



**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. 14/18**

**Date to Members: 06/04/2018**

**Member's Deadline: 12/04/2018 (5.00pm)**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

# CIRCULATED SCHEDULE - 06 April 2018

ITEM NO.	APPLICATION NO.	RECOMMENDATION	LOCATION	WARD	PARISH
1	<b>PK17/5460/FDI</b>	No Objection	Land At Horton Farm King Lane Horton South Gloucestershire BS37 6PD	Cotswold Edge	Horton Parish Council
2	<b>PK17/5832/F</b>	Approve with Conditions	Doynton Mill Mill Lane Doynton South Gloucestershire BS30 5TQ	Boyd Valley	Doynton Parish Council
3	<b>PK18/0772/F</b>	Approve with Conditions	Ruxleigh Farm Sheepfair Lane Marshfield South Gloucestershire SN14 8NA	Boyd Valley	Marshfield Parish Council
4	<b>PK18/0863/CLP</b>	Approve with Conditions	37 Lulworth Crescent Downend South Gloucestershire BS16 6RZ	Emersons	Emersons Green Town Council
5	<b>PT17/5652/F</b>	Refusal	The Chalet Thornbury Hill Alveston South Gloucestershire BS35 3LG	Thornbury South And	Alveston Parish Council
6	<b>PT18/0341/F</b>	Approve with Conditions	312 Passage Road Almondsbury South Gloucestershire BS10 7TE	Patchway	Almondsbury Parish Council
7	<b>PT18/0754/PDR</b>	Approve with Conditions	17 Home Leas Close Stoke Gifford South Gloucestershire BS16 1FL	Frenchay And Stoke Park	Stoke Gifford Parish Council
8	<b>PT18/0769/CLP</b>	Refusal	The Tallet Churchend Lane Charfield South Gloucestershire GL12 8LJ	Charfield	Charfield Parish Council

## CIRCULATED SCHEDULE NO. 14/18 – 6 APRIL 2018

<b>App No.:</b>	PK17/5460/FDI	<b>Applicant:</b>	Mr Matthew Blaken
<b>Site:</b>	Land At Horton Farm King Lane Horton South Gloucestershire BS37 6PD	<b>Date Reg:</b>	20th December 2017
<b>Proposal:</b>	Diversion of footpath LHO/22	<b>Parish:</b>	Horton Parish Council
<b>Map Ref:</b>	375725 184949	<b>Ward:</b>	Cotswold Edge
<b>Application Category:</b>	Footpath Diversion	<b>Target Date:</b>	23rd January 2018

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N.T.S.

PK17/5460/FDI

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

Under the current scheme of delegation all footpath diversion orders are required to be determined by the circulated schedule process.

### **1. THE PROPOSAL**

- 1.1 The application is made under Section 257 of the Town and Country Planning Act 2000 for the diversion of footpath LHO/22.
- 1.2 The proposed diversion is required to facilitate the implementation of pending planning application PK17/5249/F for the erection of a silage barn and associated works. The proposal diverts a 230 metre section of footpath LHO/22 between points A and B as defined on the submitted Location Plan received by the Council on 28.11.17.
- 1.3 The application site is Land at Horton Farm, King Lane, Horton.

### **2. POLICY CONTEXT**

#### **2.1 National Guidance**

National Planning Policy Framework March 2012  
Town and Country Planning Act 1990 (as amended) Section 257  
Circular 01/2009 Rights of Way  
Highways Act 1980 – Section 119 (Diversion)

#### **2.2 Development Plans**

##### **South Gloucestershire Local Plan Core Strategy Adopted December 2013**

CS1	High Quality Design
CS4A	Presumption in Favour of Sustainable Development
CS5	Location of Development
CS9	Managing the Environment and Heritage
CS34	Rural Areas

#### **2.3 South Gloucestershire Local Plan Policies Sites and Places Plan Adopted November 2017**

PSP1	Local Distinctiveness
PSP2	Landscape
PSP3	Trees and Woodland
PSP10	Active Travel Routes
PSP11	Transport Impact Management
PSP17	Heritage Assets and the Historic Environment
PSP18	Statutory Wildlife Protection
PSP19	Wider Biodiversity
PSP20	Flood Risk, Surface Water, and Watercourse Management
PSP21	Environmental Pollution and Impacts
PSP28	Rural Economy
PSP29	Agricultural Development

2.4 Supplementary Planning Guidance  
Design Checklist SPD (Adopted) 2007

**3. RELEVANT PLANNING HISTORY**

- |     |                          |  |
|-----|--------------------------|--|
| 3.1 | PK17/5249/F<br>Pending   | Erection of silage barn and associated works   |
| 3.2 | PK17/0935/F<br>Approved  | Erection of agricultural building to form silage clamp.<br>26.4.17   |
| 3.3 | PK17/0304/PNA<br>Refused | Prior notification of the intention to erect an<br>agricultural building for the storage of fodder<br>22.2.17                        |
| 3.4 | PK14/2086/F<br>Approved  | Erection of agricultural building for the storage of<br>fodder. (Amendment to previously approved scheme<br>PK13/3158/F).<br>29.7.14 |
| 3.5 | 13/3158/F<br>Approved    | Erection of agricultural barn for the storage of fodder<br>21.10.13  |

**4. CONSULTATION RESPONSES**

- 4.1 Horton Parish Council  
No objection

**Internal representations**

- 4.2 Transport Team  
No objection provided that a suitable connection is provided to allow access to King Lane
- 4.3 Landscape  
No objection.
- 4.4 Public Rights of Way  
Discussions between parties have overcome initial concerns regarding the proposal.

**Other representations**

- 4.5 Local Residents  
None received

**5. ANALYSIS OF PROPOSAL**

- 5.1 Principle of Development  
The diversion of a Public Right of Way is not development as defined in the Town and Country Planning Act. As such, a diversion order can only be considered within planning legislation when the diversion of the footpath is

- required in order to allow the implementation of a planning permission. The nature of the assessment should consider the proposed route and its suitability in terms of the amenity of the public right of way and whether or not the diversion is reasonable in respect of the planning permission to which it relates.
- 5.2 The diversion of the existing footpath, LHO/22, is required between points A and B as illustrated on the submitted location plan. This is because the implementation of planning application PK17/5249/F, the erection of a silage barn and associated works, recently recommended for approval, would make the existing route unviable.
- 5.3 The Public Rights of Way Officer has declared that the proposal to divert the footpath falls within the three tests:
- A right of way may be diverted where it can be shown that it is in the interest of the relevant landowner and/or the public to do so, but only where: i) the diverted route would not be substantially less convenient to the public; ii) the diversion would not alter any point of termination of the path, other than to another point on the same highway, or a connected highway; iii) the effect the diversion would have on public enjoyment of the path as a whole must also be taken into account before a decision is made.*
- 5.4 But the original proposal raised concerns as it was noted that the entrance to the footpath from King Lane would require a pedestrian bridge to cross over the existing ditch adjacent to the highway. Details were requested regarding how this would be installed; that the new route would be clearly waymarked and kept clear across the field; that no further gradients, gates or stiles would be introduced.
- 5.5 Following these comments, revised plans were submitted to the LPA. Although the proposed materials were indicated, the precise specifications still needed to be confirmed. It was explained that as a new structure the gate would fall within the DEFRA guidance of authorising new structures and as such must be BS compliant. The BS5709 specifies the 'least restrictive access principle' which could be a gap, gate or kissing gate (stiles are no longer acceptable as a new structure). Due to the requirement of livestock proofing, a medium mobility type gate was suggested by the PROW Officer.
- 5.6 With regards to the bridge/ditch crossing, being approximately 1.5 metres wide the recommended specifications were set out for the applicant: a three plank ditch crossing with handrails on both sides would be acceptable; the planks must be at least 250mm x 75mm x 2.5 – 3 metres in length and the uprights to hold the handrails must be at least 100mm x 100 mm and the handrail itself at least 100mm x 50mm smooth.
- 5.7 It is noted that South Gloucestershire Council is replacing timber footbridges across the area with a glass reinforced polyester material in order to reduce maintenance requirements. The applicant has, however, confirmed that the bridge and gate will be of timber construction and furthermore would be to the specification advised by the PROW Officer. This is accepted, however, it has

been pointed out to the applicant that both will be excluded from the general requirement to be maintained at public expense and this duty would fall to the farmer.

- 5.8 Revised plans reflecting the above are considered acceptable and on the basis that the diversion is considered reasonable to facilitate planning application PK17/5249/F and would not have an adverse on public amenity, no objections are raised.

5.9 Consideration of likely impact on Equalities

The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society. As a result of that Act the public sector Equality Duty came into force. Among other things, the Equality Duty requires that public bodies to have due regard to the need to: eliminate discrimination; advance equality of opportunity; and, foster good relations between different groups when carrying out their activities.

- 5.10 Under the Equality Duty, public organisations must consider how they could positively contribute to the advancement of equality and good relations. This should be reflected in the policies of that organisation and the services it delivers.

- 5.11 The local planning authority is statutorily required to apply the Equality Duty to its decision taking. With regards to the Duty, the development contained within this planning application is considered to have neutral impact

## 6. CONCLUSION

- 6.1 The recommendation to raise no objection has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Policies Sites and Places Plan (Adopted) November 2017 and to all material considerations set out in the report.
- 6.2 The proposal is considered to satisfactorily comply with Circular 01/09 and Policy PSP 10 of the South Gloucestershire Policies Sites and Places Plan (Adopted) November 2017 as the utility and amenity of the route would be retained.”

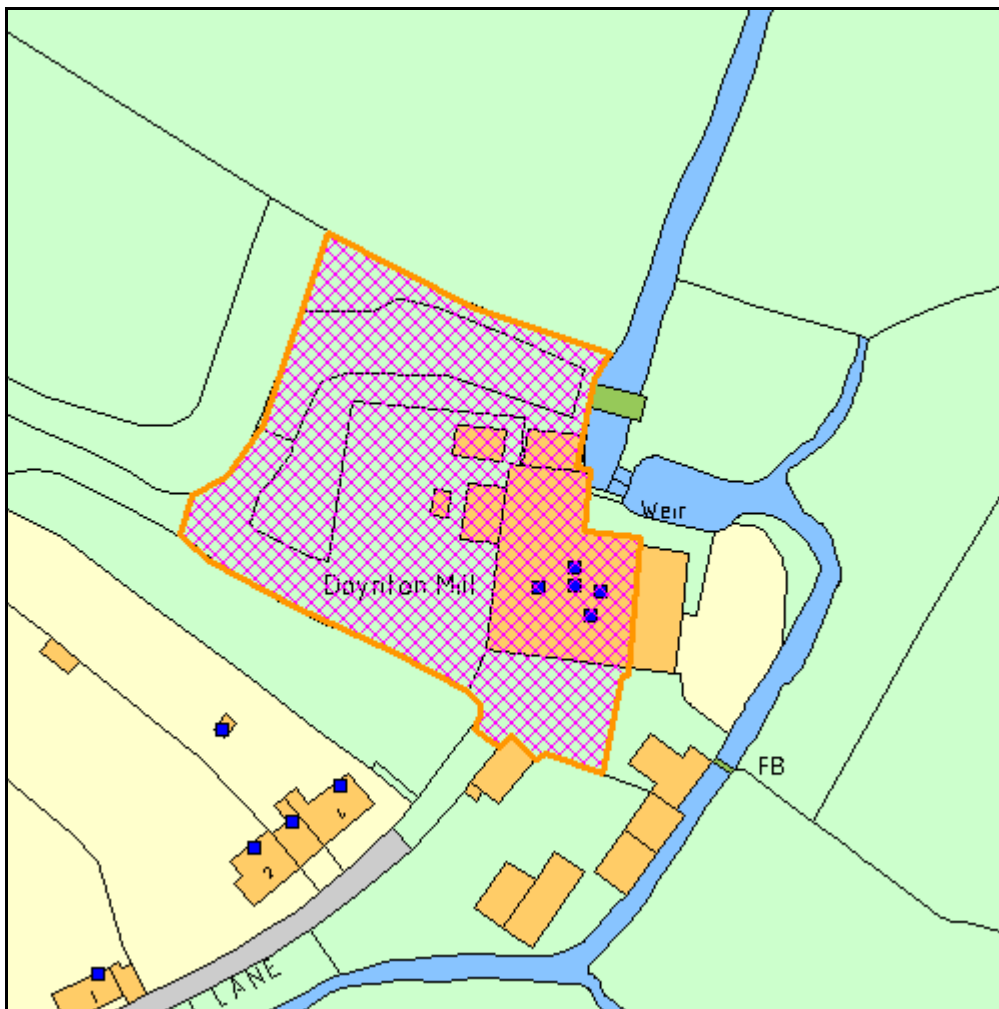
## 7. RECOMMENDATION

- 7.1 That no objection is raised to the proposed diversion of footpath LHO/22 and that the Head of Legal and Democratic Services is instructed and authorised to make an Order under Section 257 of the Town and Country Planning Act 1990 for the diversion of footpath LHO/22 as illustrated on the submitted Location plan received by the Council on 28<sup>th</sup> November 2017.

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

**CIRCULATED SCHEDULE NO. 14/18 – 6 APRIL 2018**

<b>App No.:</b>	PK17/5832/F	<b>Applicant:</b>	Fieldgrove Engineering
<b>Site:</b>	Doynton Mill Mill Lane Doynton South Gloucestershire BS30 5TQ	<b>Date Reg:</b>	26th January 2018
<b>Proposal:</b>	Erection of 1no. building to form 4no. self contained workshop units (Class B1c) and erection of single storey extension to the existing workshop	<b>Parish:</b>	Doynton Parish Council
<b>Map Ref:</b>	371902 174384	<b>Ward:</b>	Boyd Valley
<b>Application Category:</b>	Minor	<b>Target Date:</b>	22nd March 2018



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100023410, 2008. **N.T.S.** **PK17/5832/F**

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

This application appears on the Circulated Schedule list due to objections received from local residents.

### **1. THE PROPOSAL**

- 1.1 The applicant seeks full planning permission for the erection of a building to form 4no. self-contained workshop units (Class use B1c) and the erection of a single storey extension to the existing workshop. The application site relates to Doynton Mill, Mill Lane in Doynton. The site lies in the open countryside and in the Bristol/Bath Green Belt. Part of the site lies within Flood Zone 3. The site is an existing employment site and has the benefit of access off both Rookery Lane and Mill Lane. It is close to but not within the Cotswolds AONB and adjoins but is not within the Doynton Conservation Area.
- 1.2 The main building, occupying the site of an old mill, is used by Fieldgrove Engineering Services Ltd, a small company employing three people. The company specialises in machining and fabrication, offering a wide range of services to the electrical, food, water, steel and process industries.
- 1.3 During the course of the application additional information regarding the existing and proposed parking on site was requested and received. Currently the site operates with unfettered operating hours and negotiations and agreement of set hours has been achieved during this application assessment.

### **2. POLICY CONTEXT**

#### **2.1 National Guidance**

National Planning Policy Framework March 2012  
National Planning Policy Guidance

#### **2.2 Development Plans**

##### **South Gloucestershire Local Plan Core Strategy Adopted December 2013**

CS1	High Quality Design
CS2	Green Infrastructure
CS4A	Presumption in Favour of Sustainable Development
CS5	Location of Development
CS6	Infrastructure and Developer Contributions
CS7	Strategic Transport Infrastructure
CS8	Improving Accessibility
CS9	Managing the Environment and Heritage
CS12	Safeguarded Areas for Economic Development
CS13	Non-Safeguarded Economic Development Sites
CS34	Rural Areas

##### **South Gloucestershire Local Plan Policies Sites and Places Plan Adopted November 2017**

PSP1	Local Distinctiveness
PSP7	Development in the Green Belt
PSP10	Active Travel Routes

PSP16	Parking Standards
PSP17	Heritage Assets and the Historic Environment
PSP20	Flood Risk, Surface Water, and Watercourse Management
PSP21	Environmental Pollution and Impacts
PSP27	B8 Storage and Distribution Uses
PSP28	Rural Economy

- 2.3 Supplementary Planning Guidance  
 South Gloucestershire Design Checklist (Adopted) 2007)  
 Community Infrastructure Levy (CIL) & Section 106 Planning Obligations Guide  
 SPD – (Adopted) March 2015  
 Green Belt (Adopted) 2007

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

- 3.1 PK17/0736/F Erection of workshop. (Amendment to previously approved scheme PK12/2333/F). (Retrospective).  
 Approved 20.10.17
- 3.2 PK16/6416/F Conversion of the first floor of the existing store building to form 1 no. self-contained flat with associated works.  
 Approved 22.3.18
- 3.3 PRE16/0533 To convert the dis-used store into a dwelling  
 Complete 4.10.16
- 3.4 PK12/2333/F Demolition of existing workshop to facilitate erection of replacement workshop  
 Approved 30.10.12
- 3.5 PK10/0609/F Erection of side extension to provide additional workshop and storage space.  
 Refused 28.4.10  
 The proposal would lead to an increase in vehicular traffic onto a substandard highway network by reasons of inadequate road width, unsatisfactory forward visibility and a lack of pedestrian facilities thereby increasing hazards faced by highway users to the detriment of highway safety. Furthermore, the proposal would lead to an increase in the use of the existing access with insufficient visibility splays with Rookery Lane thereby harming highway safety. The proposal is therefore contrary to Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2010.
- 3.6 PK06/3122/O Partial demolition of workshop to facilitate erection of extension to existing workshop and construction of carpark (Outline).With external appearance, layout, scale and means of access to be considered, all other matters reserved.(Resubmission of PK05/3325/O).  
 Refused 29.11.2007
- 3.7 PK04/3631/F Erection of detached double garage.  
 Approved 20.12.04

- |      |                        |  |
|------|------------------------|--|
| 3.8  | P89/1762<br>Approved   | Alteration and extension of dwelling house and offices (in accordance with modifications detailed in a letter received by the council on the 21ST august 1989)<br>13.9.89                    |
| 3.9  | P87/2586/C<br>Approved | Works of demolition associated with reroofing and insertion of new windows<br>28.10.87   |
| 3.10 | P87/2545<br>Approved   | Construction of new roof and insertion of new windows in factory building<br>28.10.87  |
| 3.11 | P87/2338<br>Approved   | Construction of access road and car parking area<br>24.9.89  |
| 3.12 | P87/1887<br>Approved   | Erection of extension of approximately 54 sq. Metres (580 sq.Ft.) To existing industrial premises. Works of excavation to grade level site.<br>24.9.89                                       |
| 3.13 | P86/2350/L<br>Approved | Demolition of part of existing building to facilitate erection of extension of approximately 290 sq. Metres (approximately 3,100 square feet) to existing industrial premises.<br>25.09.1989 |
| 3.14 | P86/2321<br>Approved   | Erection of extension of approximately 290 square metres (approximately 3,100 square feet) to existing industrial premises.<br>25.09.1989  |
| 3.15 | N8707/1<br>Refused     | Conversion of stable and piggeries to two self-contained flats.<br>20.10.83  |
| 3.16 | N8707<br>Approved      | Use as an engineering works with ancillary storage and office space.<br>13.7.83  |

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

- 4.1 Doynton Parish Council  
The Parish Council wishes to support this proposal.

##### **Internal Consultees**

- 4.2 Drainage team  
No objection
- 4.3 Transport team  
Acknowledge this is an isolated location but would be unable to sustain an objection given the predicted small amount of additional traffic the 4 units would create. However, the on-site parking situation needs to be clarified.

Revised plans show an appropriate level of parking can be achieved on site.

4.4 Public Rights of Way team

No objection subject to an informative.

4.5 Economic Development team

The proposed development will create up to 675m<sup>2</sup> of additional employment floorspace (B1c), and 8 full time employees. This development will help retain a local business, allowing them to expand operations, whilst also providing space for future occupants in the other units.

4.6 Highway Structures team

No comment

**Other Representations**

4.7 Local Residents

One letter of support and five letters of objection have been received by the Council. The points raised are summarised as follows:

**Support:**

- Doynton is a rural area businesses like this are important to our economy and another 4 units will build a better relationship in the local community
- There is no "heavy traffic" using mill lane apart from the use of delivery trucks for private use and not commercial. Commercial vehicles use the entrance onto Rookery Lane

**Objection:**

Hours of operation:

- Work already carries on during weekends and this application is likely to see an even greater increase in activity on the site
- Hours should be restricted to closing at midday on Saturday. Query if planning regulations are being flouted?

Other:

- At the Parish meeting why was the person submitting this application allowed to remain in the room? He was in fact, chairing the meeting only a few minutes earlier?
- Excessive development in a rural area
- The Mill complex has already expanded far enough over the last 20 years. Increase from 3 to 8 employees – more than double
- There are already a number of other different businesses based in this complex employing an unknown number of other people which seems to be active 7 days a week. This proposed expansion will inevitably give rise to more noise and traffic which disturbs the local residents. A further 4 industrial units housing 4 new businesses which are engaged in as yet unspecified work can only add to the problem
- A large workshop was built last year in front of number 4 Mill Lane which turned out to be 40% larger than the plans agreed. When this was pointed out to the planning department they simply asked the owner to apply for

retrospective permission and this was duly granted. If planning rules are not properly enforced then the whole process is a mockery

**Traffic:**

- Mill Lane is a narrow lane and is not suitable for heavy traffic, the increased activity is degrading the road, with many pot holes and deterioration evidenced
- Heavy lorries frequently thunder down the High Street, not observing any speed restrictions and I have raised concerns with the Council
- Inadequate parking provision - On any given day, there are 8 to 10 existing cars in the 'car park' at the Mill. Often there are cars parked on Mill Lane and in front of the storage buildings adjacent to the Mill, restricting access. This situation will only worsen with the proposed 4 units
- All traffic to the Mill should be made to use the Rookery Lane access road. The barrier, currently at the entrance to the Mill, should be permanently locked down to ensure compliance

## **5. ANALYSIS OF PROPOSAL**

- 5.1 There are two elements to the proposal – the extension to an existing building and the erection of a new building to accommodate 4no. self-contained work units.

5.2 Principle of Development

The application stands to be assessed against the above listed policies and all material considerations. Of particular importance is the location of the site in the open countryside and in the Bristol/Bath Green Belt, its existing status as an employment site in the countryside, the impact these changes would have on residential amenity and on the highway.

5.3 Green Belt

The NPPF lists the criteria where development in the Green Belt is considered acceptable. Extensions to existing buildings is listed as one of those exceptions with the proviso that it would not result in a disproportionate addition over and above the size of the original building. Adopted policy uses increase in volume to measure whether an addition to an existing building would be proportionate or not. No details of the volume of the original building have been given here but in this instance as the main building is clearly large two-storey structure and the addition is a smaller single storey structure, it would be acceptable to use footprints as an indication of the increase in size. The original two storey high building has a footprint of around 973 square metres whereas that of the proposed single storey addition would be around 100 square metres. The purpose of the addition has been stated as being to accommodate additional storage space. At present some of the equipment is stored in two lorry bodies and the new extension would both tidy up the site and provide additional security. The extension to the existing building of the scale proposed is considered to accord with the criteria and is therefore acceptable.

- 5.4 Moving on to the second part of the proposal the erection of a new building to accommodate 4 new self-contained work units. The criteria of development listed in the NPPF as not being in appropriate includes *the partial or complete*

*redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), 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.*

- 5.5 It is considered that the development proposed here meets this criteria. The proposed new unit would be located within the existing concreted-over yard associated with Fieldgrove Engineering Services Ltd. Currently the area proposed for development is used for external storage of surplus materials and machinery. It is therefore considered to be brownfield land i.e. land that has previously been developed and as such meets this part of the criteria.
- 5.6 Given the topography of the site, the yard to the west of the main building sits below the level of the surrounding fields. High retaining walls made of gabions enclose the yard and the proposed building would sit within this area with the walls to its rear (west) and northern sides. It would furthermore be a single storey structure, significantly lower than the main large / high building and lower than the fields to the west and north. It is acknowledged that a permanent structure would result in changes to the openness of the Green Belt when compared to storage and some weight is attributed against the scheme for this reason. However, given the scheme would result in the tidying up of the yard and the creation of 4no. new employment units in the countryside, any potential harm can be said to be offset by these benefits.
- 5.7 The proposal is considered to accord with Green Belt policy.
- 5.8 Employment in the Countryside  
Policy PSP28 promotes a strong rural economy and declares that sustainable new development will be acceptable in rural areas. Proposal(s) for business development outside the defined urban areas and settlement boundaries will be acceptable in certain circumstances. These include, in the case of new buildings where there are no suitable existing or under-used buildings; the proposed building is reasonably necessary for and designed for its purpose; the development is well related to existing buildings and makes efficient use of land; it would not impact on nearby shopping facilities and would be of a scale consistent with its function, use and rural location.
- 5.9 The new building would have a Class use B1c which includes industrial processes which “can” take place within a residential area without damaging the “amenity of that area”.
- 5.10 The building would be located close to the existing main building which has a B1c Class use, in the yard where there are no suitable under-used structures. The scale of the structure is consistent with its proposed use for 4no. B1c uses which would not interfere with nearby shopping facilities. No details of the proposed occupants or the precise businesses that would operate from the site have been given as this is a speculative application. However, given the scale with each unit amounting to around 48 square metres, the size of any new businesses operating in this location will be limited. Furthermore, the working hours will be restricted which will again limit the on-site operations – this is discussed in more detail in the section below. The proposal accords with

Policy PSP28 and can be supported. A condition will be attached to the decision notice to limit the use to Class Use B1c.

- 5.11 In the case of extensions to existing buildings the development must be within the existing curtilage; must be for the purpose of that business; the goods sold would not impact on nearby shopping facilities and would be of a scale appropriate to its rural location.
- 5.12 It is considered that the proposed new building and the proposed extension to the existing building accord with Policy PSP28 and can be supported on this basis. However, comments from some close neighbours regarding noise levels from operations during the weekend are noted. One of the more recent planning applications for a replacement workshop to the east of Mill Lane included a condition to restrict the hours of operation. Given that the size of the development at Doynton Mill has expanded greatly over the years it is not unreasonable for a similar condition to be attached to the operation of any new/additional businesses to be located on the site, particularly as the residential properties are quite close.
- 5.13 The instances of noise and disturbance are associated with the unfettered hours of the existing business. However, negotiations have taken place between the LPA and the applicant and the applicant has been willing to have set hours which will cover not only the proposed 4 business units but the existing factory within the identified red edge as shown on Location Plan A. The proposed hours would be 7:00 to 19:00 Monday to Friday, 8:00 to 13:00 on Saturday with no working on Sundays or Bank Holidays. The term working is set out in the decision notice and is defined as being:

*...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.*

5.14 Design

With regards to the proposed extension to the existing building this would measure around 10 metres x 10.5 metres, with eaves of around 4.2 metres and ridge of 6.4 metres to its mono-pitched roof. It would have a simple industrial appearance to blend in with the existing buildings on site. Details submitted with the application confirm that the door would be a galvanised roller shutter, walls and roof of profiled metal sheeting all to match the other buildings on site. In terms of scale and appearance the extension is appropriate to its location and in-keeping with the character of the site.

- 5.15 Moving onto the appearance of the proposed 4 work units – these again would be of a simple utilitarian appearance. Overall the block would achieve 24 metres in length by 8 metres wide, eaves to around 3.2 metres and a ridge of 4.5 metres. Roof, walls and roller shuttered doors would be to match the proposed new extension and the existing factory buildings and would therefore be acceptable and accord with the design principles set out in Policy CS1.

5.16 Residential Amenity

Closest residential properties to the application site are on the other side of Mill Lane. Part of the existing access to the factory site is opposite the side/rear garden of No. 4 Mill Lane. The proposed extension to the existing building and the proposed new building would both be set well back into the site at over 30 metres distant. In this respect there would be no issues of overlooking, overbearing or inter-visibility for neighbours.

- 5.17 The issue of existing and future noise and disturbance have been raised by local residents and is to be addressed by means of a condition restricting the hours of operation. The definition of working has been set out in paragraph 5.13 of this report.

5.18 Transportation

The isolated location of this site is acknowledged with the result that this development will be heavily car-dependent. However, the 4 small units at around 48 square metres each will not generate a significant amount of additional traffic and consequently the associated trip generation will not have a severe impact on the local highway. The NPPF (2012) states that:

*Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.*

- 5.19 The proposed level of parking on the site was queried and a subsequent sketch showed that around 19 parking spaces can be achieved on site. This would be sufficient to accommodate the parking spaces that would be required by the additional built forms and the existing factory.
- 5.20 On the basis that the level of additional traffic would not have a severe impact on traffic and highways, and sufficient on-site parking can be achieved there are no objections to the scheme in transportation terms.
- 5.21 Local residents have mentioned the existing poor condition of the roads in the area and the speed of traffic through the village. The comment has stated that the Council has already been made aware of the situation and this is the correct course of action. Damaged roads and speeding vehicles need to be reported to the appropriate departments i.e. Street Care and the Police Authority.
- 5.22 A number of residents have stated that delivery vehicles to Doynton Mill cause issues for the residents of Mill Lane. It has been stated that large vehicles can get stuck in the narrow lane creating difficulties for residents accessing their properties and adding to pot holes in the road. It has been suggested delivery vehicles should not travel down Mill Lane but should use the access road off Rookery Lane which leads directly to Doynton Mill. Officers have investigated the possibility of an advisory sign being erected at the mouth of Mill Lane to direct any vehicles visiting Doynton Mill to the purpose built access lane off Rookery Lane a few metres to the north. This is, however, not something that can be conditioned under a planning application but the StreetCare Team are willing to discuss such proposal with residents and the Parish Council.

5.23 Public Rights of Way

The proposed development should not adversely affect the public right of way footpath LDN/15/30 that runs across the site as the proposed extra building and extension are to the rear of the building that houses Fieldgrove Engineering. As such there are no objections subject to an informative attached to the decision notice regarding keeping the right of way clear at all times.

5.24 Drainage

The applicant has acknowledged that part of the site of Fieldgrove Engineering lies within a designated flood risk zone of the River Boyd. However, the site rises significantly away from the river to the site of the proposed alterations. Details state that The Environment Agency's assessment of the present highest predicted flood level from the River Boyd is a level of 73.168 MAOD (metres above ordnance datum) whereas its assessment of the highest predicted future flood level is 73.618 MAOD.

5.25 Details provided in the flood risk assessment state the site of the proposed alterations is at a level of 74.75 MAOD. It is therefore above the risk levels identified by the Environment Agency and as such the site can be considered safe from the risk of flooding.

5.26 Impact on Equalities

The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society. As a result of that Act the public sector Equality Duty came into force. Among other things, the Equality Duty requires that public bodies to have due regard to the need to: eliminate discrimination; advance equality of opportunity; and, foster good relations between different groups when carrying out their activities.

5.27 Under the Equality Duty, public organisations must consider how they could positively contribute to the advancement of equality and good relations. This should be reflected in the policies of that organisation and the services it delivers.

5.28 The local planning authority is statutorily required to apply the Equality Duty to its decision taking. With regards to the Duty, the development contained within this planning application is considered to have neutral impact.

5.29 Other Matters

A number of matters raised from the consultation responses have not been addressed in the main body of this report. These will be considered below.

5.30 Local residents have commented on their experience of the Parish meeting. It has been pointed out that the applicant had been chairing the meeting but did not leave the room when his own application was being discussed. It is expected that all Parish Councils conduct themselves and any associated proceedings, according to the Model Code of Conduct.

### 5.31 Planning Balance

The proposal is for an extension to the existing factory and a purpose built unit containing 4 small units with Class Use B1c. The development has been judged appropriate in Green Belt terms, would not impact residential amenity, is acceptable in transportation and design terms. Given the above the proposal is considered to comply with adopted policy and can be recommended for

## 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: Core Strategy (Adopted) December 2013 and the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017 set out above, and to all the relevant material considerations set out in the report.

## 7. RECOMMENDATION

7.1 It is recommended 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. Hours of operation:

The hours of operation shall be restricted to:

Monday - Friday.....7:00am - 7:00pm

Saturday.....8:00am - 1:00pm

No working shall take place on Sundays or Public Holidays.

The term working shall, for the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the curtilage of site

Reason

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policy PSP8 of the South Gloucestershire Policies Sites and Places Plan (Adopted) November 2017; and the provisions of the National Planning Policy Framework.

3. Restrict to B1c use

The premises shall be used for those uses falling solely within Class B1c of the Town and Country Planning (Use Classes) Order 1987 (as amended) (or in any provision equivalent to the Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason

In the interests of visual amenity of the Green Belt, to protect the amenity enjoyed by those living in the locality and to ensure no adverse impact on highways all to accord with Policies PSP7, PSP8, PSP11 of the South Gloucestershire Policies Sites and Places Plan (Adopted) November 2017 and the provisions of the National Planning Policy Framework.

4. Parking

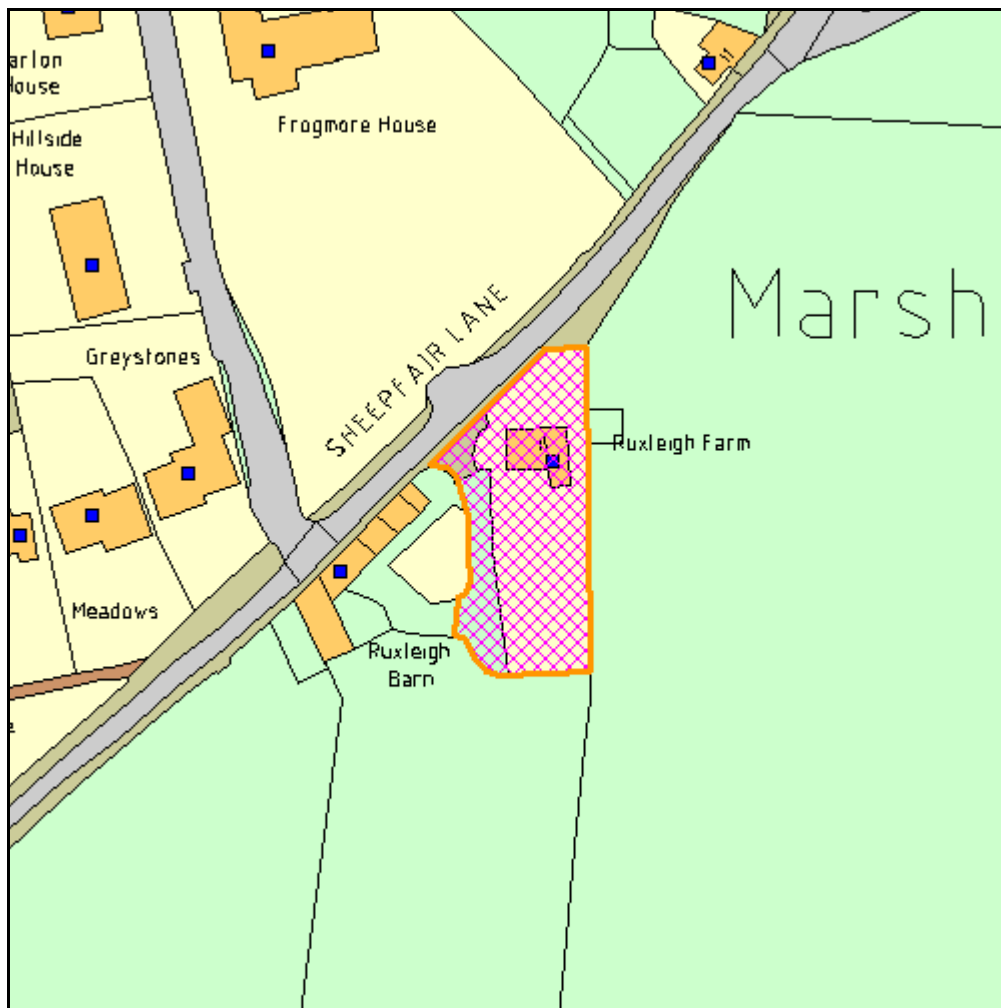
The off-street parking facilities (for all vehicles, including cycles) shown on the plan 2155 02B received on 29th March 2018 and thereby approved shall be provided before the building is first occupied, and thereafter retained for that purpose.

Reason

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

**CIRCULATED SCHEDULE NO. 14/18 – 6 APRIL 2018**

<b>App No.:</b>	PK18/0772/F	<b>Applicant:</b>	Mr And Mrs Caddick
<b>Site:</b>	Ruxleigh Farm Sheepfair Lane Marshfield Chippenham South Gloucestershire SN14 8NA	<b>Date Reg:</b>	16th February 2018
<b>Proposal:</b>	Erection of detached garage	<b>Parish:</b>	Marshfield Parish Council
<b>Map Ref:</b>	377801 173558	<b>Ward:</b>	Boyd Valley
<b>Application Category:</b>	Householder	<b>Target Date:</b>	12th April 2018



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PK18/0772/F

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

This application has been referred to the circulated schedule as comments of objection have been received. These are contrary to the officer recommendation and according to the current scheme of delegation, is required to be taken forward under the Circulated Schedule procedure.

### **1. PROPOSAL AND SITE DESCRIPTION**

- 1.1 This application relates to the erection of a detached garage at Ruxleigh Farm, Sheepfair Lane, Marshfield.
- 1.2 The application site consists of a large, detached dwelling set towards the front of a large plot. The application site is located within the Marshfield Conservation Area, the Cotswold Area of Outstanding Natural Beauty and the Bristol and Bath Green Belt.
- 1.3 The host site received permission in 2000 (PK00/1985/F) for the erection of a detached garage. A garage was partially built to foundation. However, it is not clear from the plans held for PK00/1985/F whether this proposal is identical and it cannot be assumed that PK00/1985/F was lawfully implemented. Therefore, in the interests of securing the appropriate permissions, the proposed garage should be subject to a new planning permission.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
National Planning Policy Framework March 2012

- 2.2 Development Plans

#### South Gloucestershire Local Plan Core Strategy Adopted December 2013

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

#### Policies, Sites and Places Plan Adopted November 2017

PSP1	Local Distinctiveness
PSP2	Landscape
PSP7	Development in the Green Belt
PSP8	Residential Amenity
PSP16	Parking Standards
PSP17	Heritage Assets and the Historic Environment
PSP38	Development within Existing Residential Curtilages
PSP43	Private Amenity Space Standards

- 2.3 Supplementary Planning Guidance

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

- (d) Landscape Character Assessment (Adopted) November 2014
- (e) Marshfield Conservation Area Advice Note, March 2004

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

- 3.1 PK17/4244/F – Approved - 12.12.2017  
Installation of 1no dormer and balcony to south elevation. Replacement roof to rear lean-to extension. Re-location of existing chimney and addition of chimney to south elevation. Repositioning of front porch.
- 3.2 PK03/2212/F – Refused - 01.10.2003  
Erection of detached garage/store and alterations to external layout and change of use of land to residential curtilage (Amendment to previously approved scheme PK00/1985/F).
- 3.3 PK02/0950/F – Refused - 09.05.2002  
Erection of detached garage and store. (Amendment to previously approved scheme PK00/1985/F)
- 3.4 PK00/2078/CA – Approved - 13.06.2001  
Demolition of obsolete agricultural building
- 3.5 P93/2228 – Approved - 22.06.1994  
Erection of two storey side and rear extensions to provide kitchen, dining room, drawing room and living room with two bedrooms above. Erection of front porch (in accordance with amended plans received by the council on 18 april 1994)
- 3.6 P93/1797 – Refused - 26.07.1993  
Erection of two storey side and rear extension to provide dining room, kitchen, utility room and drawing room with two bedrooms. Bathroom and ensuite above. Erection of single storey rear extension to provide a conservatory. Erection of double attached garage and front porch.
- 3.7 PK00/1985/F – Approved- 24.08.2001  
Conversion of barn to form 1 no. dwelling and erection of garage/store.

### **4. CONSULTATION RESPONSES**

- 4.1 Marshfield Parish Council  
No Objections

#### Archaeology

Although this is a sensitive archaeological site, the proposal is set to be built on an existing slab and therefore no ground disturbance is proposed. As such there is no archaeological objection.

#### Sustainable Transport

We note that this application seeks to erect a detached garage adjacent to Ruxleigh Farm which is located in Sheepfair Lane, Marshfield.

We understand that this will be used in conjunction with the adjoining residential property and it will be accessed from the existing driveway which will remain unchanged. We also understand that a garage at this location was previously been granted permission in 2000 but has not progressed beyond foundation level, so it is now proposed to complete the structure.

From the information provided it is not wholly clear whether this garage will comply with the Councils approved minimum dimensions of 6m x 3m. However, as a large area of hardstanding exists on the site, it will not prevent off-road parking should it not do so.

Therefore, we do not believe that this proposal raises any material highway or transportation issues and have no comments about this application.

#### Listed Building & Conservation Officer

The proposed garage by reason of scale and form would represent a harmful visual intrusion into the sensitive views to the south of the conservation area. Although it may be located within a residential curtilage, the massing silhouette of the garage would in effect extend built form to the south of the already substantial and extended dwellinghouse.

The views out from the south of the village towards the open countryside are considered to be of importance to the setting of the conservation area, as along with the rural landscape it provides, it also can be considered to be of historic interest as it helps retain the links with the agricultural heritage of the town. The rural setting is therefore an important component of the character of the village and this is the reason why the conservation area boundary extends to the south beyond the village hinterland out into the surrounding open fields. The Marshfield Conservation Area SPD highlights the need to preserve the rural setting of the village.

In these sensitive views to out to the south of the village, the visual impact of the proposal is that the garage would result in further suburbanisation of the rural landscape, which would be harmful to the significance of the designated heritage asset that it the Marshfield Conservation Area. This harm may be “less than substantial” in the context of paragraph 134 of the Framework, but in accordance with the Framework, when considering the impact of a proposal on a heritage asset, great weight should be given to the asset’s conservation. Paragraph 134 also expects any such harm to be weighed against a proposal’s public benefits.

The proposed scheme would therefore in my view fail to preserve or enhance the character or appearance of the Marshfield Conservation Area and so would fail the requirements of Section 72(1) of the Planning (Listed buildings and Conservation Areas) Act 1990, national guidance and local plan policies which includes the Marshfield Conservation Area SPD which was reviewed in 2002.

Planning permission should therefore be refused on that basis.

#### 4.2 Local Residents

Three letters of objection have been received, and have been summarised as follows

- Proposal encroaches into green belt contrary to guidelines
- The garage is not in accordance with the previously approved scheme
- The proposal should be built closer to the dwellinghouse

### 5. ANALYSIS OF PROPOSAL

#### 5.1 Principle of Development

The proposed development is established as acceptable in principle by PSP38 of the Policies, Sites and Places Plan which manages development within existing residential curtilages. However, due to the designations of the site, a number of other policies are relevant to how the application will be determined.

- 5.2 The concerns raised regarding the location of the proposal have been taken in to account. However the case officer considers the proposal falls within the residential curtilage of the host site.

#### 5.3 Green Belt

Policy CS5 and CS34 of the Core Strategy support the protection of the Green Belt from inappropriate development. The NPPF also attaches great importance to the Green Belt – with development in the Green Belt generally being considered inappropriate. However, there are limited categories of development within the Green Belt that are not considered to be inappropriate. One of the exception categories is the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces, as is set out in Paragraph 89 of the NPPF.

- 5.4 It is noted that the previously approved scheme was only partially built on site and that this proposal does not explicitly fall within any particular exception category. The case officer considers the erection of a detached garage to be reasonable development within a residential curtilage. Furthermore, the proposal would not result in greater harm to the openness of the green belt than that previously deemed acceptable under PK00/1985/F.

- 5.5 It is noted that the host dwelling has been extended through a number of previously approved extensions. The proposal is similar in scale, siting and design as previously approved scheme (PK00/1985/F). As the size of the host dwelling would not be significantly altered and the proposal is similar to this previously approved scheme, the proposal is considered to fall within the predefined exception category for development in the Green Belt. Therefore it is concluded that it would not be harmful to the purpose of or openness of the Green Belt at this point.

#### 5.6 Design and Visual Amenity

The proposed garage will have a width of approximately 4.5 metres, a depth of 12.4metres and a maximum height of 4.4metres. The proposal will feature a gabled roof and use materials that match the existing dwelling. The proposal will attach to an existing stone wall situated 18metres from the rear wall of the

- main dwelling. Planning consent was granted to erect a garage similar in design to the proposal but this was only ever partially built. This application will be erected upon the existing foundations currently present on site.
- 5.7 Submitted plans show the proposed material to be Cotswold stone and reclaimed terracotta roman tiles. In this respect it would have a similar appearance to many buildings (both dwellings and agricultural) in a rural setting, the case officer feels this material is considerate of the rural setting and draws upon local character and distinctiveness.
- 5.8 Overall the proposal respects the character of the site as well as being of an appropriate scale and proportion with the original dwelling and surrounding properties. Thus, the proposal accords with policies CS1 and CS9 of the Core Strategy and PSP2, PSP17 and PSP38 of the PSP Plan
- 5.9 Residential Amenity  
Policy PSP38 of the PSP Plan (November 2017) sets out that development within existing residential curtilages should not prejudice residential amenity through overbearing; loss of light; and loss of privacy of neighbouring occupiers.
- 5.10 The impact of the proposal on the residential amenity currently enjoyed by the occupiers of neighbouring properties has been considered. Due to the location of the garage, it is not considered that its erection would materially harm the residential amenity at any of the adjoining properties.
- 5.11 An objection was raised regarding the proposal not being in accordance with the previously approved scheme PK00/1985/F. Previously submitted plans show the siting of the garage to be approximately 17metres from the rear of the dwellinghouse, amended plans show a distance of 18metres. Whilst the concerns raised regarding the siting have been acknowledged, it is not considered that this would have a significant impact on the character and appearance of the proposal or the immediate locality. Overall, it is not considered that the proposed alteration would detract from the character or appearance of the host dwelling.
- 5.12 An objection was raised in regards to the positioning of the proposal, specifically that it should be located in closer proximity to the dwelling house. The case officer is mindful of these concerns, however, the siting falls within the residential curtilage of the dwelling house and the case officer believes the siting, scale and design to be considerate of neighbouring buildings.
- 5.13 On balance, it is not considered that the proposal would not give rise to any issues regarding overbearing, overshadowing or overlooking. Given the scale of the development, it is not considered that the implementation of the proposal would cause unacceptable disturbance to neighbours during the construction period. For the reasons outlined above, the proposal is considered to accord with policies PSP8 and PSP38 of the Policies, Sites and Places Plan

5.14 Heritage and Conservation

The proposal seeks consent for an erection of a single storey detached garage located within the Marshfield Conservation Area. The proposal will be independent of the existing dwelling house and attach to an existing stone wall to the south of the main dwelling.

5.15 The conservation officer's principal concern is that the proposal "would result in further suburbanisation of the rural landscape, which would be harmful to the significance of the designated heritage asset that is the Marshfield Conservation Area". This harm is to the visual amenity of the conservation area, and is less than substantial in nature. Applying the test in paragraph 134 the question is whether the public benefits of the proposal outweigh this less than substantial harm.

5.16 The case officer considers the erection of a detached garage to be reasonable development within a residential curtilage. Furthermore, the proposal is small in scale and sensitively designed to replicate adjacent buildings. Currently parked vehicles can be seen when approaching the property, this is detrimental to the visual amenity of the cottage. The erection of a detached garage is an efficient solution to this problem. Weight should also be attached to the planning history under which a very similar proposal was previously permitted.

5.17 Submitted plans show the proposed material to be Cotswold stone and random coursed rubble, this material matches the existing wall, the proposal will also use reclaimed terracotta roman tiles. In this respect it would have a similar appearance to many buildings (both dwellings and agricultural) in a rural setting, the case officer feels this material is considerate of the rural setting and draws upon local character and distinctiveness, on this basis there would be no harm and no adverse impact on the conservation area.

5.18 Overall the proposal respects the character of the site and the wider context in the AONB and conservation area. The harm identified by the conservation officer in relation to the development in the Marshfield conservation area is outweighed by the planning conditions set out above.

5.19 Sustainable Transport and Parking Provision

Currently parked vehicles can be seen when approaching the property from Sheepfair Lane, this is seen as detrimental to the visual amenity of the cottage. The erection of a detached garage will improve both visual amenity and parking provision on site and there are no objections on highways or transport grounds.

5.20 Equalities

The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society; it sets out the different ways in which it is unlawful to treat someone. As a result of this Act the public sector equality duty came into force. Among other things those subject to the equality duty must have due regard to: eliminate unlawful discrimination, harassment and victimisation; advance equality of opportunity and foster good relations between people who share a protected characteristic and those who do not. The general equality duty therefore requires organisations to consider how they could positively contribute to the advancement of equality and good relations.

It requires equality considerations to be reflected into the design of policies and the delivery of services.

With regards to the above this planning application is considered to have a neutral impact on equality.

## **6. CONCLUSION**

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

6.2 The recommendation to **approve** permission has been taken having regard to the policies and proposals in the development plan set out above, and to all the relevant material considerations set out in the report.

## **7. RECOMMENDATION**

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

**Contact Officer: Westley Little**  
**Tel. No. 01454 867866**

## **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).

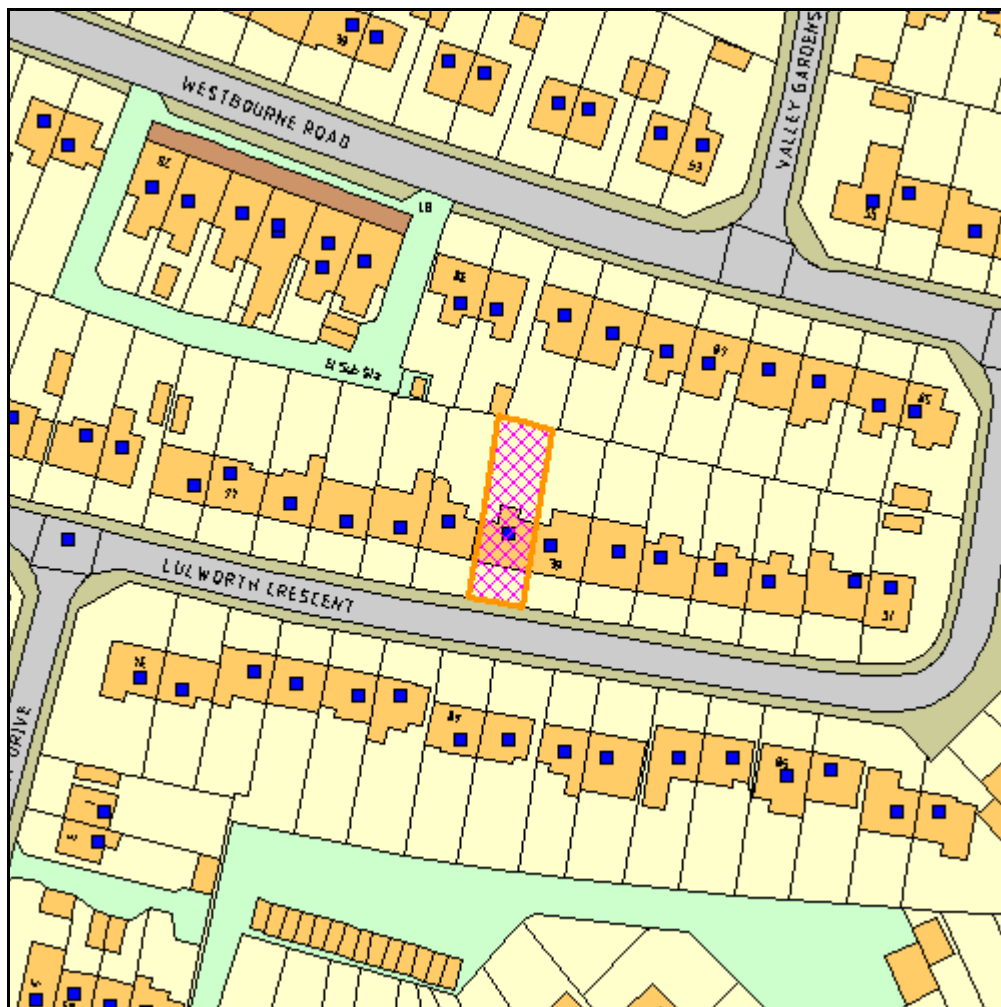
2. The proposal is to be constructed as per the details shown on approved plan drawing No. 3971-P-04A received on 15 February 2018.

Reason

In order that the development serves to preserve the architectural and historic interest in accordance with section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990; the National Planning Policy Framework; Policy CS9 of the South Gloucestershire: Core Strategy (Adopted) December 2013; and, Policy PSP17 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017.

**CIRCULATED SCHEDULE NO. 14/18 – 6 April 2018**

<b>App No.:</b>	PK18/0863/CLP	<b>Applicant:</b>	Mr & Mrs Anderson-Williams
<b>Site:</b>	37 Lulworth Crescent Downend Bristol South Gloucestershire BS16 6RZ	<b>Date Reg:</b>	26th February 2018
<b>Proposal:</b>	Installation of 1no. rear dormer.	<b>Parish:</b>	Emersons Green Town Council
<b>Map Ref:</b>	365771 177566	<b>Ward:</b>	Emersons Green
<b>Application Category:</b>	Certificate of Lawfulness	<b>Target Date:</b>	18th April 2018



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PK18/0863/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 installation of a rear dormer window to 37 Lulworth Crescent 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 (General Permitted Development) (England) Order 2015, Schedule 2, Part 1, Class B.

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 None Relevant

### **4. CONSULTATION RESPONSES**

#### **4.1 Local Councillor**

No comment received

#### **4.2 Emersons Green Town Council**

No objection

#### **Other Representations**

#### **4.3 Local Residents**

No comments received

### **5. SUMMARY OF EVIDENCE IN SUPPORT OF APPLICATION**

- 5.1 Site Location Plan  
Existing Elevations  
Proposed Elevations  
(Received by Local Authority 21 Feb 2018)

## 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. It should be noted that there is no restriction on permitted development rights at the subject property. As such permitted development rights are intact and exercisable.

6.3 The proposed development consists of the installation of a 1no rear dormer. This development would fall within Schedule 2, Part 1, Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015, which permits the enlargement of a dwellinghouse consisting of an addition or alteration to its roof. This allows dormer additions and roof alterations subject to the following:

### **B.1 Development is not permitted by Class B if –**

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

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

**(b) Any part of the dwellinghouse would, as a result of the works, exceed the height of the highest part of the existing roof;**

The height of the proposed dormer window would not exceed the highest part of the roof, and therefore the proposed development meets this criterion.

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

The proposed dormer window would be located to the rear of the property, and as such would not extend beyond any existing roof slope which forms a principal elevation of the dwellinghouse and fronts a highway. As such the proposal meets this criterion.

- (d) The cubic content of the resulting roof space would, as a result of the works, exceed the cubic content of the original roof space by more than –**
- (i) 40 cubic metres in the case of a terrace house, or**
  - (ii) 50 cubic metres in any other case**

The property is a semi-detached house and the proposal would result in an additional volume of no more than 50 cubic metres.

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

The proposal would include none of the above.

- (f) The dwellinghouse is on article 2(3) land**

The host dwelling is not on article 2(3) land.

**B.2 Development is permitted by Class B subject to the following conditions—**

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

Submitted plans confirm materials of similar appearance.

- (b) the enlargement must be constructed so that –**
- (i) other than in the case of a hip-to-gable enlargement or an enlargement which joins the original roof to the roof of a rear or side extension –**
    - (aa) the eaves of the original roof are maintained or reinstated; and**
    - (bb) the edge of the enlargement closest to the eaves of the original roof is, so far as practicable, not less than 0.2 metres from the eaves, measured along the roof slope from the outside edge or the eaves; and**
  - (ii) other than in the case of an enlargement which joins the original roof to the roof of a rear or side extension, no part of the enlargement extends beyond the outside face of any external wall of the original dwellinghouse; and**

The rear dormers would be approximately 0.4 metres from the outside edge of the eaves of the original roof respectively. Additionally, the proposal does not protrude beyond the outside face of any external wall of the original dwellinghouse.

- (c) any window inserted on 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.

Plans show no proposed side windows.

## 7. **RECOMMENDATION**

- 7.1 That a certificate of Lawfulness for Proposed Development is **granted** for the reasons listed below:

Evidence has been provided to demonstrate that on the balance of probabilities the proposed rear dormer falls within the permitted rights afforded to householders under Schedule 2, Part 1, Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015.

**Contact Officer:** Owen Hoare  
**Tel. No.** 01454 864245

**CIRCULATED SCHEDULE NO. 14/18 – 6 APRIL 2018**

**App No.:** PT17/5652/F

**Applicant:** Mr & Mrs Paddon

**Site:** The Chalet Thornbury Hill Alveston  
Bristol South Gloucestershire  
BS35 3LG

**Date Reg:** 28th December  
2017

**Proposal:** Erection of 2 no. detached dwellings  
and associated works

**Parish:** Alveston Parish Council

**Map Ref:** 363584 188590

**Ward:** Thornbury South  
And Alveston

**Application Category:** Minor

**Target Date:** 8th February 2018



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100023410, 2008.

**N.T.S.**

**PT17/5652/F**

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

This application has been **re-referred** to the circulated schedule at the behest of Councillor Matthew Riddle due to concerns a similar scheme PT16/2909/O on Old Gloucester Road, having been considered on its individual merits, was approved by the DC West Committee and following submission of a tree protection plan to overcome the Tree Officer's objection.

### **1. THE PROPOSAL**

- 1.1 This application seeks planning permission for the erection of 2no. detached dwellings on land to the front of The Chalet, Thornbury Hill, Alveston. Both buildings would be 3-bedroom, double height dwellings. The properties would have a modern appearance with asymmetrical roof lines, a mix of materials and large amounts of glazing on the eastern frontages of the buildings. While the site itself is presently laid to lawn, a former quarry within the grounds lies to the east so there is a significant change in levels. This, combined with extensive planting and stone walling marking the boundary with Alveston Hill, means the site is significantly screened from public views. The Chalet is a large detached Victorian house; it is accessed via a circular driveway.
- 1.2 Looking at the immediate local area, the site is characterised by its rural nature. Agricultural land bounds The Chalet grounds to the north but there are a few residential properties close to the site. The site is situated to the northeast of the village but feels separate from it in a collection of buildings of their own.
- 1.3 Turning to more general planning constraints, the site is located outside of any defined settlement and therefore falls into both the open countryside and the rural area of the district. An area wide Tree Preservation Order has been made on the site. This part of the district is also within the Bristol/Bath Green Belt.
- 1.4 Over the course of the application process, details of the proposed tree protection measures were submitted.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
National Planning Policy Framework March 2012

- 2.2 Development Plans

#### South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1	High Quality Design
CS4A	Presumption in Favour of Sustainable Development
CS5	Location of Development
CS8	Improving Accessibility
CS9	Managing the Environment and Heritage
CS15	Distribution of Housing
CS16	Housing Density
CS17	Housing Diversity
CS34	Rural Areas

South Gloucestershire Local Plan Policies, Sites and Places Plan Adopted November 2017

PSP1	Local Distinctiveness
PSP2	Landscape
PSP3	Trees and Woodland
PSP7	Development in the Green Belt
PSP8	Residential Amenity
PSP10	Active Travel Routes
PSP11	Transport Impact Management
PSP16	Parking Standards
PSP17	Heritage Assets and the Historic Environment
PSP20	Flood Risk, Surface Water and Watercourse Management
PSP38	Development within Existing Residential Curtilages
PSP40	Residential Development in the Countryside
PSP43	Private Amenity Space Standards

2.3 Supplementary Planning Guidance

South Gloucestershire Council adopted planning guidelines - Trees on Development Sites

Development in the Green Belt SPD (Adopted) 2007

Design Checklist SPD (Adopted) 2007

Residential Parking Standards SPD (Adopted) 2013

Landscape Character Assessment SPD (Adopted) 2014

CIL Charging Schedule SPD (Adopted) 2015

Waste Collection SPD (Adopted) 2015 (updated March 2017)

**3. RELEVANT PLANNING HISTORY**

3.1 PT17/0327/F

Erection of single storey extensions and alterations to facilitate conversion of 2no. barns to form 1no. dwelling with associated works. (amendment to previously approved scheme PT16/1881/F).

Approval

24.03.2017

3.2 PT16/6938/NMA

Non Material Amendment attached to planning permission PT16/1881/F to add 2 no. openable windows to the North elevation

Objection

23.01.2017

3.3 PT16/6548/F

Demolition of 2no. storage buildings and erection of 1no. replacement storage building (sui generis).

Approval

21.02.2017

3.4 PT16/1881/F

Erection of single storey extensions and alterations to facilitate conversion of 2no. barns to form 1no. dwelling with associated works.

Approval  
16.06.2016

- 3.5 PRE15/0801  
Conversion of existing outbuildings to form 3no. dwellings.  
02.10.2015
- 3.6 PT03/0031/F  
Erection of building to form design studios.  
Refusal  
12.02.2003
- 3.7 PT02/1126/F  
Erection of single storey rear extension to form indoor swimming pool.  
Approval  
20.05.2002
- 3.8 PT01/3110/F  
Erection of ground and first floor extensions and alterations including conversion of existing garage block to pool room and living accommodation with erection of first floor bedroom accommodation over and erection of double garage/workshop.  
Approval  
19.12.2001
- 3.9 PT01/0574/F  
Erection of two storey extension and minor alterations.  
Approval  
05.04.2001
- 3.10 N1372/3  
Conversion of existing house in multiple occupation into 2 self-contained units.  
Approval  
11.12.1975
- 3.11 N1372/2  
Erection of one detached house with double garage. Alteration of existing vehicular access. (Outline).  
Refusal  
12.06.1975

Reason 1:

The site is located within an unallocated area in the approved Development Plan within which it is intended that existing uses of land shall remain for the most part undisturbed and it is considered that the development of this site, which lies beyond the limit for development at Alveston, would be an undesirable departure from the provisions of the Plan.

3.12 N1372/1

Erection of one detached dwelling with double garage. Alteration of existing vehicular access. (Outline).

Refusal

12.06.1975

Reason 1:

The site is located within an unallocated area in the approved Development Plan within which it is intended that existing uses of land shall remain for the most part undisturbed and it is considered that the development of this site, which lies beyond the limit for development at Alveston, would be an undesirable departure from the provisions of the Plan.

Appeals: T/APP/5119/A/T5/11257

T/APP/5119/A/T5/41258

Dismissed

25.05.1976

3.13 N1372

Change of use from dwellinghouse, grounds and agricultural land (approximately 25.7 acres) to Country Club.

Refusal

10.07.1975

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

4.1 Alveston Parish Council

Objection:

- green belt location

4.2 Other Consultees

Highway Structures

No objection

Lead Local Flood Authority

Attach a condition requiring details of the Package Treatment Plant

Sustainable Transport

Attach conditions requiring details of the onsite one way system and electric car charging points and that the car and cycle parking arrangements are completed in accordance with submitted details

Highways England

No objection

Tree Officer

Attach a pre-commencement condition requiring compliance with the tree report and the tree protection plan, monitoring by the project arboriculturist and submission of a monitoring report

Archaeology Officer

No objection

Public Rights of Way

No objection

Landscape Officer

No objection

### **Other Representations**

#### **4.3 Local Residents**

1 letter of objection was received in relation to the following concerns:

- one-way access proposed would obstruct/prevent continued use of shared drive to neighbouring property, The Cote

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

5.1 This application seeks planning permission for the erection of 2 new dwellings in Alveston. The site is within an existing residential curtilage but outside of any defined settlement and within the green belt.

#### **5.2 Principle of Development**

The locational strategy for the district is set out in policies CS5 and CS34. Both of these policies seek to direct new residential development in the first instance to the existing urban and defined rural settlements. As the site is outside of a defined settlement, the proposal would conflict with the locational strategy. Certain forms of residential development that conflict with the general locational strategy may be considered. PSP40 identifies residential development that may be acceptable but limits this to: rural exception sites; rural workers dwellings; replacement dwellings; and, the conversion or reuse of existing rural buildings as dwellings. None of the above are proposed.

5.3 In terms of the appropriateness of the site for residential development, the application conflicts with the Development Plan and would normally be resisted (and be subject to other consideration, such as green belt). However, at present the authority cannot demonstrate a 5-year supply of deliverable housing land. As a result, settlement boundaries represent a restriction on development in accordance with paragraph 49 of the NPPF cannot be afforded full weight. Instead, the application should be assessed against the presumption in favour of sustainable development.

5.4 The presumption in favour of development is set out in paragraph 14 of the NPPF. In relation to decision-taking, the presumption has two sections to it. The first refers to timely decision taking where proposals accord with the development plan; this element does not apply here. The second element is used where the development plan is out of date. It is split into two limbs stating that planning permission should be granted unless – (1) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits of the

- proposal, or (2) that specific guidance in the NPPF indicates permission should be refused.
- 5.5 The first limb is referred to as the ‘tilted’ balance. When this is applied, the planning balance is tilted heavily in favour of planning permission being granted as the ‘test’ is whether the harm of development would *significantly* and *demonstrably* outweigh the benefit. The second limb is the more traditional approach to decision-taking where the impacts of development are balanced against the provisions of planning policy. Proposals would have to demonstrate that specific guidance in the NPPF, or indeed extant policies in the Development Plan, did not imply that planning permission should be refused before they could benefit from the tilted balance.
- 5.6 Therefore, the proposal must be assessed against specific policy in relation to the site constraints.
- 5.7 *Green Belt*  
The NPPF sets out national policy on Green Belts and is an important material consideration. The Government attaches great importance to Green Belts. Paragraph 87 of the Framework indicates that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. In local policy terms, the Green Belt policies of the Framework are broadly reflected in policies CS5 of the South Gloucestershire Core Strategy (Adopted 2013) and PSP7 of the South Gloucestershire Policies, Sites and Places Plan (Adopted 2017).
- 5.8 However, the Framework does set out exceptions to inappropriate development in its 89 and 90 paragraphs. These include limited infilling in villages, and limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), 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.
- 5.9 The applicant relies upon these exceptions in support of their case that the proposed development would not be inappropriate in the Green Belt as they consider that the proposal would constitute infilling in a “washed over” village. They also refer to case law in respect of *Julian Wood v SoS and Gravesham Borough Council* which found the term ‘village’ is not necessarily the same as a settlement boundary, and that there is a need to consider the facts ‘on the ground’. Additionally, it is contended that the proposal would not be inappropriate development because it is previously developed land. From this it follows that three questions arise. Firstly, whether the proposal would constitute limited infilling, and if so, secondly whether the site lies within a village; and, thirdly, whether the site is previously developed land.
- 5.10 On the first of these matters, given the scale of the development in this case, Officers agree that it is limited. In terms of ‘infill’, the applicant considers a definition is ‘*development that is small in scale and which fits into an existing built up area in a defined settlement boundary, normally in-between existing buildings, in a linear formation*’ (from the Council’s Green Belt SPD 2007).

However, the Council has a more up-to-date version in the Core Strategy, which states infill is filling in '*of a relatively small gap between existing buildings, normally within a built up area*' (from the Core Strategy). In the case of the re-determination of the Julian Wood appeal the parties agreed that a definition could reasonably be '*development of a gap in an otherwise built up frontage*'.

- 5.11 In this case, Officers agree that the application site is located between existing buildings and a recent permission (PT17/0327/F). Significant weight is attached to this 1 unit approval because, by virtue of its scale, it is considered it could be implemented and built out within 5 years. However, the site represents a large gap between these dwellings whichever direction, which in turn are mostly separated on either side from any obvious signs of built form. The site contributes to the fairly open character of this part of Thornbury Hill with the site formed mainly by a large grassed area. In this respect, due to the width of the gaps between existing developments either side of the application site, Officers do not consider that the proposal could reasonably be considered as infill in this case.
- 5.12 In terms of village, the application site is not contained within a defined settlement boundary. Furthermore, Officers saw during their site inspection that there is a clear visual break between the densely built-up area along the B4061 up to around the Ship Inn and somewhat further east along Old Gloucester Road, and the looser sporadic form of development in which the application site sits. This reinforces the distinction between these built up areas and the application site. Therefore, the facts on the ground in this case are that the application site does not lie within a village for planning policy purposes; either in terms of settlement boundaries and the facts on the ground. Accordingly, the proposal whilst limited in the form of two dwellings, would not represent infilling in a village.
- 5.13 In arriving at this view, Officers have taken into account the decisions referred to by the local councillor and the application (PT16/2909/O, PT16/4190/O) in which it was found that the proposals were for infill development within the village and thus not inappropriate development in the Green Belt. However, in both cases it was found that the proposals would infill along the Old Gloucester Road frontage and not cause ribbon development to encroach further into the open countryside. These cases may therefore be clearly distinguished between that before Officers. Moreover, whilst Officers have been provided with aerial photographs of the site it is the situation on the ground that is often the determining factor in decisions such as this.
- 5.14 On the question of whether the site is previously developed land, the application site is within the landscaped grounds of The Chalet. Although lawned and separated from The Chalet by the former quarry and a band of vegetation, Officers have not been presented with evidence that it has been used for any other purpose other than private residential garden. The judgement in *Dartford BC v SSCLG* has confirmed that private residential gardens that are located outside of built up areas, as with the application site, are not excluded from the definition of previously developed land.

Taking all these matters into account, Officers therefore find that the application site constitutes previously developed land.

- 5.15 In terms of openness of the Green Belt, it is clear from the submitted plans and virtual models that the currently open site which is devoid of any substantial built form, other than the recently approved barn conversion (PT17/0327/F) to the southeast, would be lost through the erection of 2no. four bedroom, two storey dwellings. Furthermore, the proposal would see the formation of garages and areas of hardstanding for parking and access off the driveway, and it is very likely that the proposal would result in domestic paraphernalia such as washing lines and patios for example; all of which would further erode openness. Accordingly, the proposed development would result in the loss of the open nature of the site and significantly erode the openness of the Green Belt. The proposal would therefore have an adverse impact on the openness of the Green Belt.
- 5.16 As the proposal does not fall into one of the exceptions listed in paragraphs 89 and 90 of the Framework, the proposal would be inappropriate development as defined by the Framework. No very special circumstances have been put forward to justify the development. Accordingly, the proposal would be contrary to policies CS5 and PSP7, and those of the Framework, which amongst other aims cited, seek to maintain the national and local planning purposes of the Green Belt. Furthermore, given that specific Green Belt policies in the Framework indicate that in such areas development such as that proposed should be restricted, this is a matter on which substantial weight must be placed when reaching the conclusion.
- 5.17 Any outstanding material considerations will now be considered below.
- 5.18 Character, Appearance and Landscape  
The Chalet is a large detached house standing towards the back of a generous sized plot. The pedestrian and vehicular access is via a looped drive from Thornbury Hill. This leads to a parking and turning area to the front of the dwelling. The rest of the front garden is mostly laid to lawn with trees and shrub planting. A former quarry borders the house to the south. Beyond, accessed from a long spur encompassing the disused quarry, is a large manicured grassed area on which the proposed dwellings would be sited. This spur would also provide access to the barn conversion.
- 5.19 Thornbury Hill is a busy road with a rural feel which is enhanced by the grass verges, stone walling and large gardens of nearby properties. These are generally large, detached and set back from the highway within their generous and spacious plots. Many have been extended over time and are now substantial dwellings. The existing property on the application site is well-screened from the public highway by several trees, hedges and shrubs and some distance away. However, adjacent to the application site is a public footpath which runs along its western boundary. A large stone wall marks this boundary. But this, combined with the significant change in levels (due to the former quarry), does limit public views to an extent.

- 5.20 The contemporary design of the proposed dwellings and use of materials would introduce an alternative architectural style into the area which would be marked contrast to the larger, more conventional and traditional styles which exist. However, the locality does have a diverse mix of individually designed properties as well as a varied palette of materials. As such, dwellings such as the proposed scheme would follow that particular characteristic and, in this assessment, have a positive effect on the local character and appearance. The detached dwellings would be set back in their plots but much closer to the public highway than the existing property. They would be aligned with the nearby barn conversion to the southeast to create an established building line. Their size, scale and bulk would be similar to this neighbouring property and, as such, they would not have a significantly adverse effect on the streetscene.
- 5.21 The first impression of the proposal from the submitted drawings was that the proposed dwellings would appear overly complex, disjointed and are out of keeping with the area, particularly with their shallow roofslopes. Whilst their contemporary design would not be entirely consistent with the traditional style of existing dwellings, the individuality of the dwellings does come through in the visual depictions and would be something which would complement the recently permitted barn conversion on site. However, although all the external materials proposed are evident on other properties in the vicinity, Officers are not persuaded that the red brickwork would harmonise with the timber cladding and stonework, as the colour is quite different. It is considered that using only timber cladding at first floor would be more appropriate and compatible with the stonework, especially as it mellows with age. If approved, the use of this material could be imposed by condition and it is considered such a condition would be reasonable given such contrasting and contemporary buildings should achieve a high quality design.
- 5.22 Regard has been had to the proximity to and amount of built form proposed adjacent to the footpath. Although the dwellings would be positioned closer to the site boundary than the existing property, it is considered only a small amount of the rear elevations and roofscapes of the dwellings would be publically visible due to their design and the much lower ground level. This would limit any adverse visual effect of the proposal on the area. In addition, the proposed site plan submitted in the design and access statement indicates new screen planting to the road frontage and the barn conversion. As a result the proposed development would be even less visible from Thornbury Hill. To ensure sufficient detail, it is therefore considered reasonable to secure a detailed landscaping scheme by condition.
- 5.23 Accordingly, there is scope for some appropriate architectural innovation in the area without causing significant harm to its character and appearance. There would be sufficient quality within the design of the proposed development to reflect the wider context and local distinctiveness of the area, in terms of scale, size and bulk. The plots would be sufficiently large to ensure that each dwelling would sit comfortably within it and they would reflect a similar relationship between the barn conversion and its respective plot. The visual effect of the scheme, particularly from public vantage points, would be limited due to its design, position, existing boundary treatment and the proposed landscaping.

- 5.24 Consequently, Officers find that the proposed development, by reason of its size, scale, bulk, contemporary design and use of materials would not have a detrimental effect on the streetscene of Thornbury Hill and cause no significant harm to the character and appearance of the locality.
- 5.25 Residential Amenity  
Development should not be permitted that has a prejudicial impact on residential amenity. The proposed dwellings would have adequate access to outdoor amenity space and would not result in an adverse impact on nearby occupiers. If approved, a condition would be imposed in relation to boundary treatment to ensure the development was in-keeping with its rural setting. In this regard the development is acceptable.
- 5.26 Highways and Transport  
With highway considerations there are two main aspects: access to the site and the provision of appropriate parking.
- 5.27 With regard to sustainability, the site is reasonably well located in terms of walking and cycling distances to local facilities and services in Alveston and Thornbury. There is a half hourly bus service departing from stops approximately 400m to the south which provides access to Patchway and Bristol city centre. As such the proposal accords with the sustainability criteria set out in policy PSP11.
- 5.28 There are two existing accesses to the development land. The southern access has adequate visibility provision, however the northern access has restricted visibility to the north. An “in” via the north access and “out” via the south access was previously agreed for an earlier development adjacent to this site (PT16/1881/F) and subsequently secured by conditions. A condition is suggested to secure the same arrangement on this application.
- 5.29 Concern has been raised regarding potential conflict between users of the one-way system as a consequence of an existing access off to a neighbouring property, The Cote. The applicant has included both accesses in the red line boundary and proposed the one way circuit because of the limited visibility to the right from the northern access. This arrangement was previously conditioned on application PT17/0327/F. Residents at The Cote would still have access to Thornbury Hill which although not in the same way as before would be better in terms of the visibility available at the southern access being greater than that available at the northern access.
- 5.30 If for some legal reason the condition could not be met and the change in access arrangements could not be provided as proposed then the applicant would have to put forward an alternative access arrangement.
- 5.31 If the northern access is ever intended for both access and egress then it would need to be demonstrated that adequate visibility splays can be provided within the application site or on the adopted highway. This would require a speed survey of approaching traffic coming up the hill at approximately 50m from the access. This would need to be carried out in accordance with the nation standard which is DMRB TA 22/81. The visibility splay required would be that

commensurate with the 85<sup>th</sup> percentile speed of traffic (85 percent of vehicles travel at or below this speed). The splays would need to be in either within the application site or within the adopted highway.

- 5.32 Vehicles would also need to pass one another at each access and within the site and a revised access plan would need to show this. Passing bays would need to be a minimum of 6m long plus 2m tapers and a width of 4.8m.
- 5.33 Turning to parking. A double garage plus two outside car parking spaces are to be provided for each dwelling. This will also provide adequate storage space for cycles and therefore accords with the Council's residential car and cycle parking standards.
- 5.34 If permission were granted, in addition to the condition mentioned above, in the interests of highway safety, a condition restricting the occupation of the development would be necessary with regard to the ensuring the car and cycle parking arrangement is constructed in compliance with approved plans before being made available for use. Also, there would be a need for a condition to secure the installation of electric car charging points or facilities for other ultra-low emission vehicles, in the interests of sustainable transport.
- 5.35 Trees  
The whole site is protected by a Tree Preservation Order. In response to initial Officer concerns that the information to hand was inadequate to allow proper assessment of the proposal impact, the applicant has submitted a tree protection plan. It is considered that this plan, together with the submitted tree report, sets out satisfactory tree protection measures but it would be necessary to secure, through appropriate planning conditions, a monitoring visit together with submission of a report with photographs to ensure that the measures have been implemented in the manner as set out in the submitted tree documents prior to any development commencing.
- 5.36 Drainage  
The site is in an area where there is no public foul sewers available. A Package Treatment plant is specified but its location is not shown and the method of irrigation for the effluent overflow is not indicated. A percolation test for discharge to the proposed soakaway is also necessary, as well as an 'Environmental Permit' from the Environment Agency and Building Regulation approval. However, the Council's Drainage Engineer considers these issues relating to foul and surface water drainage could all be dealt with satisfactorily by means of conditions.
- 5.37 Impact on Equalities  
The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society. As a result of that Act the public sector Equality Duty came into force. Among other things, the Equality Duty requires that public bodies to have due regard to the need to: eliminate discrimination; advance equality of opportunity; and, foster good relations between different groups when carrying out their activities.

- 5.38 Under the Equality Duty, public organisations must consider how they could positively contribute to the advancement of equality and good relations. This should be reflected in the policies of that organisation and the services it delivers.
- 5.39 The local planning authority is statutorily required to apply the Equality Duty to its decision taking. With regards to the Duty, the development contained within this planning application is considered to have neutral impact.
- 5.40 Planning Balance  
The Council accepts that, for the purposes of this application, a five year supply of deliverable housing land, as required by the NPPF, cannot be demonstrated. In such circumstances, Paragraph 49 of the Framework advises that relevant policies for the supply of housing should not be considered to be up-to-date. Paragraph 14 says that where development plan policies are out-of-date permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, or where specific policies in the Framework indicate that development be restricted.
- 5.41 Examples of such specific policies in Footnote 9 include Green Belt locations. In essence, given specific Framework policies indicate that development should be restricted, that alone effectively disengages the so called 'tilted' Paragraph 14 balance.
- 5.42 Officers have also found that the development proposed would conflict with the locational strategy for the district as set in the current development plan. However, only limited weight can be afforded to that conflict given the lack of five year supply of deliverable housing land.
- 5.43 In support of the proposal, the provision of new housing at a time of pressing need is a benefit, although the weight Officers afford that is tempered to some extent by the small number of dwellings that are proposed on this site. The development would also support construction jobs and the spending powers of future residents could assist the vitality of the rural community. Again, however, the benefits to the construction industry would be time limited and there is no substantiated evidence to suggest that local facilities such as they are, are struggling and would thus benefit significantly from increased patronage. Thus, these benefits are of moderate weight.
- 5.44 For the above reasons, and having regard to all other matters raised, Officers conclude that the combined benefits in this case, do not outweigh the adverse impacts that have been identified and the presumption in favour of sustainable development does not apply. Consequently, Officers conclude that the application should not succeed.

## **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 development plan set out above, and to all the relevant material considerations set out in the report.

## **7. RECOMMENDATION**

- 7.1 It is recommended that planning permission is REFUSED for the reasons listed below.

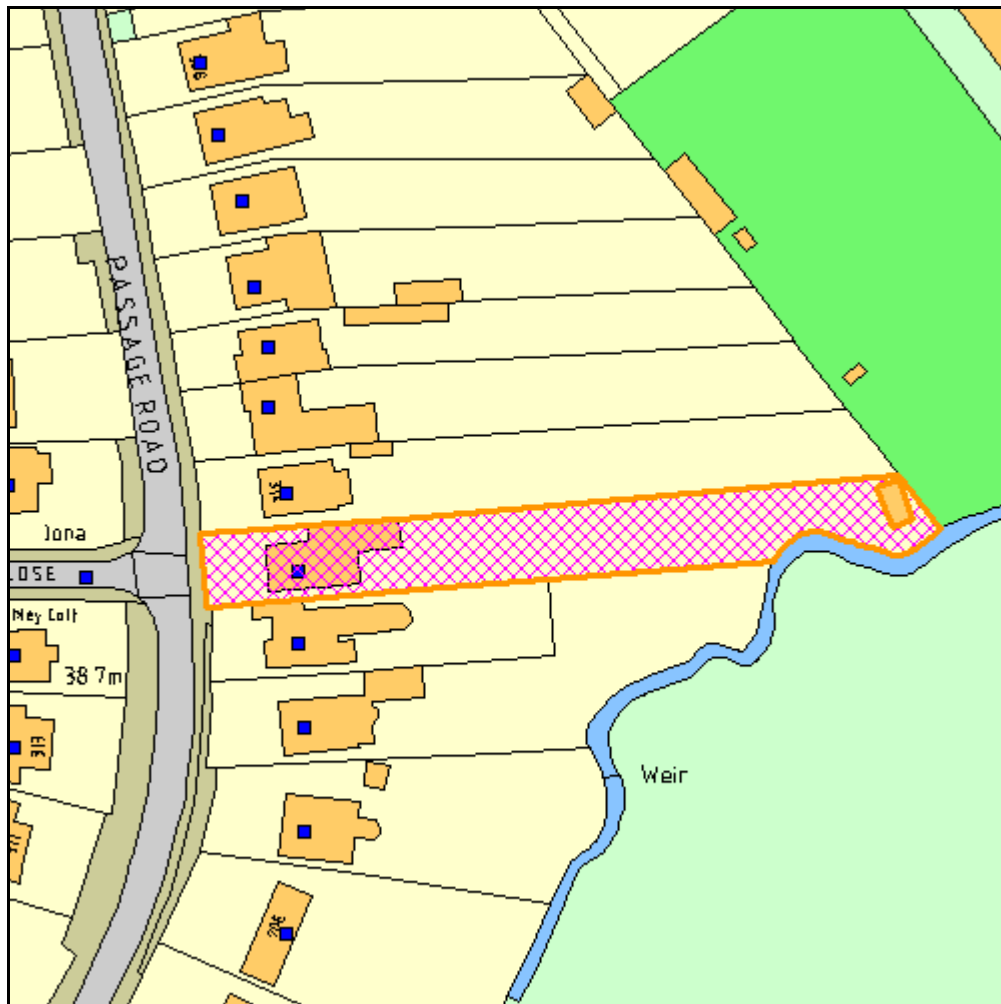
**Contact Officer: Helen Braine**  
**Tel. No. 01454 863133**

## **REASONS FOR REFUSAL**

1. The site is located within the Bristol/Bath Green Belt and the proposal does not fall within the limited categories of development considered appropriate within the Green Belt. No very special circumstances have been advanced by the applicant that would demonstrate the normal presumption against development within the Green Belt should be overridden or that the proposal would not result in any other harm. The proposed development cannot therefore be considered sustainable development and if permitted would be contrary to Policy CS5 and CS34 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013; Policy PSP7 of the South Gloucestershire Local Plan Policies, Sites and Places Plan (Adopted) November 2017; the Development in the Green Belt SPD (Adopted) May 2007; and the provisions of the National Planning Policy Framework March 2012.

## CIRCULATED SCHEDULE NO. 14/18 – 6 APRIL 2018

<b>App No.:</b>	PT18/0341/F	<b>Applicant:</b>	Mr And Mrs Hope
<b>Site:</b>	312 Passage Road Almondsbury Bristol South Gloucestershire BS10 7TE	<b>Date Reg:</b>	13th February 2018
<b>Proposal:</b>	Erection of two storey rear extension, alterations to roofline and installation of 1no front dormer to form additional living accommodation. Installation of 1no chimney.	<b>Parish:</b>	Almondsbury Parish Council
<b>Map Ref:</b>	357060 180111	<b>Ward:</b>	Patchway
<b>Application Category:</b>	Householder	<b>Target Date:</b>	6th April 2018



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PT18/0341/F

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

The application is referred to the Circulated Schedule as representation has been received by a neighbouring occupier which is contrary to the Officer's recommendation.

### **1. THE PROPOSAL**

- 1.1 The application seeks planning permission for the erection of a two storey rear extension, alterations to the roofline and installation of 1no front dormer and 1no chimney at 312 Passage Road, Almondsbury.
- 1.2 The application site consists of a detached bungalow located within the established residential area of Almondsbury.
- 1.3 During the course of the application, amendments to the proposal were sought which were provided by the agent on 21/03/18.

### **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  
CS4a Presumption in Favour of Sustainable Development  
CS5 Location of Development

South Gloucestershire Local Plan Policies, Sites and Places Plan (Adopted) November 2017

PSP1 Local Distinctiveness  
PSP8 Residential Amenity  
PSP11 Transport  
PSP16 Parking Standards  
PSP38 Development within Existing Residential Curtilages  
PSP43 Private Amenity Standards

#### 2.3 Supplementary Planning Guidance

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

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

- 3.1 P87/2628  
Construction of pitched roofs to replace existing flat roofs to rear and side extensions.  
Approved: 18<sup>th</sup> November 1987

- 3.2 P85/2612  
Erection of flat-roofed single storey rear extension to form kitchen, dining room and utility room.  
Approved: 15<sup>th</sup> January 1986

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

- 4.1 Almondsbury Parish Council  
No comments received.
- 4.2 Sustainable Transport  
No objection
- 4.3 Lead Local Flood Authority  
No objection
- 4.4 Archaeology  
No comment

#### **Other Representations**

- 4.5 Local Residents  
1no objection comment received, summarised as follows:
- Proposed south elevation first floor window would result in loss of privacy.
  - Proposed balcony would result in loss of privacy of conservatory area.
  - Proposed south elevation wall would result in loss of light.

*These concerns will be addressed within the subsequent sections of the report.*

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

- 5.1 Principle of Development  
Policy PSP38 of the PSP Plan (November 2017) allows the principle of development within residential curtilages, subject to considerations of visual amenity, residential amenity and highway safety. Furthermore, Policy 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  
The proposed development consists of a two storey rear extension to include a balcony; alterations to the roofline and installation of a front dormer window; and the installation of a chimney.

5.3 *Two storey rear extension*

The proposed development would extend at a first floor level above the existing kitchen/dining area to facilitate a master bedroom with ensuite; it would extend from the rear of the property by approximately 3 metres and would include a rear balcony area serving the master bedroom, approximately 2.6 metres in depth. The extension would not be visible from the public realm.

5.4 *Alterations to roof and front dormer*

The existing hipped roof of the main dwelling would be replaced with a slightly inversed pitched roof, of which the ridge height would only be approximately 0.5 metres higher than the existing roof. The principal elevation of the subject property would include a sloped roof to give the impression of a dual pitched roof when viewing the property from the public highway. Although this is an unusual design, it is not considered to be unacceptable as the ridge height would only be increased minimally and the surrounding area is comprised of a variety of different housing styles. The proposed front dormer would be modest in size and consist of a flat roof. It would extend from the roof by approximately 2.5 metres, would be approximately 1.7 metres in height and approximately 3.3 metres in width. Similar front dormers can be found on properties in the immediate surrounding area.

5.5 *Chimney*

The proposed chimney consists of a log burner flue which would be modest in size and would sit on the north elevation. This is deemed to be acceptable in terms of design and visual amenity.

5.6 *Materials*

The existing dwelling consists of white rendered elevations, white metal windows and double roman clay roof tiles. The materials to be used in the external finish of the proposal include, beige rendered elevations, Redlands plain black roof tile and white aluminium or UPVC windows. The elevations and windows are similar in style to the existing property and this style of roof tile can be found on the neighbouring dwelling at no.308. Therefore, the proposed materials are deemed to be acceptable.

5.7 *Cumulative Impact*

Although the proposal is fairly untypical in design, it is not considered to be out of keeping as the area is defined by different house types and designs with no particular design prevalent. Furthermore, it is considered to be of an appropriate size and scale for the host dwelling and its context. Therefore, it is considered that the proposed development would not be detrimental to the character of the host dwelling or surrounding area and is of an acceptable standard of design. As such, the proposal is deemed to comply with policy CS1 of the Core Strategy (December 2013).

5.8 Residential Amenity

Policy PSP8 of the PSP Plan (November 2017) sets out that development within existing residential curtilages should not prejudice residential amenity through overbearing; loss of light; and loss of privacy of neighbouring occupiers.

- 5.9 Concerns were raised by the neighbouring occupier at no.310 Passage Road relating to loss of privacy and loss of light. The subject property sits to the north of the neighbouring property and it is therefore considered that the proposal would not materially change the existing levels of light afforded to the neighbouring occupier. The concerns relating to loss of privacy have been addressed by the applicant with revised plans, all first floor windows on the south elevation would be obscure glazed and either fixed or configured to open in a westerly direction. This is considered by the officer to overcome the issues of overlooking into the neighbours kitchen area. The proposed rear balcony would include an obscure glazed privacy screen on the south elevation, approximately 1.8 metres in height. This is considered by the Officer to mitigate the concerns of overlooking onto the neighbours conservatory and would therefore not result in a loss of privacy to such a degree as to warrant refusal. It is considered that the balcony would not significantly impact the privacy of the neighbours to the north as views are screened by an existing roof. Furthermore, although the neighbouring occupiers are bungalows due to the siting and scale of the proposal it is not considered to be overbearing.
- 5.10 The proposal will occupy additional floor space, however the property benefits from a large rear garden. As such, it is considered sufficient private amenity space will remain following development.
- 5.11 It is not considered the proposed roof alterations, front dormer window or log burner flue would result in any negative impact to the residential amenity of surrounding properties.
- 5.12 Overall, given the scale and location of the proposed development, together with the design alterations the proposal will not result in an unacceptable impact on the residential amenity of its neighbouring occupiers or the host dwelling. Therefore, the development is not considered to be detrimental to residential amenity and is deemed to comply with Policy PSP8 of the PSP Plan (November 2017).
- 5.13 Sustainable Transport and Parking Provision  
The application is proposing an increase in bedroom numbers from four to six; South Gloucestershire Council Residential Parking Standards state a property with five or more bedrooms must provide a minimum of three off-street parking spaces. From a site visit it was observed the subject property benefits from a large gravel driveway at the front of the property with space for three vehicles. This would not be altered by the proposal and as such adequate parking would be provided. This is deemed to comply with the Council's Parking Standards and therefore no objection is raised in terms of transportation. The Sustainable Transport Officer had no objections but advised the driveway should be created from a bound permeable surface to avoid gravel being dragged onto the highway, an informative will be included on the decision notice to advise the applicant.
- 5.14 Equalities  
The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society; it sets out the different ways in which it is unlawful to treat someone. As a result of this Act the public sector equality duty

came into force. Among other things those subject to the equality duty must have due regard to: eliminate unlawful discrimination, harassment and victimisation; advance equality of opportunity and foster good relations between people who share a protected characteristic and those who do not. The general equality duty therefore requires organisations to consider how they could positively contribute to the advancement of equality and good relations. It requires equality considerations to be reflected into the design of policies and the delivery of services.

With regards to the above this planning application is considered to have a neutral impact on equality.

## **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 development plan set out above, and to all the relevant material considerations set out in the report.

## **7. RECOMMENDATION**

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

**Contact Officer: James Reynolds**  
**Tel. No. 01454 864712**

## **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 first floor glazing on the south elevation shall at all times be of obscured glass to a level 3 standard or above as indicated on the plans hereby approved.

Reason

To protect the privacy and amenity of neighbouring occupiers, and to accord with Policy PSP8 of the South Gloucestershire Local Plan: Policies Sites and Places Plan (Adopted) November 2017; and the National Planning Policy Framework.

3. The balcony shall not be used until the privacy screen shown on the North & South Elevations Plan A411 Rev B received by the Council on 21st March 2018 is complete.

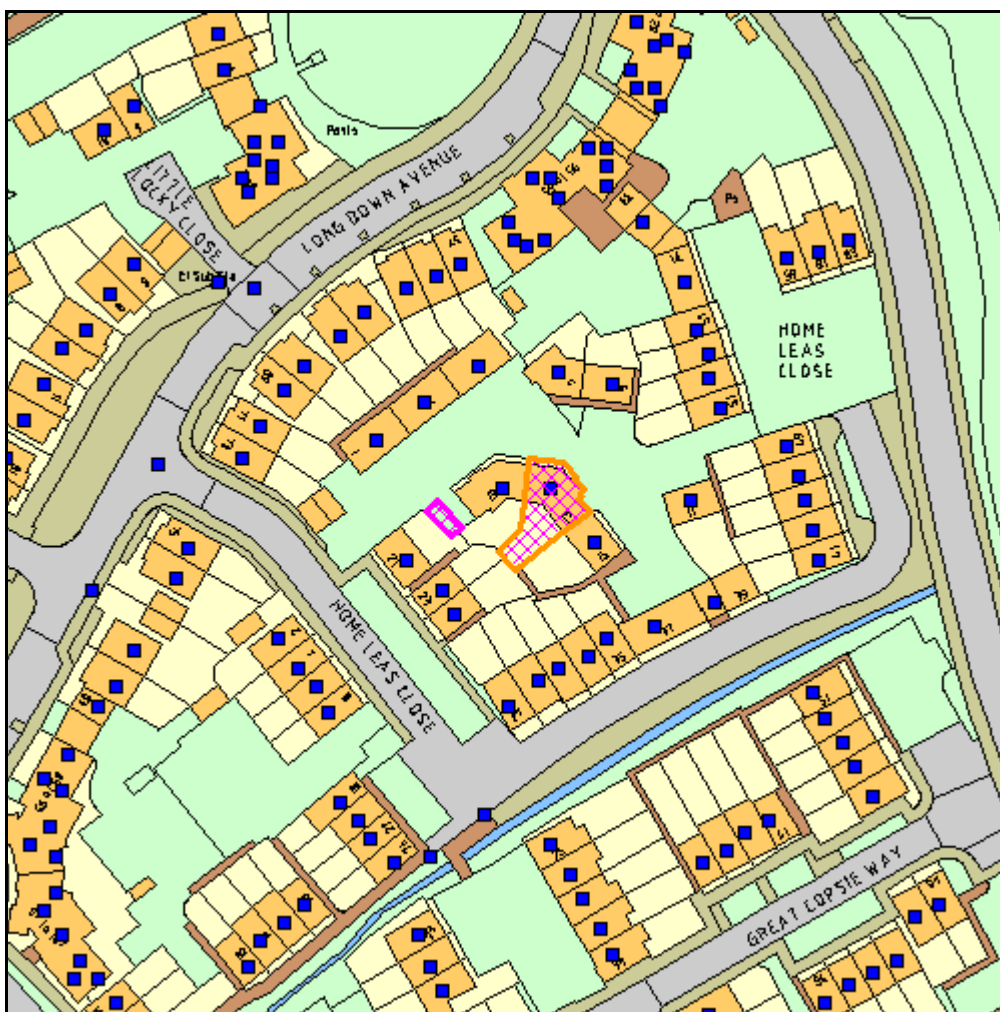
This privacy screen should be constructed of obscured glass to a level 3 standard or above and be retained thereafter for that purpose.

Reason

To protect the privacy and amenity of neighbouring occupiers, and to accord with Policy PSP8 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017; and the National Planning Policy Framework.

## CIRCULATED SCHEDULE NO. 14/18 – 6 APRIL 2018

<b>App No.:</b>	PT18/0754/PDR	<b>Applicant:</b>	Pratt
<b>Site:</b>	17 Home Leas Close Stoke Gifford Bristol South Gloucestershire BS16 1FL	<b>Date Reg:</b>	19th February 2018
<b>Proposal:</b>	Conversion of existing attached garage into additional living accommodation.	<b>Parish:</b>	Stoke Gifford Parish Council
<b>Map Ref:</b>	361212 177990	<b>Ward:</b>	Frenchay And Stoke Park
<b>Application Category:</b>	Householder	<b>Target Date:</b>	13th April 2018



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PT18/0754/PDR

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

- 1.1 The applicant seeks full planning permission for the conversion of an existing garage to provide additional living accommodation.
- 1.2 The property site relates to two storey semi/garage link dwelling that is located within the settlement boundary and built up residential area of Stoke Gifford.

2.1 National Guidance  
National Planning Policy Framework  
National Planning Policy Guidance

CS1 High Quality Design  
CS4a Presumption in Favour of Sustainable Development  
CS5 Location of Development

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

South Gloucestershire Design Checklist (Adopted) 2007  
Residential Parking Standards (Adopted) 2013

3.1 PT07/1715/RM Approved 05.11.2007  
Erection of 100 dwellings with car parking, landscaping and associated works  
(Approval of Reserved Matters to be read in conjunction with Outline Planning  
Permission PT04/0684/O).

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- 3.2 PT04/0684/O Approved 02.11.2005  
Residential development at a density of 50 units per hectare overall across the site together with supporting infrastructure and ancillary facilities.

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

- 4.1 Stoke Gifford Parish Council  
Objection due to parking issues.

Sustainable Transport

Objects due to loss of parking. Without adequate vehicular parking this development is likely to lead to additional on-street parking which will cause congestion and hazards for other road users.

#### **Other Representations**

- 4.2 Local Residents  
None received.

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

- 5.1 Principle of Development  
PSP38 of PSP Plan (Adopted November 2016) allows the principle of extensions and alterations within residential curtilages, subject to considerations of visual amenity, residential amenity and highway safety. Furthermore, Policy 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  
The host dwelling is a semi-detached/garage link property in a modern development. The host dwelling is two storey with a gabled roof and attached garage.
- 5.3 The development proposed is to convert the attached garage into living accommodation. The only external change is to remove the garage door and replace it with a window with render below.
- 5.4 In view of the heavily mixed residential feel of the area, it is considered that the proposal would not be detrimental to the character of the property or its context. Thus, the proposal is acceptable in terms of design and visual amenity, and would comply with policy CS1 of the Core Strategy.
- 5.5 Residential Amenity  
PSP38 of the Policies, Sites and Places Plan (Adopted November 2017) sets out that development within existing residential curtilages should not prejudice residential amenity through overbearing; loss of light; and loss of privacy of neighbouring occupiers.

- 5.6 The addition of a ground floor window in this location is not thought to impact on residential amenity any more than the existing ground floor windows on the host dwelling
- 5.7 When considering the existing boundary, combined with the siting and scale of the proposal. The proposal would not appear overbearing or such that it would prejudice existing levels of outlook or light afforded to neighbouring occupiers. Therefore, the development is not considered to be detrimental to residential amenity and is deemed to comply with saved PSP38 of the Policies, Sites and Places Plan (Adopted November 2017)
- 5.8 Transport  
The transport officer and the parish council have objected to this application on transport grounds, stating that the removal of 1no. parking space would increase the need for on street parking, and without adequate vehicular parking this development is likely to lead to additional on-street parking which will cause congestion and hazards for other road users.
- 5.9 It should be noted that there is no condition restricting the use of the garage for purposes other than the garaging of private motor vehicles. This would mean that the applicant is already able to convert the room into living accommodation without the need for an application. The only permitted development rights removed relate to the Town & Country Planning (General Permitted Development) Order, Part 1 Classes B (additions etc to the roof of a dwellinghouse) and D (porches), and Part 2 Class A (gates, fences, walls etc). Therefore, it is not considered suitable for the application to be refused on transport grounds, as the garage could otherwise be converted without the need for an application.
- 5.10 Equalities  
The Equality Act 2010 protects people from discrimination in the workplace and in wider society. As a result of this Act the public sector equality duty came into force. Among other things those subject to the equality duty must have due regard to: eliminate unlawful discrimination, harassment and victimisation; advance equality of opportunity; and foster good relations between people who share a protected characteristic and those who do not. The general equality duty therefore requires organisations to consider how they could positively contribute to the advancement of equality and good relations. It requires equality considerations to be reflected into the design of policies and the delivery of services.

With regards to the above this planning application is considered to have a neutral impact on equality.

## **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 development plan 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 condition(s) attached to the decision notice.

**Contact Officer: Owen Hoare**  
**Tel. No. 01454 864245**

## **CONDITIONS**

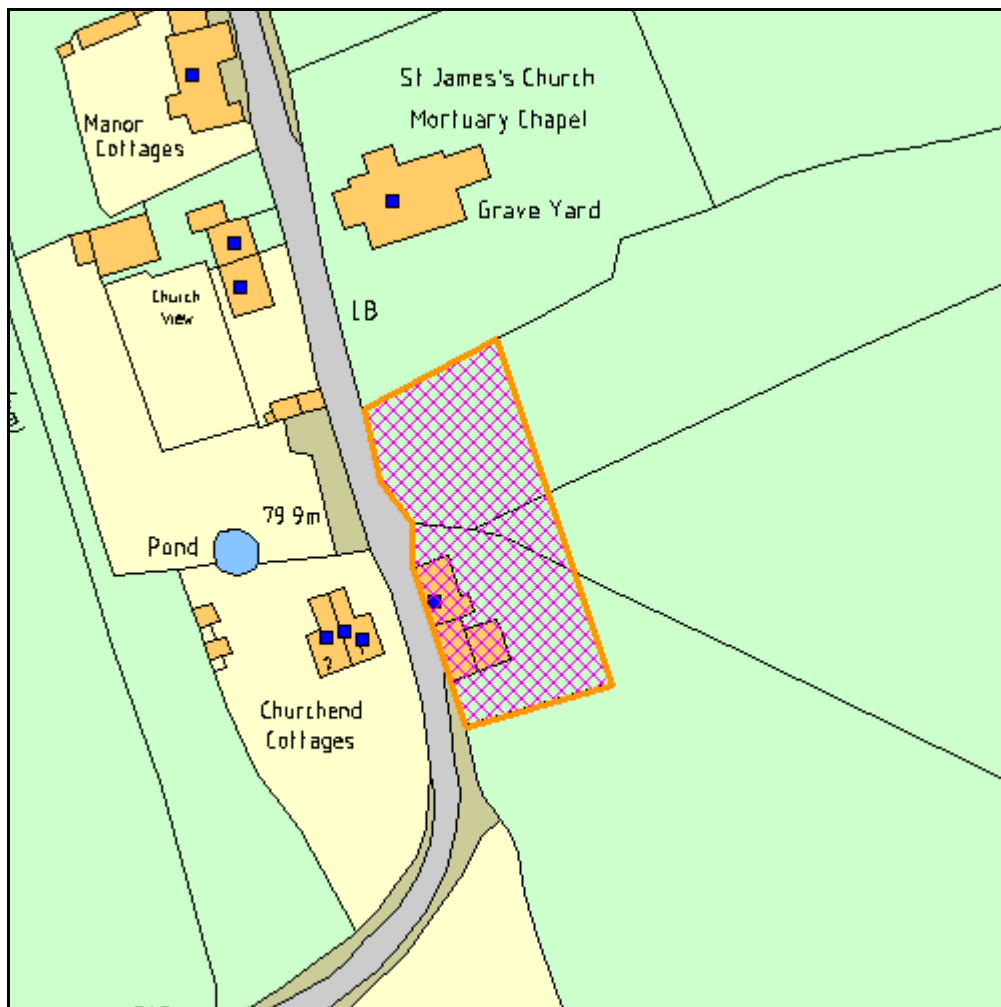
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason

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

## CIRCULATED SCHEDULE NO. 14/18 – 6 APRIL 2018

<b>App No.:</b>	PT18/0769/CLP	<b>Applicant:</b>	Mr And Mrs Coggins
<b>Site:</b>	The Tallet Churchend Lane Charfield South Gloucestershire GL12 8LJ	<b>Date Reg:</b>	19th February 2018
<b>Proposal:</b>	Erection of garage	<b>Parish:</b>	Charfield Parish Council
<b>Map Ref:</b>	371905 191032	<b>Ward:</b>	Charfield
<b>Application Category:</b>	Certificate of Lawfulness	<b>Target Date:</b>	13th April 2018



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PT18/0769/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 the erection of a garage at The Tallet, Churchend Lane, Charfield 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 E

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 PT13/1060/F – Approved - 16.05.2013  
Conversion of existing garage to snug/store with associated works including installation of pv panels and air source heat pump, car parking and turning facilities ancillary to residential accommodation.
- 3.2 PT13/0384/NMA – Objection - 26.02.2013  
Non-material amendment to PT11/4017/F to alter flue height, reduce bat box size, change garage to snug/store and replace garage door with timber door and alter door in south elevation.
- 3.3 PT11/4017/F – Approved - 15.02.2012  
Conversion of existing agricultural building to form 1no. dwelling with garage and associated works.

### **4. CONSULTATION RESPONSES**

- 4.1 Charfield Parish Council  
No comments

4.2 Councillor

No objection to this application for a certificate of lawfulness on the condition that this structure is in keeping with the rural aspect of Churchend and the garage is for the use of the house occupants only.

**Other Representations**

4.3 Local Residents

No comments received.

**5. SUMMARY OF EVIDENCE IN SUPPORT OF APPLICATION**

5.1 Block and Site Location Plan

Received by Local Planning Authority 15 February 2018

**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, Class E of the GPDO 2015.

6.3 The proposed development consists of the erection of two incidental outbuildings. This development would fall within Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015, which permits the erection of buildings incidental to the enjoyment of a dwellinghouse, provided it meets the criteria as detailed below:

**E. The provision within the curtilage 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.**

**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 permitted under classes M, N, P or Q of Part 3.

- (b) the total area of the 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 proposed outbuilding would not exceed 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 a principal elevation of the original dwellinghouse;**

Planning permission is required as the proposal fails to meet this criteria

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

The proposal will be of a single storey scale.

- (e) the height of the building or enclosure 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 proposed building would be situated at least two metres from the boundary of the curtilage and would have a hipped roof measuring 4 metres to the maximum height. The development therefore meets these criteria.

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

Submitted plans do not clarify the eaves height.

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

The host dwelling is not a listed building.

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

It does not include any of the above.

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

The proposal is for incidental uses and do not include a microwave antenna.

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

The proposal would not exceed this limitation.

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

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

**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 application site is not located within any of the above.

**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 application site is not located on article 2(3) land.

**Removal of PD Rights**

Notwithstanding the above, permitted development rights have been removed from the application site under application PT11/4017/F (condition 5). Condition 5 reads

“Notwithstanding the provisions of Schedule 2 of the Town & Country Planning (General Permitted Development) Order 1995 (as amended) (or any Order revoking and re-enacting that Order with or without modification) no development as specified in Part 1 (Classes A, B, C, D, E, F, G and H), or any minor operations as specified in Part 2 (Class A), other than such development or operations indicated on the plans hereby approved, shall be carried out without the prior written consent of the Local Planning Authority.”

Therefore planning permission is required in accordance with condition 5 of planning permission PT11/4017/F.

## **Concluding Analysis**

Planning permission is required under Schedule 2, Part 1, Class E, E1(C) as the proposal will be situated on land forward of the principal elevation. Furthermore, planning permission is required in accordance with condition 5 of planning permission PT11/4017/F.

## **7. RECOMMENDATION**

7.1 That a certificate of Lawfulness for Proposed Development is **refused** for the reasons listed below:

**Contact Officer: Westley Little**  
**Tel. No. 01454 867866**

## **REASONS FOR REFUSAL**

1. 1: Planning permission is required under Schedule 2, Part 1, Class E, E1(C) any part of the building, enclosure, pool, or container would be situated on land forward of a wall forming a principal elevation of the original dwellinghouse;

2: Permitted development rights have been removed from the application site under planning permission PT11/4017/F (condition 5) as set out below:

"Notwithstanding the provisions of Schedule 2 of the Town & Country Planning (General Permitted Development) Order 1995 (as amended) (or any Order revoking and re-enacting that Order with or without modification) no development as specified in Part 1 (Classes A, B, C, D, E, F, G and H), or any minor operations as specified in Part 2 (Class A), other than such development or operations indicated on the plans hereby approved, shall be carried out without the prior written consent of the Local Planning Authority."