Boyd Valley
Application Category:		Target Date:	30th August 2016



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 The applicant is seeking a formal decision as to whether the proposed erection of a single storey detached outbuilding to form swimming pool and garage would be lawful development. This is based on the assertion that the proposal falls within the permitted development rights normally afforded to householders under the Town and Country Planning (General Permitted Development) (England) Order 2015.
- 1.2 The application is formal way of establishing whether the proposal requires planning permission or not. Accordingly there is no consideration of planning merit, the decision is based on the facts presented.
- 1.3 The site plan provided seems to indicate that a proportion of land rear of the main dwelling is within the curtilage of the property. Planning History shows an application for a certificate of lawfulness for the existing use of an area of land as residential curtilage that was granted in 2012. Under this application the area to the South East of the dwelling was not included as part of the residential curtilage. Consequently the red line provided is incorrect.
- 1.4 A pre-application enquiry was lodged prior to the submission of this application. It was advised full planning permission would be required due to the use of the proposed structure as a result of its scale in relation to the size of the dwelling. The proposal would also have exceeded physical dimensions permitted under the Town and Country Planning (General Permitted Development) Order 2015. The dimensions of the proposal have since been amended.

2. POLICY CONTEXT

- 2.1 **National Guidance**
Town and Country Planning Act 1990 (As Amended) 1990 section 192
Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO)
- 2.2 The submission is not a full planning application therefore the Adopted Development Plan is not of relevance to the determination of this application; the decision rests on the evidence that has been submitted. If the evidence submitted demonstrates that the proposed use is lawful on the balance of probabilities, the Local Planning Authority must grant a Certificate confirming the proposed development is lawful against the Town and Country Planning (General Permitted Development) Order 2015.

3. RELEVANT PLANNING HISTORY

- 3.1 PK12/2812/CLE – Approval – 03/10/2012 – Application for a certificate of lawfulness for the use of land as residential curtilage.
- 3.2 PK11/0595/F – Approval – 20/04/2011 – Conversion of existing garage/store to form residential annexe ancillary to main dwelling (retrospective).
- 3.3 P99/4720 – Approval – 12/12/1999 – Retention of detached garage.
- 3.4 P98/4893 – Approval – 11/03/1999 – Retention of garage.
- 3.5 P98/4086 – Approval – 30/03/1998 – Erection of side extensions and alterations to roof to accommodate 2no dormer windows. Erection of detached garage.

4. CONSULTATION RESPONSES

- 4.1 Wick and Abson Parish Council
Objection – Overdevelopment and out of proportion with the main dwelling.
- 4.2 Other Consultees

Transport Officer
Advise that permission would be required from the Highway Authority for the access.
- 4.3 Other Representations

Local Residents
No Comments Received

5. SUMMARY OF EVIDENCE IN SUPPORT OF APPLICATION

- 5.1 Application Form; Site Location Plan; Block Plan; and Proposed Elevations and floor plan.
- 5.2 The agent has provided a supporting statement that provides a number of appeal decisions and case law.

6. ANALYSIS OF PROPOSAL

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

balance of probabilities, the Local Planning Authority must grant a certificate confirming that the proposed development is lawful.

- 6.2 The key issue in this instance is to determine whether the proposal falls within the permitted development rights afforded to the householders under Schedule 2, Part 1 Class E of the GPDO (2015). That allows the introduction of “The proposed development consists of the erection of a detached outbuilding to form swimming pool and a garage.
- 6.3 Class E allows the erection of “any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouse as such, or the maintenance, improvement or other alteration of such a building or enclosure;”...PK12/2812/CLE.
- 6.4 A supporting statement was submitted in association with the application. This established the intention of the proposal as well as the statutory context of such development, followed by references to precedent case law.
- 6.5 ‘Incidental’ in planning terms is loosely defined and consideration of whether a use is incidental or not is largely based on case law and court decisions. Whether a specific building is incidental to the enjoyment of a dwellinghouse is a matter of degree, consequently there is no absolute definition. By conforming to the other criteria identified in Class E, it does not guarantee that the building is indeed incidental. It is therefore necessary to assess the nature and scale of the subordinate use and whether as a matter of fact and degree this use is incidental to the enjoyment of the dwellinghouse.
- 6.6 It should be noted that the ‘existing access’ which was apparent on the site inspection does not appear to have any form of permission. The access appears to cross land outside the curtilage of the dwelling. Furthermore the access has gated access and appears to be in excess of the limits afforded by Schedule 2 Part 2 Class A of the Town and Country Planning (General Permitted Development) Order 2015. The access is onto an unclassified road and permission would not have been required for the implementation of the access, however permission would necessitate full planning permission due to the gates and fences. This assessment is purely in relation to the proposed outbuilding and its lawfulness, consequently the access will not be considered as part of the application.

Analysis to determine whether the proposed outbuilding can be described as incidental to the enjoyment of the dwellinghouse

- 6.7 The proposed outbuilding is approximately 15.8 metres by 11.9 metres and the proposed use is identified as a swimming pool, shower and garage. It is considered that the intended use of the building could reasonably be defined as falling within a use incidental to the enjoyment of the dwellinghouse. The dwelling is a large dormer bungalow set in a relatively large curtilage and the proposal would have a similar floor area to that of the dwelling. The gross external area of the proposal would be approximately 188 m², where the existing dwelling has a gross external area of around 215 m². Furthermore, the

proposal would be situated around 30 metres from the side elevation of the existing dwelling.

- 6.8 The use would comprise a swimming pool occupying around 73m², a garage with an area of around 89 m² and an entrance lobby, shower and toilet. A pre-application enquiry was lodged and it was advised as a result of the scale, use and physical dimensions, full planning permission would have been required. Following the enquiry the scheme has been revised to remove the section of flat roof, as well as the introducing a swimming pool and shower room.
- 6.9 In *Emin v Secretary of State for the Environment and Mid-Sussex County Council*, QBD, 1989, 58 P&CR two buildings were proposed to house a utility, garden and games room and a second building to house hobby related space. It was found by Sir Graham Eyre QC that there is a requirement to address *“the nature of the activities to be carried on in the proposed building to ensure that they are incidental or conducive to the very condition of living in the dwellinghouse”* and continues to mention that the scale of those activities is a relevant consideration. *“...the physical sizes of buildings could be a relevant consideration in that they might represent some indicia as to the nature and scale of the activities.”* And *“...size may be an important consideration but not by itself conclusive.”* In this case the test that was applied was whether the use of the proposed buildings, when considered in the context of the planning unit as a whole, as intended, would remain incidental or subordinate to the use as a dwellinghouse.
- 6.10 It is a matter for the occupier to establish what incidental uses they propose to enjoy and an objective test of reasonableness should be applied having regard to the particular circumstances of the case as whether a use is required for a purpose incidental to the enjoyment of a property *“cannot rely on the unrestrained whim of he who dwells there.”* The activities carried out within the swimming pool area would be considered to fall into an incidental use and this use would necessitate a reasonable scale, however the introduction of a shower and toilet may not be viewed as such. In this case given the relationship with the swimming pool it has been considered that the primary use would be incidental and the shower room would be necessitated by the swimming pool and is therefore acceptable in this respect. With regard to the remaining area the proposal indicates this would provide garaging for private motor vehicles.
- 6.11 The use of a garage would normally be considered an incidental use. The supporting statement gives indication that the garage area would provide accommodation for 4 cars and 5 motor bikes. Given the floor area of the garage, it is thought that though of a large size, evidence has been provided to indicate why such a scale is necessary, and the proposed uses could not reasonably be incorporated into the existing dwelling.
- 6.12 In conclusion, given the reasoning above, it is considered that due to the proposed use of the structure the substantial and somewhat disproportionate scale of the proposal is justified and the building could be described as incidental to the main dwelling. Were the swimming pool not implemented, the structure would not be considered incidental as the size of the space would be seen as excessive for storage purposes alone. On the balance of probabilities

and the evidence submitted it is accepted that the current proposal would fall within the remit of Part 1 Class E of the GPDO.

6.13 The remainder of the report will establish whether the physical structure proposal would accord with the criteria identified under Class E.

E. The provision within the curtilage of the dwellinghouse of—

(a) any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouse as such, or the maintenance, improvement or other alteration of such a building or enclosure;

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

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

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

(b) the total area of ground covered by buildings, enclosures and containers within the curtilage (other than the original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse);

The proposal would not cover in excess of 50% of the total area of the curtilage.

(c) any part of the building, enclosure, pool or container would be situated on land forward of a wall forming the principal elevation of the original dwellinghouse;

The building will be situated to the side of the dwelling and would not be forward of the principal elevation of the original dwellinghouse.

(d) the building would have more than a single storey;

The proposal would not have more than a single storey.

**(e) the height of the building, enclosure or container would exceed—
(i) 4 metres in the case of a building with a dual-pitched roof,
(ii) 2.5 metres in the case of a building, enclosure or container within 2 metres of the boundary of the curtilage of the dwellinghouse, or
(iii) 3 metres in any other case;**

The proposal would have a dual pitched roof and a ridge height of approximately 4 metres and is in excess of 2 metres from the boundary of the curtilage.

(f) the height of the eaves of the building would exceed 2.5 metres;

The proposal would have an eaves height of 2.5 metres.

- (g) the building, enclosure, pool or container would be situated within the curtilage of a listed building;**

The proposal would not be within the curtilage of a listed building.

- (h) it would include the construction or provision of a verandah, balcony or raised platform;**

It would not include a verandah, balcony or raised platform.

- (i) it relates to a dwelling or a microwave antenna; or**

The proposal does not relate to a dwelling or microwave antenna.

- (j) the capacity of the container would exceed 3,500 litres.**

Not applicable

- E.2 In the case of any land within the curtilage of the dwellinghouse which is within—**

- (a) an area of outstanding natural beauty;**
(b) the Broads;
(c) a National Park; or
(d) a World Heritage Site,

Development is not permitted by Class E if the total area of ground covered by buildings, enclosures, pools and containers situated more than 20 metres from any wall of the dwellinghouse would exceed 10 square metres.

Not Applicable

- E.3 In the case of any land within the curtilage of the dwellinghouse which is article 2(3) land, development is not permitted by Class E if any part of the building, enclosure, pool or container would be situated on land between a wall forming a side elevation of the dwellinghouse and the boundary of the curtilage of the dwellinghouse.**

Not Applicable

Interpretation of Class E

- E.4 For the purposes of Class E, “purpose incidental to the enjoyment of the dwellinghouse as such” includes the keeping of poultry, bees, pet animals, birds or other livestock for the domestic needs or personal enjoyment of the occupants of the dwellinghouse.**

7. **RECOMMENDATION**

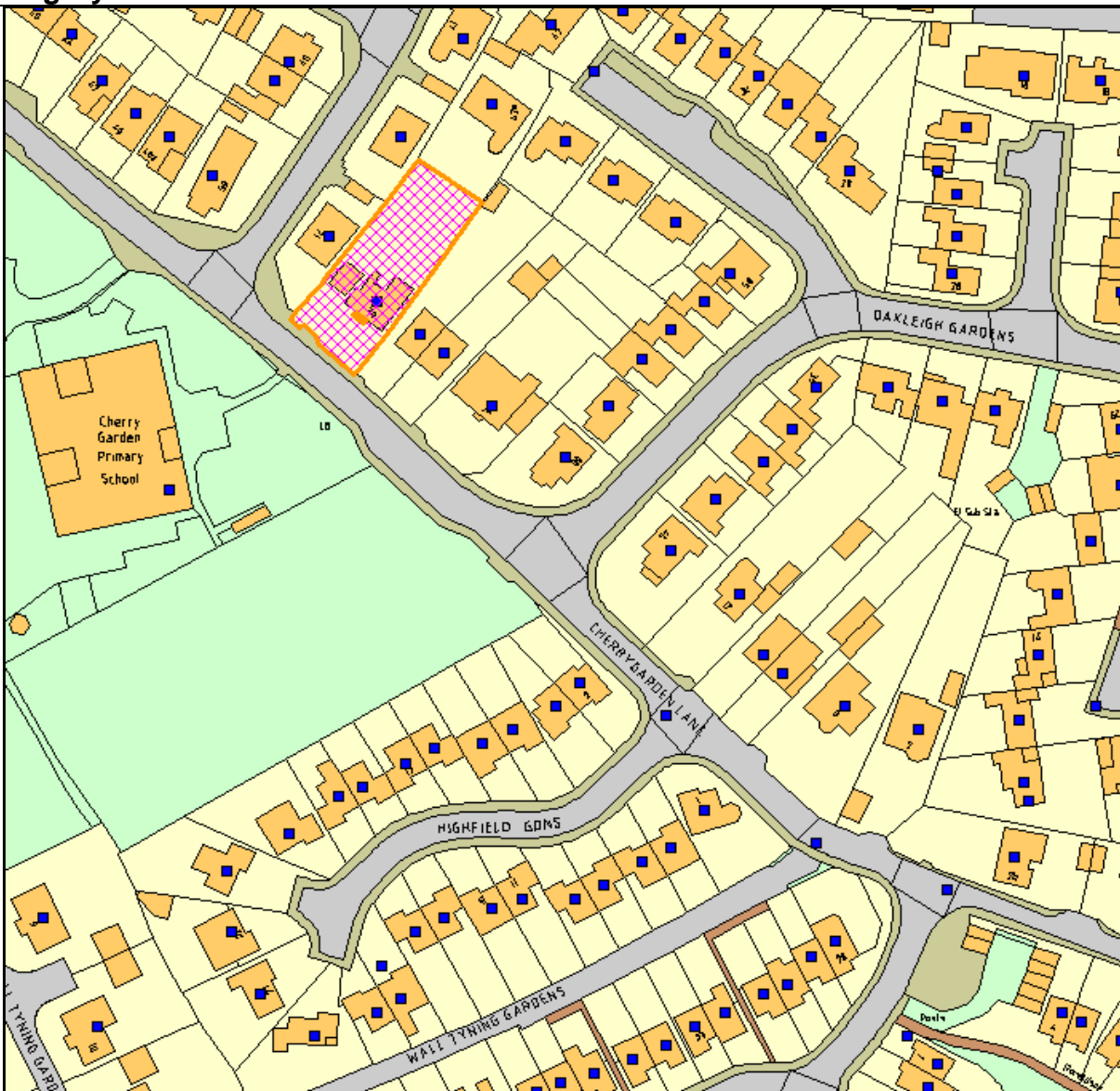
- 7.1 That a certificate of Lawfulness for Proposed Development is **granted** for the following reason:

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

Contact Officer: Hanni Osman
Tel. No. 01454 863787

CIRCULATED SCHEDULE NO. 34/16 – 26 AUGUST 2016

App No.:	PK16/3618/F	Applicant:	Mr Hucker
Site:	30 Cherry Garden Lane Bitton Bristol South Gloucestershire BS30 6JH	Date Reg:	10th June 2016
Proposal:	Demolition of existing garage and erection of a single storey and two storey side and rear extension to provide additional living accommodation.	Parish:	Bitton Parish Council
Map Ref:	367061 170801	Ward:	Bitton
Application Category:	Householder	Target Date:	4th August 2016



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

The planning application has been referred to the Council's Circulated Schedule procedure due to comments received that are contrary to the Officers recommendation.

1. THE PROPOSAL

- 1.1 The application seeks planning permission for the demolition of the existing garage and erection of a two storey rear and single storey side extension to provide additional living accommodation at 30 Cherry Garden Lane in Bitton.
- 1.2 The host dwelling is a two-storey detached dwelling with a pitched roof, the dwelling is finished in a mixture of pebbledash render and red brick. There is a single storey front porch finished in smooth render.
- 1.3 Following site visit on the 11th July 2016 it was noted that the existing garage had been demolished.
- 1.4 Revised plans were received on 2nd August 2016 showing the proposed single storey side extension having a lower ridge line. A short period of reconsultation was offered to all consultees.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework March 2012
National Planning Policy Guidance 2014

2.2 Development Plans

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

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

South Gloucestershire Local Plan Core Strategy Adopted December 2013

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

2.3 Supplementary Planning Guidance

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

3. RELEVANT PLANNING HISTORY

- 3.1 PK15/4272/F Demolition of existing garage to facilitate the erection of replacement attached double garage with utility room (resubmission of PK15/1609/F).

Approved with Conditions 09.11.2015

- 3.2 PK15/1609/F Demolition of existing garage to facilitate the erection of replacement attached double garage with utility room.

Refused 03.06.2015

Refusal reason:

'The proposed double side garage would result in a dominating structure that has not been informed by its surroundings. It is considered that the scale and massing of the proposed structure would be out of keeping and have an adverse effect on the application site and surrounding dwellings, contrary to Policy CS1 of the South Gloucestershire Core Strategy (Adopted) December 2013 and Saved Policy H4 of the South Gloucestershire Local Plan (Adopted) June 2006.'

- 3.3 K1252 Two storey extension to provide additional lounge space with bedroom over (Previous ID: K1252).

Approved 14.04.1976

4. CONSULTATION RESPONSES

4.1 Bitton Parish Council

Councillors object to this application as it represents overdevelopment of the site and an over-intensification of usage. The size of the original house would be increased beyond what is reasonable.

Following reconsultation Councillors still feel that the proposals represent an over-intensification of development of this site, however providing the amendments made bring it in line with previous approvals then the objections of Bitton Parish Council are withdrawn.

4.2 Sustainable Transport

Adequate parking for the size of the dwelling is proposed, as such there is no transportation objection to the proposed development.

Other Representations

- 4.3 No revised comments have been received from neighbours following reconsultation, the previous comments will still be taken into consideration.

Local Residents

One letter of objection has been received from a neighbouring resident with regards to the proposed demolition of existing garage and erection of a two storey rear and single storey side extension. The comments are summarised below:

- The proposal represents over intensification of development on the site, the proposal would have an adverse and over-bearing impact on the scale and character of the dwelling as well as being out of character with the surrounding properties and streetscene.
- The proposal will be overbearing and result in loss of light to properties on St Anne's Drive which would be detrimental.

- The proposal is contrary to policies CS1 and H4 due to overdevelopment of the site.
- There are highway safety issues due to the accessibility, parking and location of Cherry Garden School opposite to the site on Cherry Garden Lane.

Two letters of support have also been received from neighbouring residents, the following points have been raised:

- The proposal is sympathetic to the original dwelling.
- The proposal will enhance the appearance of no.30 and remove the ugly and dangerous existing garage.
- There will be no loss of privacy as no first floor windows are being added.
- The property will look more attractive from our property.
- The proposed finish will remove the 1970s spar finish enhancing the house and streetscene.

5. **ANALYSIS OF PROPOSAL**

5.1 The application seeks permission for the demolition of the existing garage and erection of a two storey rear extension and single storey side extension to provide additional living accommodation.

5.2 Principle of Development

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

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

5.3 Design and Visual Amenity

The application site is a two-storey detached dwellinghouse in Bitton. The property is located on the residential road of Cherry Garden Lane. The application seeks planning permission for the demolition of the existing detached garage and the erection of a two storey rear and single storey side extension to provide additional living accommodation.

5.4 The proposed two storey rear extension will bring the rear elevation in line with the existing two storey rear extension. The proposal will be the same height as the existing two storey rear extension and will be subordinate to the original dwellinghouse. The proposed two storey rear extension will have a pitched roof and a gable end to match the existing two storey rear which was approved in 1976. The scale and height of the two storey rear extension are considered to be appropriate and respect and enhance the surrounding area and as such complies with policy CS1 of the core strategy.

- 5.5 Following revised plans the proposed single storey side extension will have a total height of 4.7 metres, the roof will be hipped and the pitch of the proposed side extension will be less steep than the previously approved garage. The proposed side extension will extend the width of the existing garage and provide additional living accommodation as well as two garage spaces- although the garage does not comply with the parking standards- this will be discussed further in paragraph 5.14.

The reduction in height reduces how dominant the proposed single storey side extension will be within the streetscene as it matches what was previously approved. Officers now consider the proposal to be acceptable.

- 5.6 The existing dwelling utilises the materials of concrete interlocking roof tiles, a mixture of pebbledash render and red brick for the main elevations and black windows. There is a single storey front porch which is smooth render. The proposed materials will match the existing. A comment has been received from a neighbouring resident in support of the proposal stating that the proposed finish will enhance the house and streetscene as it will remove the 1970s spar finish, there is no mention of the change of render finish within the application. The materials should where possible, match the existing, and enhance and respect the existing dwelling and surrounding area to comply with policy CS1; to ensure the materials compliment the existing dwelling a condition will be used.
- 5.7 Overall, in terms of design the proposal respects the character of the site and the wider context as well as being of an appropriate scale and proportion with the original dwelling and surrounding properties. Thus, the proposal satisfies policy CS1 of the adopted Core Strategy.
- 5.8 Residential Amenity
Saved policy H4 of the adopted Local Plan states that proposals for development within existing residential curtilages will only be permitted where they would not prejudice the amenity of nearby occupiers.
- 5.9 The applicant site is a detached two-storey property located within the settlement boundary of Bitton. The boundary treatments at the site consist of 1.5 metre terraced fencing at the front of the property and 2 metre timber fences at the rear. The application seeks permission for the demolition of the existing garage and erection of a single storey side and two storey rear extension to provide additional living accommodation.
- 5.10 There are a number of new windows proposed within the extension including a new window within the existing first floor eastern elevation, it is noted that this window will be of obscure glaze. The proposed windows in the first floor rear elevation will be in a similar location to those in the existing rear elevation, whilst the windows will result in some overlooking particularly towards no. 21 St Annes Drive the impact is not considered to be adverse.
- 5.11 The reduction in height of the proposed single storey side extension is considered to reduce the overbearing impact. The pitch of the proposed single storey side extension is lower than what was previously approved under

(PK15/4272/F). It is noted that there may be some overshadowing but it is not considered to adversely impact the amenity of neighbouring dwellings.

5.12 Overall the proposal would not result in any adverse impacts on the residential amenity of neighbouring occupiers or future occupiers. As such the proposal is considered acceptable in terms of saved policy H4 of the Local Plan (adopted) 2006.

5.13 Highways

The application seeks planning permission for the demolition of the existing garage and erection of a two storey rear extension and single storey side extension. As a result of the works the dwelling will have four bedrooms. Part of the single storey side extension will be a double garage, it is however noted that the garage does not comply with the Residential Parking Standards and cannot count towards available parking at the site. There is however an area of hardstanding at the front of the dwelling suitable for approximately three vehicles which complies with the residential parking standard. There is no increase in bedrooms within the property, whilst it is noted that there is an objection regarding highway safety Officers do not believe there will be a detrimental increase in trips to the site. Overall, there are no transportation objections to the proposed works.

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 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.

CIRCULATED SCHEDULE NO. 34/16 – 26 AUGUST 2016

App No.:	PK16/3999/F	Applicant:	Mr C Clifford
Site:	38 Couzens Close Chipping Sodbury Bristol South Gloucestershire BS37 6BT	Date Reg:	19th July 2016
Proposal:	Demolition of existing garage. Erection of two storey side and single storey rear extension to provide additional living accommodation.	Parish:	Sodbury Town Council
Map Ref:	372817 182555	Ward:	Chipping Sodbury
Application Category:	Householder	Target Date:	8th September 2016



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

The planning application has been referred to the Council's Circulated Schedule procedure due to comments received that are contrary to the Officers recommendation.

1. THE PROPOSAL

- 1.1 The application seeks planning permission for the erection of a two storey side extension and single storey rear extension at 38 Couzens Close in Chipping Sodbury.
- 1.2 The host dwelling is a two-storey attached dwellinghouse located within an established residential area of Chipping Sodbury. To the north of the dwelling there are two attached single storey garages, one of which belongs to no. 38 Couzens Close.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework March 2012
National Planning Policy Guidance 2014

2.2 Development Plans

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

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

South Gloucestershire Local Plan Core Strategy Adopted December 2013

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

2.3 Supplementary Planning Guidance

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

3. RELEVANT PLANNING HISTORY

- 3.1 P93/1916 Amendments to and substitution of house types, revisions to layout (plot no's 60 to 88 and 106 to 115) to that previously approved under application reference nos P91/1787 and P92/1001) (in accordance with amended plans received by the council on 10 September 1993)
Approval of Reserved Matters 15.09.1993
- 3.2 P93/1001 Erection of 141 dwellings with associated garages, driveways, footpaths, roads and landscaped areas. (In accordance with the amended layout plan received by the council on the 22 April 1993 as amended by fax

plan dated 19 May 1993 and house type plans received by the council on 11 May 1993) (to be read in conjunction with P91/1727)
Approval of Reserved Matters 19.05.1993

- 3.3 P91/1727 Residential and ancillary development on approximately 17 acres (6.8 hectares) (outline)
Approved 19.06.1991
- 3.4 NA/IDO/004 The planned development of land for quarrying dated 11 October 1947. Interim development Order permitted 28 September 1992.
Approved with Conditions 28.09.1992

4. CONSULTATION RESPONSES

- 4.1 Sodbury Town Council
Objection. On the grounds that the proposal will be overbearing, detrimental to the neighbour's amenity and result in a loss of parking.
- 4.2 Sustainable Transport
A block plan showing vehicle parking spaces will be required before final comments can be made.

Other Representations

- 4.3 Local Residents
Two letters of objection have been received from neighbouring residents the points raised within these are:
- Over intensification of the site
 - Reduced off street parking, the existing parking in this area is limited and the development would aggravate the congestion
 - The applicants will use the pavement fronting as parking.
 - No space for rubbish and recycling which is currently stored on the driveway
 - The driveway will appear seamlessly linked with my driveway, I suggest the applicant retains a soil border to stop us being seamlessly linked.

5. ANALYSIS OF PROPOSAL

- 5.1 The application seeks planning permission for the demolition of the existing garage and erection of a two storey side and single storey rear extension at a dwelling in Chipping Sodbury.
- 5.2 Principle of Development
Policies CS1 of the South Gloucestershire Core Strategy (adopted December 2013) and Saved Policy H4 of the South Gloucestershire Local Plan (adopted January 2006) are both supportive in principle. Saved Policy H4 is supportive providing development is within the curtilage of existing dwellings, the design is acceptable with relation to policy CS1 of the Core Strategy, that there is safe and adequate parking, and also providing the development has no negative effects on transport.

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

5.3 Design and Visual Amenity

The applicant site is a two-storey attached property in Chipping Sodbury. The area is characterised by a variety of different style properties.

The proposed two storey side extension is stepped back from the front building line. Whilst the proposal is not a subservient addition to the property it will continue the existing gable roof line.

5.4 The proposed two storey side extension will be visible from the street scene of Couzens Close, however it is considered that the proposal respects the character of the surrounding area.

5.5 The design of the proposed two storey side extension and single storey rear extension are considered to be in keeping with the existing dwelling with materials to match the existing with facing red brick for the elevations, concrete roof tiles and white PVC for the windows and doors.

5.6 The proposed single storey rear extension will extend beyond the existing rear elevation by 3 metres and span the width of the property. The total height of the proposed rear extension will be 3.7 metres and the roof style will be lean-to.

5.7 Objection comments have been received suggesting the proposal is over intensification of the site. It is considered that the proposal is in proportion with the existing dwelling and the surrounding area.

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.

5.8 Residential Amenity

Saved policy H4 of the adopted Local Plan states that proposals for development within existing residential curtilages will only be permitted where they would not prejudice the amenity of nearby occupiers.

5.9 The applicant site is a two-storey attached dwellinghouse within an established residential area of Chipping Sodbury, the boundary treatments at the site consist of 1.8 metre fences and a 2 metre wall. The application seeks planning permission for a two storey side extension. Officers note that there are no side elevation windows in the proposal reducing the impact of overlooking towards neighbouring dwellings. Whilst there will be new windows in the front and rear elevation they are not considered to adversely overlook neighbouring dwellings.

5.10 The proposed extension is not considered to be adversely overbearing upon neighbouring dwellings this is because there is some distance between the proposal and neighbouring dwellings.

- 5.11 Officers consider that overall the proposal would not result in any adverse impacts on the residential amenity of neighbouring occupiers or future occupiers. As such the proposal is considered acceptable in terms of saved policy H4 of the Local Plan (adopted) 2006.
- 5.12 Highways
Following the transport officers comments a revised parking plan has been received showing two vehicle parking spaces available within the residential curtilage of 38 Couzens Close showing that the site complies with South Gloucestershire's Residential Parking Standard.
- 5.13 A number of objection comments have arisen regarding the parking at the site. Chipping Sodbury Town Council suggest parking will be lost at the site and neighbouring residents suggest the proposal will reduce off-street parking. To address these concerns Officers will condition the vehicle parking to ensure two spaces are retained within the curtilage.
- 5.14 Other Matters
Other issues have been raised by neighbouring residents regarding the proposal. Firstly an objector discusses the on street parking in the area being limited and how the proposal will aggravate the situation. This is not considered to be a planning issue, inconsiderate parking is a police issue.
- 5.15 Whilst it was noted that during site visit the applicant currently stored rubbish and recycling at the front of the property the objection regarding where its going to be located following the works is not a material consideration for this planning permission.
- 5.16 The applicant has sought to address a comment raised about the materials of the driveway and how they may appear linked with no.40 however this is considered to be considered under the Party Wall Act. Similarly the objection regarding the party wall of the garages is covered by alternative legislation.

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).

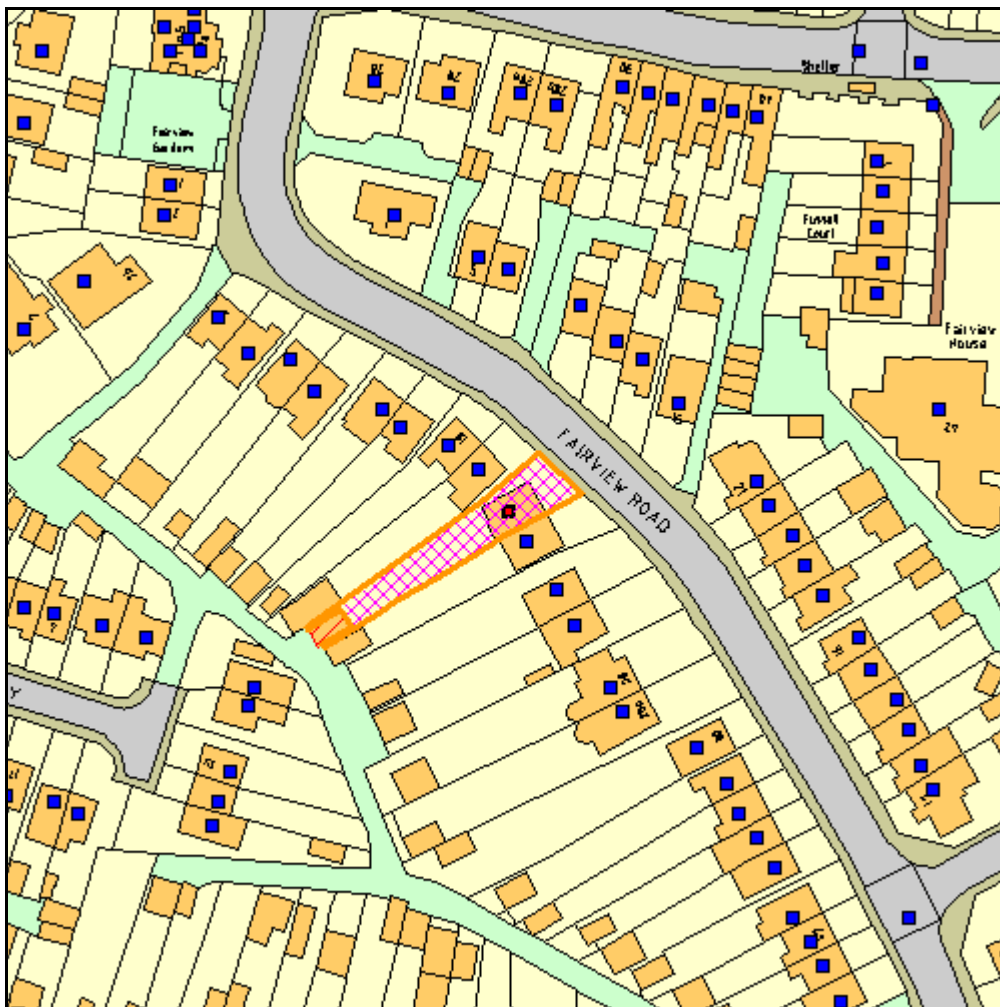
2. The off-street parking facilities (for all vehicles, including cycles) shown on the plan hereby approved shall be provided before the extension is first occupied, and thereafter retained for that purpose.

Reason

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

CIRCULATED SCHEDULE NO. 34/16 – 26 AUGUST 2016

App No.:	PK16/4219/CLP	Applicant:	Mr Humphreys
Site:	20 Fairview Road Kingswood Bristol South Gloucestershire BS15 9UT	Date Reg:	18th July 2016
Proposal:	Application for a certificate of lawfulness for the proposed erection of a single storey rear extension.	Parish:	None
Map Ref:	365880 173608	Ward:	Woodstock
Application Category:		Target Date:	7th September 2016



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PK16/4219/CLP

REASON FOR REPORTING TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 The applicant is seeking a formal decision as to whether the proposed erection of a single storey rear extension at No. 20 Fairview Road, Kingswood, would be lawful.
- 1.2 The application is a formal way of establishing whether the proposal requires planning permission or not. Accordingly there is no consideration of planning merit, the decision is based solely on the facts presented.

2. POLICY CONTEXT

2.1 National Guidance

Town and Country Planning Act 1990 (As Amended) 1990 section 192 Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO) Schedule 2, Part 1, Class A

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

3. RELEVANT PLANNING HISTORY

- 3.1 No planning history

4. CONSULTATION RESPONSES

4.1 Ward Councillors

I have no immediate observations to make on this. I will wait for the report to appear on the Circulated Schedule.

Other Representations

4.2 Local Residents

None received

5. SUMMARY OF EVIDENCE IN SUPPORT OF APPLICATION

- 5.1 Site and Location Plans (1246/05); Existing Floor Plans and Elevations (1246/20); Proposed Floor Plans and Elevations (1246/21) – received by the Council on 12/07/2016.

6. ANALYSIS OF PROPOSAL

6.1 Principle of Development

The application for a Certificate of Lawfulness is purely an evidential test and is a formal way of establishing whether or not the proposed development can be implemented lawfully without the need for planning permission. Accordingly there is no consideration of planning merit, the application is based on the facts presented. The submission is not an application for planning permission and as such the development plan is not of relevance to the determination of this application; the decision rests upon the evidence that has been submitted. If the evidence submitted demonstrates that the proposed use is lawful, on the balance of probabilities, the Local Planning Authority must grant a certificate confirming that the proposed development is lawful.

6.2 The key issue is to determine whether the proposal falls within the permitted development rights afforded to householders under Schedule 2, Part 1 of the GPDO 2015.

6.3 The proposed development consists of a single storey rear extension. This development would fall within Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015, which permits the enlargement, improvement or other alteration of a dwellinghouse, provided it meets the criteria as detailed below:

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

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

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

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

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

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

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

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

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

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

The extension would not extend beyond a wall which forms the principal elevation of the original dwellinghouse. The development therefore meets this criteria.

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

The application relates to a semi-detached dwellinghouse. The proposed extension would not extend 3 metres beyond the rear wall. The development is 3.7 metres in height. The development therefore meets this criteria.

- (g) Until 30th May 2019, for a dwellinghouse not on article 2(3) land nor on a site of special scientific interest, the enlarged part of the dwellinghouse would have a single storey and—**
- (i) extend beyond the rear wall of the original dwellinghouse by more than 8 metres in the case of a detached dwellinghouse, or 6 metres in the case of any other dwellinghouse, or**
 - (ii) exceed 4 metres in height;**

Not applicable as the applicant is not applying for an extended householder extension through the prior approval procedure.

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

The rear extension would be single storey.

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

height of the eaves of the enlarged part would exceed 3 metres;

The height of the eaves does not exceed 3 metres. The development therefore meets this criteria.

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

The development does not extend beyond a side elevation of the dwellinghouse.

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

The development would not include any of the above.

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

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

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

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

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

As per the Proposed Floor Plans and Elevations (1246/21) submitted 12/07//2016, the materials used in the exterior work will match the existing.

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

Not applicable.

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

Not applicable.

7. RECOMMENDATION

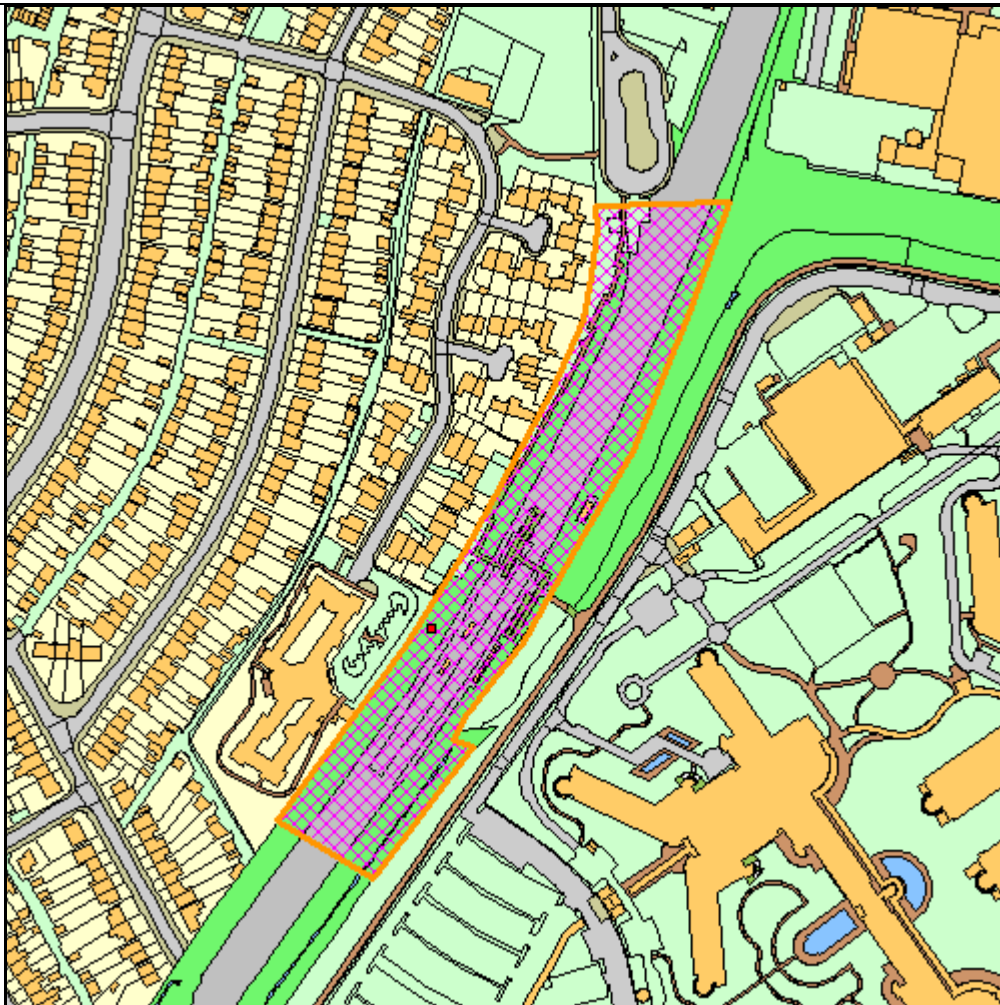
- 7.1 That a certificate of Lawfulness for Proposed Development is **granted** for the following reason:

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

Contact Officer: Helen Braine
Tel. No. 01454 863133

CIRCULATED SCHEDULE NO. 34/16 – 26 AUGUST 2016

App No.:	PT16/0353/PNS	Applicant:	Network Rail
Site:	Filton Abbey Wood Train Station Station Road Filton South Gloucestershire BS34 7JW	Date Reg:	27th January 2016
Proposal:	Request for Prior Approval under Part 18 Class A to Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 for the provision of a new platform on the north western boundary of the site (Platform 4) with associated retaining walls; regrading of embankment; and the new access stairs and ramp from existing footbridge. Prior Approval under Part 18, Class A of the Order is also requested for the erection of extensions to the south of Platform 2 and Platform 3 with associated works and regrading for drainage.	Parish:	Filton Town Council
Map Ref:	360943 178420	Ward:	Filton
Application Category:		Target Date:	21st March 2016



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 100023410, 2008. N.T.S. PT16/0353/PNS

REASON FOR REPORTING TO THE CIRCULATED SCHEDULE

This application has been referred to the Circulated Schedule to take into account the comments received; the Officer recommendation is for approval.

This application would benefit from default approval if it is not determined by the 5th of September 2016. As such this application appears on the Circulated Schedule for information only.

1. THE PROPOSAL

- 1.1 This application seeks the prior approval of the Local Planning Authority (“the LPA”) to undertake extensive development at Filton Abbey Wood Train Station. The application has been submitted by Network Rail who consider the development to be 'permitted development' by virtue of Part 18, Class A(a) of the Second Schedule of the Town and Country Planning (General Permitted Development) (England) Order 2015 (the “GPDO”) subject to the grant of prior approval by the LPA.
- 1.2 The proposed development is required in connection with the Intercity Express Project which aims to increase services between London and Bristol Temple Meads, via Bristol Parkway. This proposal, known as the Filton Bank Four Tracking Project, involves the installation of two additional tracks to accommodate diesel trains, including the assessment / upgrade of structures, stations, earthworks and other assets along the route. An additional platform at Filton Abbey Wood Station is proposed in order to support the extra services.
- 1.3 In summary the proposal involves the following:
- The provision of a new platform on the north western boundary of the site (Platform 4);
 - Associated retaining walls;
 - Regardings of embankment;
 - Associated works and regrading for drainage.
- 1.4 This is not a planning application and the proposal cannot be assessed on planning merit. This is an application for the LPA’s prior approval, which may only be assessed in accordance with the considerations set out in the GPDO. For reference, Part 18 Class A of the GPDO states that development of this kind should not be refused by the LPA or have conditions imposed unless the LPA are satisfied that:
- a) *the development (other than the provision of or works carried out to a dam) ought to be and could reasonably be carried out elsewhere on the land; or*
 - b) *the design or external appearance of any building, bridge, aqueduct, pier or dam would injure the amenity of the neighbourhood and is reasonably capable of modification to avoid such injury.’*

- 1.5 Further to Part 18 of the GPDO, Part 8 'Transport Related Development' is also relevant to this proposal. Part 8 Class A of the GPDO permits railway undertakers (such as Network Rail) to undertake a generous level of works on their operational land. For clarity Part 8, Class A permits:

Development by railway undertakers on their operational land, required in connection with the movement of traffic by rail.

However, this class does not permit certain forms of development, A.1 below sets out such forms of development.

- A.1 Development is not permitted by Class A if it consists of or includes –
- (a) The construction of a railway;
 - (b) The construction or erection of a hotel, railway stations or bridge;
or
 - (c) The construction or erection otherwise that wholly within a railway station of –
 - (ii) a car park, shop, restaurant, garage, petrol filling station or structure provided under transport legislation.

Transport legislation means section 14(1)(d) of the Transport Act 1962 (supplemental provisions relating to the Boards' powers)(e) or section 10(1)(x) of the Transport Act 1968 (general powers of Passenger Transport Executive) (f).

- 1.6 With this in mind, the aspects of the proposed development which requires authorisation (prior approval) of the Authority under Part 18 of the GPDO are as follows:

- The construction of the footbridge/ramp which will provide access to proposed platform 4;
- The construction of retaining walls and re-grading of the existing cutting in order to facilitate the foot bridge.

- 1.7 Conversely, the railway track known as Up Relief Line does not require authorisation under Part 18 as it is understood that this line in fact is largely the re-introduction of a former disused line. Indeed, it is understood that in the 1980s two tracks were discontinued leaving only two operational tracks. However, from a site visit it is clear that the third track was retained, and the fourth track (known as New Up Line Relief) was abandoned, the embankment now claims this section of track. The platform extensions are permitted by Part 8, as is the construction of proposed platform 4.

- 1.8 It should be clear at this point, that the majority of the development proposed which is considered to be permitted development under Part 8, can be approved through the prior approval procedure set out under Part 18. Indeed, Network Rail have requested this as a 'belts and braces' approach. Notwithstanding this, works which are considered to be permitted development under Part 8 (i.e. where no express planning permission or prior approval is required) should not be resisted through the procedure set out within Part 18.

2. POLICY CONTEXT

2.1 Statutory Instruments

The Town and Country Planning (General Permitted Development) (England) Order 2015

- Schedule 2; Part 18; Class A.
- Schedule 2; Part 8; Class A.

3. RELEVANT PLANNING HISTORY

- 3.1 P94/2064 No Objection to County Matter 14/09/1994
Construction of new railway station and associated infrastructure including access road, car park and pedestrian / cycle link.

4. CONSULTATION RESPONSES

4.1 Stoke Gifford Parish Council

None received.

4.2 Highway Structures

No comment.

4.3 Open Spaces Society

None received.

4.4 Filton Parish Council

No objection subject to adequate disabled access.

4.5 Environment Protection

No objection, no acoustic report is required and the tannoy system details can be discussed with the Network Rail.

4.6 Ecology

The species are protected under the Conservation Regulations 2012 (as amended) and the Wildlife and Countryside Act 1981 (as amended). As such we have to presume that the applicant has their own procedures for ensuring works will be consistent with wildlife legislation.

4.7 Tree Officer

It is the intention of the applicant to remove all the vegetation as shown in the submitted survey therefore protection will not be necessary.

4.8 Sustainable Transport

No comments. Officers do not believe the proposal will create any highways or transportation issues. Conversely, the development will be broadly beneficial in transport terms as the proposal will enhance the capacity of the railway line.

Other representations

4.9 Local Residents

Three comments of objection have been received which raise the following matters:

- Soundproof fence erected from the platform until the end of the footpath;
- Existing fence is ineffective and an eyesore;
- Minimise noise levels and working times in the early morning/late at night;
- A contact name/number should be provided should there be an issue when work is taking place;
- Proposed works would increase levels of noise and vibration;
- Retaining walls would represent a major change to the landscaping wall close to residents;
- Structural integrity of surrounding soil must be taken into account;
- Construction period concerns;
- Compensation if works damage property;
- Location of where contractors plan to park;
- Difficulties in understanding plans;
- Concerns regarding location of track and footpath in relation to residents;
- Will there be a change in track height;
- Ticket officers currently as people for tickets using a public footpath.

5. ANALYSIS OF PROPOSAL

5.1 This application notifies the Local Planning Authority with regard to a request for prior approval under Part 18, Class A to Schedule 2 of the GPDO to undertake development to Filton Abbey Wood Train Station. Under this Part, the following development shall be considered:

- The construction of the footbridge/ramp which will provide access to proposed platform 4;
- The construction of retaining walls and re-grading of the existing cutting in order to facilitate the foot bridge.

5.2 Principle of Development

Class A of Part 18 of the GPDO permits development authorised under local or private Acts of Parliament, where that Act designates specifically the nature of the development authorised and the land upon which it may be carried out. Should the proposal fulfil the criteria, then it would be permitted development and the principle established by virtue of the Order.

5.3 The original station, Filton Abbey Wood, was authorised by The Bristol and South Wales Union Railway Act 1857. The railway company then acquired powers under the provisions contained within The Great Western Railway Act 1883 to widen the railway line. Both the aforementioned Acts incorporated Section 16 of The Railway Clauses Consolidation Act 1845, bestows the railway company and its successors (in this case Network Rail) the rights to undertake development that is necessary for the running and management of the railway – such as development to increase the capacity of the railway.

5.4 EIA Development

It is noted that Article 3(10) of the GPDO, which prevents EIA development from being undertaken under Schedule 2 of the GPDO, does not apply to Part 18 Class A development.

5.5 Prior Approval

The prior approval of the LPA is required with regard to two aspects of the proposal, as set out in paragraph A.2 of the Class. These are:

- i. whether the development ought to be and could reasonably be carried out elsewhere on the land; and
- ii. whether the design and external appearance of the proposal would injure the amenity of the neighbourhood and the proposal is reasonable capable of modification to avoid such injury.

5.6 In determining this application, the LPA is limited to considering only the two matters listed directly above. This is because the GPDO denotes that it is only these factors that require the prior approval of the LPA. Determining the application against other factors would be inconsistent with the legal framework for decision taking with regard to this type of application.

5.7 Assessment

To determine the application for prior approval, the LPA must assess the proposal against the criteria of paragraph A.2 of Part 18 of the GPDO, as set out in paragraphs 5.5 and 5.6 of this report.

Whether the development ought to be carried out elsewhere

5.8 This application relates to the expansion of capacity of the railway, the host site is a train station, as such it would be impractical and unhelpful to the wider area of South Gloucestershire if this proposal were not located at this train station. Effectively, if the proposal, was located elsewhere, there would be no means for people to board trains from the soon to be re-introduced Up Relief Line. The prior approval should therefore be granted with regard to this stipulation.

Whether the design or external appearance would injure the amenity of the neighbourhood

5.9 Prior approval should not be refused, nor should conditions be imposed unless it can be demonstrated that the design or external appearance of the development would injure the amenity of the neighbourhood and is reasonably capable of modification to avoid such injury. The approach taken by the applicant has clearly been formed by engineering considerations rather than aesthetic – function effectively dictates design.

5.10 When interpreting what injure to the amenity of the neighbourhood actually means when determining this prior approval, is not unreasonable for the LPA to consider the existing situation at the site, and clearly what can be done without the authorisation of Part 18.

5.11 Noise

The key assessment to make here is if the design or external appearance of the development would injure the amenity of the neighbourhood. With this in

mind, all officers can consider is the design or external appearance of the proposal – in simple terms the final product of the proposal is what must be assessed. Accordingly, noise from the construction period should not be considered, especially as the act of maintaining and cutting embankments could be undertaken without applying for prior notification, as could the erection of retaining walls.

5.12 The environmental protection team have expressed concerns with regard to tannoy noise, they note that complaints are currently received with regard to such noises. The installation of platform 4 does not require prior notification under Part 18, it is considered to be permitted development under Part 8. With this in mind, the noise impact of users of the railway and the tannoy system is not considered to materially injure the amenity of the neighbourhood. Further to this, officers are aware that noise complaints are addressed under Environmental Protection legislation, indeed the Council's Environmental Protection Team can enforce against nuisances.

5.13 The new Up Relief Line does not require prior notification under Part 18, as such it is not considered to injure the amenity with regard to noise.

5.14 Outlook/Privacy

The proposed development will not materially harm the outlook of any nearby residents. The proposed footbridge/ramp will be supported by a combination of retaining walls, pillars and the graded embankment. The footbridge is linked to the existing bridge and extends from the south western corner, where the bridge turns the corner to cross the existing Down Relief Line. The bridge then extends to south west adjacent to the shared north western boundary between the train station and the buildings to the north west. The foot bridge/ramp then turns back on itself providing access to platform 4.

5.15 The bridge proposed is no taller than the maximum height of the existing bridge, with this in mind, the proposal is not going to materially harm the privacy of any nearby residential occupiers.

5.16 There is an existing close board fence which demarcates the shared boundary between Network Rail and the residential occupiers to the north west, it is understood that the development will aim to not impact upon this fence, but if such a fence is harmed, the applicant will fix or replace such fences.

5.17 Construction Period

All officers can consider is the design or external appearance of the proposal – in simple terms the final product of the proposal is what must be assessed. Accordingly, disruption during the construction period cannot be considered as it is not within the scope of the assessment perimeters of Part 18 of the GPDO.

5.18 Structural Integrity

The proposal will involve extensive works to the embankment, through the installation of retaining walls in order to facilitate the footbridge/ramp. The works to embankment and the erection of retaining walls are permitted under Part 8. In this way the majority of the works which will impact upon the structural integrity of the area are permitted development, and as such officers

do not find it appropriate to assess this under this prior notification contained within Part 18. Officers would also state that there are civil procedures which would address structural issues.

5.19 Design and Visual Amenity

The proposed ramp/foot bridge would be a standard metal railing style bridge, in-keeping with the existing bridge at the site. Its scale and style is considered to not be detrimental to the amenity of the neighbourhood. The proposed bridge will be supported by a modular brick retaining wall, this is considered to be visually in-keeping with the character of the railway station. Overall, the proposal is acceptable in terms of design and visual amenity.

5.20 Trees

There are no trees on the site which are subject to Tree Preservation Orders, but there are a number of trees within the western section of the site boundary at the site. A number of trees will be removed in order to provide site access to the site during the construction period, it is understood that such removal will be kept to a minimum. Accordingly, given the fact that Network Rail would not require any form of planning consent to remove the trees to be felled for access, officers do not find this to be a factor which materially injures the amenity of the neighbourhood.

5.21 Ecological Considerations

The proposal involves removal of scrubland on the north western side of the site, this scrub has been largely left to grow due to neglect from Network Rail. Nonetheless, it does have the potential to provide an environment for a number of species. In stating this, Network Rail could clear the scrub without the need for any planning consent. With this in mind, there is considered to be no ecological constraint to this development with regard to Part 18. Notwithstanding this, the submitted information with regard to removing vegetation at the site does state that 'operatives are to be briefed on environmental hazards'.

5.22 Transport

It is clear that the development would have significant positive benefits with regard to the sustainable transport infrastructure within South Gloucestershire. The construction period will result in some minor traffic disruption within the area in the short term, this is not considered to materially injure the amenity of the neighbourhood.

5.23 Summary

Overall, with regard to the design and external appearance of the proposed bridge, it is not considered that this would cause injury to the amenity of the area.

5.24 Other Matters

Comments submitted included requests and questions with regard to who to contact from Network Rail during the construction phase. This is not considered to be material to the assessment required by Part 13. Comments submitted from members of the public also requested information on how they could claim compensation should damage to their property occur. This is not considered to be a matter for consideration under Part 13 – it is a civil matter.

- 5.25 A member of the public has also questioned disruption to commuters, the public right of way, and also issues regarding ticket officers. Firstly, there is not public right of way which crosses the station or will be materially impacted on by this proposal. Further to this, any disruption will be temporary in nature, Network Rail will ensure disruption is kept to a minimum, this is in their own interests. With regard to ticket officers asking people who use the station as a cut through, this is considered an issue of site management, not a material issue in the assessment of this application.
- 5.26 A further issues has been raised by Filton Town Council regarding disabled access. This is considered to be matter for the management of the site, further to this, officers are aware that legislation separate to planning addresses adequate disabled access facilities.

6. CONCLUSION

- 6.1 In accordance with Part 18 Class A of the Second Schedule of the Town and Country Planning (General Permitted Development) (England) Order 2015, Local Planning Authorities are required to determine applications for prior approval.
- 6.2 The recommendation to grant prior approval has been taken having regard to the Town and Country Planning (General Permitted Development) (England) Order 2015 and the policies and proposal in the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013, the South Gloucestershire Local Plan (Adopted) January 2006 and guidance in the National Planning Policy Framework, and to all the relevant material considerations set out in the report.

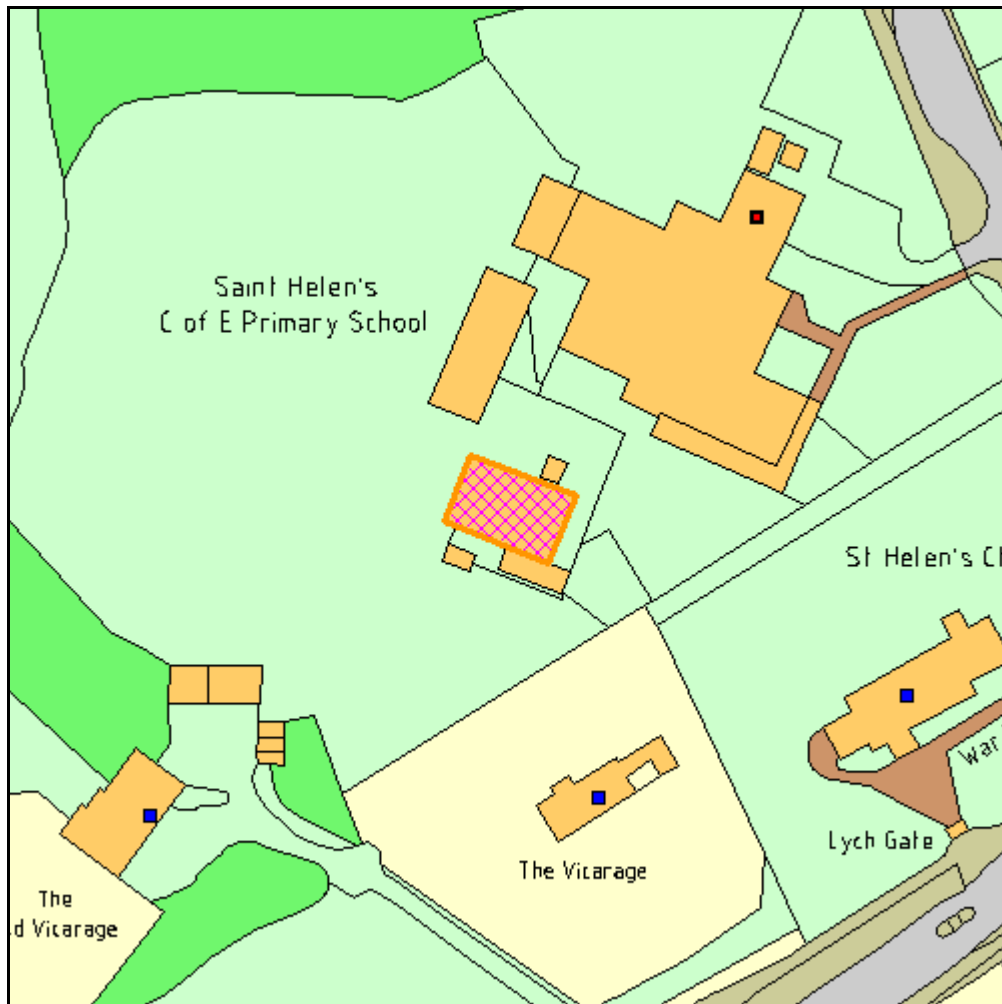
7. RECOMMENDATION

- 7.1 It is recommended that the prior approval of the Local Planning Authority is **GRANTED**.

Contact Officer: Matthew Bunt
Tel. No. 01454 863131

CIRCULATED SCHEDULE NO. 34/16 – 26 AUGUST 2016

App No.:	PT16/1701/F	Applicant:	St Helens Church Of England Primary School
Site:	St Helens C Of E Primary School Greenhill Alveston Bristol South Gloucestershire BS35 2QX	Date Reg:	4th May 2016
Proposal:	Demolition of existing swimming pool and changing rooms. Construction of outdoor games area with boundary fence and 4 no. lighting columns and associated works.	Parish:	Alveston Parish Council
Map Ref:	363330 187567	Ward:	Thornbury South And Alveston
Application Category:	Minor	Target Date:	23rd June 2016



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PT16/1701/F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 The applicant seeks full planning permission for the demolition of an existing swimming pool and changing rooms, the construction of a multi-use outdoor games area with boundary fence (MUGA) and 4 no lighting columns and associated works.
- 1.2 The application site relates to St. Helen's C of E Primary School situated just outside the settlement boundary of Alveston and within the Bristol/Bath Green Belt. The site is adjacent to the grade II listed St Helen's Church.
- 1.3 During the course of the application concerns were expressed by the Listed Building Officer and revisions were received which have reduced the profile of the proposed lighting columns, reduced the overall height of the fencing and increased the planting to screen the games area.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework
Planning Policy Guidance
Planning (Listed Buildings and Conservation Area) Act 1990

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design
CS4A Presumption in Favour of Sustainable Development
CS5 Location of Development
CS8 Improving Accessibility
CS9 Managing the Environment and Heritage
Cs23 Community Infrastructure and Cultural Activity
CS24 Green Infrastructure, Sport and Recreation Standards
CS34 Rural Areas

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

L13 Listed buildings
LC5 Proposals for Outdoor Sports and Recreation Outside Existing Urban Area and Defined Settlement Boundaries
T12 Transportation Development Control

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

PSP1 Local Distinctiveness
PSP7 Development in the Green Belt

PSP17	Heritage Assets and the Historical Environment
PSP21	Environmental Pollution and Impacts
PSP44	Outdoor Sport and Recreation Outside Settlement Boundaries

- 2.4 Supplementary Planning Guidance
 Design Checklist SPD (Adopted) 2007
 SPD : Green Belt (Adopted) 2007

3. **RELEVANT PLANNING HISTORY**

- | | | |
|------|---------------------------|---|
| 3.1 | PT06/2392/R3F
Approved | Removal of temporary buildings to facilitate formation of 2no. playgrounds and erection of single storey extension to form staff room and library
17.10.06 |
| 3.2 | PT05/3315/F
Approved | Erection of extension to shelter on the south and east elevations of the infants school building.
2.3.06 |
| 3.3 | PT02/2276/F
Approved | Erection of playground shelter.
23.8.02 |
| 3.4 | PT02/1003/R3F
Approved | Retention of existing Elliott classroom (lapsed temporary consent)
15.7.02 |
| 3.5 | PT00/3173/F
Approved | Extension to play area
12.1.01 |
| 3.6 | PT00/3134/F
Approved | Erection of shelter over section of infant playground.
5.1.01 |
| 3.7 | P96/1909
Approved | Demolition of existing terrapin classroom.
Erection of 8-bay Elliott classroom block to provide three classrooms.
21.8.96 |
| 3.8 | P95/1725
Approved | Provision of two number additional centre bays to existing five bay Elliott Medway Unit.
27.6.95 |
| 3.9 | P93/1612
Approved | Erection of enclosure over existing swimming pool
30.6.93 |
| 3.10 | P89/1453
Approved | Erection of garage to be used as store.
26.4.89 |
| 3.11 | P87/1253 | Use of land for siting of 5 bay Elliott |

	Approved	classrooms to replace existing 10 bay terrapin classrooms. 1.4.87
3.12	N2616/1	Erection temp classroom, temp toilet block, external alterations. 11.7.77
3.13	N2616	Temporary siting of Elliott relocatable classroom. 23.6.76

4. **CONSULTATION RESPONSES**

4.1 Alveston Parish Council
No objection

4.2 Other Consultees

Listed building officer:

Objection: The direct and cumulative impact the proposal would cause would result in the further degradation of the context and setting of the grade II listed church

Environmental Protection

No objection in principle but it is recommended that further lighting information be provided

Sustainable transport

No objection

Avon and Somerset Constabulary

No objection - having viewed the information as submitted we find the design to be in order and complies appropriately with the crime prevention through environmental design principles

Drainage team

No objection

Highway Structures

No comment

Other Representations

4.3 Local Residents

One letter of objection has been received from a local resident. The points raised are summarised as:

- What restrictions are in place for its use? What assurances are in place to prevent subsequent change of use to permit renting to third party?
- Object to the lighting columns of 24 feet high due to impact on tranquillity of setting

- Planning approval for the school will be the thin edge of the wedge for other sports facilities in the village play area
- The sports area should be relocated away further away from the listed building
- Am not against the MUGUA facility but strict conditions should be applied – the times and use of the facility should be agreed as school hours and reasonable after school use and limited alternative date use. School has indicated it is not for third party rental and revenue generation and this clause should be upheld. Hours of use should be limited to 8am to 6pm, not in the evenings or weekends or out of term time
- Concern the facility will become an unintended destination for uninvited persons out of school hours. The school has experienced vandalism and improper use of the swimming pool and renting out of the school fields for football training
- Much consideration should be given to the nearest place of worship where many village people have their loved ones laid to rest
- With the removal of the changing block, a suitable fencing alongside the facility should be in place to reduce noise and light

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The application stands to be assessed against the above listed policies and all relevant material considerations. Of particular importance is the location of the site and its proximity to a listed building (CS1, CS5, L13), its location in the Green Belt and its benefit as a community and education asset (LC4).

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

Green Belt

- 5.2 The fundamental aim of Green Belt policy is to protect this special area which it does by restricting development to certain categories. Development which falls outside this list is inappropriate and will not be supported. It is considered that this proposal falls under the criteria of being the *redevelopment of previously developed sites ... which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development*. It is therefore appropriate development. In addition it can also be considered as the provision of appropriate facilities for outdoor sport/recreation which again is appropriate development so long as it preserves the openness of the Green Belt. The outdoor games area located within the school grounds, and using the previous and derelict swimming pool area is therefore considered to accord with both elements of this policy. It is furthermore noted that although the MUGA would be surrounded by mesh fencing, when compared to the solid built form that would be demolished to accommodate this new facility, the openness of the area would in fact be improved. Weight is given in its favour for reason of being appropriate development and for lessening the impact on the openness of the Green Belt.

Sport England

- 5.3 For the sake of clarity it is noted that as the MUGA would be on land previously used as a swimming pool area, it would not be impacting on the existing sports field and as such it has not been necessary to consult Sports England on this occasion.

Impact on the listed building

- 5.4 St. Helen's Church of England School is situated directly to the north/ north-west of the grade II listed church and its graveyard. For this type of listing and for the type of development proposed it has not been necessary to consult Historic England. In views from the graveyard looking northwards, the school building and the equipment and ancillary structures associated with the play areas and the means of enclosure can be considered to be visually intrusive and detract from the setting of the listed building by virtue of their siting, scale, and appearance. The current character and appearance of the school area immediately to the north of the graveyard has had an impact on how the heritage asset can be experienced or appreciated. However, the functional requirements of the school are acknowledged and a balancing exercise regarding the benefits of this proposal against any perceived harm must be undertaken.
- 5.5 At the moment the existing swimming pool building and associated area contributes to the overall negative impact the modern school have on the setting of the church, so the removal of this inferior and unsightly building is supported in principle. However, the building and area itself cannot be considered as being prominent in the views out from the graveyard due to the existing levels of screening. Concerns were expressed by Officers regarding the visual impact of the proposed 3 metre high mesh fencing and the 8 metre high lighting columns. Revised plans were therefore submitted which addressed these issues.
- 5.6 The opinion of the listed building officer is noted and the suggestion for the outdoor games area to be moved within the site further away from the church graveyard. However, space is limited within the site and an alternative location would mean a reduction in the existing amount of playing field space for the school. If this were proposed then it is possible the application would attract an objection from Sports England whose role it is to promote and deliver sport and recreation opportunities especially for young people. They do not support proposals which would result in the reduction in size of pitches or playing areas. Consequently, the re-use of this location within the school is considered to be the optimum place for the proposed outdoor games area.
- 5.7 It is acknowledged that being adjacent to the churchyard there is a degree of harm to this historic asset in terms of impact on the character of the setting and the experience of visiting a churchyard and some weight is given against the proposal for this reason. However, it must be acknowledged that the proposal is within an established school whose modern design and function already has changed the character of the area. Weight is therefore given to the existing use of the site. The proposal would facilitate the demolition of a dilapidated and unsightly structure and the re-use of that particular location on site. Weight is given in favour for this reason. Furthermore, as the proposal would be for

the benefit of the children, encouraging them to participate in sports activities significant weight is awarded for this reason.

- 5.8 In the balancing exercise, more weight is given to the benefits of the proposed scheme than to the perceived harm to the grade II listed church yard and as such the proposal can be supported.

Design

- 5.9 The proposal would entail the demolition of an existing but redundant swimming pool area including boiler room and changing rooms. This area is about 32 metres in length by 20 metres and located to the southwest of the main school building. The proposed outdoor games area would be erected in its place, but would occupy a slightly smaller footprint at about 32 metres by 15 metres. Four lighting poles would provide illumination for the MUGA.

- 5.10 In terms of its overall design, scale and massing the outdoor games area is considered appropriate for its function and appropriate to its location.

Environmental Protection

- 5.11 Original comments were supported in principle of the proposal but requested additional details to ensure that any lighting would be designed and installed so as to not give rise to light pollution and light nuisance to nearby premises. Revised plans submitted to the LPA show the specific lighting columns proposed and their associated illumination levels. These details are considered appropriate for the size of the lights and their location and there are therefore no objections on this basis.

Residential Amenity

- 5.12 Comments have been received from a neighbour expressing concerns regarding the use of the MUGA. These are dealt with in the separate section below. In terms of impact on the closest residential properties are The Vicarage to the south east and The Old Vicarage to the southwest at respective distances of 50 metres and 25 metres away from the proposed development area. Each property is further more screened by mature planting, hardstanding or outbuildings and further planting is also proposed as part of the scheme. It is therefore considered that there would be no direct overlooking, overshadowing or inter-visibility over and above that already experienced from the school. In these terms the proposal is therefore acceptable.

Other matters

- 5.13 Points raised by a neighbour include the proposed use of the outdoor games area. It is acknowledged that the application states the use of the site would be for the children and staff associated with the school. Proposed hours of use would obviously be within school time but could go into the evenings.

- 5.14 The neighbour has pointed out a discrepancy between the details included on the application form and those on the school's website. The application form implies the new facility would be for the use of the students and staff whereas the website states it would have a shared community use and be a tournament space for local competitions. It is known that the MUGA has received much support from, for example parents and other local people, and their fund-raising

activities have contributed to the proposal. The agent has clarified matters and confirmed that the MUGA would be for the benefit of the community. It is considered that this is an acceptable, appropriate and not an unusual use of school facilities and furthermore one that would encourage and promote healthy fitness activities. Further confirmatory details have been provided by the applicant which state that the MUGA may be used on a casual basis to be used by the primary school as well as other clubs such as after school clubs and holiday clubs; a pre-school sports venue; other local clubs such as Scouts, Cubs and Brownies plus as a local school it would also play host to competitive sports fixtures and tournaments.

- 5.15 Outside school opening hours, the MUGA would only be available for use by appointment and would be kept locked with the lights off at all other times. To confirm, other casual use of the MUGA would not be allowed as this would present a security risk for the school.
- 5.16 Given the above and in negotiation with the applicant, a condition is to be attached to the decision notice limiting the use of the MUGA (and therefore the lights) to cease at 21.00 on weekdays and 18:00 at weekends. This does not imply the MUGA (or its lights) would be used every day of the week, the timing is merely to allow flexibility for some clubs. This is considered a reasonable approach.
- 5.17 Concern has been raised that if approved this might encourage other similar applications on play areas or the like. Each application is assessed on its own merits taking into account its own unique circumstances and any approval would not mean a precedent has been set for similar development in the area.
- 5.18 Officers have no details of vandalism or improper use of the site in the past. Crime prevention professionals have been consulted and make 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 That the application be **APPROVED** subject to the conditions written on the decision notice.

Contact Officer: Anne Joseph
Tel. No. 01454 863788

CONDITIONS

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

Reason

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

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

Reason

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

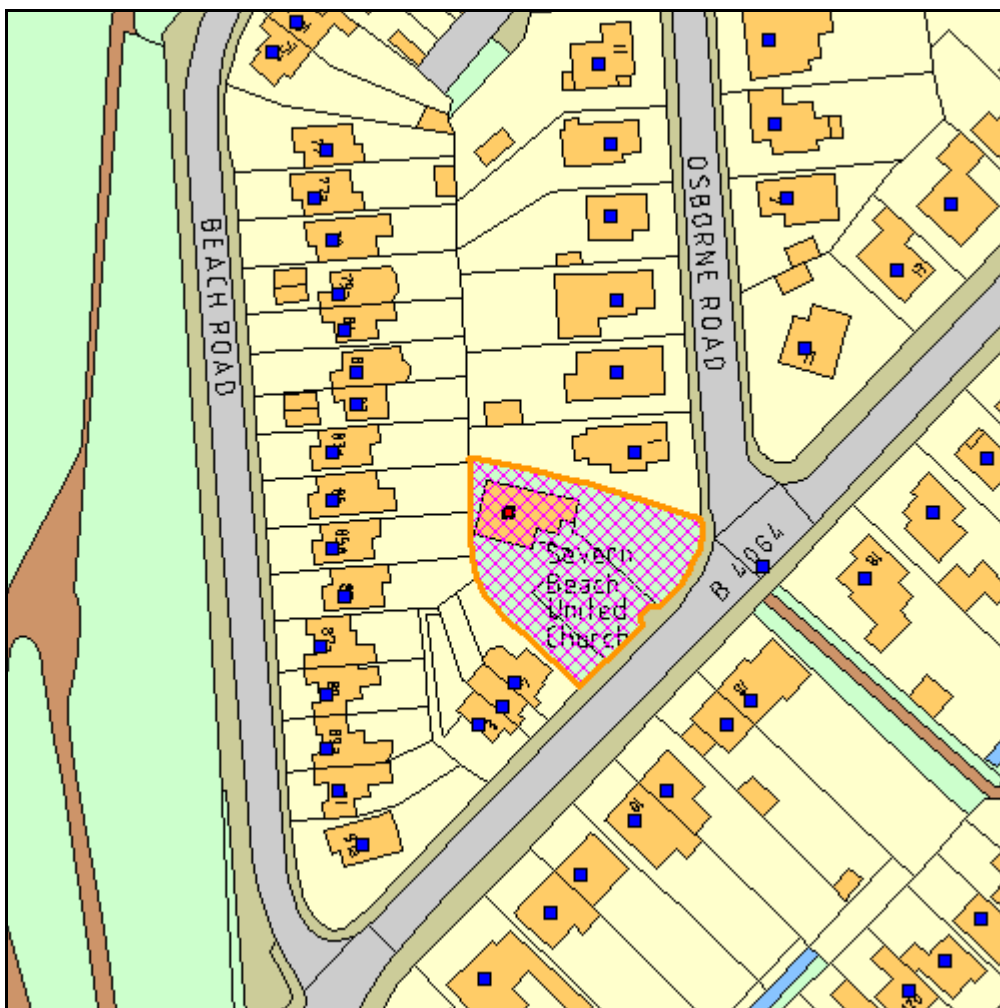
3. The use of the multi-use games area and associated lighting shall not operate outside the hours of 8:00 to 21:00 Monday to Friday and 8:00 to 18:00 during weekends.

Reason

To protect the residential amenity of the neighbouring occupiers and to accord with saved Policy H4 of the South Gloucestershire Local Plan (Adopted) 2006; Policy CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; and the National Planning Policy Framework.

CIRCULATED SCHEDULE NO. 34/16 – 26 AUGUST 2016

App No.:	PT16/2880/F	Applicant:	Andrews Property UK Ltd
Site:	Severn Beach United Church Beach Avenue Severn Beach South Gloucestershire BS35 4PD	Date Reg:	18th May 2016
Proposal:	Demolition of existing chapel building to facilitate erection of 4no dwellings with associated works and new access	Parish:	Pilning And Severn Beach Parish Council
Map Ref:	353972 185110	Ward:	Pilning And Severn Beach
Application Category:	Minor	Target Date:	12th July 2016



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REASON FOR REPORTING TO THE CIRCULATED SCHEDULE

The application appears on the Circulated Schedule list following representations which have been received from the Parish Council and a member of the public which is contrary to the officer recommendation detailed below.

1. THE PROPOSAL

- 1.1 The application seeks planning permission for the demolition of the existing chapel building to facilitate the erection of 4 no. dwellings with associated works, and a new access at Severn Beach United Church, Beach Avenue, Severn Beach.
- 1.2 The application site is within the settlement boundary of Severn Beach.
- 1.3 The site falls within Flood Zone 3a.
- 1.4 During the course of the application, amendments to the design of the dwellings, the width of the access and information regarding a bat survey have been submitted to support the application. As the dwellings were reduced in scale, a period of re-consultation was not deemed necessary.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework March 2012
National Planning Practice Guidance

2.2 Development Plans

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

H2 Proposals for Residential Development with Urban Areas and Defined Settlement Boundaries
EP2 Flood Risk and Development
LC4 Education and Community Facilities within Defined Settlement Boundaries
T7 Cycle Parking
T12 Transportation Development Control Policy for New Development
L9 Protected Species

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 Accessibility
CS9 Environment
CS16 Housing Density
CS17 Housing Diversity
CS23 Community Facilities

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

3. **RELEVANT PLANNING HISTORY**

- 3.1 PT11/0256/F Withdrawn 21/02/2011
Erection of Elliott Building to provide a replacement church and church hall facilities for the temporary period of five years. (Re-Submission of PT10/2593/F
- 3.2 PT10/2593/F Withdrawn 11/01/2011
Demolition of Church. Erection of Elliott Unit to provide a replacement church and church hall facilities. Extension of car parking area.
- 3.3 PT01/2684/F Approve with conditions 08/02/2002
Creation of car parking and patio area.

4. **CONSULTATION RESPONSES**

- 4.1 Pilning and Severn Beach Parish Council
The Parish Council in general support this application but mention should be given to the unsuitability of a three-storey design and access onto the main road.

4.2 Other Consultees

Ecology

No objection following submission of bat survey on 29th July 2016.

Environmental Protection

Informative regarding construction sites is recommended.

Environment Agency

Standing advice applies.

Highway Structures

No comment.

Lead Local Flood Authority

Discrepancy between FFL on plans needs to be clarified. No surface water drainage information provided, however there is a public surface water sewer available. Emergency evacuation plan to be conditioned.

Sustainable Transport

No objection to revised plans subject to condition requiring access details to be submitted for approval.

Other Representations

4.3 Local Residents

Two letters of objection have been received from local residents raising the following issues:

- Houses are small and do not meet the RIBA 'Space Standards for Homes' Report (2015)
- Question the use of the loft as a bedroom as dormer not in keeping with housing in the area, previous loft extensions in area have been refused
- Open outlook from rear of 85A Beach Road will be removed and will overlook back gardens and house.
- Parking will be adjacent to rear boundary, affecting gardens on Beach Road
- More appropriate use should be found than housing on a flood plain

One letter supporting the proposal has been received raising the following points:

- All new build development in Severn Beach has been redevelopment of previously developed land, in the transition from a holiday resort to a village
- Site is no different to any others and comparable with St Nicholas Church site on Church Road, approved by DC Committee

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

At present, the Local Planning Authority is unable to demonstrate a 5-year supply of deliverable housing land. Therefore the Council's policies on housing are considered out-of-date and applications for residential development would be assessed against the presumption in favour of sustainable development, as set out in paragraph 14 of the NPPF. The presumption states that development should be approved unless the impacts of doing so significantly and demonstrably outweigh the benefits of the proposal. The site lies within the settlement boundary of Severn Beach, and so there is no in-principle objection to the development of the site for residential use, subject to the following assessment.

5.2 *Removal of Community Facilities*

Core Strategy policy CS23 relates to Community Infrastructure and Cultural Activities, and states that existing community infrastructure, such as the church to be demolished here, should be retained unless it can be demonstrated that:

- The use has ceased and there is no longer a demand; or
- The facility is no longer fit for purpose; and
- Suitable alternative provision is available within easy walking distance to the required standard

5.3 The Planning Statement indicates that the property has been empty for two years and was originally closed by the Methodist Church due to the unviable size of the congregation in the locality. The property was offered for sale by informal tender which closed in July 2014. Whilst a number of people expressed interest in redeveloping the site, the estate agent has confirmed in a letter that no community groups expressed interest or made offers. It is

therefore apparent that the use has ceased and there is no longer a demand. With regards to alternative provision, Emmaus Church is a three minute walk away, and the nearest Methodist Church is in Easter Compton, which is a seven minute drive or a fifteen minute bus ride away. The removal of the church is therefore acceptable and in accordance with policy CS23.

5.4 *Flood Risk*

The site is within Flood Zone 3a due to its close proximity to the Severn Estuary. Residential units are proposed, which the NPPG identifies as 'more vulnerable' to flooding than many other use classes. As identified in the NPPF, inappropriate development at risk of flooding should be avoided. Therefore, where a proposal for new dwellings in flood zone 3a is proposed, it is necessary to first satisfy the requirements of the 'sequential test;' the aim of which is to steer new development to areas with the lowest probability of flooding. Paragraph 101 of the NPPF states '*development shall not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding*'.

5.5 A Sequential Test report has been submitted by the agent to support the application. It argues that the search area should be restricted to the site itself, as it is previously developed land which has reached the end of its useful life and no other viable reuse has been identified. Considering only the site as the search area, the developer considers the sequential test to have been passed, and that the regeneration of the site is in accordance with the sustainable development objectives identified within the NPPF.

5.6 Notwithstanding the above, the agent also acknowledges that the search area could alternatively be set district wide, and identifies the lack of a five year housing land supply within the administrative area of South Gloucestershire, and states that that the large areas constrained by flood plain and Green Belt across the district as barriers to alternative sites. The report then concludes that the need for housing and the lack of available sites enables the proposal to pass the sequential test at a district level.

5.7 In response to the sustainability issue, it is noted that paragraph 100 of the NPPF requires that the impact of climate change is taken into account. It states this should be done by seeking out opportunities to facilitate the siting of housing development to more sustainable locations in instances where climate change is expected to increase flood risk, so that development can be sustainable in the long-term. The Environment Agency states within the document 'Managing Flood Risk in the Severn Estuary' that after 2060 there will be annual tidal flooding in Severn Beach if defences are not improved. Even if defences are improved, the agent has acknowledged in their Flood Risk Assessment that the site is 5 metres AOD and the finished floor levels will be 5.4 metres AOD, with the potential flooding level with defences being 6.65 metres AOD. Officers do not consider this to be a sustainable proposal which would be safe for the lifetime of the development.

5.8 Officers therefore consider that the whole district is a more appropriate geographical area for the sequential test, and given the amount of land available within flood zone 1, including the defined settlement boundaries of

Yate, Thornbury, and the communities of the northern and eastern fringes of Bristol, the sequential test is not considered to be passed. Whilst the lack of five year housing land supply is an issue which this proposal would improve upon by adding four units to the land supply, in this instance the significant and demonstrable harm caused by introducing four residential properties into an area at risk of flooding is considered to outweigh the benefits of four additional units. The proposal is therefore contrary to national guidance contained in the NPPF and policy EP2 of the South Gloucestershire Local Plan; locating a new dwelling in an area at high risk of flooding when there are other sites available that are less at risk of flooding is also contrary to the strategic sustainable aims of policy CS5 of the Core Strategy. As the proposal appears to fail the sequential test there is no requirement to apply the Exception test.

5.9 Design

During the course of the application, amendments to the design have been received, removing accommodation within the roof space and the dormer windows to enable the dwellings to blend more sympathetically with the surroundings. Beach Avenue consists of a number of bungalows, including no. 1 to the north, and two storey properties including the terrace of three to the south-east (no. 3-7 Beach Avenue). In addition, pairs of semi-detached hipped dwellings with curved bay windows are sited on the opposite side of the highway, and are finished predominantly in render with brick detailing. The proposed gable roofline mirrors the form of the adjacent terrace of three and the mix of render with brick quoins proposed is acceptable given the variety of materials along Beach Avenue.

5.10 The siting of the parking court to the rear of the site is beneficial from a visual amenity perspective, as it leaves space for landscaped gardens to the front of the dwellings. Four small, three-bedroom properties is considered an acceptable density given the size of the plot, and the design and layout is considered to accord with policy CS1 of the Core Strategy.

5.11 Residential Amenity

Concerns have been raised with regards to the potential for overlooking from the first floor rear windows of the development into the gardens of properties along Beach Road to the west. The views possible from the windows will be indirect and long distance, with the closest window to window distance from plot A to the closest property to the west being 24 metres. Given the indirect view, it is highly unlikely that inter-visibility will be possible. The same window is approximately 12 metres from the nearest boundary to the gardens along Beach Road, and whilst some views at this distance may be possible, it is unlikely that they will be detrimental to the residential amenity of the occupiers. Furthermore, indirect views into neighbouring gardens are common in high residential areas, and will also be possible from plot A into the garden of no. 7 Beach Avenue and plot C and plot D will have some direct but longer distance views into the rear garden of no. 1. Officers do not consider any of these outlooks to cause any significant harm or loss of privacy.

5.12 The majority of the proposed units are located an adequate distance from the boundaries of the plot to prevent overbearing. Plot A is closer to the boundary to no 7 at a distance of 1.5 metres, however no. 7 is shielded by a large lean-to

shed to the side of the property. There are no principal facing windows on the north-east elevation of no. 7 that will be affected by development. An objection letter from a property on Beach Road to the west raised concerns about the close proximity of the parking court to the adjacent gardens, and whilst vehicular movements will cause some disturbance, it is unlikely to be to the detriment of their amenities.

5.13 Turning to the residential amenities of future occupiers, there are principal windows on the bungalow to the north (no.1) facing into the site, however these are at ground floor level and even if the boundary is removed, will only provide views into the side garden of Plot D. Each unit has been allocated a modest area of amenity space. Plot D has the largest private amenity space, which is to encompass a rear and side garden, whilst Plot A has the smallest at 35 square metres. Policy PSP43 of the Policies Sites and Places Development Plan Document (Draft Submission) June 2016 states that three bedroom dwellings must have 60 square metres of private and usable amenity space of a good quality. Plot A is significantly short of this amount. Notwithstanding this, policy PSP43 has not been submitted for examination yet and is not adopted policy, so it can only be afforded limited weight at this time, and therefore officers conclude a refusal reason is unlikely to be sustained on this basis.

5.14 Transport

A new access point is to be created into the site to replace the existing access. Initially the Transport officer requested a wider access to allow two vehicles to pass each other, and amendments to this effect were received during the course of the application. Exact details of the specification of this access can be secured by condition, and the applicant will need to contact Street Care with regards to crossing the footpath and carrying out works on the highway.

5.15 Nine parking spaces are shown on the plans, which are made up of two spaces per dwelling and one visitor parking bay. This meets the Residential Parking Standards outlined in the adopted SPD. Subject to conditions ensuring the parking is maintained, there is no transportation objection to the proposal.

5.16 Ecology

A bat survey was submitted on 29th July 2016 at the request of the ecology officer, to supplement the ecological appraisal submitted previously. On receipt of this additional survey, officers were satisfied that there was very low potential for bats in the building to be demolished.

5.17 With regard to the proximity of the site to the Severn Estuary SPA/SSSI/Ramsar, it is noted that the site is surrounded by residential properties and is therefore unlikely to support the designated SPA/Ramsar waders or wildfowl. There is no ecological objection to the granting of planning permission.

5.18 Drainage

There were discrepancies in the application as to what the finished floor level will be, however this does not affect the recommendation as both AOD levels are below the future potential flooding level as identified by the Environment Agency. The agent has now clarified that 5.4 metres AOD is the correct

finished floor level. In the event the application is approved, a Sustainable Urban Drainage System would be conditioned on the decision notice.

5.19 Other Issues

A letter of support draws comparisons to the former St Nicholas Church site on Church Road in Severn Beach (PT12/4028/O) which was recommended for refusal by officers but approved by the Development Control (West) Committee in February 2013. Each application should be considered on its own merits, and in this instance the amount of residential units proposed is double that proposed at the St Nicholas Church site, introducing two additional more vulnerable users to an area at high risk of flooding. Furthermore, the site level of the previously approved site was 1 metre greater than the site on Beach Avenue, with the finished floor levels being 1.6 metres higher. These differences are considered to be material and it is not considered that the St Nicholas Church site sets a precedent for the Beach Avenue site.

5.20 Planning Balance

Paragraph 14 of the NPPF states a presumption in favour of sustainable development, and states that a proposal that accords with the development plan without delay, and where relevant policies are out-of-date planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF. As previously identified, South Gloucestershire Council cannot identify a deliverable five year housing supply of land, and so paragraph 49 is engaged. Given the flood risk at the site, officers do not consider the site to be sustainable, and given the location within Flood Zone 3a, the harm caused by this flood risk is considered to significantly and demonstrably outweigh the benefits of adding four units to the housing land supply and the benefit of redeveloping a disused site. The development is therefore recommended for refusal.

6. CONCLUSION

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

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

7. RECOMMENDATION

7.1 That planning permission is **REFUSED** for the reason on the decision notice.

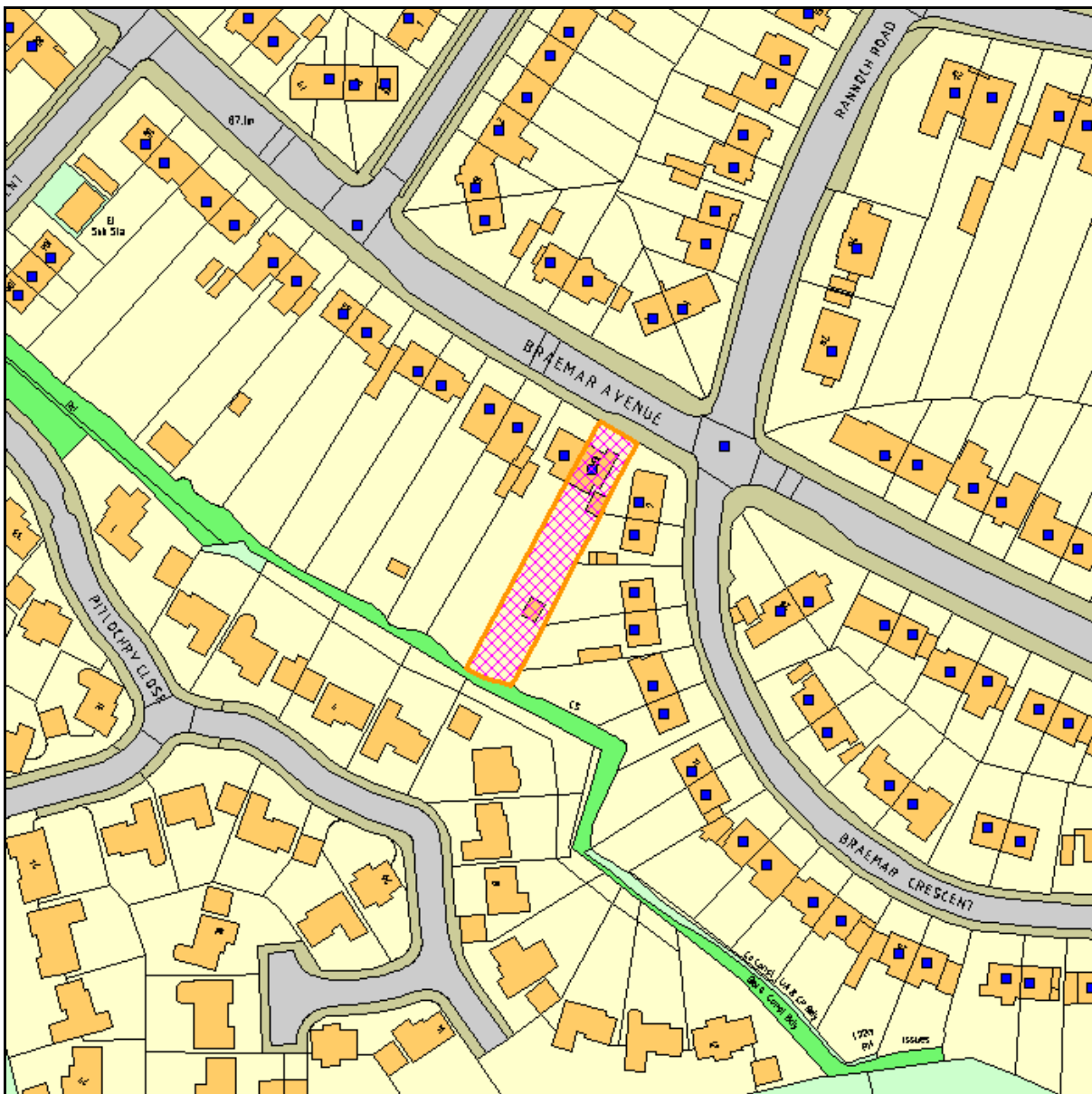
Contact Officer: **Trudy Gallagher**
Tel. No. **01454 862217**

REFUSAL REASON

1. The site is located within Flood Zone 3a and would introduce a more vulnerable form of development into this area which is identified as being at high flood risk. In view of the sequentially preferable sites that are available, the application is therefore contrary to the provisions of the National Planning Policy Framework, Planning Policy EP2 of the South Gloucestershire Local Plan (Adopted) January 2006 and policy CS9 of the South Gloucestershire Core Strategy (Adopted) December 2013.

CIRCULATED SCHEDULE NO. 34/16 – 26 AUGUST 2016

App No.:	PT16/3575/F	Applicant:	Ms S Leighton-Carey
Site:	30 Braemar Avenue Filton Bristol South Gloucestershire BS7 0TE	Date Reg:	11th July 2016
Proposal:	Demolition of existing garage and erection of single storey side and rear extension and two storey rear extension to provide additional living accommodation. Construction of a raised platform.	Parish:	Filton Town Council
Map Ref:	359664 178312	Ward:	Filton
Application Category:	Householder	Target Date:	1st September 2016



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REASON FOR REFERRAL TO THE CIRCULATED SCHEDULE

Two objection comments have been received that are contrary to the Officer's recommendation.

1. PROPOSAL AND SITE DESCRIPTION

- 1.1 The application seeks full planning permission for the demolition of an existing garage and single storey extension, and the erection of a single storey side and rear extension, and a two storey rear extension and raised platform, to provide additional living accommodation at 30 Braemar Avenue, Filton.
- 1.2 The application site relates to a two storey semi-detached property which is located in the built up residential area of Filton. The existing dwelling is comprised of render elevations and UPVC windows. Semi-detached pairs of similar design surround the application site.

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

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

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

T12 Transportation Development Control Policy for New Development

2.3 Emerging Development Plan

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

PSP1 Local Distinctiveness

PSP8 Residential Amenity

PSP38 Development within Existing Residential Curtilages

2.4 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted 2007)

Residential Parking Standard SPD (Adopted) December 2013.

3. RELEVANT PLANNING HISTORY

- | | | | |
|-----|----------|---------|------------|
| 3.1 | P87/1119 | Refusal | 11.03.1987 |
|-----|----------|---------|------------|

- Erection of two storey side extension to form garage with two bedrooms above.
- 3.2 P87/1664 Approval 20.05.1987
Erection of two storey side extension to form garage with bedroom over.

4. CONSULTATION RESPONSES

- 4.1 Filton Town Council
No comment
- 4.2 Sustainable Transport
- Insufficient information has been submitted to make full assessment
 - Site will require 2 parking spaces
 - A revised block plan should be submitted

Other Representations

- 4.3 Local Residents
2 objections were received from local residents of the adjacent Braemar Crescent. Concerns raised as follows:
- Loss of light and privacy
 - Overbearing
 - Noise and disruption

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development
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. Furthermore, CS1 of the Core Strategy seeks that the siting, form, scale, height, massing, detailing, colour and materials are informed by, respect and enhance the character, distinctiveness and amenity of both the application site and its context. The proposal accords with the principle of development subject to the consideration below.
- 5.2 Design and Visual amenity
- Single storey side and rear extension*
- 5.3 The property is set back from the highway, with hardstanding to the front and side. There is an existing detached garage which is sits to the side of the property, approximately 8 metres beyond the front building line. It is proposed that this would be demolished and replaced with a single storey side and rear extension. The extension would have a total depth of 10.4 metres, a width of 2.3 metres alongside the property and 4 metres to the rear, and would have a maximum height of 4.5 metres. It would introduce 1no. window to the front elevation and 1no. window to the rear elevation.

- 5.4 Whilst it would be 4.8 metres longer than the existing garage, it would remain set back from the main front building line by 3.4 metres. The front elevation of the property would not alter significantly, and the proposed lean-to roof would constitute an improvement to the garages flat roof design. Furthermore, the case officer is mindful that a previous application was approved for the erection of a two storey side extension at the same location (ref. P87/1664). This application is not extant and it was noted on site that it was not constructed.

Two storey rear extension

- 5.5 The proposed two storey element of the development would replace an existing single storey extension, and would extend to the rear by 3 metres and run along the entire rear elevation. It would follow the line of the half hipped roof, forming a fronted gable to the rear. Submitted plans show that the development would introduce to the rear, an additional 1no. single casement window to the first floor and bi-folding doors to the ground floor. A raised platform with railings would adjoin the rear of the extension at the ground floor.
- 5.6 It is acknowledged that the two storey extension would be a large addition to the property, however it would be enclosed to 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 raised platform is a modest element of the proposal and is of an appropriate design.

Cumulative

- 5.7 Whilst the cumulative development would represent significant additions to the existing dwelling, by nature of the size of the rear garden the proposal cannot be considered overdevelopment of the plot.
- 5.8 The materials would match those found on the existing property, and overall, the design of the cumulative proposal is considered acceptable. There is some examples of similar examples in the surrounding area, notably No.46 Braemar Avenue. 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).

5.9 Residential Amenity

- The orientation of the property is such that the rear gardens of Nos. 2 and 4 Braemar Crescent sit beyond the shared boundary to the side of the property. It is in a built up area, and the properties are located in close proximity to the application site. Residents of these addresses have raised a number of concerns as covered in 4.3. These properties follow the angular line of Braemar Crescent, with No.2 largely facing the application site to the rear with a number of windows facing the built form of the original dwelling. The rear boundary of No.4 is adjacent to part of the existing garage and the rear garden of the application site. It was noted on site that the shared boundary is a minimum of 1.8 metres and increases to 2.5 metres to meet the gradient of the rear garden.
- 5.10 It is acknowledged for No.2 that the development would introduce an increased amount of built form adjacent to the rear boundary. However it is considered

that, given the existing situation, only the first floor element of the two storey extension is likely to further impact these occupiers. Whilst it is acknowledged that this may cause some change in the light afforded to these occupiers it would not be such to warrant a refusal. In addition, plans submitted show that a ground floor side window facing this property would be covered with the proposed single storey extension and would likely improve privacy at this location.

- 5.11 The case officer understands the concerns of No.4 Braemar Crescent. However, the property faces the existing garage and whilst the single storey element of the proposal would represent an increased height of 1 metre adjacent to the boundary, it would be unlikely to detrimentally impact the residential amenity of these neighbours. Especially given the boundary treatment at the site. Similarly, it is considered that given the angle of the property, the two storey extension would not cause unacceptable overbearing or, loss of privacy or light.
- 5.12 Having said this, the close proximity of the application site and these properties is recognised, and whilst the proposal does not introduce any windows to the side elevation facing Nos.2 and 4, a condition will be issued to ensure that there are no windows inserted to the west elevation in order to ensure that there are no future concerns regarding privacy and overlooking. The case officer notes concerns regarding noise and disruption and an hours of working condition will be issued to minimise such.
- 5.13 Overall, and considering all of the above, it is considered the proposed development would be acceptable with regard to residential amenity and is therefore deemed to comply with saved Policy H4 of the Local Plan (2006) and the emerging Policy PSP8 of the PSP Plan (June 2016).
- 5.14 Highways
It is noted that the transport officer requested additional information to determine whether there would be sufficient parking at the site following the development. The applicant has provided a block plan showing parking, which was received 3rd August 2016. There are 3 bedrooms at the property and therefore 2 spaces would be required to meet the Council's parking standards. The revised block plan shows that 2 spaces would be provided at the site. Accordingly, there would be sufficient parking at the site and there is no highway objection.

6. CONCLUSION

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

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

7. RECOMMENDATION

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

Contact Officer: Lucy Paffett
Tel. No. 0145486 3436

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

Reason

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

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

Reason

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

4. Prior to first occupation of the new dwelling the two car parking spaces indicated on the Block Plan (R2011/05 Rev A) as received by the Local Planning Authority on 3rd August 2016 shall be provided and retained as such thereafter.

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 minimum Residential Parking Standard SPD (Adopted) December 2013.

CIRCULATED SCHEDULE NO. 34/16 – 26 AUGUST 2016

App No.:	PT16/3691/F	Applicant:	Mr Papa John's (GB) Ltd
Site:	Unit 4 Filton Park Gloucester Road North Filton South Gloucestershire BS7 0SH	Date Reg:	15th June 2016
Proposal:	External alterations to facilitate change of use from shop (class A1) to hot food takeaway (class A5) as defined in the Town and Country Planning (Use Classes) Order 1985 (as amended)	Parish:	Filton Town Council
Map Ref:	359877 178345	Ward:	
Application Category:	Minor	Target Date:	9th August 2016



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REASON FOR SUBMISSION TO CIRCULATED SCHEDULE

This application has been submitted to the Council's Circulated Schedule procedure, following an objection from a planning consultancy, which is contrary to the recommendation in this report.

1. THE PROPOSAL

- 1.1 This application seeks planning permission to change the permitted use of unit 4 of this recently constructed parade consisting of one café, one hot food takeaway and three retail units. Unit 4 is currently one of the retail units (use class A1), and the proposal is to change its use to a hot food takeaway (use class A5) The proposal would use vehicular access from Gloucester Road and utilise the existing parking court.
- 1.2 The application also proposes a fresh air intake grill, a extraction flue and a condenser unit on the rear elevation. The use is proposed to be open from
- 1.3 During the course of the application, information regarding the marketing of the site as a retail unit has been submitted, as well as a noise assessment survey to support the application.
- 1.4 It is noted that the site is not within a primary or secondary shopping parade.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework March 2012
National Planning Practice Guidance

2.2 Development Plans

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

RT8 Small retail uses within the Urban Area
RT11 Local Shops and Parades
T7 Cycle Parking
T8 Car Parking
T12 Transport Development Control Policy for New Development.

South Gloucestershire Local Plan Core Strategy adopted December 2013.

CS1 High Quality Design
CS5 Location of Development
CS14 Town Centres and Retail
CS25 Communities of the North Fringe Urban Area
CS9 Environment and Heritage

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted)

3. RELEVANT PLANNING HISTORY

- 3.1 PT16/4450/ADV Pending Consideration
Consent to display 1 no. internally illuminated static fascia sign, 1 no. internally illuminated static projecting sign and 1 no. other internally illuminated static sign
- 3.2 PT13/3456/F Approve with conditions 06/11/2013
Demolition and remediation of existing petrol station to facilitate the erection of 4 no. retail shops (use class A1) and one Cafe (use class A3) with parking and associated works (including two solar panels). Creation of new vehicular access (Resubmission of PT13/2421/F)

4. CONSULTATION RESPONSES

- 4.1 Filton Town Council
No objection.

4.2 Other Consultees

Sustainable Transport

Concerns but do not think an objection could be sustained.

Community Enterprise

No comment received.

Environmental Protection

No objection to extraction system proposed.

Other Representations

4.3 Local Residents

A letter has been received from the Pegasus Planning Group raising the following issues in summary:

- If approved, the food and drink uses on this part of Gloucester Road North would equate to 23% of units, including unit 2 Filton Park and 3-4 Cabot Court. This would be harmful to the vitality and viability of the retail centre
- The condenser mounted on the rear elevation is 6 metres from the residential property known as 1 Broncksea Road, and the audible level for this property has not been provided (only 10 metres has been provided). This condenser would be operational all night
- The opening hours of the proposed unit at 11am-11pm Sunday to Thursday and 11am- 1am on Fridays and Saturdays. Dominos is only open until 11.30 on weekends and this has been restricted by a planning condition.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Gloucester Road North, from which Filton Park is accessed and faces on to, is identified as a Local Centre in the South Gloucestershire Local Plan and in table 3 of the Core Strategy. Local centres are not defined by boundaries but, officers take the view that the site forms part of Gloucester Road North Local

Centre. The proposal, therefore, falls to be considered against policy RT11 of the Local Plan (Adopted) January 2006 and policy CS14 of the Core Strategy. The Core Strategy advises that development in local centres will be primarily to meet local needs only and of a scale appropriate to the role and function of the centre / parade. Development must also not harm the vitality and viability of other centres. Policy RT11 allows for the change of use of existing retail premises within local shopping parades provided that:

- it does not result in an over concentration of non-shop uses in the centre to the detriment of the vitality, viability, retail and social function of that centre, OR
- there are alternative retail facilities in the locality, OR
- it can be demonstrated that the premises would be capable of supporting a retail use, AND
- it would not result in unacceptable environmental or transportation effects, nor would it prejudice residential amenity

- 5.2 From the information submitted, it appears that currently 14% of the Units in the local centre have an A5 use class, and this would rise to 16% should the application be approved. This is not considered to be a significant amount, and the development would mean that Filton Park would consist of two retail units, two hot food takeaway units and one café unit. Weight is given to the fact that the site has been marketed as a retail use since its completion but has always been vacant, and the applicant has submitted evidence of this.
- 5.3 Officers consider that there are satisfactory alternative retail facilities within Filton Park and the adjacent Cabot Court to the south, indeed 54% of the units are available for retail. Furthermore, unit 1 of Filton Park has recently become empty, and so this planning application would occupy one of two currently vacant units along the frontage. Officers are of the view that this would improve the vitality and viability of the centre compared to leaving the unit empty, as it would bring more people to the centre who may choose to shop at other units. This would also make unit 1, which has recently been vacated, a more viable option for a retail business looking for premises to occupy.
- 5.4 The objection letter drawing attention to similar businesses in the area, namely Dominos at Cabot Court, has been noted. Paragraph 23 of the NPPF states that development should promote competitive centres which offer choice to customers, and therefore the Local Planning Authority does not object on the grounds that there is a similar business in the adjacent frontage of shops. Overall, the principle of development is acceptable, subject to the assessment of environmental, transportation and amenity impacts below.
- 5.5 Design
Policy CS1 insists on a high quality design to ensure that development does not harm the visual amenity of an area. No changes are proposed to the front elevation of the unit, which is visible from the public realm, although an application for advertisement consent is currently pending consideration by the Council (reference PT16/4450/ADV). The proposed flue, grill and condenser unit are not prominent in the public realm and are consistent with the

commercial use of the centre. Overall, the development is acceptable in terms of policy CS1 of the Core Strategy.

5.6 Environmental Impacts

The Council's Environmental Health team have commented with regards to the proposed extraction system and plant and have no objections to its installation in accordance with the proposed specifications and proposed mitigations, which they are satisfied will mitigate against odour and noise pollution. In addition, the flue is 7.6 metres above ground level at its highest point, which lifts the gas released to the eaves of the dwelling opposite. A noise assessment was requested by officers and this was submitted during the course of the application. It was found that mitigation was necessary to reduce noise levels from the nearest noise sensitive site, which is no. 1 Broncksea Road to the west, in order to meet the limits set by South Gloucestershire Council, which is 34 dB(A). An acoustic enclosure and a silencer have been proposed, and the implementation of these measures will be conditions on the decision notice. Subject to this, it is not considered that there would be any significant environmental impacts on the locality, and the Environmental Health team raise no objection.

5.7 Residential Amenity

The site is fairly well enclosed by the existing units to the north and south, however no. 1 Broncksea is located immediately to the west. No. 1 has a large number of principal windows facing directly on to the rear of unit 4, where the extraction system and plant are proposed. Aside from the noise and odour impact of this which has already been discussed in paragraph 5.6, it is not considered that this will be particularly overbearing, as the site is separated by an access track.

5.8 It is noted that the hot food takeaways at 2 Filton Park and 3-4 Cabot Court have had their opening hours restricted, so that they must close by 11pm and 11.30pm respectively. The development at Unit 4 is proposed to open until 11pm on Sunday-Thursday and 1am on Fridays and Saturdays. Given the residential character of the area, it is considered necessary to restrict the opening hours at the site to 11am-11.30pm Monday to Sunday, in order to reduce the noise levels at night, where the baseline noise level will be lower. Subject to this being conditioned, the development is not considered to be harmful to the residential amenities of the surrounding occupiers.

5.9 Transportation

It is considered that hot food takeaways generate more short-stay car based visitors than a shop does and this can lead to parking issues on the adjacent highway to the detriment of road safety. The Transport officer considers that a large portion of the business is likely to be conducted via home deliveries and that deliveries to the store would take place via the existing service entrance to the rear of the site. Furthermore, should visitors be unable to park in the car park, it is unlikely they will park on the highway due to the existing provision of double yellow lines, so the highway safety risk is unlikely to be significant. Taking all of these issues into account, officers consider that a transportation objection could not be sustained.

6. CONCLUSION

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

7. RECOMMENDATION

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

Contact Officer: Trudy Gallagher
Tel. No. 01454 862217

CONDITIONS

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

Reason

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

2. Prior to first occupation of the unit as a hot food takeaway, the proposed grill, condenser unit and extraction flue hereby approved shall be implemented in accordance with the proposed specifications and mitigations detailed in the Noise Impact Report (Cole Jarman, dated 25th July 2016, received 26th July 2016) and the document titled 'Supporting Information on the Proposed Extraction System and Plant' (Papa Johns, received 14th June 2016).

Reason

In the interest of protecting residential amenity and to accord with policy RT11 of the South Gloucestershire Local Plan (Adopted) January 2006.

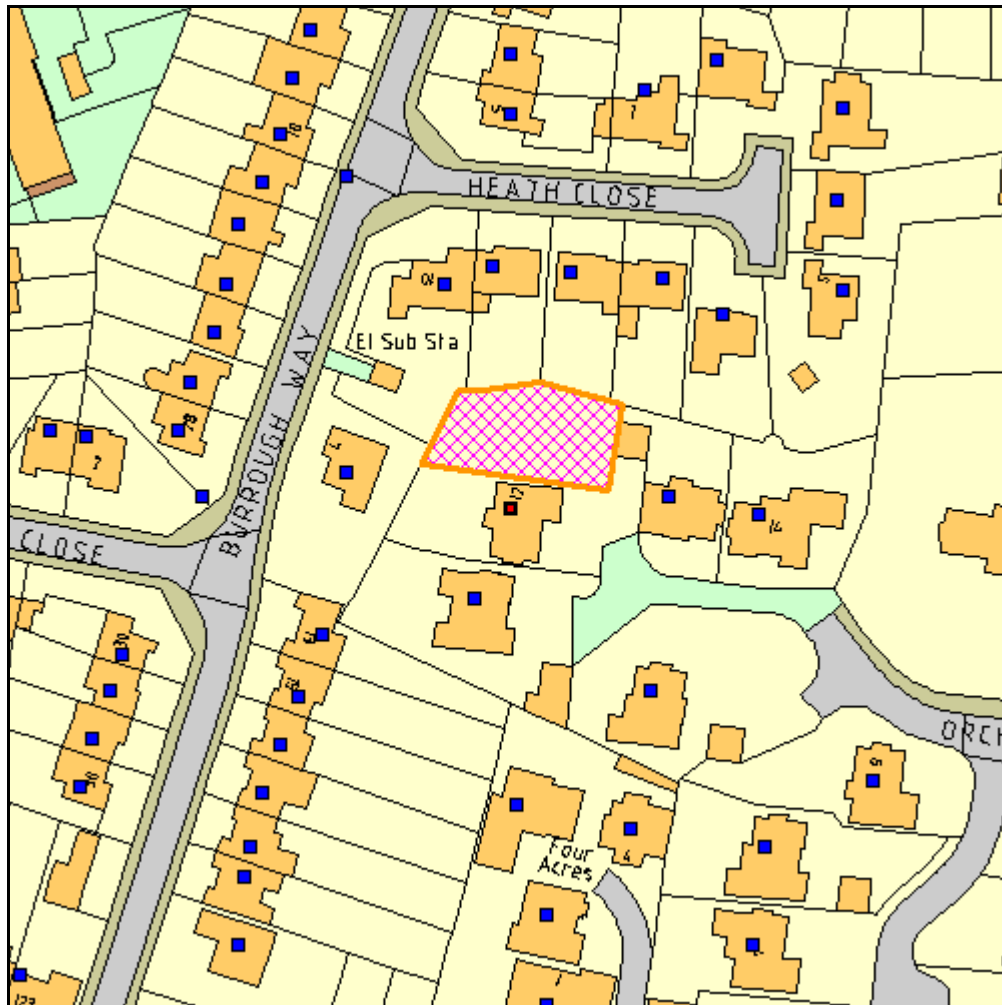
3. The use hereby permitted shall not be open to customers outside the following times; Monday to Sunday 11:00 - 23:30.

Reason

In the interest of protecting the amenities of the surrounding occupiers and to accord with policy RT11 of the South Gloucestershire Local Plan (Adopted) January 2006.

CIRCULATED SCHEDULE NO. 34/16 – 26 AUGUST 2016

App No.:	PT16/3746/F	Applicant:	Mr K Burns
Site:	12 Orchard Close Winterbourne Bristol South Gloucestershire BS36 1BF	Date Reg:	30th June 2016
Proposal:	Erection of 1no detached dwelling, access and associated works	Parish:	Winterbourne Parish Council
Map Ref:	365320 180524	Ward:	Winterbourne
Application Category:	Minor	Target Date:	24th August 2016



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

This report appears on the Circulated Schedule following comments from local residents contrary to Officer recommendation.

1. THE PROPOSAL

- 1.1 The applicant seeks full planning permission for the erection of 1no. detached dwelling, access and associated works.
- 1.2 The application site relates to the garden of No. 12 Orchard Close, Winterbourne. Orchard Close is a small estate of large, detached properties.
- 1.3 During the course of the application revised plans were submitted to address concerns raised by the Transportation Officer. In addition a Tree Report was also submitted as per Officer request.

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
- CS15 Distribution of Housing
- CS16 Housing Density
- CS17 Housing Diversity

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

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

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

- PSP1 Local Distinctiveness
- PSP8 Residential Amenity
- PSP11 Development Related Transport Impact Management
- PSP16 Parking Standards
- PSP38 Development within Existing Residential Curtilages

- 2.4 Supplementary Planning Guidance
Design Checklist SPD (Adopted) 2007

3. RELEVANT PLANNING HISTORY

- | | | |
|-----|------------------------|--|
| 3.1 | PRE15/1387
Advice | Erection of 1no. detached dwelling
22.2.16 |
| 3.2 | P93/2711/L
Approved | Erection of 14 no. Dwellings and associated works.
Construction of vehicular and pedestrian access
27.4.94 |
| 3.3 | P93/2533
Approved | Erection of 14 no. Dwellings and associated works.
Construction of vehicular and pedestrian access
27.4.94 |

4. CONSULTATION RESPONSES

- 4.1 Winterbourne Parish Council
No objection

- 4.2 Other Consultees

Tree Officer

Objection:

There appears to be room to accommodate the proposed development however it is not possible to fully assess the application as the applicant has not yet submitted an Arboricultural report in accordance with BS:5837:2012. The site location is subject to an Area Tree Preservation Order and therefore the applicant will need to provide tree details. They have indicated on the proposal plan that it is their intention to retain the existing trees.

The applicant will need to submit an Arboricultural report with a Tree Constraints Plan, Tree Protection Plan and an Arboricultural Method Statement. These documents should be submitted as soon as possible in order for the application to be fully assessed.

Updated comments:

No objection provided the development follows the details set out in the Tree Report dated August 2016

Sustainable Transport

No objection:

Adequate off street parking is proposed however, it is requested that an additional parking space be created to alleviate the need to park in front of the garage and improve on-site manoeuvring.

Highway Structures

No comment

Drainage and Flood Risk Management Team

No objection

Other Representations

4.3 Local Residents

Five letters of objection have been received and the points raised are summarised as:

- Density – not in-keeping
- Does not adhere to original planning permission for 14 executive houses with 5 bedrooms
- Development refers to ‘plot’ – it is not, it is a garden. Garden grabbing not allowed under NPPF. Local plan policy DM21 states that loss of gardens will not be permitted
- Query quoted distance between properties
- Overbearing nature – loss of outlook and privacy due to overlooking
- Precedent set for other building and building close to boundaries
- Potential loss of trees
- Need to protect trees and roots
- Trees under Tree Preservation Order have not been referenced
- Access not adequate – driveway shared
- Inconvenience during building works – pollution, dust and noise etc
- Hazard to pedestrians and other vehicles
- Will result in reduction in value of neighbouring property

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The application stands to be assessed against the above listed policies and all material considerations which includes the pre-application advice given in February 2016 which concluded that a new dwelling on this site could be acceptable.

5.2 Of particular relevance here is the resulting design and impact on the character of the existing attached property and the area in general. Impact on the residential amenity of neighbours and of the existing and future occupants is considered, as is the impact of the development on parking and highway safety.

5.3 It is acknowledged that South Gloucestershire Council does not have a five year land supply. As such paragraph 49 of the NPPF is engaged and Policy CS5 is considered out of date. Paragraph 49 declares that housing applications should be considered in the context of the presumption in favour of sustainable development. Paragraph 14 of the NPPF goes on to state that proposals that accord with the development plan should be approved without delay, and where relevant policies are out-of-date planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF. Notwithstanding the above the adopted development plan remains the starting point for assessment and furthermore the application must be assessed in light of the presumption in favour of sustainable development as set out in the following report..

- 5.4 The NPPF (2012) promotes sustainable development and great importance is attached to the design of the built environment. It emphasises this by stating *Good design is a key aspect of sustainable development and expects high quality and inclusive design for all development, including individual buildings.* Among others, the NPPF expects development should *add to the overall quality of the area...respond to local character and history, and reflect the identify of surroundings [and be] visually attractive as a result of good architecture.* It goes on to state that *Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.*
- 5.5 The proposal being the creation of a new dwelling within the established settlement boundary and the garden of No. 12 is considered to accord with the principle of development. This counts in its favour and whilst the provision is limited to only one dwelling it would still make a contribution and weight is accordingly awarded. The proposal and its impact is discussed in more detail below:
- 5.6 Design and Visual Amenity
Policy CS1 of the Core Strategy demands the 'highest possible standards of design and site planning', a number criteria which compose high quality design are form, scale, massing, density and overall layout. The application site relates to the garden of a large detached dwellinghouse part of a small cul-de-sac of similar proportioned dwellings in Winterbourne. The application site sits at the head of one branch of the cul-de-sac and benefits from a larger than average size garden. The existing density of the site is acknowledged as being quite low and therefore the introduction of one single dwelling in the side garden of No. 12 will not adversely impact on this particular development.
- 5.7 It is acknowledged that the proposed new dwelling would be slightly smaller than the other properties in this cul-de-sac. However, it would be located in the top corner and not highly visible from the public realm. External materials would be to complement the rest of the estate and in this way a successful and appropriate integration would be achieved. Overall, it would have a hipped roof, with ridge height and eaves to match No. 12. Openings would for the main be located in the east and west elevations and parking would be to the front. Much thought and consideration has been given to the proposed new dwelling and on this basis the proposal would respect and enhance the character of this area.
- 5.8 In terms of its general visual appearance, its design, scale, massing and materials the proposed new dwelling is considered appropriate and in light of the presumption in favour of sustainable development is given a neutral impact.
- 5.9 Residential Amenity
The proposed new dwelling would face the side elevation of No.13 and be separated from it by a shared driveway and by this neighbour's double garage. It is considered that given the distance between the two there would be no unacceptable level of overlooking into the rear garden of No.13. Neighbours to the east along Heath Close have commented expressing concerns regarding overlooking, impact on privacy and loss of outlook that would result from the

new dwelling. A query has also been made regarding the distance separating properties here from the proposed building. Officers have used tools at their disposal including but not exclusively the scaled plans submitted as part of this application. The proposed dwelling would be about 18.6 metres away from the dwelling at No. 9 Heath Close. The boundary between the application site and this neighbour is currently about 14 metres distant. No windows are proposed in this closest elevation and at over 18 metres distant there would be no issues of impact on privacy. The proposed dwelling is 'L' shaped and one first floor window is proposed in the side elevation but this is about 24 metres away from the rear of No. 8 Health Close. Furthermore, it is acknowledged that existing trees within the residential curtilage along with a 1.9 metre high stone boundary wall would serve to screen the new development. Given the above, there would be no adverse impact on the privacy of neighbours and no issues of overlooking. The proposal would be within an already built-up area and so there would be no loss of outlook to consider.

5.10 Concern has been expressed regarding the potential inconvenience caused by the proposal. This is acknowledged as a consequence of development but the scale must be recognised and as this would be a single dwelling with associated works the possible disruption would be limited to the construction phase and as additional protection construction times and methods will be conditioned and appropriate informatives attached to the decision notice.

5.11 The above has identified that although there would be changes for the neighbouring dwellings, it is considered that these would not be sufficient to warrant a refusal of the application. Limited weight is therefore given to impact on residential amenity.

5.12 Sustainable Transport

The applicant seeks to erect a detached 3 bed dwelling within the site boundary of 12 Orchard Close. Adequate off street parking would be provided for the new dwelling on the driveway to the front of the property and within the integral garage. A turning point is detailed on the proposed plans which would allow vehicles to leave the site in forward gear. Adequate off street parking will remain for the existing dwelling. However, during the course of the application it was suggested that in order to maximise space for vehicles entering and leaving the new dwelling, an additional parking space should be created to the left of the existing parking spaces at number 12. As a result, the need to park in front of the garage on the right of number 12 (as looking at the dwelling) would be alleviated. It was also requested that the extended block paving in front of the new dwelling be a different colour to the existing to distinguish between the properties. Revised plans were submitted to the Council showing these changes and also showing a slight reduction in length of the front wall to better accommodate the parking for No.12, for the proposed new dwelling and so as to mitigate any impact on the adjacent property which currently shares access. The plans were considered acceptable.

5.13 Trees

During the application the applicant was requested to provide a full arboricultural report. The report confirmed that trees identified within the garden were to be retained and protection measures for these trees were to be

undertaken during the construction phase. Providing the development takes place according to the details as per this report there would be no arboricultural objections.

5.14 Other matters

A local resident has stated that as the original planning permission was for 14 executive homes this proposal would not be in accordance with that permission while others have expressed concern that an approval would set a precedence for development. It must be noted that each and every planning application is assessed on its own individual merits taking into account the particular circumstances relating to that site. It is therefore not unusual for new planning applications to be made on existing sites or within existing residential gardens.

5.15 Any impact on the value of nearby properties is something that falls outside the remit of a planning application and can therefore not be taken into consideration here.

5.16 Comments have been made objecting to the use of the word 'plot' to describe the development site while others have made cited national and local planning policy making reference to garden grabbing and loss of garden space. The reference to Policy DM21 is a Bristol City Council policy and not one that has any relevance in South Gloucestershire. Our adopted local planning policy is clear and development within existing residential curtilages, including the erection of new dwellings is supported provided there would be no adverse impact on such matters as residential amenity, transportation or character of the area.

5.17 Overall conclusion

The proposal would be for the erection of one new dwelling house in the existing built up area of Winterbourne this is given weight in its favour. Concerns from local residents in have been noted and addressed in the above report and have been awarded limited weight. Parking details have been clarified and revised plans confirm that the proposal would meet the adopted standards. On balance giving appropriate weighting to the positive versus the negatives of the scheme, the benefits of this new dwelling within the settlement boundary are considered to outweigh any perceived harm and the proposal is considered acceptable and recommended for approval.

6. CONCLUSION

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

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

7. RECOMMENDATION

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

Contact Officer: Anne Joseph
Tel. No. 01454 863788

CONDITIONS

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

Reason

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

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

Reason

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

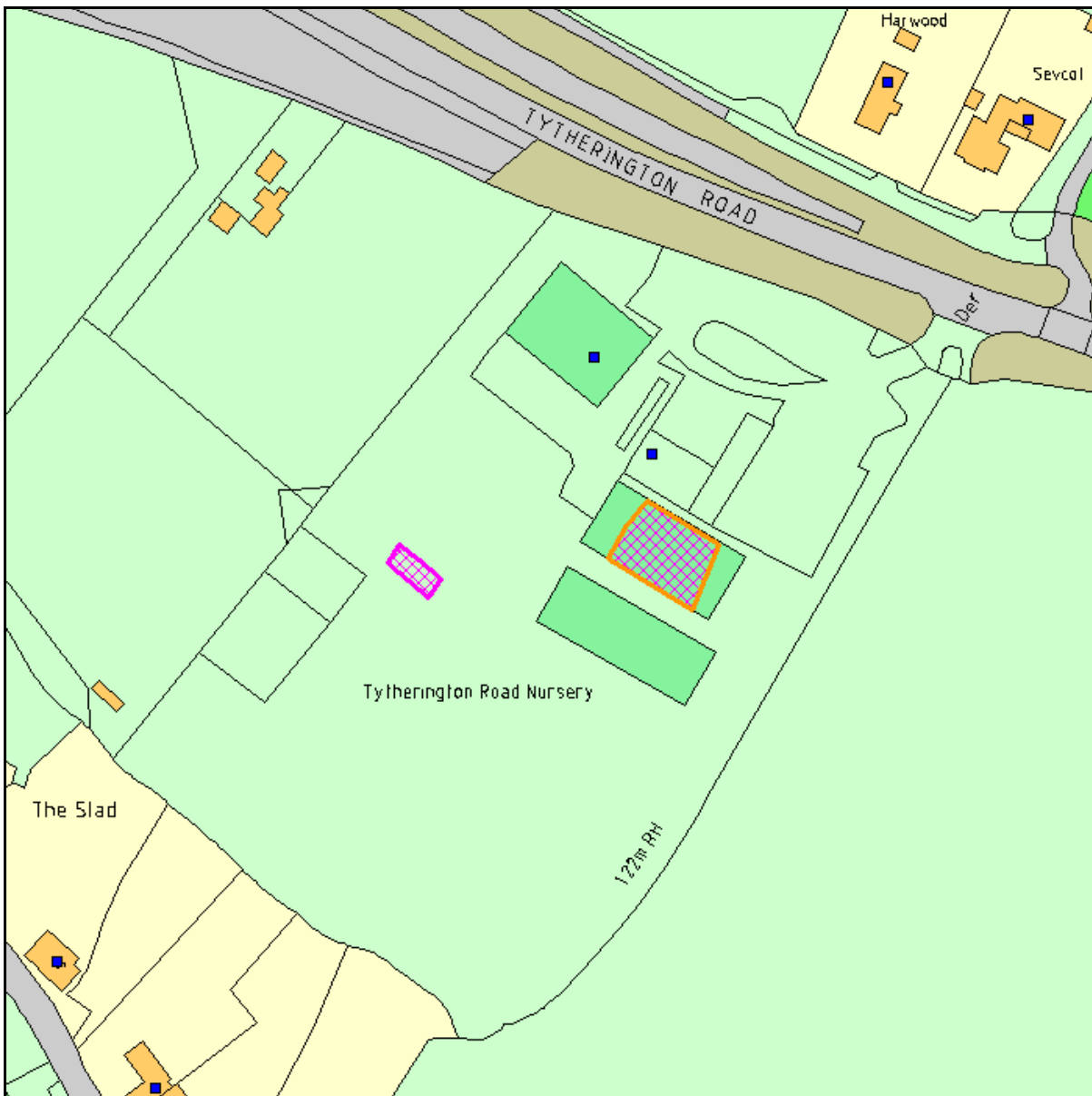
3. Prior to the first occupation of the new dwelling, the off-street parking facilities (for all vehicles, including cycles) shown on the plan proposed contextual site plan PL-02b hereby approved shall be provided before the building is first occupied, and thereafter retained for that purpose.

Reason

This is a pre-commencement condition to avoid any unnecessary remedial action in the future and to ensure the satisfactory provision of parking facilities and in the interest of highway safety and the amenity of the area, and to accord with Policy CS8 of the South Gloucestershire Local Plan; Core Strategy (Adopted) December 2013; and the South Gloucestershire Residential Parking Standards SPD (Adopted) December 2013.

CIRCULATED SCHEDULE NO. 34/16 – 26 AUGUST 2016

App No.:	PT16/3880/F	Applicant:	Mr Robert Fry
Site:	Tytherington Road Nursery Tytherington Road Thornbury South Gloucestershire BS35 3TT	Date Reg:	22nd July 2016
Proposal:	Demolition of existing glasshouse. Erection of single storey community building. Single storey extension to existing day room on pitch number two.	Parish:	Thornbury Town Council
Map Ref:	365580 189021	Ward:	Thornbury South And Alveston
Application Category:	Minor	Target Date:	13th September 2016



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 100023410, 2008. **N.T.S.** **PT16/3880/F**

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application has been referred to the Circulated Schedule following the receipt of objections the concerns raised being in part contrary to the officer recommendation.

1. THE PROPOSAL

- 1.1 The applicant seeks consent for the erection of a single storey community building and single storey extension to an existing day room. In order to facilitate the erection of the day room a large green house would be demolished. In detail the development is as follows

Day Room

The day room is located on Pitch 2 towards the front of the authorised Gypsy and Travellers site safeguarded under Policy CS21 of the South Gloucestershire Local Plan Core Strategy 2013. It is proposed to increase the width of the day room from a width of 6 metres to 12 metres thus doubling the floor area of this building. It is indicated that the room is to help provide space for the development of children's education.

Community Building

The proposed community building is not located within the authorised Gypsy and Traveller site, it would be on the site of an existing Green House associated with the Tytherington Road Nursery. The community building would be 13.7 metres by 20 metres in floor area with a height of 4.2 metres with facing brickwork and clay tiles. The Green House to be removed has a floor area of 15m by 31 metres. The applicant has indicated in their submission that with six permanent pitches and two transit pitches there is need for a building to allow families to socialise and existing facilities are not suitable.

- 1.2 The application site is situated on the south side of Tytherington Road, Thornbury. The application site is sited beyond the Thornbury settlement boundary within the open countryside. The site is located beyond the Green Belt which extends to the disused railway line that runs close to the south of the site opposite the adjoining houses within The Slad.

2. POLICY CONTEXT

2.1 National Guidance

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

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1: Achieving Good Quality Design in New Development

E9: Agricultural Development

L1: Landscape Protection and Enhancement

T12: Transportation Development Control Policy for New Development

South Gloucestershire Local Plan Core Strategy 2013

CS1: High Quality Design

CS5: Location of Development

CS21: Gypsy and Traveller Accommodation

CS34: Rural Areas

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

PSP1 Local Distinctiveness

PSP2 Landscape

PSP8 Residential Amenity

PSP11 Transport Impact Management

PSP16 Parking Standards

PSP28 Rural Economy

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted)

Planning Policy for Traveller Sites document (March 2012)

3. RELEVANT PLANNING HISTORY

P97/2328: Retention of horticultural glasshouse. Permitted: 3 February 1999

P99/1883: Erection of glasshouse. Permitted: 11 July 2000

PT00/2485/F: Erection of glasshouse. Permitted: 12 February 2001

PT03/1048/O: Erection of dwelling for horticultural worker on 0.1 hectares of land (Outline). Refused: 29 May 2003

PT04/3492/TMP: Use of land for stationing of mobile home. Refused: 21 April 2005

PT10/2556/F: Erection of 1 19m high self-supporting radio tower and associated transmitting antennas with 2m x 2m compound containing the mast and equipment cabin. Permitted: 10 November 2010

PT13/1974/F Change of use of land from nursery to land for the siting of 6no gypsy caravan pitches, with associated touring caravans, hardstandings, landscaping and works including 6no. utility/day rooms and 2no. transit pitches. Erection of 1no. horticultural shed and 2no. toilet blocks to be used in connection with retained nursery Approved with conditions 6th August 2013

PT13/3216/RVC Removal of condition 11 and variation of condition 12 attached to planning permission PT13/1974/F Approved 27th August 2013

4. CONSULTATION RESPONSES

4.1 Thornbury Town Council

Thornbury Town Council wishes to OBJECT to application PT16/3880/F Tytherington Road Nursery for the demolition of existing glass house and erection of single storey community building on the following grounds:-(i) Over development of the site is out of keeping and inappropriate to the location.(ii) Size of community building would have an overbearing effect to neighbouring residential properties and subject them to additional noise and disturbance.(iii) Loss of employment site.(iv) Drainage and flood risk to the site and neighbouring properties.(v) Increase in number of people registered to live on site.(vi) Highway safety due to increase in number of site users

Corporate Travellers Unit

No comment received

Strategic Planning Policy and Specialist Advice Team

In location terms, the application site is situated in Tytherington, outside of any settlement boundary and is not within the Bristol and Bath Green Belt.

The part of the site associated with this element of the proposal is identified as an existing Gypsy/Traveller site safeguarded under Policy CS21 of the Core Strategy. In accordance with S38(6) of the Planning and Compulsory Purchase Act 2004, this part of the application falls to be considered in accordance with Policy CS21 (Gypsy & Traveller accommodation) of the South Gloucestershire Local Plan: Core Strategy, as adopted.

The proposed extension represents a significant increase in the floor area of the existing dayroom, doubling its size. That said, it is considered that the proposed extension would not preclude the future potential opportunity to intensify the use of the site – should a need for additional Gypsy/ Traveller pitches arise, there is likely to be capacity within the existing safeguarded area.

There is no policy objection to this element of the proposal.

Sustainable Transport

Whilst there is no transportation objection to the proposed day room extension to pitch number 2, there is concern over the proposed community room.

Currently the site is run as a nursery providing employment for the residents, the reduction in the growing capacity for the site by approx. 33% would arguably decrease the sustainability of the site. Looking at the site there would appear to be space to relocate the community building and still maintain the horticultural business at its present scale.

At the previous application the access to/from the site was considered and it

was judged subject to condition to improve it suitable to serve both the horticultural business and the caravan pitches.

It is not clear from the proposal how the use of the community building would be controlled or indeed who would be utilising it, whilst it is not a transportation issue it would seem a bit on the large size for 6 caravans, with the expectation that clearly it will be used for larger gatherings in the future by virtue of the number of toilets in place given that the mobile homes and caravans on site have bathroom facilities

If the community building can be restricted to the use by the 6 mobile homes and 2 transit pitches by condition then there would be no transportation objection. If however this is not the case then I would require further details of the proposed usage of the community building so that additional consideration can be given to the suitability of both the access and car parking can be assessed.

Highway Drainage

No comment

Other Representations

4.2 Local Residents

There have been four letters of objection received. The grounds of objection can be summarised as follows:

- The number of people of the site is increasing. There is a discrepancy between the number originally authorised and the current time
- The proposal will result in unacceptable noise levels
- The treatment plant is inadequate for the numbers on the site
- The Community Centre is not needed
- The proposed community centre should be located in suitable areas close to shops, public transport etc

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The proposed development has two distinct elements as set out in Section 1 above. In terms of considering the principle of development, it is considered necessary to assess these separately.

Extension to the existing Day Room

The day room under consideration is situated on an established Gypsy and Traveller Site being identified in the South Gloucestershire Local Plan Core Strategy (CS) at Policy CS21 as a Safeguarded site for Gypsy and Traveller occupation.

The supporting text to Policy CS21 highlights the on-going need for Gypsy and Traveller pitches throughout the County and at Para. 10.75 states that:

‘Gypsy/Traveller pitches will continue to be provided through the development management process. Any additional new sites will be allocated through the Policies, Sites and Places DPD following a review of the need for further pitches up to 2027. Firstly by working with Gypsy/Traveller families on existing sites by making more efficient use of their land, where considered suitable, for additional pitches....’

Policy CS21 therefore in the first instance supports the intensification of existing sites.

It is normal practice for individual Gypsy pitches to include a Day Room to provide dedicated toilet and changing facilities, kitchens and communal living areas for the residents of such sites. Each pitch on the site has such a facility.

The concerns raised regarding the number of people on the site are noted however it is important to note that the proposed extension would be used by the existing occupants of the site and it is not proposed to increase the size of the site nor the number of pitches therein. The extension falls within the red line area of the site as approved through Application PT13/1974/F.

Subject therefore to the scheme meeting the criteria listed under Policy CS1 (Design) of the Core Strategy and Policy CS21 there is no in-principle objection to the proposal.

Community Building

Policy CS5 indicates that outside the Green Belt, in the open countryside new development will be strictly limited. Policy CS34 also indicates that within the open countryside development will be strictly controlled. The thrust of the Policy is to steer facilities to villages and within settlements.

Policy CS23 seeks such facilities where new development would generate the need for such development.

The whole thrust of the National Planning Policy Framework is to provide sustainable development, accessible to all. Section 3 of the NPPF seeks to promote the “retention and development of local services and community facilities in villages”. Para 70 states that there should be an integrated approach to considering the location of housing, economic uses and community facilities and services. Para 70 also indicates that “social, recreational and cultural facilities and services should enhance the sustainability of communities and residential environments. It is considered that the erection of a large new building situated outside of any village or settlement boundary in the open countryside fails the above requirements

The building is proposed to be sited on an employment site in the countryside, it is not sited within the gypsy and traveller authorised site. Policy CS34 seeks to protect rural employment sites. Para 16.10 of the Core Strategy states

“The viability of the rural economy also needs to be ensured by providing and protecting sufficient land and premises for a range of employment opportunities...”

This is in accord with the aims of Section 3 of the NPPF – supporting a prosperous rural economy. The positioning of this large building at the heart of the nursery site clearly would have an impact on this employment site and is considered contrary to Policy CS34.

5.2 Environmental Impact

Concern has been raised that the proposed development will have an adverse impact upon drainage and sewerage, however as indicated above the proposal does not result in an increase of people living at the site. As part of the original proposal a package treatment system was secured which was considered satisfactory. No objection to the development has been raised by the Lead Local Flood Authority and the proposal is considered acceptable in these terms.

5.3 Residential Impact

The proposed increase in the size of the day room is not considered to have an adverse impact upon neighbouring residential occupiers given the distance to the nearest residential properties.

The Community Building is sited approximately 90 metres from the nearest residential property. While there would be no direct impact in terms of overlooking or loss of outlook to neighbouring occupiers if the proposal were acceptable in other respects, careful consideration would be given to the hours of use and possible noise restrictions.

5.4 Transportation

Policy T12 of the South Gloucestershire Local Plan (Saved Policy), states that new development makes adequate safe and appropriate provision for the transportation demands that it will create in accordance with the objectives of the Local Plan and minimises the adverse impact of motorised traffic. Policy CS8 of the Core Strategy considers parking and vehicle access.

It is not considered that the proposed extension to day room will have any adverse impact in transportation terms.

With respect to the Community Building no specific parking provision is shown. No details have been supplied about the likely management of the facility, hours of operation or likely level of use aside it being a meeting/social facility for those on site and visitors. No parking spaces are shown. Both Policy T8 of the Local Plan and PSP16 indicate that the parking provision requirement for Community facilities of this type will be judged on their own merit however without detailed information it is not possible to make this judgement on either the suitability of the parking provision or the access.

5.5 Design

The proposed extension to the Day Room matches the appearance of the existing part of the building and subject to a condition to secure matching materials is considered acceptable in design terms. The Community building is a substantial structure but smaller in scale than the building that it replaces. If acceptable in principle there would be no significant objection on design grounds, the building is of a similar appearance to others put to this use.

5.6 Landscape

The rear of the site was subject to a detailed landscaping scheme which has been fully implemented. The front area is set back from the road and surrounded by vegetation. The proposal is considered acceptable in landscaping terms.

5.7 Ecology

The site has become established. There are no ecological designations or constraints to allowing 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 issue a split decision to grant the single storey extension to the existing day room whilst refusing the erection of the single storey community building 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 a SPLIT decision be issued to grant the single storey extension to the existing day room whilst refusing the erection of the single storey community building as detailed below;

Contact Officer: David Stockdale
Tel. No. 01454 866622

PART APPROVAL (EXTENSION TO THE EXISTING DAYROOM)

1. The extension to the day room at Pitch 2 (as shown on Drawing No.1443-PL-01C) 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 external facing materials to be used in the construction of the extension to the day room hereby permitted shall match those used in the existing building.

Reason

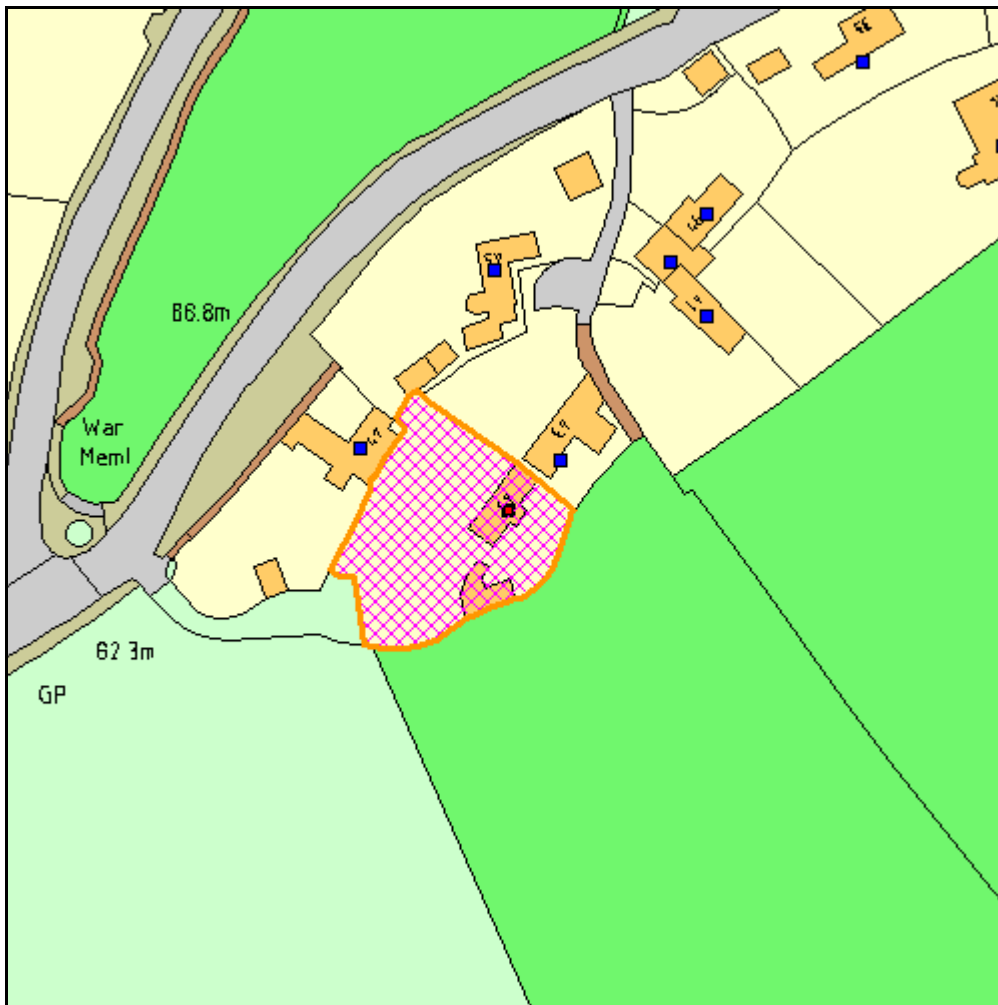
To ensure a satisfactory standard of external appearance and to accord with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; and the National Planning Policy Framework.

PART REFUSAL (SINGLE STOREY COMMUNITY BUILDING)

1. The proposed Community building as shown on Drawing No.1443-PL-01C is located outside a village/settlement boundary and represents an unsustainable form of development in the open countryside. As such the development is contrary to Policy CS5 and Policy CS34 of the South Gloucestershire Local Plan Core Strategy 2013 and the National Planning Policy Framework 2012
2. The proposed Community Building as shown on Drawing No.1443-PL-01C is to be sited on a rural employment site and would therefore be contrary to National Planning Policy Framework and Policy CS34 of the South Gloucestershire Local Plan Core Strategy 2013 which seeks to sustain and promote the rural economy.
3. Insufficient information in respect of the use of the proposed Community Building as shown on Drawing No.1443-PL-01C has been submitted to allow an assessment to be made of the suitability of the access and the necessary parking provision contrary to Policy T8 and T12 of the South Gloucestershire Local Plan (2006 - Saved Policies) and Policy CS8 of the South Gloucestershire Local Plan Core Strategy 2013

CIRCULATED SCHEDULE NO. 34/16 – 26 AUGUST 2016

App No.:	PT16/4195/CLP	Applicant:	Mr David Carne
Site:	Lavender Cottage 49 Over Lane Almondsbury South Gloucestershire BS32 4BL	Date Reg:	18th July 2016
Proposal:	Certificate of lawfulness for the proposed erection of a detached double garage.	Parish:	
Map Ref:	360213 183679	Ward:	
Application Category:		Target Date:	7th September 2016



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REASON FOR REPORTING TO THE CIRCULATED SCHEDULE

This application is referred to the Circulated Schedule for determination as a matter of process. The application is for a certificate of lawfulness for a proposed development.

1. THE PROPOSAL

- 1.1 This application seeks a formal decision as to whether or not the proposed erection of a detached double garage would be permitted under the regulations contained within The Town and Country Planning (General Permitted Development) (England) Order 2015.
- 1.2 This application is not an analysis of planning merit, but an assessment as to whether the development proposed accords with the above regulations. There is no consideration of planning merit, the decision is based solely on the facts presented.

2. POLICY CONTEXT

- 2.1 This is not an application for planning permission. Thus it cannot be determined through the consideration of policies contained within the Development Plan; the determination of this application must be undertaken as an evidential test against the regulations listed below.
- 2.2 National Guidance
The Town and Country Planning (General Permitted Development) (England) Order 2015.

3. RELEVANT PLANNING HISTORY

- 3.1 P86/1948 Erection of two storey side extension to form kitchen and study with 2 bedrooms and bathroom above.
Approval Full Planning 23.07.1986

4. CONSULTATION RESPONSES

- 4.1 Almondsbury Parish Council
No comments received.
- 4.2 Councillor
No comments received.
- 4.3 Planning Enforcement
No comments received.

Other Representations

- 4.4 Local Residents
No comments received.

5. SUMMARY OF EVIDENCE IN SUPPORT OF APPLICATION

- 5.1 The following evidence was submitted to the Local Planning Authority on 8th July 2016–
- Site Location and Block Plan (DC1-ED01)
- 5.2 The following additional information was received on 12th August 2016–
- Garage Elevation (DC1-FD70)

6. ANALYSIS OF PROPOSAL

- 6.1 This application seeks a certificate of lawfulness for the proposed erection of a detached double garage in Almondsbury.

6.2 Principle of Development

An application for a Certificate of Lawfulness is purely an evidential test and is a formal way to establish whether or not the proposed development can be implemented lawfully without the need for planning permission. Thus there is no consideration of planning merit, the application is based on facts presented. The submission is not a planning application and therefore the Development Plan is not of relevance to the determination of this application.

- 6.3 The key issue in this instance is to determine whether the proposal falls within the permitted development rights afforded to householders under Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015. Class E allows for the provision within the curtilage of the dwellinghouse of – (a) *any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouse as such, or the maintenance, improvement or other alteration of such a building or enclosure; or (b) a container used for domestic heating purposes for the storage of oil or liquid petroleum gas. Subject to meeting the following criteria:*

6.4 Assessment of Evidence: Detached Double Garage

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

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

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

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

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

(c) any part of the building, enclosure, pool or container would be situated on land forward of a wall forming the principal elevation of the original dwellinghouse;

The proposed garage will not be situated on land forward of the principal elevation of the original dwellinghouse.

(d) the building would have more than a single storey;

The proposed garage will be single storey.

(e) the height of the building, enclosure or container would exceed –

- (i) 4 metres in the case of a building with a dual-pitched roof,**
- (ii) 2.5 metres in the case of a building, enclosure or container within 2 metres of the boundary of the curtilage of the dwellinghouse, or**
- (iii) 3 metres in any other case;**

The detached single storey double garage will have a dual-pitched roof which has a height of 4.2 metres exceeding e (i). The proposal will also be within 2 metres of the boundary of the curtilage of the dwellinghouse. The proposal is not considered to comply with e (i) or (ii) and planning permission will be required.

(f) the height of the eaves of the building would exceed 2.5 metres;

The height of the eaves would not exceed 2.5 metres.

(g) the building, enclosure, pool or container would be situated within the curtilage of a listed building;

The proposed summer house is not situated within the curtilage of a listed building

(h) it would include the construction or provision of a verandah, balcony, or raised platform;

The proposed development does not include any of the above.

(i) it related to a dwelling or a microwave antenna; or

The proposal does not relate to either of the above.

(j) the capacity of the container would exceed 3,500 litres.

The capacity of the proposed single storey garage would not exceed 3,500 litres.

E.2 In the case of any land within the curtilage of the dwellinghouse which is within –

(a) an area of outstanding natural beauty;

- (b) the broads;
- (c) a National Park; of
- (d) a World Heritage Site,

Development is not permitted by Class E if the total area of ground covered by buildings, enclosures, pools and containers situated more than 20 metres from any wall of the dwellinghouse would exceed 10 square metres.

The applicant site is not situated within any of these sites.

- E.3** In the case of any land within the curtilage of the dwellinghouse which is article 2(3) land, development is not permitted by Class E if any part of the building, enclosure, pool or container would be situated on land between a wall forming a side elevation of the dwellinghouse and the boundary of the curtilage of the dwellinghouse.

The applicant site is not situated on article 2(3) land.

7. RECOMMENDATION

- 7.1 It is recommended that a Certificate of Lawfulness for Proposed Development be **REFUSED** for the following reason:

Evidence has been provided to demonstrate that on the balance of probabilities the proposed development is not permitted development under The Town and Country Planning (General Permitted Development) (England) Order 2015 Schedule 2, Part 1, Class E (e)(i) as the proposed development would exceed 4 metres for a building with a dual-pitched roof. The proposal also fails to comply with (e) (ii) as the proposed building will be within 2 metres of the boundary of the curtilage of the dwellinghouse and exceed 2.5 metres. The proposal therefore requires planning permission.

Contact Officer: Fiona Martin
Tel. No. 01454 865119