



**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. 10/18**

**Date to Members: 09/03/2018**

**Member's Deadline: 15/03/2018 (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:

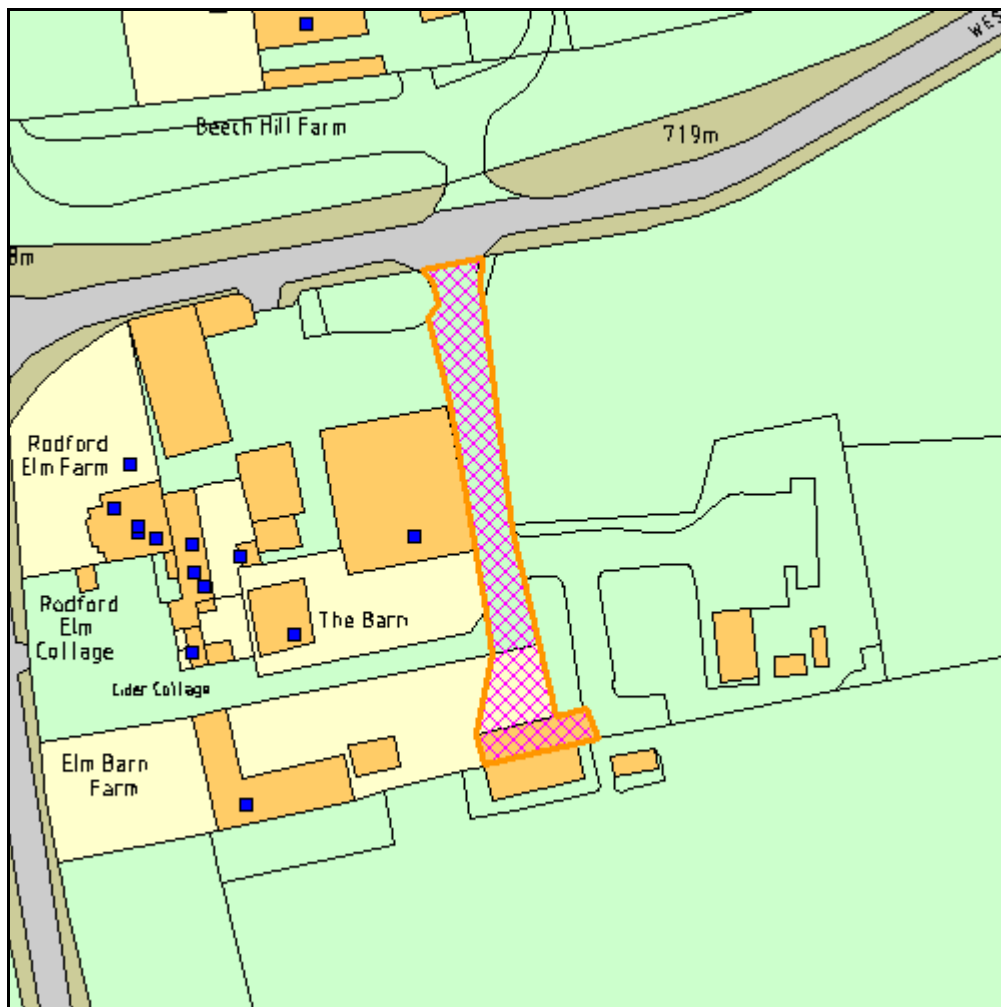
- Before referring an application always speak to the case officer or Area Planning Manager first to see if your concerns can be addressed without the application being referred.
- If you are considering referring in an application outside the ward you represent, as a courtesy, speak to the ward member(s) 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 - 9 March 2018

ITEM NO.	APPLICATION NO.	RECOMMENDATION	LOCATION	WARD	PARISH
1	PK17/3448/F	Approve with Conditions	Elmbarn Farm Westerleigh Road Westerleigh South Gloucestershire BS37 8QF	Westerleigh	Westerleigh Parish Council
2	PK17/5636/ADV	Approve with Conditions	Vayre House Hatters Lane Chipping Sodbury South Gloucestershire BS37 6AA	Chipping	Sodbury Town Council
3	PK18/0156/TRE	Approve with Conditions	Land To The North Of Leechpool Way Identified As North Yate New Neighbourhood	Ladden Brook	Wickwar Parish Council
4	PK18/0189/CLP	Approve with Conditions	3 St Martin's Park Marshfield Chippenham South Gloucestershire SN14 8PQ	Boyd Valley	Marshfield Parish Council
5	PK18/0280/F	Approve with Conditions	15 The Paddocks Downend South Gloucestershire	Emersons	Emersons Green Town Council
6	PK18/0297/CLP	Approve with Conditions	114 Tower Road North Warmley South Gloucestershire BS30 8XN	Siston	Siston Parish Council
7	PK18/0394/CLP	Approve with Conditions	Bienvenue 6 Church Road Wick South Gloucestershire BS30 5QL	Boyd Valley	Wick And Abson Parish Council
8	PK18/0680/PND	No Objection	North Avon Magistrates Court Kennedy Way Yate South Gloucestershire BS37 4PY	Yate Central	Yate Town
9	PT17/4661/CLE	Approve	Lower Corston Farm Whale Wharf Lane Littleton Upon Severn South Gloucestershire	Severn	Aust Parish Council
10	PT17/4708/F	Approve with Conditions	Land Adjacent To Pound Cottage Old Gloucester Road Thornbury South Gloucestershire BS35 3UG	Thornbury North	Thornbury Town Council
11	PT17/4841/F	Approve with Conditions	Land At Charfield Memorial Hill Car Park Wotton Road Charfield Wotton Under Edge South Gloucestershire GL12 8TG	Charfield	Charfield Parish Council
12	PT17/5134/R3R	Approve with Conditions	Site Adjacent To Borkley Street Patchway South Gloucestershire BS34 5DB	Patchway	Patchway Town Council
13	PT17/5465/PNFU	Approve with Conditions	Church Farm Northwick Road Pilning South Gloucestershire BS35 4HE	Pilning And Severn Beach	Pilning And Severn Beach Parish Council
14	PT17/5850/F	Approve with Conditions	64 Paddock Close Bradley Stoke South Gloucestershire BS32 0EZ	Bradley Stoke North	Bradley Stoke Town Council
15	PT17/5970/F	Approve with Conditions	216 Woodend Road Frampton Cotterell South Gloucestershire BS36 2JF	Frampton Cotterell	Frampton Cotterell Parish
16	PT18/0036/F	Approve with Conditions	10 The Avenue Little Stoke South Gloucestershire	Stoke Gifford	Stoke Gifford Parish Council
17	PT18/0230/F	Approve with Conditions	Unit 2 Bristol Distribution Park Hawkey Drive Bradley Stoke South Gloucestershire	Bradley Stoke North	Bradley Stoke Town Council
18	PT18/0296/CLP	Approve with Conditions	Unit 3 Park Avenue Aztec West Almondsbury South Gloucestershire BS32 4TD	Patchway	Patchway Town Council
19	PT18/0298/CLP	Approve with Conditions	29 Huckford Road Winterbourne South Gloucestershire BS36 1DX	Winterbourne	Winterbourne Parish Council

## CIRCULATED SCHEDULE NO. 10/18 – 9 MARCH 2018

<b>App No.:</b>	PK17/3448/F	<b>Applicant:</b>	Mrs Sandra Curtis
<b>Site:</b>	Elmbarn Farm Westerleigh Road Westerleigh South Gloucestershire BS37 8QF	<b>Date Reg:</b>	23rd August 2017
<b>Proposal:</b>	Change of use from detached double garage to 1no detached dwelling with access and associated works.	<b>Parish:</b>	Westerleigh Parish Council
<b>Map Ref:</b>	369917 180814	<b>Ward:</b>	Westerleigh
<b>Application Category:</b>	Minor	<b>Target Date:</b>	16th October 2017



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PK17/3448/F

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

The application has been subject to a comment contrary to the findings of this report. As a result it is required to be referred to circulated schedule as a result.

### **1. THE PROPOSAL**

- 1.1 The proposal seeks permission for the change of use a former garage/workshop building to form 1no detached dwelling. In addition to the change of use the proposal would introduce a number of window openings at ground floor and 3no dormers within the roof pitch.
- 1.2 The structure itself is in reasonable condition and is constructed with timber elevations and a gabled roof.
- 1.3 The site is located in open countryside within a cluster of development attached to Elmbarn Farm. To the rear of the proposal site is agricultural and equestrian land that includes stable and barns. The farm building itself is subject to a grade II listing.
- 1.4 The proposal has been amended following advice of the Listed Building and Conservation Officer.

### **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  
CS4a Sustainable Development  
CS5 Location of Development  
CS8 Improving Accessibility  
CS9 Managing the Environment and Heritage  
CS15 Distribution of Housing  
CS17 Housing Diversity  
CS34 Rural Areas

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

PSP1 Local Distinctiveness  
PSP2 Landscape  
PSP7 Greenbelt  
PSP8 Residential Amenity  
PSP16 Parking Standards  
PSP17 Heritage Assets  
PSP37 Internal Space and Accessibility Standards  
PSP38 Development within Existing Residential Curtilages  
PSP39 Residential Conversions  
PSP40 Residential Development in the Countryside  
PSP42 Custom Build Dwellings

- 2.3 Supplementary Planning Guidance  
Design Checklist SPD (adopted) August 2006  
Residential Parking Standards SPD (adopted) December 2013  
Development in the Greenbelt SPD (adopted) June 2007

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

- 3.1 PT09/1104/RVC – Approval – 22/03/2010 – Variation of conditions 1 and 3 attached to planning permission PT01/2857/F to allow Eileen Stevens and her dependents to live on the land and to increase the number of mobile homes permitted on the site to 2 no.
- 3.2 PT08/3140/F – Approval – 08/01/2009 – Erection of replacement barn and store (Retrospective).
- 3.3 PT08/2908/F – Refusal – 18/12/2008 – Erection of single storey extension to provide additional living accommodation (Resubmission of PT07/3257/F).
- 3.4 PT08/2907/LB – Refusal – 18/12/2008 – Erection of single storey extension to provide additional living accommodation
- 3.5 PT08/2666/F – Withdrawn – 31/10/2008 – Conversion of existing garage to form residential accommodation.
- 3.6 There are a significant number of other applications relating to site which are available to view online via and using one of the above reference numbers:  
<http://www.southglos.gov.uk/environment-and-planning/search-planning-applicons/>

### 4. **CONSULTATION RESPONSES**

- 4.1 Westerleigh Parish Council  
Objection - Westerleigh Parish Council share the same concerns as Mr Rob Nicholson on Conservation matters and the Transport teams on matters of dangerous vehicle access issues onto Westerleigh Road.  
*This comment was received prior to the submission of the revised scheme*

#### Other Consultees

##### Highway Structures

If the application includes a structure that will support the highway or support the land above a highway. No construction is to be carried out without first providing the Highway Structures team with documents in accordance with BD2/12 of the Design Manual for Roads and Bridges that will allow formal Technical Approval of the proposals to be carried out. The applicant will be required to pay the fees associated with the review of the submission whether they are accepted or rejected.

Or

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

#### Transport Officer

I note that the existing access from Westerleigh Road is shared use with a number of residents units/caravans and other businesses at the farm - The access is wide enough to allow two vehicles to pass one another. There is no separate pedestrian provision so both vehicles and pedestrian shared this space. At the time of site visit, the visibility splays from the access was partially obscured by some vegetation undergrowth. Although this issue can be addressed, it is noted that the land is not controlled by the applicant. Notwithstanding this, I am satisfied that the situation can be improved by others using the same access. Traffic associated with the proposed development would be small – indeed, the anticipated traffic from this may not be greater than the extant use of it as a garage - and given the extant use of the existing access by other uses on site including a business use, I am satisfied that the impact of the proposed development would not cause any harm to highway safety.

Sufficient parking is available on site in front of the house –means this development would not prejudice highway safety or lead to on street parking.

In view of the above therefore, we Transportation Development Control have no objection to this application.

#### Drainage and Flood Risk

We query the method of foul sewage disposal to be utilised and therefore request clarity. A condition will be attached requiring the submission of a Drainage scheme for approval prior to commencement of development.

#### Archaeological Officer

No Comments

#### Listed Building and Conservation Officer

The amendments that have been are however noted and although the design remains devoid of any architectural merit and the aesthetic appearance of the proposed resultant building would remain one of functional adaption than sympathetic evolution, I would advise that overall the changes have mitigated the visual impact to a point that the setting of the listed building would not be materially affected by the proposed scheme.

### **Other Representations**

#### 4.3 Local Residents

No Comments Received

## **5. ANALYSIS OF PROPOSAL**

### 5.1 Principle of Development

Policy PSP40 of the recently adopted Policies Sites and Places DPD (2017) allows for the re-use of existing rural buildings for residential purposes. The policy states that the conversion and re-use of existing buildings for residential purposes would be acceptable where; the building is of permanent and substantial construction; and it would not adversely affect the operation of the

rural business(es) or working farm(s); and any extension as part of the conversion or subsequently is not disproportionate to the original building; and if the building is redundant or disused, the proposal would also need to lead to an enhancement of its immediate setting. In all of the above circumstances, development proposals including any alterations, extensions or creation of a residential unit, will be acceptable where they do not have a harmful effect on the character of the countryside, or the amenities of the surrounding area. Paragraph 55 of the NPPF (2012) includes similar criteria and suggests development of new residential units in the countryside should be resisted unless the development would re-use a redundant or disused building and would lead to an enhancement of the immediate setting.

- 5.2 The proposal site also falls within the Bristol/Bath greenbelt. In such a location development is strictly limited. Appropriate development in the greenbelt according to PSP7 can include proportionate additions to existing buildings. The policy continues on to state that any development leading to a cumulative increase of up to 30% would likely be proportionate and therefore appropriate development in the greenbelt.
- 5.3 Planning decisions must be taken in accordance with the development plan unless material considerations indicate otherwise. In this case the site has not been specifically identified within the Development Plan, however the housing land supply has been found insufficient, meaning paragraph's 14 and 49 of the NPPF are engaged; in this situation there is a presumption in favour of sustainable development unless the adverse impacts significantly and demonstrably outweigh the benefits. Accordingly the policies for the supply of housing are not considered up to date and there is a presumption in favour of the development unless the impact of permitting development would significantly and demonstrably outweigh the benefit of the modest contribution to housing provision.
- 5.4 The proposal is for the conversion of a workshop/garage that appears to be residential in nature. This would be seen as acceptable subject to assessment against the above policy.
- 5.5 Greenbelt  
The proposal site is situated within the Bristol/Bath greenbelt. Accordingly development should not lead to disproportionate additions over that of the original building. It appears that the structure has remained unaltered since its construction. The proposal would introduce 3no dormers. The two to the front of the property are small and the larger structure to the rear will be concealed by the stable block to the rear. Nevertheless the proposed additions would fall well below the 30% guideline and would be considered to be proportionate to the existing building and therefore appropriate development in the greenbelt. There is no objection with regard to this.
- 5.6 Re-use/ Conversion  
The proposal is for the re-use and conversion of an existing workshop/garage building. This is of substantial construction and is formed of timber elevations with a gabled roof. Very little is required to convert the building externally. These alterations only include the introduction of window openings at ground



floor and the introduction of dormer windows at first floor. Policy PSP40 states that development should not result in disproportionate additions to the structure. The only additions would be the 3no dormer windows and these could not be considered to be disproportionate to the existing building. These works would be considered to be reasonably required for the conversion of the building and on this basis no objection is raised with regard to PSP40 of the adopted Policies Sites and Places DPD.

5.7 Location

The property is located outside the defined settlement boundary of Westerleigh within a cluster of other buildings. The village itself does not benefit from a huge range of services, however the property could be considered better related to Yate. This has the full range of services and could be considered a sustainable location. Furthermore the proposal is for 1no additional 2 bedroom dwelling. Accordingly it is not a significant increase in the number of residents and would not therefore create a material increase in demand for local services.

5.8 Design and Visual Amenity

The proposal consists of the change of use of a workshop/garage outbuilding currently used for ancillary storage to a residential unit. The existing building has a timber structure and a gabled roof. The building has a typical rural appearance and is of relatively standard construction for an outbuilding of this type. Concern was raised by the listed building officer due to the proposed dormer designs as the property is associated with Rodford Elm Farm which is Grade II listed. Amendments were sought and the front dormers that drew the concern have been amended to bear resemblance to the dormers within the listed building. These are now considered acceptable. In addition it was felt that due to the proportion of glazing to the introduced, it would have too contemporary and residential an appearance. The amount of glazing has been reduced and there is no longer objection with regard to this.

5.9 No detail has been provided with regard to boundary treatment. The proposal site sits within a courtyard to the side of the main farmstead but nearby other historic buildings that provide a degree of period charm and draw influences from the farm house. Consequently it has been seen as appropriate to attach a condition requiring the submission of details of boundary treatments for approval of the LPA prior to the relevant part of the build.

5.10 Overall, it is considered that the proposed detached dwelling would not harm the character or appearance of the area and as such is considered acceptable in terms of visual amenity. In addition the structure will be well related to the existing cluster of buildings nearby. Lastly the structure will have a typical rural form and is therefore considered to be in keeping with the rural character of the area. Therefore, it is judged that the proposal has an acceptable standard of design and is considered to accord with policies CS1 and PSP40 and conforms to the criteria in the adopted Local Plan.

5.11 Permitted Development Rights

The proposal site is situated in the open countryside and the Bristol/Bath greenbelt and given the rights afforded by the Town and Country Planning (General Permitted Development) Order 2015, the cumulative impact of further development upon the countryside and landscape would not be considered under the procedure. Therefore it is seen as appropriate to impose a condition to remove these rights so as to safeguard against the introduction of further volumetric additions; such that proper consideration of the impact upon the landscape is not circumvented. This is only relevant to volumetric additions and the relevant classes would be Schedule 2, Part 1 Classes A, B, D and E. A condition will be appended to the decision notice to that effect.

5.12 Residential Amenity

The property is situated within a group of buildings that relate to the farm. There are other residential properties nearby, however these are separated by the courtyard and screened by other structures. Given this screening and the degree of separation the proposal is considered to have an acceptable impact on the amenity of its neighbours.

5.13 The proposal will have a small area of private garden to the front of the property. This area has been calculated to have an area of around 40 m<sup>2</sup>. Policy PSP43 suggests a 2 bedroom dwelling should provide 50m<sup>2</sup> and as a result this is slightly substandard. Whilst this is substandard it would be sufficient for drying of clothes or other basic outdoor domestic activities. Furthermore as the property is only a 2no bedroom dwelling, its requirements could be considered similar to that of an apartment. Such a property would likely be served by a similar amount of outdoor space if any at all. In addition the property is in the open countryside and there are opportunities for outdoor sport and other recreational activities nearby. Some negative weight will be attached to this substandard provision, however on balance the proposals contribution to housing in the current absence of a 5 year housing land supply has been considered to outweigh this negative impact.

5.14 The subject property is located outside the built up residential area within a cluster of other development. Given the scale and location of the proposed development it will not result in a detrimental impact on the residential amenity of its neighbouring occupiers and is considered acceptable with regard to amenity considerations.

5.15 Sustainable Transport and Parking Provision

The proposal would create a new 2 bedroom dwelling within the curtilage of the farmstead. 1 parking space will be provided to the front of the property and this would not impact existing parking provision for other residential properties. It is noted that the proposal would in fact result in a net loss of 2no parking spaces, however this is due to the conversion of the existing garage/workshop building which provides 2 spaces. There will be ample parking for the other property nearby within the courtyard and served by the existing access gate. On this basis the proposal is considered to accord with PSP16 of the Policies Sites and Places DPD and no objection is raised with regard to this.

5.16 Comments from the Parish Council and transport officer had raised concern over the proposals impact on highway safety. The proposal site is accessed from Westerleigh Road and is nearby a sharp blind corner. The road speed is 30mph in this location. The consideration applied to the proposal is what additional impact this dwelling would have over the existing situation. The proposal would be one of a number of residential dwellings, all of which are thought to be larger than that proposed. Furthermore the access provides for commercial and agricultural uses attached to the land and travel from the site is only likely to result in a very minor increase in the number of trips over that of the existing arrangement. On this basis the proposal is not consider to have a material impact on highway safety. Paragraph 32 of the NPPF states that development should only be refused on transport grounds where the cumulative residual impact is severe. Consequently the impact of the proposal on highway safety is considered acceptable.

5.17 Drainage and Flood Risk

Supporting information suggested the proposal would be served by a septic tank. It is assumed that this would be an acceptable form of sewerage however further information is required as no location or specification has been provided. As a result a condition will be attached requiring the submission of these details prior to the commencement of development.

## 6. CONCLUSION

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

6.2 The recommendation to **grant** permission has been taken having regard to the policies and proposals in the South Gloucestershire Policies Sites and Places DPD (Adopted) November 2017 and the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 set out above, and to all the relevant material considerations set out in the report.

## 7. RECOMMENDATION

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

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

## CONDITIONS

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

Reason

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

2. Notwithstanding the provisions of Schedule 2 of the Town & Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no development as specified in Part 1 (Classes A, B, D and E), or any minor operations as specified in Part 2 (Class A), other than such development or operations indicated on the plans hereby approved, shall be carried out without the prior written consent of the Local Planning Authority.

Reason

So as to safeguard against the introduction of further volumetric additions; such that proper consideration of the impact upon the landscape and greenbelt is not circumvented and to accord with the provisions of Policies PSP1, PSP2, and PSP7 of the Policies Sites and Places DPD (adopted) 2017; Policies CS1 and CS5 of the Core Strategy (adopted) 2013; and the provisions of the NPPF (2012).

3. Prior to the relevant part of the build a plan indicating the positions, design, materials and type of boundary treatment(s) to be erected shall be submitted to the Local Planning Authority for approval. The boundary treatment shall be completed before building is occupied. Development shall be carried out in accordance with the approved details.

Reason

To ensure a satisfactory standard of external appearance and to accord with Policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; Policies PSP1 and PSP17 of the Policies Sites and Places DPD (Adopted) November 2017; and the National Planning Policy Framework.

4. Prior to the commencement of development drainage detail proposals incorporating Sustainable Drainage Systems SUDS and confirmation of hydrological conditions e.g. soil permeability, watercourses, mining culverts) within the development shall be submitted for approval in writing to the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason

To ensure that a satisfactory means of drainage is provided, and to accord with policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; Policy PSP20 of the Policies Sites and Places DPD (Adopted) November 2017; and the National Planning Policy Framework. The information is required prior to commencement to ensure the proposal has an acceptable impact on the local drainage network and the site in general.

## CIRCULATED SCHEDULE NO. 10/18 – 9 MARCH 2018

<b>App No.:</b>	PK17/5636/ADV	<b>Applicant:</b>	Mr Graham Bond
<b>Site:</b>	Vayre House Hatters Lane Chipping Sodbury Bristol South Gloucestershire BS37 6AA	<b>Date Reg:</b>	17th January 2018
<b>Proposal:</b>	Display of 1no externally illuminated freestanding sign.	<b>Parish:</b>	Sodbury Town Council
<b>Map Ref:</b>	373155 182396	<b>Ward:</b>	Chipping Sodbury
<b>Application</b>	Minor	<b>Target</b>	12th March 2018
<b>Category:</b>		<b>Date:</b>	



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PK17/5636/ADV

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

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

### **1. THE PROPOSAL**

- 1.1 This application seeks advertisement consent for the display of 1no. externally illuminated freestanding sign.
- 1.2 The application site comprises Vayre House, a Grade II listed building located within the Chipping Sodbury conservation area.
- 1.3 An updated sign was received on 27<sup>th</sup> February 2018 in response to the conservation officer's comments.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
The National Planning Policy Framework 27<sup>th</sup> March 2012  
The Town and Country Planning (Control of Advertisements) (England) Regulations 2007

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

- 3.1 No relevant planning history.

### **4. CONSULTATION RESPONSES**

- 4.1 Sodbury Town Council  
Object and agree with conservation officer's comments. No objection in principle.
- 4.2 Conservation Officer  
*Original Plans*  
No scale level which confirms its maximum height of signs  
Signage too prominent, intrudes into setting of listed building.  
Suggest an alternative location and reduction of scale.  
  
*Revised Plans*  
Revised plans are acceptable.
- 4.3 Sustainable Transport  
No objection
- 4.4 Historic England  
No objection

## **Other Representations**

### **4.5 Local Residents**

One objection received. Objects to illuminated freestanding sign, states that the signage will be an eyesore and a potential distraction.

## **5. ANALYSIS OF PROPOSAL**

### **5.1 Principle of Development**

The National Planning Policy Framework states that poorly placed advertisements can have a negative impact on the appearance of the built and natural environment. Control over outdoor advertisements should be efficient, effective and simple in concept and operation. Only those advertisements which will clearly have an appreciable impact on a building or on their surroundings should be subject to the Local Planning Authority's detailed assessment. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.

### **5.2 Visual Amenity and Heritage**

The original sign was considered unacceptable due to heritage concerns. updated sign was received on 27<sup>th</sup> February 2018 in response to the conservation officer's comments. It would consist of a single sign measuring 700mm tall by 900mm across, externally illuminated. It would have a dark background and gold detailing, including the restaurant's logo and information.

5.3 It is noted that a local resident has objected to the illumination of the sign, stating that it would be an eyesore; however, the sign would be considered acceptable in terms of design and conservation, and would not be considered to have a negative impact on the visual amenity of the surrounding area.

### **5.4 Residential Amenity**

The signs would sit across the road from 2no. residential properties; it would also sit within the front garden of 1no. residential property. The sign would be externally illuminated with 1200 cd/m illuminance. Subject to a condition limiting the illumination to the opening hours, it is not considered that there would be any significant impacts on the residential occupiers of any nearby dwellings.

### **5.5 Public Safety**

The Council's Highway Officer has confirmed that the sign is acceptable in highway terms. It will not be adversely distracting to pedestrians or motorists to the detriment of highway safety and will not encumber pedestrian or vehicular movements around the site.

## **6. RECOMMENDATION**

6.1 Advertisement Consent is GRANTED.

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

## **CONDITIONS**

1. The internally illuminated signs hereby approved shall only be illuminated during business opening hours.

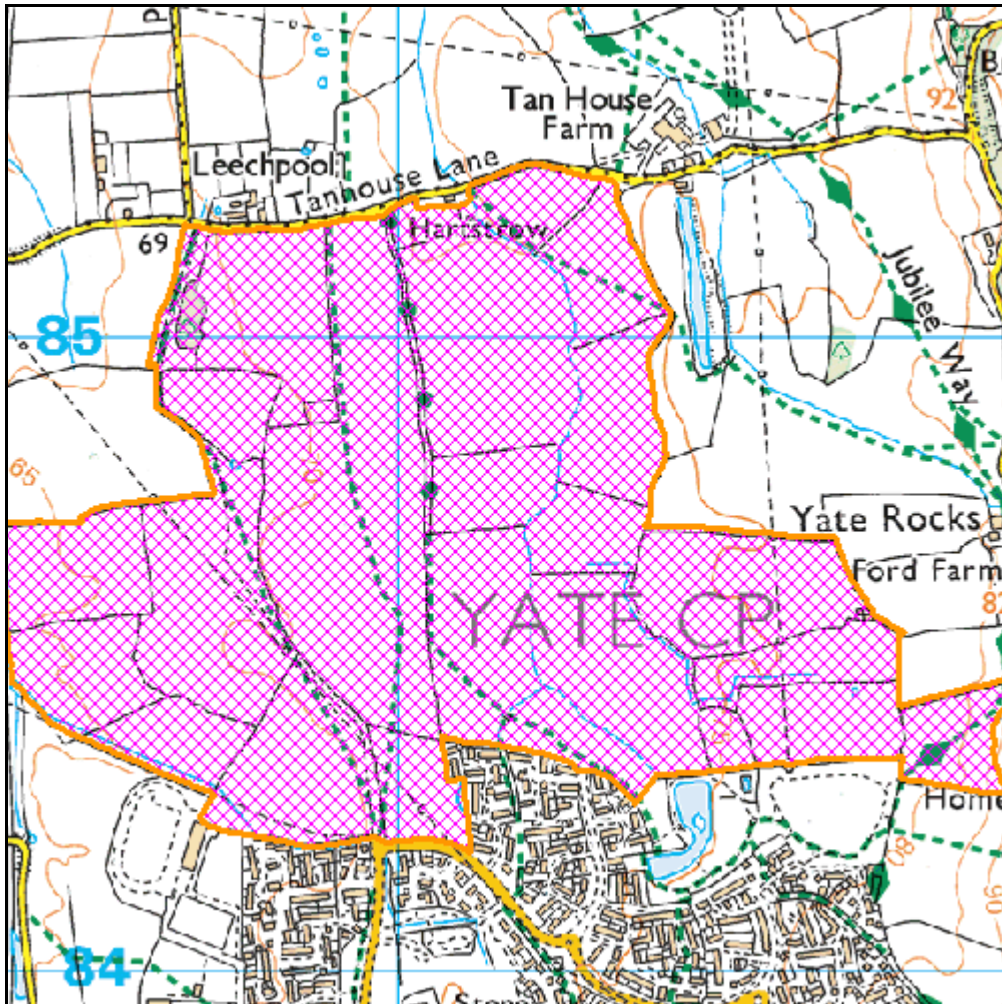
### Reason

In the interests of visual and residential amenity, and to accord with The Town and Country Planning (Control of Advertisements) (England) (Amendment) Regulations 2007.



CIRCULATED SCHEDULE NO. 10/18 – 9 MARCH 2018

<b>App No.:</b>	PK18/0156/TRE	<b>Applicant:</b>	Barrett Homes (Bristol)The Arborist, Wells
<b>Site:</b>	Land To The North Of Leechpool Way Identified As North Yate New Neighbourhood	<b>Date Reg:</b>	30th January 2018
<b>Proposal:</b>	Works to trees as per the proposed schedule of works submitted to South Gloucestershire Council on 26th January 2018. Trees covered by Tree Preservation Order SGTPO 09/09 (632) dated 22nd September 2009.	<b>Parish:</b>	Wickwar Parish Council
<b>Map Ref:</b>	370866 185206	<b>Ward:</b>	Ladden Brook
<b>Application Category:</b>		<b>Target Date:</b>	23rd March 2018



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

This application is reported to the circulated schedule as comments have been received that are contrary to the officers recommendation.

### **1. THE PROPOSAL**

- 1.1 Works to trees as per the proposed schedule of works submitted to South Gloucestershire Council on 26th January 2018. Trees covered by Tree Preservation Order SGTPO 09/09 (632) dated 22nd September 2009.
- 1.2 The trees are situated on Land To The North Of Leechpool Way Identified As North Yate New Neighbourhood.

### **2. POLICY CONTEXT**

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

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

- 3.1 PK16/6511/TRE, Site Address: Land At Goose Green Farm, Yate, Bristol, South Gloucestershire, BS37 7YT, Decision: COND, Date of Decision: 24-FEB-17, Proposal: Works to coppice Goat Willow, Hazel, Elm, Field Maple and Elder Trees and crown lift overhanging branches to a height of 4 metres on the field boundaries indicated on the plan. Covered by South Gloucestershire Tree Preservation Order 383 dated 16 September 1987., CIL Liable:
- 3.2 PK16/0708/TRE, Site Address: Land To The North Of Randolph Drive And Eastfield Drive, Brimsham Green, North Yate, South Gloucestershire, BS37 7LB, Decision: COND, Date of Decision: 23-MAR-16, Proposal: Works to various trees covered by SG Tree Preservation Order 08/09 dated 22/09/2009 to lift crowns to a height of 3 metres., CIL Liable:
- 3.3 PK17/3860/TRE, Site Address: Land Adjacent To 1 Pear Tree Hey, Yate, Bristol, South Gloucestershire, BS37 7JT, Decision: COND, Date of Decision: 02-OCT-17, Proposal: Works to coppice 1no. small group of Willow trees covered by Tree Preservation Order SGTPO 09/09 dated 22/9/2009, CIL Liable:
- 3.4 PK17/5389/RM, Site Address: Land North Of Brimsham Park, PL14D And PL22, North Yate New Neighbourhood, Bristol, South Gloucestershire, BS37 7JT, Decision: , Date of Decision: , Proposal: Erection of 86 dwellings , associated roads, drainage, landscaping, garages and parking to include reserved matters of appearance, layout, scale and landscaping (Reserved Matters application to be read in conjunction with Planning permission PK17/4826/RVC ), CIL Liable:

- 3.5 PK17/5388/RM, Site Address: Parcels PL23A And PI23C, North Yate New Neighbourhood, Yate, Bristol, South Gloucestershire, BS37 7JT, Decision: Date of Decision: Proposal: Erection of 77 dwellings , associated roads, drainage, landscaping, garages and parking to include reserved matters of appearance, layout, scale and landscaping (Reserved Matters application to be read in conjunction with Planning permission PK17/4826/RVC), CIL Liable:

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

- 4.1 Sodbury Town Council commented that in the new development, appropriate recompense will be made for the loss of trees.
- 4.2 Yate Town Council commented objecting to the removal of individual trees, some groups of trees and some sections of hedgerow. The objections are on the grounds that their removal is not justified to facilitate the development or that wildlife habitat will be lost.

#### **Other Representations**

- 4.3 Local Residents  
A local resident has objected because they do not feel the site should be developed for housing as it is Greenbelt.

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

- 5.1 Proposed Work  
The proposal is for the removal of 30no. individual trees and parts of 18no. groups of trees and sections of 5no. hedgerows.
- 5.2 Principle of Development  
The only issues to consider are whether the proposed works would have an adverse impact on the health, appearance, or visual amenity offered by the tree to the locality and whether the works would prejudice the long-term retention of the specimen.
- 5.3 Consideration of Proposal  
Much of the access and supporting infrastructure layout of this development site has been agreed in the outline planning permission PK12/1913/O. This does impact on the degree to which we can influence the current proposal.
- 5.4 Since this application was registered the SGC Tree Officer has visited the site several times to discuss the extent of the proposed works with the applicant in the light of this applications links to the reserved matters applications PK17/5388/RM and PK17/5389/RM.
- 5.5 There have been several amendments to the proposed works which includes retention of some of the trees and sections of hedgerow where alterations of infrastructure have been agreed.

- 5.6 The proposed removal of the vegetation on the site's southern boundary has been changed so that the screen provided between the site and properties on Long Croft and the Yate Outdoor Sports Complex is to be retained.
- 5.7 There is substantial planned tree planting (in excess of 300 trees) across the proposed development that mitigates for the loss of the proposed trees in this application.
- 5.8 The majority of the trees to be removed are categorised as category C according to the categorisation system within the British standard for trees on development sites – "BS5837:2012 – Trees in relation to design, demolition and construction – Recommendations". C category trees should not be considered as a constraint to development according to the standard, although many have been retained within the scheme.
- 5.8 Within the context of the development it is considered that the proposals, particularly in the light of the replanting proposals, is reasonable and proportionate.

## **6. RECOMMENDATION**

- 6.1 That consent is GRANTED subject to the conditions on the decision notice.

**Contact Officer: Simon Penfold**  
**Tel. No. 01454 868997**

## **CONDITIONS**

1. The works hereby authorised shall be carried out within two years of the date on which consent is granted.

### **Reason**

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

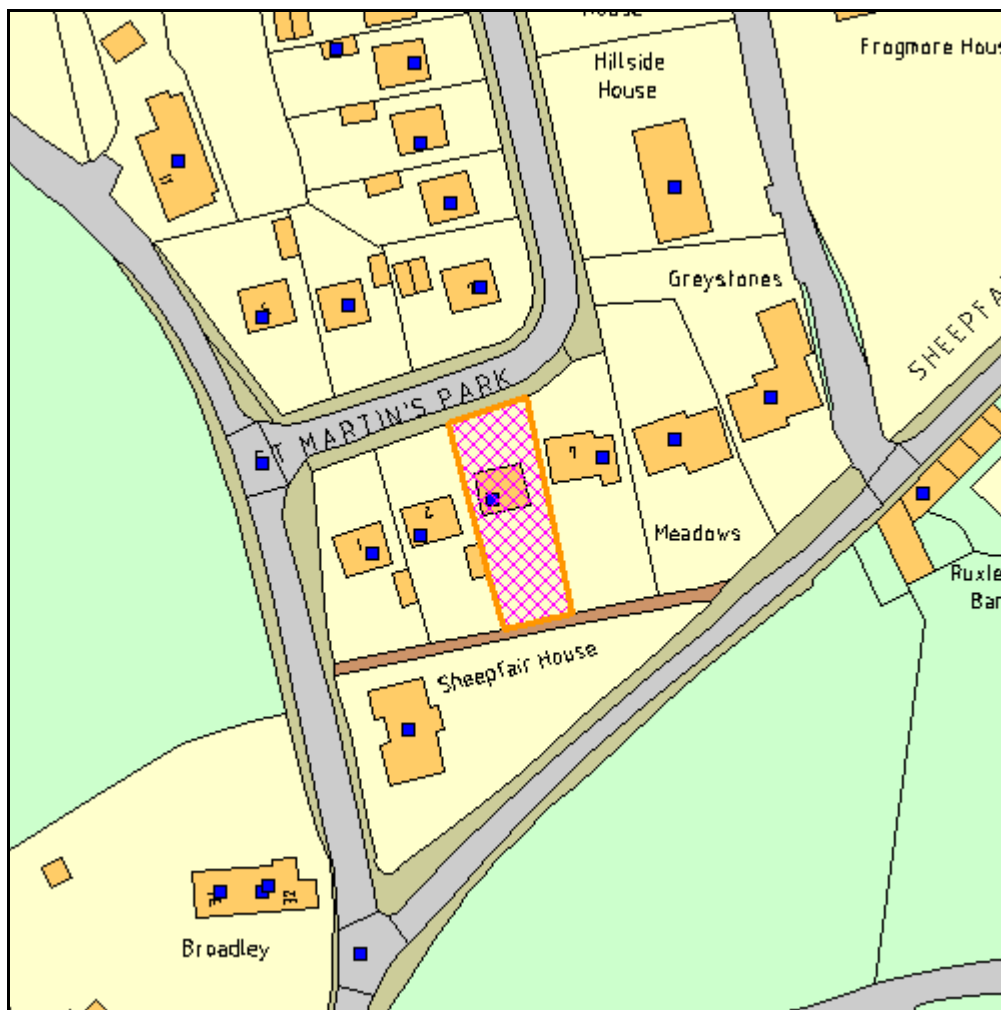
2. The works hereby authorised shall comply with British Standard 3998: 2010 - Recommendations for Tree Work.

### **Reason**

To ensure the works are carried out in an appropriate manner and in the interests of the health and visual amenity of the tree, and to accord with The Town and Country Planning (Tree Preservation) (England) Regulations 2012.

**CIRCULATED SCHEDULE NO. 10/18 – 9 MARCH 2018**

<b>App No.:</b>	PK18/0189/CLP	<b>Applicant:</b>	Mr Alan Crabb
<b>Site:</b>	3 St Martin's Park Marshfield Chippenham South Gloucestershire SN14 8PQ	<b>Date Reg:</b>	29th January 2018
<b>Proposal:</b>	Certificate of Lawfulness Proposed for the installation of rooflights to form loft conversion.	<b>Parish:</b>	Marshfield Parish Council
<b>Map Ref:</b>	377695 173539	<b>Ward:</b>	Boyd Valley
<b>Application Category:</b>	Certificate of Lawfulness	<b>Target Date:</b>	22nd March 2018



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**N.T.S.**                      **PK18/0189/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 roof lights to facilitate a loft conversion at 2 St Martin's Park, Marshfield 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.

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 PK17/2249/F  
Erection of Two Storey Side Extension and Single Story Rear Extension to provide additional living accommodation. Installation of balcony and erection of Carport.  
Approved: 22<sup>nd</sup> September 2017
- 3.2 PK10/1548/F  
Erection of single storey side extension to east elevation to form additional living accommodation and car port, and erection of single storey lean-to side extension to west elevation.  
Approved: 20<sup>th</sup> August 2010

### **4. CONSULTATION RESPONSES**

- 4.1 Local Councillor  
No comment received
- 4.2 Marshfield Parish Council  
No objection

## **Other Representations**

- 4.3 Local Residents  
No comments received

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

- 5.1 The Location Plan  
Block Plan  
Existing Floor Plans  
Existing Elevations  
Proposed Floor Plan  
Proposed Roof Plan  
Proposed Elevations

(Received by Local Authority 12<sup>th</sup> January 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. It is noted that the site falls within Article 2(3) land.

- 6.3 The proposed development consists of the installation of 5no rooflights. This development would fall within Schedule 2, Part 1, Class C of the Town and Country Planning (General Permitted Development) (England) Order 2015, which permits any other alterations to the roof of a dwellinghouse. This allows for the installation of rooflights subject to the following:

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

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

The use of the building as a dwellinghouse was not granted by virtue of Class M, N, P, PA or Q of Part 3 of this Schedule.

**The alteration would protrude more than 0.15 metres beyond the plane of the roof slope of the original roof when measured from the perpendicular with the external surface of the original roof;**

The roof lights would not protrude more than 0.15 metres beyond the plane of the roof slope of the original roof.

**It would result in the highest part of the alteration being higher than the highest part of the original roof, or;**

The proposed roof lights would not be higher than the highest part of the original roof.

**It would consist of or include –**

**(i) The installation, alteration or replacement of a chimney, flue or soil and vent pipe, or**

Not applicable

**(ii) The installation, alteration or replacement of solar photovoltaics or solar thermal equipment.**

Not applicable

## **Conditions**

**C.2 Development is permitted by Class C subject to the condition that any window located on a roof slope forming a side elevation of the dwellinghouse must be-**

**(a) Obscure glazed; and**

**(b) 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.**

The proposed roof lights would be on the principal and rear elevations.

## **7. RECOMMENDATION**

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

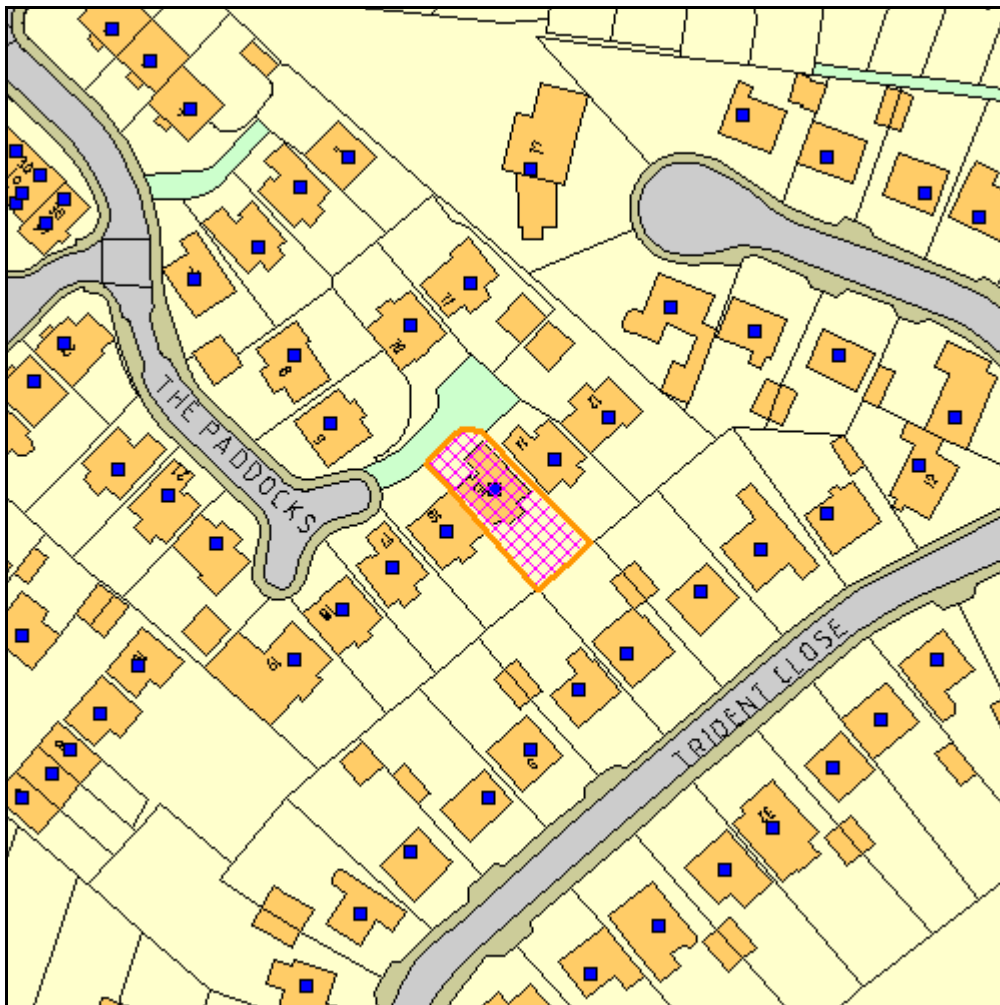
Evidence has been provided to demonstrate, on the balance of probabilities, that the proposed development would fall within the permitted rights afforded to householders under Schedule 2; Part 1, Class C of the Town and Country Planning General Permitted Development Order 2015.



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

## CIRCULATED SCHEDULE NO. 10/18 – 9 MARCH 2018

<b>App No.:</b>	PK18/0280/F	<b>Applicant:</b>	Mr And Mrs Smith
<b>Site:</b>	15 The Paddocks Downend Bristol South Gloucestershire BS16 6XG	<b>Date Reg:</b>	19th January 2018
<b>Proposal:</b>	Erection of rear conservatory to form additional living accommodation.	<b>Parish:</b>	Emersons Green Town Council
<b>Map Ref:</b>	366091 178119	<b>Ward:</b>	Emersons Green
<b>Application Category:</b>	Householder	<b>Target Date:</b>	12th March 2018



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PK18/0280/F

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

This application has received comments that are contrary to the Case Officer recommendation. As such, according to the current scheme of delegation must be reported to the Circulated Schedule for Members.

### **1. THE PROPOSAL**

- 1.1 The applicant seeks planning permission for the erection of a rear conservatory at 15 The Paddocks Downend.
- 1.2 The property site relates to a detached dwelling located within the defined settlement boundary.
- 1.3 Permitted development rights are restricted at the property under condition 13 of application PK02/1043/F.

### **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  
PSP38 Development within Existing Residential Curtilages  
PSP43 Private Amenity Standards

#### 2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted) 2007

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

- 3.1. PK17/5510/PNH  
Refusal (03.01.2018)  
Erection of a rear conservatory, which would extend beyond the rear wall of the original house by 6m, for which the maximum height would be 3.4m, and for which the height of the eaves would be 2.4m.
- 3.2. PK02/1043/F  
Approve with Conditions (16.11.2003)  
Demolition of nos. 302 - 306 Badminton Road and erection of 36 no. dwellings.  
Construction of new access and associated works on 1 hectare of land.

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

- 4.1 Emersons Green Town Council  
“No objection.”

#### **Other Representations**

- 4.2 Local Residents  
One objection comment was received which related to loss of light to rear garden; loss of views; drainage; visual amenity; and loss of privacy.

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

- 5.1 Principle of Development  
Policy PSP38 of the PSP Plan allows the principle of development within residential curtilages, subject to considerations of visual amenity, residential amenity and highway safety. Furthermore, Policy CS1, which is echoed by PSP38 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 application site is a two storey five bedroom detached dwelling located in Downend. Its elevations are brickwork, with white UPVc windows. The property has a front gable feature, an integral garage with parking area and a rear lean to kitchen element. The roofs are pitched and tiled.
- 5.3 The applicant proposes constructing a conservatory to the rear of the property between the rear lean to kitchen element and the northern side elevation. This conservatory would be 6m deep, 3.3m wide and 3.6m high. The 2.4m high elevation facing the boundary fence shared with No.14 would be facing brickwork. The remaining elevations would be a large window facing into the garden and bi-fold doors opening towards the shared boundary with No.16. The windows and doors would be anchorite grey UPVc and the roof would be partially glazed and also anchorite grey UPVc.
- 5.4 The conservatory is an appropriate addition to what is a large detached house; is of a standard design; and would be constructed from materials that would match or be similar to the host dwelling. As such the proposal is deemed to comply with policy CS1 of the Core Strategy and PSP38 of the PSP Plan.
- 5.5 Residential Amenity  
Policies PSP8 and PSP38 of the PSP Plan 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 A neighbour noted that the brick wall facing their property would be unsightly, that the conservatory would block out light to their patio; that views out of their side windows would be obstructed; and that use of the conservatory would invade their privacy. However, the properties are staggered, meaning some

2.7m of the conservatory would be behind the rear elevation of the neighbouring No.14. When combining this with the boundary fence that separates these two properties, very little of this wall would be seen by the neighbour. Also, due to the siting of the properties and the total height and roof shape of the conservatory, very little loss of light to the neighbouring property would occur. Certainly not sufficient to warrant a reason for refusal. In regards to the loss of views from the downstairs side windows, the planning system does not protect views but seeks to ensure that properties have sufficient outlook. The proposed conservatory would not have a significant detrimental impact on the outlook afforded to the neighbouring property. Finally, the Case Officer finds it highly unlikely that use of a single storey conservatory to a detached house would detrimentally impact on the privacy of any neighbouring occupiers.

- 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 deemed to comply with policies PSP8 and PSP38 of the PSP Plan.
- 5.8 Following the development, over 70m<sup>2</sup> of private outside amenity space would remain. This exceeds the requirements of policy PSP43.
- 5.9 Sustainable Transport  
Vehicular access, parking or bedroom numbers are unaffected. As such there are no transport objections.
- 5.10 Other matters  
The neighbour also noted that the foundations of the conservatory would reduce drainage in the area. However, drainage is likely to be improved as a result of the proposal as more rainfall would be caught and directed into existing drainage.
- 5.11 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 conditions attached to the decision notice.

**Contact Officer: David Ditchett**  
**Tel. No. 01454 863131**

## **CONDITIONS**

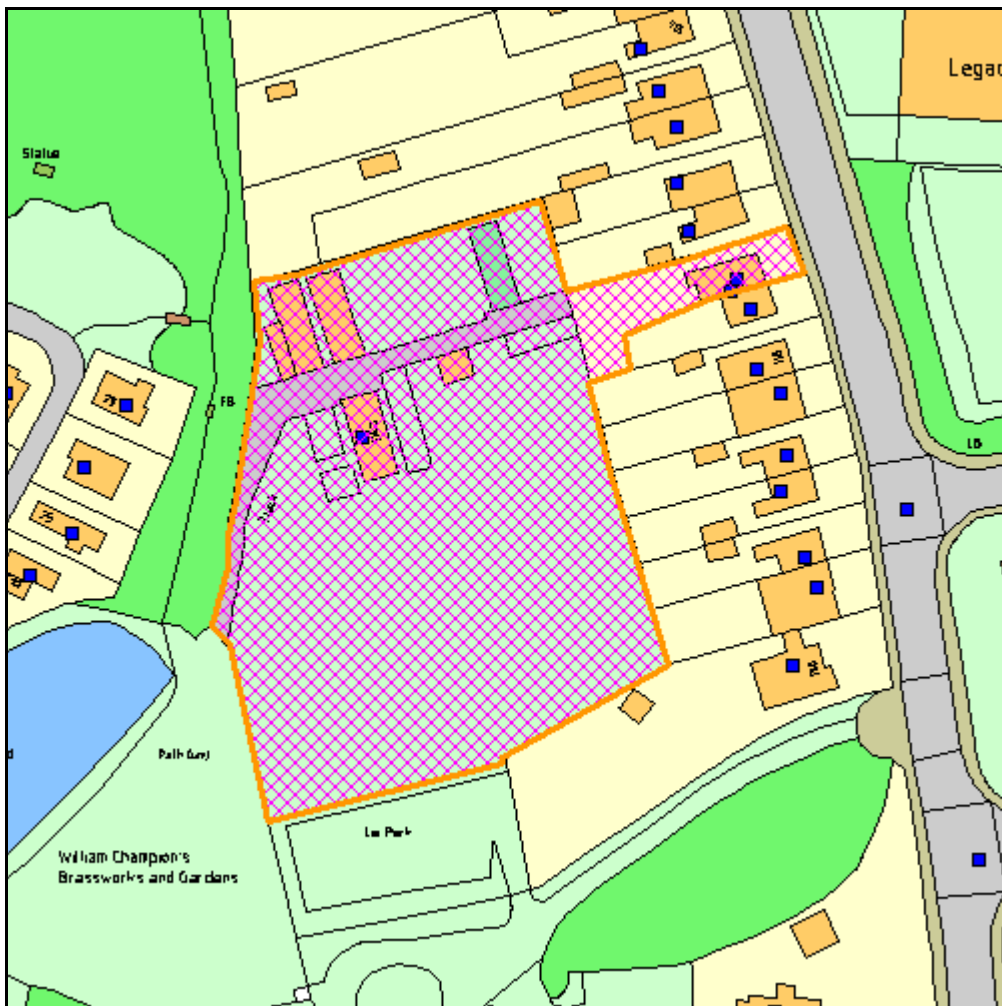
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason

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

**CIRCULATED SCHEDULE NO. 10/18 – 9 MARCH 2018**

<b>App No.:</b>	PK18/0297/CLP	<b>Applicant:</b>	Mr And Mrs Quiroga And Ms Savage
<b>Site:</b>	114 Tower Road North Warmley Bristol South Gloucestershire BS30 8XN	<b>Date Reg:</b>	23rd January 2018
<b>Proposal:</b>	Application for a Certificate of Lawfulness for the proposed erection of 2no. single storey outbuildings to form double garage and studio for uses incidental to the enjoyment of the existing dwellinghouse.	<b>Parish:</b>	Siston Parish Council
<b>Map Ref:</b>	367006 173007	<b>Ward:</b>	Siston
<b>Application Category:</b>		<b>Target Date:</b>	15th March 2018



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PK18/0297/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 erection of 2no. single storey outbuildings to form double garage and would be lawful under the Town and Country Planning (General Permitted Development) (England) Order 2015.
- 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.
- 1.3 The site sits within the conservation area. The dwelling has a very large rear garden which extends beyond the rear gardens of both neighbouring dwellings.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
Town and Country Planning Act 1990 (as amended) 1990 section 192 and the 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 No relevant planning history

### **4. CONSULTATION RESPONSES**

- 4.1 Siston Parish Council  
Members are greatly concerned at the lack of detail accompanying this application and the fact the land in question is part of the Warmley Conservation Area which, it is understood, precludes consideration of such applications under permitted development rights regulations.

Given the nature and limitations of the existing access, members feel this and associated safety issues should also be considered.

- 4.2 Oldland Parish Council  
No comments received



## **Other Representations**

### **4.3 Local Residents**

Four comments objecting to the application were received due to:

- Lack of detail x3
- Asks whether development is appropriate within conservation area x4
- States that a full ecological assessment should be undertaken due to previous refusal on site x2
- Height of garage would be detrimental to views from and into conservations area x2
- Notes errors in application form x2

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

- 5.1 Plans received 18 Jan 2018  
EXISTING SITE PLAN LD\_01  
PROPOSED SITE PLAN LD\_02  
PROPOSED GARAGE & STUDIO PLANS & ELEVATIONS LD\_03

## **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 issue is to determine whether the erection of 2no. outbuildings falls within the permitted development rights afforded to householders under Schedule 2, Part 1, Class E of the GPDO 2015; which permits buildings etc. incidental to the enjoyment of a dwellinghouse, providing it meets the following criteria:

### **Studio**

#### **Permitted development**

##### **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.**

## **Development not permitted**

### **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, PA or Q of Part 3 of this Schedule (changes of use);**

The dwelling has not been granted by virtue of Class M, N, P, PA or Q of Part 3 of the GPDO.

- (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 total area of ground covered by buildings, enclosures or containers within the curtilage (other than the original dwellinghouse) will not exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse) following the construction of the proposed outbuilding.

- (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;**

No part of the proposed outbuilding will be on land forward of a wall forming the principal elevation of the original dwellinghouse.

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

The proposed outbuilding would have a single storey.

- (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 outbuilding would have a flat roof; be within 2 metres of the boundary of the curtilage of the dwellinghouse; and would not exceed 2.5 metres in height. The proposal therefore meets these criteria.

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

The eaves would be 2.5 metres.

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

114 Tower Road North is not a listed building.

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

The proposal would not include a verandah, balcony or raised platform.

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

The proposal would not include a microwave antenna.

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

The proposed outbuilding is not a container.

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

**(a)an area of outstanding natural beauty;**

**(b)the Broads;**

**(c)a National Park; or**

**(d)a World Heritage Site,**

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

The dwelling is not located within an area of outstanding natural beauty, the Broads, a National Park or a World Heritage Site.

**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 dwelling is located on article 2(3) land; however, the studio would not be situated on land between a wall forming the side elevation of the dwellinghouse and the curtilage of the dwellinghouse.

**Garage**

**Permitted development**

**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.**

**Development not permitted**

## **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, PA or Q of Part 3 of this Schedule (changes of use);**

The dwelling has not been granted by virtue of Class M, N, P, PA or Q of Part 3 of the GPDO.

- (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 total area of ground covered by buildings, enclosures or containers within the curtilage (other than the original dwellinghouse) will not exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse) following the construction of the proposed outbuilding.

- (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;**

No part of the proposed outbuilding will be on land forward of a wall forming the principal elevation of the original dwellinghouse.

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

The proposed outbuilding would have a single storey.

- (e) the height of the building or enclosure would exceed –**

- (iv) 4 metres in the case of a building with a dual pitched roof,**
- (v) 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**
- (vi) 3 metres in any other case;**

The proposed outbuilding would have a dual pitched roof and is not within 2 metres of the boundary of the curtilage of the dwellinghouse. The proposal therefore meets these criteria.

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

The eaves would be 2.49 metres.

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

114 Tower Road North is not a listed building.

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

The proposal would not include a verandah, balcony or raised platform.

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

The proposal would not include a microwave antenna.

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

The proposed outbuilding is not a container.

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

**(a)an area of outstanding natural beauty;**

**(b)the Broads;**

**(c)a National Park; or**

**(d)a World Heritage Site,**

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

The dwelling is not located within an area of outstanding natural beauty. the Broads. a National Park or a World Heritage Site.

**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 dwelling is located on article 2(3) land; however, the garage would not be situated on land between a wall forming the side elevation of the dwellinghouse and the curtilage of the dwellinghouse.

**7. RECOMMENDATION**

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

Evidence has been provided to demonstrate that on the balance of probabilities the proposed outbuildings do fall within the permitted rights afforded to householders under Schedule 2, Part 1, Class E of the Town and Country Planning General Permitted Development Order 2015.

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

## CIRCULATED SCHEDULE NO. 10/18 – 9 MARCH 2018

<b>App No.:</b>	PK18/0394/CLP	<b>Applicant:</b>	Mr And Mrs Hillyard
<b>Site:</b>	Bienvenue 6 Church Road Wick South Gloucestershire BS30 5QL	<b>Date Reg:</b>	26th January 2018
<b>Proposal:</b>	Certificate of Lawfulness for the installation of a rear dormer to form additional living accommodation and the installation of 3no front elevation rooflights.	<b>Parish:</b>	Wick And Abson Parish Council
<b>Map Ref:</b>	370228 172910	<b>Ward:</b>	Boyd Valley
<b>Application Category:</b>	Certificate of Lawfulness	<b>Target Date:</b>	21st March 2018



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PK18/0394/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 1no rear dormer and 3no front elevation roof lights at Bienvenue, 6 Church Road, Wick 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.

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 Wick and Abson Parish Council  
No objection

#### **Other Representations**

- 4.3 Local Residents  
No comments received

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

- 5.1 Received by the Council on 24<sup>th</sup> January 2018:  
Site Location Plan  
Existing Elevations  
Proposed Elevations

## 6. ANALYSIS OF PROPOSAL

### 6.1 Principle of Development

The application for a Certificate of Lawfulness is purely an evidential test and is a formal way of establishing whether or not the proposed development can be implemented lawfully without the need for planning permission. Accordingly there is 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 and 3no front rooflights. 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, PA or Q of Part 3 of this Schedule (changes of use)**

The dwellinghouse was not granted under Classes M, N, P, PA 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 windows would not exceed the highest part of the existing roof.

**(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.

- (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 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 eaves of the original house would be retained and the rear dormer would be approximately 0.2 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.

- 6.4 The proposed roof lights on the existing dwelling would fall within the category of development permitted by Schedule 2, Part 1, Class C of the GPDO, which allows for any other alterations to the roof of a dwelling house provided it meets the criteria as detailed below:

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

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

The use of the building as a dwellinghouse was not granted by virtue of Class M, N, P, PA or Q of Part 3 of this Schedule.

**The alteration would protrude more than 0.15 metres beyond the plane of the roof slope of the original roof when measured from the perpendicular with the external surface of the original roof;**

The roof lights would not protrude more than 0.15 metres beyond the plane of the roof slope of the original roof.

**It would result in the highest part of the alteration being higher than the highest part of the original roof, or;**

The proposed roof lights would not be higher than the highest part of the original roof.

**It would consist of or include –**

- (i) The installation, alteration or replacement of a chimney, flue or soil and vent pipe, or

Not applicable

- (ii) The installation, alteration or replacement of solar photovoltaics or solar thermal equipment.

Not applicable

## Conditions

**C.2 Development is permitted by Class C subject to the condition that any window located on a roof slope forming a side elevation of the dwellinghouse must be-**

**(a) Obscure glazed; and**

**(b) 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.**

The proposed roof lights would be on the principal elevation.

## **7. RECOMMENDATION**

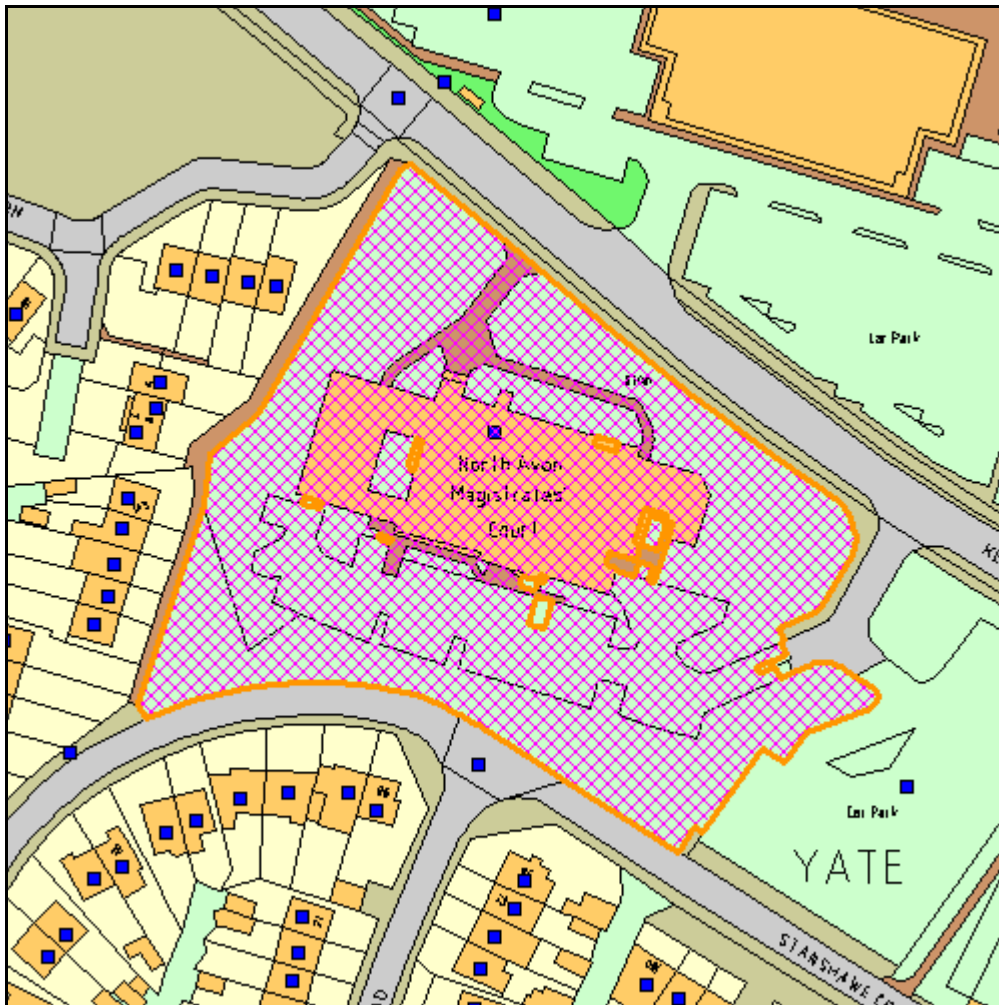
**7.1** That a certificate of Lawfulness for Proposed Development is **granted** for the reasons listed below:

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

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

CIRCULATED SCHEDULE NO. 10/18 – 9 MARCH 2018

<b>App No.:</b>	PK18/0680/PND	<b>Applicant:</b>	Homes England
<b>Site:</b>	North Avon Magistrates Court Kennedy Way Yate Bristol South Gloucestershire BS37 4PY	<b>Date Reg:</b>	9th February 2018
<b>Proposal:</b>	Prior notification of the intention to demolish court building.	<b>Parish:</b>	Yate Town Council
<b>Map Ref:</b>	371187 182396	<b>Ward:</b>	Yate Central
<b>Application Category:</b>		<b>Target Date:</b>	7th March 2018



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PK18/0680/PND

## **RERASON FOR REPORTING TO CIRCULATED SCHEDULE**

This report appears on the Circulated Schedule following comments from the Town Council and from local residents. Given that this type of prior notification application must be dealt with within a certain limited time frame, it is not always possible for the proposal to be circulated to Members because if the set time frame expires the developer is considered to have deemed consent. Similarly, if the proposal gets called to Committee it will go over the stipulated time frame and will be deemed consent. In this case the developer has agreed to a short extension of time which allows the Officer's report to appear on the Circulated Schedule.

### **1. THE PROPOSAL**

- 1.1 The applicant seeks to gain the prior approval of the local planning authority for the demolition of a building. In this instance the building is the former North Avon Magistrates Court, Kennedy Way, Yate.
- 1.2 The building is currently empty and has been transferred by the Ministry of Justice to the existing owners, Homes England (formerly the Homes Communities Agency) with the intention of residential development coming forward on the site in the future. It is stated in the covering letter that a cleared site will increase its attractiveness to future developers and thereby ultimately assist in the future delivery of housing.
- 1.3 An application for works to the trees on site is being assessed separately under PK18/0528/TRE. However, this would be a material consideration and the impact the proposed demolition of the building would have on the trees but be assessed.
- 1.4 Objections from 22 local residents and 1 letter of support from a local resident have been sent in to the Council. A letter from the local MP has also been received highlighting a constituent's concern.
- 1.5 The applicant was made aware of the concerns and has submitted a revised schedule of demolition. The revised details show that the demolition would only involve the removal of low quality trees. High quality trees would be protected.
- 1.6 During the course of the application an outline application for the erection of 50 dwellings on the site was registered with the LPA for separate consideration.

### **2. POLICY CONTEXT**

- 2.1 National Guidance
  - i. Town and Country Planning (General Permitted Development) (England) Order 2015 - Schedule 2; Part 11; Class B
  - ii. Town and Country Planning (Demolition - Description of Buildings) Direction 2014
  - iii. Assets of Community Value (England) Regulations 2012
  - iv. National Planning Policy Framework, March 2012
  - v. National Planning Practice Guidance

## 2.2 Development Plan

This application is for prior approval for the demolition of a building. The policies that comprise the local development plan are not relevant to the consideration of this application.

## 3. RELEVANT PLANNING HISTORY

- |     |               |  |
|-----|---------------|--|
| 3.1 | PK18/0799/O   | Erection of 50 no. dwellings (Outline) with access, layout and scale to be determined. All other matters reserved.<br><br>Pending consideration  |
| 3.2 | PK18/0528/TRE | Works to trees as per the proposed schedule of works submitted to South Gloucestershire Council on 31st January 2018. Trees covered by Tree Preservation Order SGTPO 32/16 (927) dated 11th January 2017.<br><br>Pending consideration |
| 3.3 | RE17/0976     | 2 potential development options for the site: 1) a 50-unit traditional residential scheme; 2) a 70 unit Extra Care scheme  |
| 3.4 | PRE16/0567    | Re-development options including separate schemes for residential, residential care and retail uses.<br><br>Advice given September 2016  |
| 3.5 | PK03/3618/F   | Modifications to secure Youth Court access with associated parking and works<br><br>Approved                      16.2.04  |
| 3.6 | P96/2121      | Extension to car parking<br>Approved                      28.5.97  |
| 3.7 | N5769         | Erection magistrates court and probation and after care service.<br><br>6.8.79   |

## 4. CONSULTATION RESPONSES

### 4.1 Yate Town Council

Object to demolition, prematurely removes a community asset. Also the outcome being determined in private by officers at South Gloucestershire Council does not give members of the public the opportunity to attend and is therefore not transparent. If demolition work proceeds, must have the following conditions:

- 1) Demolition materials must not be put near existing properties or existing trees.

- 2) Demolition hours of work must not be disruptive to existing neighbours, ie limited to Monday to Friday, 8am to 5pm only.
- 3) Similar for construction and entering from Kennedy way only.
- 4) Ensure the site is secured when demolition complete.

#### 4.2 Other Consultees

##### Tree Officer

Objection to some of the trees being removed as part of this prior notification to demolish.

##### *Updated comments:*

*Provided the works are in strict accordance with the details submitted on 2.1.18 in the updated arboriculture and demolition report, there are no objections. Appropriate condition to be attached to decision notice.*

##### Ecologist

No objection subject to conditions

##### Landscape Officer

No objection

##### Public Rights of Way Officer

No objection

##### Environmental Protection

No objection subject to an informative regarding construction sites

##### Transport

No objection subject to a condition requiring a CEMP for the site

#### **Other Representations**

#### 4.3 Local Residents

22 letters of objection and one letter of support have been received by the LPA. The points raised are as followed:

##### Support:

- The boring red brick building isn't being used and hasn't been for many years – agree it should be demolished and the land used to benefit the town
- New houses need

##### Objections:

- Unhappy site will be left empty for so long – will be expected to look at boards for months instead of trees and green area where the kids can play
- Lovely building and could be used for the community
- Bats are present
- Services in Yate over stretched so this building could be put to better use
- No contractor in place to build the replacement building
- Planners do not live in or care about the area

- Parking is an issue in Yate – the site could be used for parking, even if a small fee was charged
- This development has been kept quiet from residents and not communicated to them – locals should be involved in the design of new houses
- Loss of wildlife habitat – takes years for tree to get as big as the ones on the site
- Dust will cause medical problems for residents in the area
- Will disrupt sleeping patterns for night workers
- Workers on the site will use carparks intended for people visiting the shops. Construction traffic will add to existing parking problems
- Flooding in Stanshaw Crescent is already a problem – will trees and green spaces be left
- Where is the entrance to the new houses going to be?
- Will increase anti-social behaviour which is already present in the area. Council will have to pick up the bill to clear up the mess.

#### 4.3 Members of Parliament

A letter has been received from the local Member of Parliament forwarding on comments from one of his constituents. The issues raised have been listed above and included in the below report.

## 5. ANALYSIS OF PROPOSAL

### 5.1 Principle of Development

The Town and County Planning (General Permitted Development) (England) Order 2015 - Part 11; Class B – allows for the demolition of buildings as a deemed consent. It should be noted that this permitted development right is only evoked when the level of demolition amounts to development. This is defined in the Town and Country Planning (Demolition - Description of Buildings) Direction 2014. Outside of a conservation area, buildings with a volume lower than 50 cubic metres are not considered to fall within the definition of development and therefore planning permission, deemed or otherwise, is not required for their demolition.

- 5.2 The applicant is however, required to apply to the Local Planning Authority for a determination as to whether prior approval will be required regarding the method of demolition and any proposed restoration of the site. This is not a planning application, and therefore has a limited scope. The principle of the demolition itself is granted by Parliament via the General Permitted Development Order subject to the conditions set out under this Part (Part 11); there is no provision for the Local Planning Authority to add further conditions. The consideration of this process is therefore limited to the more procedural details of how the demolition will occur and any proposed restoration which the Government have indicated should be a “light touch” procedure. Accordingly, some of the objections received to the principle of demolition itself cannot be addressed, as this is already established. Furthermore, some of the other comments will be more relevant to the outline applications for 50 dwellings (reference PK18/0799/O). As part of this procedure the applicant is required to provide a written description of the proposed demolitions and to give notice of the works. Details included in the application state that:



- A section 80 notice for demolition under the Building Act was provided to the Local Authority's Building Control Department on the 31<sup>st</sup> January 2018. The notice confirms *complete demolition to underside of slab and grub up foundations*

A document *Demolition Tender – Preliminaries* has been submitted with the application. No contractors have yet been appointed but all will be suitably qualified and would carry out work in line with relevant regulations including BS6187-2011 and HSE guidance Notes for Demolition GS29/4 and other relevant regulations.

The supporting information suggests that the site will be cleared to make way for a new speculative housing development. The proposed works will comprise:

- demolition of the existing buildings on site excluding the hard surfacing around the site
- the removal of all waste materials from the site
- the crushing of demolition arising for retention on site
- removal of all other non-hazardous materials arising from the demolition works and disposal at an authorised landfill-re-cycling centres
- supplying welfare in line with CDM 15

It is also stated that the works are to be carried out in accordance with the JCT Minor Works Form of Building Contract with 2011 edition incorporation amendments.

5.3 It is considered that the applicant has complied with the requirements of the aforementioned class.

5.4 Assessment

The main purpose of the notification is to give the Local Planning Authority the opportunity to control and regulate the details of demolition in order to minimise the impact of the development on the amenities of the area. The main assessment of this application is whether the demolition would have a significant impact on the site. Within the site are protected trees and the potential impact on these trees forms part of this assessment.

5.5 Trees:

The original demolition plan proposed to remove a group of trees and also individual trees on site to prepare the site for development. The Tree Officer stated that the level of tree removal was neither appropriate nor necessary for the proposed demolition of the building. Plans submitted showed the removal of 9no. individual trees and 1 no. group labelled G21. The group of trees in particular was considered to offer screening and would provide the same function in any future development. However, individual trees labelled T7, T28, T29 and T34 were considered poor quality, providing limited amenity and their removal would not be objected to. Similarly pruning works to G19 would be acceptable. As objections to the removal of T4, T13, T17, G21, T23 and T24 remained the applicant was given the opportunity to provide revised plans to

show how the building could be demolished whilst at the same time protecting the best quality trees on site.

- 5.6 Revised details were submitted to the LPA and assessed by the Tree Officer. These plans indicated that trees T7, T28, T29 and T34 are to be removed. These are of low quality, close to the building and do not provide significant amenity. Group G19 are to have their canopy reduced by a maximum of 3.7 metres to the south. All trees on the periphery of the site are to be retained. It is a condition of Part 11 that the demolition should accord with the details submitted in the event that prior approval is given. The Tree Officer raises no objection subject to the adherence to the arboricultural report submitted.

5.7 Ecology

The application site is located within an established urban area and currently comprises a building formerly used as a Magistrates court. Within context the site is largely residential and commercial. The buildings are empty and ownership transferred to Homes England from the Ministry of Justice for its redevelopment as a residential site. The redevelopment of the site for speculative housing is not being considered under this application.

- 5.8 The site is around 0.779ha and comprises a detached 1980s building set over 1 and 2 storeys, primarily constructed in brick. It is noted that the building occupies a central position within the site and as stated in the covering letter, with trees and landscaping providing a buffer between the building, Kennedy Way and neighbouring residential properties. All trees on the site are covered by tree preservation orders it is noted that a separate application regarding the removal of the trees has been made alongside this prior notification to demolish.

- 5.9 Also included with the application are results of a preliminary ecological appraisal undertaken in July 2017 which noted features suitable of having modest roosting potential for bats. Further surveys of the main building were undertaken in August and September 2017 which confirmed the roof voids had the potential to be used by roosting bats however no evidence of bats was recorded. One bat was identified as roosting within the court building during the surveys. The report concluded that the building was being used as a summer day roost/occasional roost. During the survey work at least six species of bat were recorded over or near the Site, with common pipistrelles seen commuting and foraging over the amenity grassland and along the tree lines on site. None of the trees on site were used by bats as a refuge or roost.

- 5.10 In Britain, all bats are protected under the Wildlife & Countryside Act 1981 (as amended by the CROW Act 2000) and the EC Habitats Directive 1992, implemented in Britain by the Habitat Regulations 2010. Furthermore, some bats are priority species nationally, being listed on the UK Biodiversity Action Plan and under Section 41 of the NERC Act 2006 as a species of principal importance for biological diversity in Britain; as well as being included on South Gloucestershire's own Biodiversity Action Plan.

- 5.11 As European Protected Species (EPS), a licence under Regulation 53/56 of the 2010 Habitat Regulations is required for development to be lawful.

Judicial reviews have directed that surveys for bats cannot be left to planning Conditions; and that where bats are present, planning authorities should be applying the same 'tests' to which licence applications are subject to under Regulation 53/56 of the Habitat Regulations 2010.

- 5.12 Satisfying these 'tests' necessitates providing the detail of a mitigation strategy prior to determining the application.

The three 'tests' are:-

- For the purposes of preserving public health or public safety or other imperative reasons of overriding public interest including those of social or economic nature and beneficial consequences of primary importance for the environment;
- There is no satisfactory alternative to the work specification;
- The action authorised will not be detrimental to the maintenance of the population of the species at a favourable status in their natural range.

- 5.13 The first 'test' is satisfied in that development is regarded as being of 'overriding public interest of an 'economic nature'. Regarding the second 'no satisfactory alternative' test, the court building is currently no longer in use and vacant and is due to be demolished as part of a proposed redevelopment as a residential site. Bat mitigation proposals outlined in Section 6 of the Bat Survey Report by WSP (November, 2017), suggest various methods to minimise the impact to bats, these include sensitive sections of the building to be taken down by hand using destructive search methods under the supervision of a Class Licenced ecologist and the provision of interim bat roosting opportunities prior to demolition. Regarding the third 'favourable status' test, it is considered that the replacement provisions described in Section 6 of the Bat Survey Report by WSP (November, 2017) should enable pipistrelle bats to continue to roost on site; and that, subject to the mitigation, compensation and enhancement measures being implemented in full, it is considered that development would not be 'detrimental to the maintenance of the species at a favourable status in their natural range'.

- 5.14 The habitat around the site is not suitable to support great crested newts and due to the location and habitat reptiles are not likely to be present. No evidence of badgers was found. A foraging hedgehog has been seen on site and the site is suitable for nesting birds.

- 5.15 Overall there is no ecological objection to the scheme. The proposed mitigation, compensation and enhancement satisfies the three tests. A European Protected Species Licence will be required for the development to proceed and agree the mitigation and compensation measures proposed.

5.16 Transport

The comments of the local residents, especially with regards to the existing parking situation within the town, are noted but in terms of the assessment of this prior notification to demolish this building, would be outside of the remit of this procedure. In relation to concerns about impact on the highway there is no transportation objection. Whilst it has been suggested that a Construction Environmental Management Plan might be desirable, there is no provision in this part of the GPDO to impose conditions on this decision.

The Highway Act already contains measures and offences in relation to detritus transferring onto the highway.

5.17 Public Rights of Way

Access into the site is via Kennedy Way, shared with the GP surgery and a public right of way is acknowledged along the western boundary of the site. Details in the covering letter confirm the proposed demolition of the building would not interfere with the PROW which would remain accessible throughout the operation.

5.18 Other matters raised in comments by local residents

Many of the comments have expressed disappointment that the existing building is to be demolished rather than put to another use. However, as has been outlined the principle of demolition has already been permitted by Parliament, and so this is not within the remit of the limited scope of this procedure. In relation to the potential redevelopment of the site for housing – this should be considered as part of that application. This prior approval would not confer development rights for the site, and is confined to the issue of demolition.

Comments have implied that local residents have not been kept informed of development proposals for this site. When the application was received the correct notifications were made as per the Council's Statement of Community Involvement and as a result representations were received from local residents and have been included within this assessment.

Concern has been expressed that the site will attract vandals and unauthorised occupancy due to it being left empty following the demolition. It will be the responsibility of the developer to ensure the site is secure prior to its future development, but it is often the case that demolition is sought as a measure to prevent such behaviour as empty buildings can be more attractive.

5.19 Consideration of likely impact on 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.

The proposal would have a neutral impact on equalities.

5.20 Conclusion

The details of the demolition are sufficient to comply with the regulations and the updated arboricultural report indicates the best quality trees will be protected during the demolition.

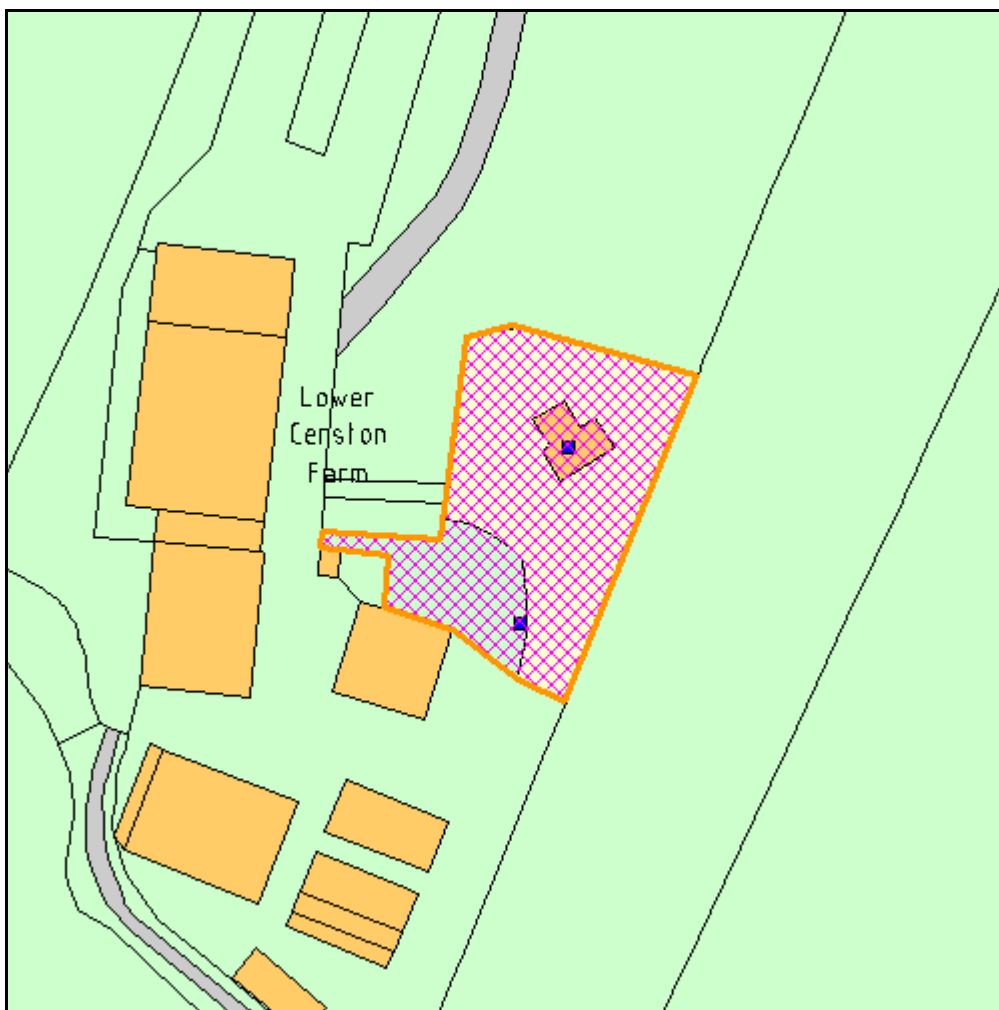
## 6. **RECOMMENDATION**

- 6.1 It is recommended that a decision notice be issued confirming that prior approval is necessary, but that there is **NO OBJECTION** to the prior approval.

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

## CIRCULATED SCHEDULE NO. 10/18 – 9 MARCH 2018

<b>App No.:</b>	PT17/4661/CLE	<b>Applicant:</b>	Mr And Mrs D Palmer
<b>Site:</b>	Lower Corston Farm Whale Wharf Lane Littleton Upon Severn Bristol South Gloucestershire BS35 1NW	<b>Date Reg:</b>	25th October 2017
<b>Proposal:</b>	Application for a certificate of lawfulness for an existing dwelling and associated works.	<b>Parish:</b>	Aust Parish Council
<b>Map Ref:</b>	359603 190752	<b>Ward:</b>	Severn
<b>Application Category:</b>	Certificate of Lawfulness	<b>Target Date:</b>	28th November 2017



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PT17/4661/CLE

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

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

By way of information, Members should be aware, that the test to be applied to this application for a Certificate of Lawful Development, is that the applicant has to prove on the **balance of probability**, that the building as described, was substantially completed 4 years prior to the receipt of the application on the 3<sup>rd</sup> Oct. 2017. The relevant period for consideration is therefore between 3<sup>rd</sup> Oct. 2013 to 3<sup>rd</sup> Oct. 2017.

### **1. THE PROPOSAL**

- 1.1 This application seeks a certificate of lawful development for an existing dwelling at Lower Corston Farm, Whale Wharf Lane, Littleton-Upon-Severn.
- 1.2 A certificate of lawful development is sought on the basis that the building was not constructed in accordance with planning permission PT00/1896/F and is therefore free from the encumbrance of the planning conditions attached thereto. It is submitted that as the building was constructed more than 4 years preceding the date of this application, then it is immune from enforcement action under section 171B(2) of the Town and Country Planning Act 1990 ("the Act") and therefore, in accordance with section 191 of the Act, the development is lawful.
- 1.3 In effect, the granting of the Certificate as proposed, would allow amongst other things, that the building could in future be occupied as a dwelling by persons other than those working or last working in agriculture (see Condition 5 of PT00/1896/F).

### **2. POLICY CONTEXT**

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

The application is for a Certificate of Lawfulness which is a legal assessment rather than one relating to planning policies.

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

- 3.1 PT00/1896/F - Erection of agricultural workers dwelling (to replace existing mobile home).  
Approved 9<sup>th</sup> Nov 2000
- 3.2 PT07/0395/F - Erection of agricultural building to store machinery (retrospective).  
Approved 22<sup>nd</sup> March 2007

- 3.3 PT09/5373/F - Conversion of existing agricultural building and silage clamp to equine exercise area  
Approved 18<sup>th</sup> Nov. 2009

4. **SUMMARY OF EVIDENCE SUBMITTED IN SUPPORT OF THE APPLICATION**

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

1. Statutory Declaration of Mr Dennis William Palmer signed 24<sup>th</sup> Aug. 2017. Mr Palmer states that:
  - He is the joint freehold owner of the property known as Lower Corston Farm, Littleton-Upon-Severn, Thornbury, BS35 1NW. The property comprises a four bedroom detached dwelling, agricultural buildings, equestrian buildings and facilities, and approximately 35 acres of land. Mr Palmer has jointly owned the property with his wife, Roslyn Brenda Palmer, since 23 May 2008.
  - A copy of Land Registry title and plan ref. GR262635 is provided as evidence of when Mr & Mrs Palmer purchased the property.
  - He has lived at Lower Corston Farm since late May 2008 and his wife since late Nov. 2009.
  - To the best of his belief the previous owner of Lower Corston Farm completed building the dwelling in early 2004.
  - A copy of the Building Control Completion Certificate dated 03 Feb. 2004 is provided.
  - The dwelling existed in its present form on 23<sup>rd</sup> May 2008 when Mr Palmer and his wife purchased the property.
2. A supporting statement and various plans showing 'as approved' and 'as built' for comparison; CIL information; appeal statements, a Building Control Completion Certificate have also been submitted in support of the application.

5. **SUMMARY OF CONTRARY EVIDENCE**

- 5.1 No contrary evidence has been received from third parties.
- 5.2 The LPA does not itself hold any contrary evidence.

6. **OTHER CONSULTATIONS**

- 6.1 Local Councillor  
No response
- 6.2 Aust Parish Council  
Aust PC has no objection to the house remaining. The only issue is that the existing permission includes an agricultural tie. If it is possible in this case, Aust PC thinks the condition should be continued.
- 6.3 Lower Severn Drainage Board  
No response



## **Other Representations**

- 6.4 Local Residents  
No responses

## **7. ASSESSMENT**

- 7.1 An application for a certificate of lawful development is not a planning application: it is purely an evidential test and therefore should not be determined against planning policy or on planning merit. The test to be applied is whether the application has demonstrated, through precise and unambiguous evidence, that (in this instance) the dwelling-house has been in-situ for 4 years or more prior to the receipt of this application on the 3<sup>rd</sup> October 2017.
- 7.2 Breach of Planning Control  
The applicant submits that on the 8<sup>th</sup> Nov. 2000, the LPA granted full planning permission ref. PT00/1896/F for the erection of a dwelling at Lower Corston Farm. The permission was subject to 11 planning conditions. The decision notice also stated that the permission relates only to the plans identified i.e. drawing No. BS/11754/1 and No. BS/11754/2A.
- 7.3 The location of the dwelling is not in accordance with the approved plans. In addition the appearance of the dwelling differs in a number of ways from the approved plans; these are listed and shown on the submitted plan Elevations – as built Drawing No. 4. The differences relate mainly to various window sizes and positions, materials differences, the construction of a porch. The dwelling was also extended by a conservatory built off the North East elevation between July 2006 and June 2008.
- 7.4 S191(1) of the Town and Country Planning Act 1990 (TCPA) provides that a person may make an application to ascertain whether:
- 2.1.1 Any existing use of buildings or other land is lawful.
  - 2.1.2 Any operations which have been carried out in, on over or under land are lawful.
  - 2.1.3 Any failure to comply with any condition or other limitation subject to which planning permission was granted is lawful.
- 7.5 As there was no planning permission for the erection of the dwelling as built on the site, the relevant question is 2.1.2 as set out above. S191(2) TCPA sets out the grounds on which the operations to be considered would be deemed lawful, including that no enforcement action could be taken either because the operation did not involve development or require planning permission or because the time for taking enforcement action had expired.

7.6 The time limits for taking enforcement action are set out in s171B TCPA for building operations. The relevant period is 4 years beginning with the date on which the operations were substantially completed (s171B(1)). This applies where the breach of planning control has been concealed such that the LPA could not have been aware of the breach and taken enforcement action within the prescribed period. In such cases the LPA has six months, beginning on the date when it had sufficient evidence to apply to the Magistrates' Court for a planning enforcement order enabling it to take enforcement action against the breach.

7.7 The issues to be considered in this case are therefore:

a. Were the works to construct the dwelling substantially completed 4 years or more before 3<sup>rd</sup> Oct. 2017 i.e. receipt of the application?

b. If any of the building works were not substantially completed 4 years or more before 3<sup>rd</sup> Oct. 2017, could the works nevertheless be regarded as permitted development and therefore lawful?

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

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

7.9 The relevant test of the submitted evidence

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

7.10 Hierarchy of Evidence

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

1. Personal appearance, under oath or affirmation, by an independent witness whose evidence can be tested in cross-examination and re-examination, especially if able to link historic events to some personal event that he/she would be likely to recall.

2. Other personal appearance under oath or affirmation.
3. Verifiable photographic evidence.
4. Contemporary documentary evidence, especially if prepared for some other purpose.
5. Sworn written statements (witness statements or affidavits), which are clear as to the precise nature and extent of the use or activity at a particular time.
6. Unsworn letters as 5 above.
7. Written statements, whether sworn or not, which are not clear as to the precise nature, extent and timing of the use/activity in question.

7.11 Construction of the Dwelling

Mr Palmer has stated in his Statutory Declaration that the dwelling was erected in 2004 (as confirmed by the building Regs. Completion Certificate) and that the building existed in its current form when he moved in on 23<sup>rd</sup> May 2008; the conservatory extension having been added prior to that date.

- 7.12 From an inspection of the aerial photographs within the Council's own archive, it is evident that the building was in-situ in its current form in 2008 and that it had been constructed in a position different to that shown on the originally approved plans. Submitted plan No.3 'Comparison of 'as built' and 'as approved' layout, clearly shows the footprint of the building to be in a completely different location to that originally approved. The building has been erected on a different orientation that is approximately 35 degrees out and 14.7 metres to the east of the approved location. This is confirmed by the Council's aerial photographs of 2006, 2008 and 2014/15. The appearance of the dwelling is also materially different from the approved plans. The curtilage of the building is taken as that shown on the submitted Location Plan.

- 7.13 Given that there is no evidence to the contrary and that the photographic evidence concurs with Mr Palmer's version of events, as given in a sworn statement, it is likely on the balance of probability that the building was in-situ and completed prior to the start of the requisite 4 year period on the 3<sup>rd</sup> Oct. 2013.

- 7.14 Under Section 171B(2) of the Planning Act, the existing dwelling is immune from enforcement action having been constructed more than 4 years preceding the date of this application. It is therefore, lawful under Section 191 of the Act.

7.15 Was there Deliberate Concealment?

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

Other Matters

- 7.16 The Parish Council has requested that the occupancy condition (5) as imposed on the original planning permission PT00/1896/F be replicated should a certificate be forthcoming.

- 7.17 The building has been built without planning permission and it therefore follows that the conditions imposed on planning permission PT00/1896/F are unenforceable. In *Handoll and Others v Warner Goodman and Streat and Others* (1995) the Court of Appeal confirmed that if a development has been carried out other than in accordance with the planning permission granted, it is unauthorised and unlawful, and therefore any conditions attached to the permission can have no effect upon it, and that once the time for enforcement action has passed, a planning authority is unable to enforce either the original permission or any conditions attached to it. This has been confirmed in a number of subsequent appeal decisions.
- 7.18 The granting of a CLEUD in this case regularises the planning situation but is not a planning permission to which conditions can be attached. The retention of the dwelling is lawful under Section 191 of the Act and is free from the encumbrance of the planning conditions attached to planning permission PT00/1896/F.

## **8. CONCLUSION**

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

## **9. RECOMMENDATION**

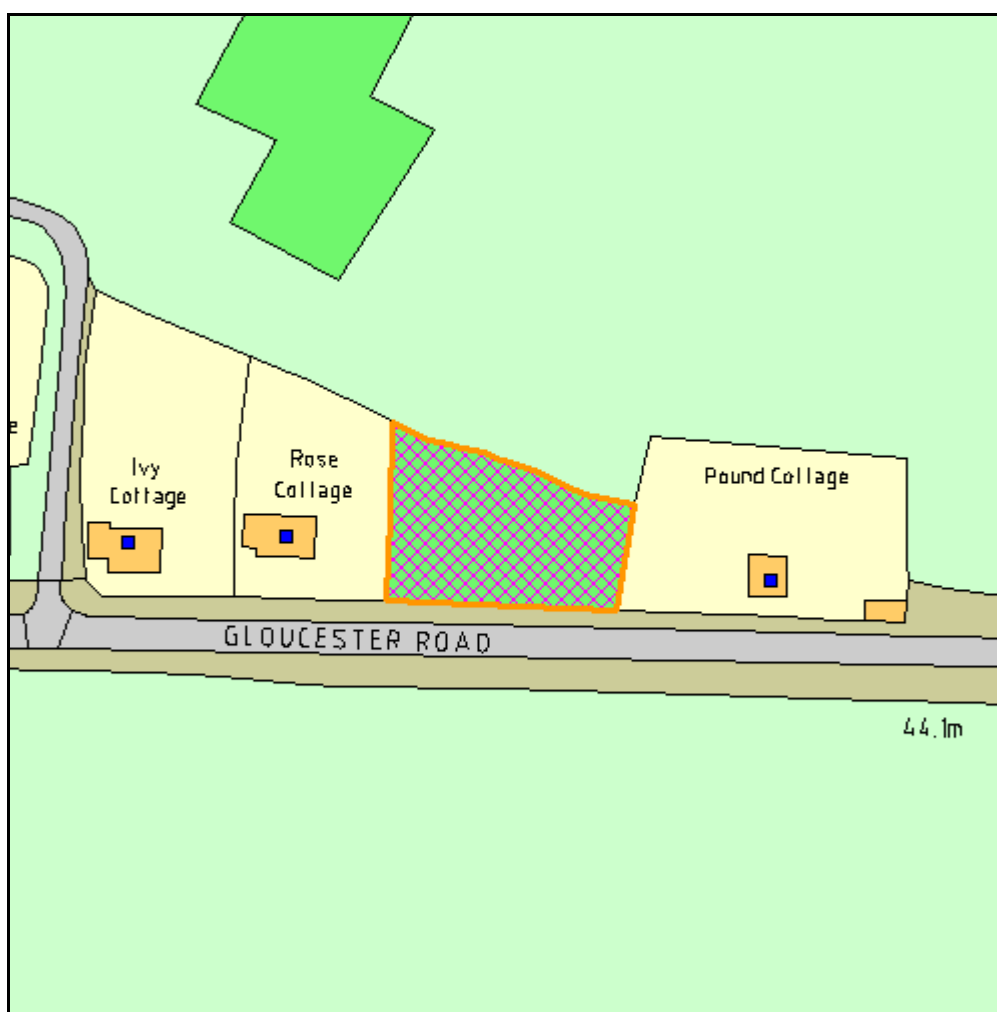
- 9.1 That a Certificate of Lawful Development should be GRANTED for the existing dwelling for the following reason:

*Sufficient information has been submitted to demonstrate that, on the balance of probability, the building shown outlined in red on the submitted Block Plan has been present and used as a dwelling for a continuous period of 4 years or more immediately prior to the submission of the application.*

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

## CIRCULATED SCHEDULE NO. 10/18 – 9 MARCH 2018

<b>App No.:</b>	PT17/4708/F	<b>Applicant:</b>	Mr Ashley Hall
<b>Site:</b>	Land Adjacent To Pound Cottage Old Gloucester Road Thornbury Bristol South Gloucestershire BS35 3UG	<b>Date Reg:</b>	17th October 2017
<b>Proposal:</b>	Erection of 1 no. detached dwelling with rear balcony and detached double garage, new access and associated works (resubmission of PT17/3582/RM)	<b>Parish:</b>	Thornbury Town Council
<b>Map Ref:</b>	365594 191333	<b>Ward:</b>	Thornbury North
<b>Application Category:</b>	Minor	<b>Target Date:</b>	1st December 2017



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PT17/4708/F

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

The application is circulated as a result of the adverse comments of the neighbouring property and in principle objection from Thornbury Town Council.

### **1. THE PROPOSAL**

- 1.1 This application seeks full planning permission for a two storey house and garage with a detached garage and new access onto Old Gloucester Road.
- 1.2 The house is described as self build. The application shows a four bedroom detached house with two parking spaces and a double garage. The land on which the house would be placed is a small parcel of land between two houses on Old Gloucester Road, to the west of Thornbury. The previous use of this now vacant site is understood to have been part of the garden of Pound Cottage.
- 1.3 The site is located in the open countryside outside of the nearest settlement boundary by some 1100m or to the closest part of the Thornbury allocations by some 600m. The site is not in the Green Belt
- 1.4 Members may recall that a previous application was granted at this site for a house in outline form with siting and access being determined. This application is however a full application as the applicants have decided to relocate the access which previously formed one of the agreed matters and cannot be re-determined as part of a reserved matters submission. That Outline decision is material to the decision in this case.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
National Planning Policy Framework March 2012- in particular  
Achieving sustainable development  
Section 6 Delivering a wide choice of high Quality homes  
Section 7 Requiring good design  
Section 12 Conserving and Enhancing the Historic Environment' and accompanying Historic Environment Planning Practice Guide.
- 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  
CS16 Housing Density  
CS17 Housing Diversity  
CS34 Rural Areas.  
  
South Gloucestershire Local Plan: Proposed Submission: Policies, Sites and Places Plan June 2016  
PSP1 Local Distinctiveness  
PSP2 Landscape

PSP8	Residential amenity
PSP11	Transport Impact Management
PSP16	Parking standards
PSP17	Heritage Assets and the Historic Environment
PSP19	Wider Biodiversity
PSP38	Development within existing residential curtilages, including extension and new dwellings.
PSP40	Residential development in the countryside

### 2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Supplementary Planning Document) Adopted 2007

South Gloucestershire Council Affordable Housing Supplementary Planning Document (Adopted) September 2008

Residential Parking Standards Supplementary Planning adopted December 2013

South Gloucestershire Landscape Character Assessment review adopted 2013

#### Other guidance

South Gloucestershire Council adopted planning guidelines- Trees on Development Sites

## 3. RELEVANT PLANNING HISTORY

- 3.1 PT16/0519/O Erection of 1no. detached dwelling and garage (Outline) with access and layout to be determined. All other matters reserved. Approved at committee 06.07.2016
- 3.2 PT05/0311/F Erection of detached dwelling and alterations to existing access. (Resubmission of PT04/3701/F). Refused and later dismissed at appeal.

## 4. CONSULTATION RESPONSES

- 4.1 Thornbury Town Council  
Council continues to object (referring to Outline application) and would reiterate its previous comments – the proposed development is outside the town development boundary

- 4.2 Other Consultees  
Transportation DC  
No objection

Drainage LLFA  
No objection

#### Tree officer

There are 3 x Council owned trees growing adjacent to the boundary of the site that have been categorised as grade 'b' within the submitted arboricultural report. The report is proposing to remove the trees in order to facilitate the development. In particular the installation of a driveway with visibility splay.

It is felt that the proposed removal of the trees is excessive. It is considered that the removal of 1no. tree – T04 would be acceptable with a proposed new tree to be planted within the site in order to mitigate for its loss. The new tree would need to have the capability to grow to a similar height as T04, species would need to be agreed with the Tree officers in writing. The other trees should not be removed.

Should the applicant gain consent to remove any of the trees via the planning process they would still need to gain the consent of the owner of the trees in order to carry out removal works. In this case the owner is South Gloucestershire Council.

The proposed protective fencing for H06 (hedge at rear of the site) is acceptable. The proposed fencing plan and installation of cellular confinement system for the protection of T05, are adequate for the protection of the tree, which is growing on land adjacent to the proposed site (at Rose Cottage).

The application is not considered acceptable with the proposed removal of the trees therefore **refusal** of the application is recommended.

Archaeology  
No comment

### **Other Representations**

#### **4.3 Local Residents**

One neighbouring household broadly supports the erection of a new house but had concerns about:

- the size and location of the garage because it would be imposing on their young native hedge making the back garden feel urban.
- Concern that the plans do not accurately show the location of the writers shed.
- That the garage is now closer to their land as a result of the access change
- Concern that garage and driveway could impact on the water drainage next door and overwhelm the soakaway beneath the writers driveway. The water table is high in this location and the writers wall cavities are permanently full of water.
- The proposed design has little visual appeal and are unsympathetic to the surroundings.
- Concern about rear balcony.
- Keen to ensure there is space at the front to replace the trees being removed.



## 5. **ANALYSIS OF PROPOSAL**

### 5.1 Principle of Development

The principle of this development was established under planning application PT16/0519/O. This accepted that the house in this out of town location was in a sustainable location.

### 5.2 Design.

Policy CS1 seeks the highest possible standards of design and deals with the external appearance of the development and landscape matters. PSP1 also deals with local distinctiveness. The proposal is located similarly to that of the outline consent and would rise to a ridge of 7.6m with eaves at 5m above ground level. This accords with the condition set out on the outline consent. The house is broken up by the use of gables facing the street and a ridgeline parallel to the road. The materials palette has not been fully disclosed but the principal elevation and projecting gables will be constructed from random rubble stone while the remaining elevations will receive a rendered finish. The property makes use of full height glazing into the principal entrance and circulation areas. The roofs will be finished in a concrete interlocking tile with a profile to mimic slates. The properties along this road are of various forms and proximities to the road and as such the form and location of the house are considered in keeping with the varied nature of the few houses nearby.

### 5.3 Impact on neighbours

The house itself is located over 20m from either neighbouring house although the double garage is located just over a metre from the western boundary. The garage was shown to be in different locations relative to the house when the application was received and this has been resolved. The garage is actually in approximately the same position as agreed at outline stage and, being over twelve metres from the neighbours house would not cause an over bearing presence or loss of residential amenity at that property. Whilst the neighbour is concerned about the urbanisation of their garden the garage is located alongside the writers own shed and although bigger and slightly deeper into the garden it is not considered to be harmful to the character of the area or the amenity of the neighbouring garden or recently planted hedge.

In terms of overlooking the site is located over twenty metres from each neighbouring house and windows and the proposed balcony face either front or rearward. As such there will be no direct overlooking into the houses. Whilst residents could access the balcony and look sideways this is considered sufficiently far from each neighbour so as to prevent harm to residential amenity and in addition the garage would offer a little obstruction from view to the west. Overall no harm to residential amenity is found.

### 5.4 Trees and landscape

It is proposed to access the plot direct from Old Gloucester Road in order to achieve visibility and to remove three street trees (two no. Ash and one Oak) which currently grows in the verge, directly in front of the front boundary wall.

Further to a previous Inspectors decision that the trees could be removed officers acknowledged in application PT16/0519/O that the Ash Trees (situated either side of the proposed access) are regularly subject of pruning by Utilities Companies in order to protect their assets (overhead lines) which means that these trees are not likely to meet the criteria for protection under a Tree Preservation Order. However, the Oak Tree (towards the East of the site) is not subject to the works by Utility Companies. It is considered that in this instance, the tree is likely to meet the criteria for protection under a Tree Preservation Order. During the decision it was unclear if the trees would need to be removed or not as highway officer disagreed with the agents visibility splays and in granting planning permission under reference PT16/0519/O members specifically requested that the conditions secure adequate tree protection where it is demonstrated that they can be retained as part of the required visibility splays. This application now seeks the relocation of the drive (southwards from it's original position) and removal of the trees because they cannot show full visibility with the trees intact. Given the history facilitating the removal of the trees it is not justified to refuse planning permission in this instance. Further, mitigation in the form of planting inside the boundary of the site which will not inhibit visibility splays is proposed. These are four oaks and three Rowan trees. A Tree protection method has been submitted for the tree within the front garden of Rose Cottage and the established hedge at the north of the site which is acceptable to the Tree team. Overall whilst the loss of the existing trees is regrettable the replacement trees are acceptable species subject to planting details and maintenance scheme. As such a condition to secure such detail is necessary.

Notwithstanding this conclusion the trees do not belong to the applicant but the Council (Streetcare and the applicant has already been directed to speak to Streetcare about removing the trees as a separate matter).

The site is largely flat and the site would be seen in relation to the other houses in this immediate vicinity with trees being replaced and as such there is no material impact on the landscape.

#### 5.5 Transportation

Car parking is provided within and in front of a double garage for the proposed house. As such the policy requirement of two parking spaces in accordance with the Residential Parking Standards is achieved on site and a turning head is also shown. The garage can adequately accommodate cycle parking and internal bin storage. Clear drawings showing 146m by 2.4m visibility splays have been submitted and as such the transportation Development Control team raise no concern about visibility.

#### 5.6 Affordable Housing

The site size and number of dwellings sought in this application is below the threshold for affordable housing in the adopted Core strategy and as such no affordable housing is required from this site.

### 5.7 Drainage

The applicants have advised that their preferred option is to install and sewage treatment plant and this is therefore proposed. They are aware that they may need to apply to the Environment Agency for a discharge consent. If however this proves difficult then a cess pool can be installed. The drainage team have assessed this approach and are happy that this would be considered under Building Regulations legislation. Whilst the Building Regulations Act deals with roof water these do not deal with surface water from a drive and given the concerns of the neighbour about excess water and the close proximity of the drive to their property it is considered necessary that, in order to ensure that the proposal shall not make the situation for the neighbour worse the applicants design their drive in a sustainable manner which demonstrates that the drive will be sustainably drained. This can adequately be dealt with by attaching an appropriate condition.

### 5.8 Consideration of likely impact on 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 it 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 South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 set out above, and to all the relevant material considerations set out in the report.

## 7. RECOMMENDATION

- 7.1 That planning permission is granted subject to the conditions set out below.

**Contact Officer: Karen Hayes**  
**Tel. No. 01454 863472**

## **CONDITIONS**

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

### Reason

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

2. The development shall not commence until visibility splays shown in plan 06953-HYD-xx-xx-DR-TP-0100 Revision P2 have been provided clear of any obstruction and they shall maintained thereafter.

### Reason

In the interests of highway safety, to accord with Policies CS8 and CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013.

3. The access, off-street parking facilities (including the garage to store cycles) and turning facility shown on the plan hereby approved shall be provided before the building is first occupied, and thereafter retained for that purpose.

### Reason

To ensure the satisfactory provision of parking facilities and in the interest of highway safety and the amenity of the area, and to accord with Policy CS8 of the South Gloucestershire Local Plan; Core Strategy (Adopted) December 2013; policy PSP16 of the South Gloucestershire Policies sites and Places Local Plan adopted November 2017 and the South Gloucestershire Residential Parking Standards SPD (Adopted) December 2013.

4. Prior to the commencement of development detailed drainage proposals for the driveway which prevent a worsening of the situation reported at Rose Cottage shall be submitted to and approved in writing by the Local Planning Authority. The details shall include:
  - Sustainable Drainage Systems (SUDS) and confirmation of hydrological conditions (e.g. soil permeability, watercourses, mining culverts) within the development
  - The means of surfacing and draining the driveway and location and type of sustainable storage system if necessary.

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

### Reason

To ensure a satisfactory means of pollution control and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework. This condition is a pre-commencement condition so as to avoid the need for future remedial action.

5. Prior to the relevant part of the development samples of the roofing and external facing materials (including stone, mortar and render)proposed to be used shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason

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

6. Prior to the commencement of development a scheme of landscaping, which shall include details of the size, species and maintenance schedule for the proposed seven trees shown on the proposed block plan and the existing hedge along the northern boundary of the site shall be submitted to the Local Planning Authority for approval. Development shall be carried out in accordance with the agreed details.

Reason

To protect the character and appearance of the area to accord with Policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework. This is a pre-commencement condition to ensure that the works properly facilitate and respect the landscaping of the site.

7. The proposal shall be carried out strictly in accordance with the following plans:  
P001 Location plan  
Visibility splays 06953-HYD-xx-xx-DR-TP- 0100 Rev P2  
Proposed turning and access head 06953-HYD-xx-xx-DR-TP- 0100 Rev P2  
Proposed turning and access head (with tracking) 06953-HYD-xx-xx-DR-TP- 0200 Rev P1 all received 6 October 2017

P002F proposed plans and elevations

P003F proposed plans and elevations

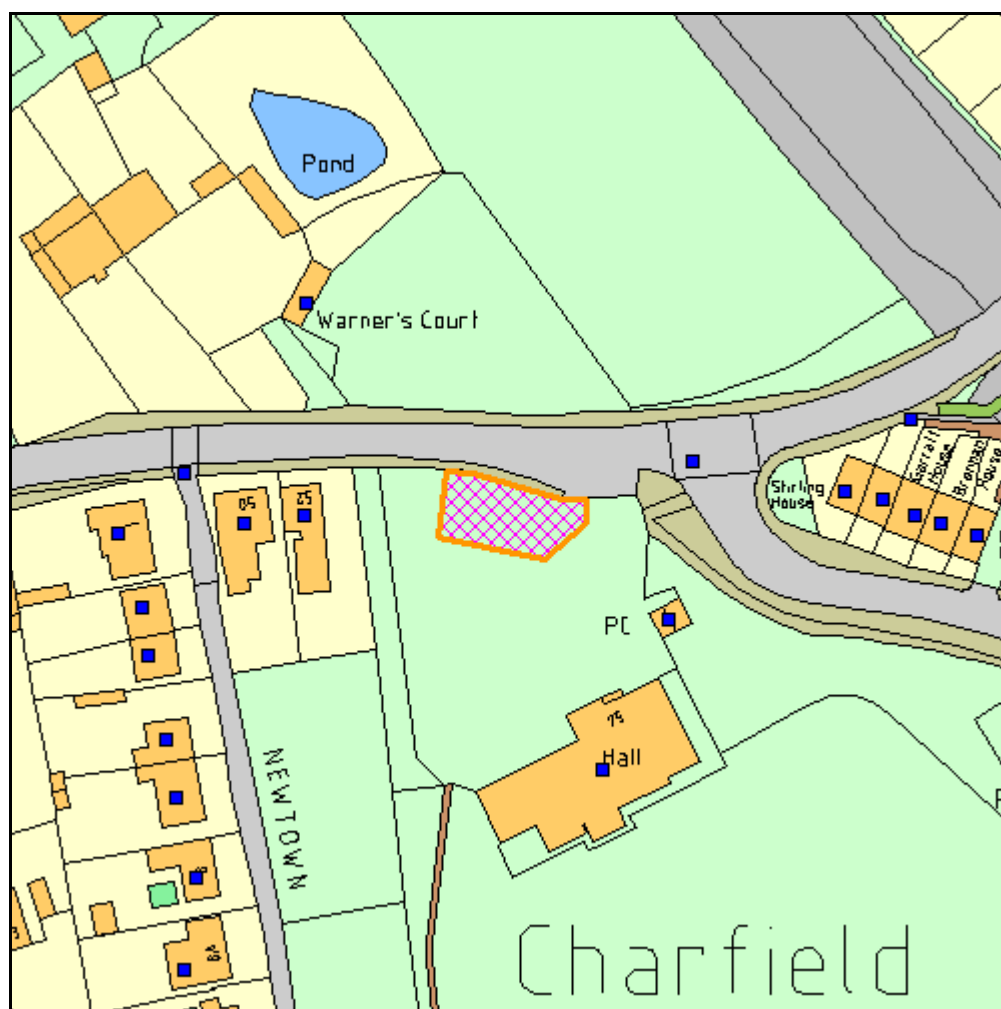
P004F Proposed Block Plan all received 15/11/2017

Reason

To prevent the need for remedial action.

## CIRCULATED SCHEDULE NO. 10/18 – 9 MARCH 2018

<b>App No.:</b>	PT17/4841/F	<b>Applicant:</b>	Rhian Powell Bellway Homes Ltd (Wales)
<b>Site:</b>	Land At Charfield Memorial Hill Car Park Wotton Road Charfield Wotton Under Edge South Gloucestershire GL12 8TG	<b>Date Reg:</b>	5th January 2018
<b>Proposal:</b>	Change of use of land for the siting of 1no. portacabin (Class B1a) for use as a temporary sales office until Spring 2018, and installation of electric generator (retrospective)	<b>Parish:</b>	Charfield Parish Council
<b>Map Ref:</b>	371971 192197	<b>Ward:</b>	Charfield
<b>Application Category:</b>	Minor	<b>Target Date:</b>	2nd March 2018



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PT17/4841/F

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

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

### **1. THE PROPOSAL**

- 1.1 The proposal seeks temporary retrospective permission for the stationing of a sales office and generator in the car park of Charfield Memorial Hall.
- 1.2 The remainder of the site has been kept open for the purposes of parking for the playing fields and community hall.
- 1.3 The site is located within the village of Charfield nearby the housing development with which it is associated.
- 1.4 The proposal seeks permission for a short temporary period and according to supporting information will be removed in the spring of 2018.

### **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  
CS4a Sustainable Development  
CS5 Location of Development  
CS8 Improving Accessibility  
CS11 Distribution of Economic Development Land  
CS23 Community Infrastructure

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

PSP1 Local Distinctiveness  
PSP2 Landscape  
PSP8 Residential Amenity  
PSP11 Transport Impact  
PSP16 Parking Standards

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

Design Checklist SPD (adopted) August 2006

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

- 3.1 PT16/6580/RM – Approval of Reserved Matters – 16/06/2017 – Erection of 64 dwellings with associated drainage and highways infrastructure. (Approval of Reserved Matters to be read in conjunction with Outline PT16/0462/O)

- 3.2 PT16/011/SCR – EIA Not Required – 23/02/2016 – Erection of 64 dwellings, public open space and allotments. Access from B4058 (Wotton Road) (Outline) (Screening Opinion for PT16/0462/O)
- 3.3 PT16/0462/O – Approval of Outline – 26/05/2016 – Erection of 64 dwellings (Outline) with access to be determined. All other matters reserved.
- 3.4 COM/17/0840/OD – Enforcement Complaint – 15/09/2017 – Large 'Bellway Homes' portakabin with container generator sited in Memorial Hall car park, sign and flags erected without permission
- 3.5 COM/17/0854/OD- Enforcement Complaint – 18/09/2017 – Bellway Homes sales office portakabin (with accessible sewage containment and generator) sited in hall carpark without planning permission
- 3.6 COM/17/0837/OD – Enforcement Complaint – 21/09/2017 – Bellway Homes sales office portakabin sited in hall carpark without planning permission
- 3.7 COM/17/0880/ADV – Enforcement Complaint – 25/09/2017 – Advertising signage mounted on portakabin without permission

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

##### **4.1 Charfield Parish Council**

Objection - The Parish Council considers that the siting of this portacabin presents a huge and unwelcome advertising hoarding, which is a visual distraction at a known trouble-spot on the congested Wotton Road. The application does not identify this, nor does it seek permission to erect an advertising hoarding, which is already the subject of a separate planning enforcement investigation. Further, the electricity generator is overlarge, and significantly oversized for the low demand required of a portacabin (lighting, heating and computer etc). It is visually intrusive, noisy to adjacent homes and emits sufficient diesel fumes to make walking past it a very unpleasant experience. Finally, the Parish Council would comment that the agreement by the Memorial Hall Committee to allow this installation sets a precedent, when the Parish is faced with multiple construction sites proposed under the draft JSP - other construction companies would very likely seek permission for similar installations if the precedent is set by allowing this application.

##### **4.2 Other Consultees**

###### Lead Local Flood Authority

No Objection

###### Transportation Department

No objection subject to the appendage of a condition requiring the structures removal.

###### Highway Structures

No Comments

###### Planning Enforcement

The planning enforcement team are monitoring the progress of the application as we have received reports regarding both the siting of the portacabin and the advertisements attached to it. Our main issue is the unauthorised siting of the portacabin in the first instances, as the advertisements placed on it would be a



secondary issue. This is due to if you were mindful to refuse the application, we would require the portacabin to be removed, which in turn would result in the advertisements also being removed.

## **Other Representations**

### **4.3 Local Residents**

Three comments have been received in objection to the application. The comments make similar observations to the parish council. They consider the proposal to represent an unwelcome precedent, particularly where there are a number of development sites coming forwards in the local area. The comments also question the advertising and note no permission has been given for this. They also note that the generator is overly large for the likely need, it is an eyesore and it emits noise and air pollution to the detriment of the village air quality.

## **5. ANALYSIS OF PROPOSAL**

### **5.1 Principle of Development**

Policy CS5 directs new development towards established settlements and urban areas. The proposal site falls within the settlement of Charfield and is associated with a residential development a short distance from the proposal site. The location is considered acceptable and therefore the issues to consider are the impact on residential amenity, design and transport.

- 5.2 Policy CS1 'High Quality Design' of the South Gloucestershire Core Strategy (adopted December 2013) states development proposals will only be permitted where the highest possible standards of design and site planning are achieved. Proposals should demonstrate that they; enhance and respect the character, distinctiveness and amenity of both the site and its context; have an appropriate density and its overall layout is well integrated with the existing development. In this case the proposal is for a temporary use in association with the disposal of a residential development site nearby; and with this brings an economic benefit. Such a use is expected and often required in a situation where there is residential development taking place.

### **5.3 Assessment**

#### *Appearance:*

The proposal is for a temporary Portakabin type structure and an associated generator. It is acknowledged that such a building does not provide any aesthetic merit and would result in some harm to the character of the area, however given the temporary nature of the structure any harm caused will only be transitory and the land would be returned to its original appearance following its removal. The site is providing a necessary use and without it disposal of the site would likely take a longer period. It is therefore seen to be in the public interest to allow such a temporary use. Though the proposal would result in some harm to the general character of the area, it is associated with the benefit of the residential development and any harm caused will only be short lived and would therefore accord with the provisions of PSP1 and CS1 of the adopted local plan.

- 5.4 Comments have questioned the provision of an advertisement on the rear elevation of the structure and facing the road. This was visible on the site inspection. The provision of such signage requires advertisement consent in its own right and is therefore separate from the consideration of this planning application. It is noted that there appears to have been a separate enforcement complaint on this part of the development and therefore its existence is known by the Council. It should however be noted that signage of this size is to be expected nearby a residential development site to attract prospective buyers. Whilst no meaningful assessment is being given to this impact it is expected that were consent sought, it would likely be approved as it would appear to accord with advertisement regulations and adopted local policy. Comments have been sought from the enforcement department in relation to this and it was found that due to the short term nature for the positioning of the sign and the fact it would likely be found acceptable, it was not expedient to pursue as an enforcement case. Furthermore, if permission were not granted for this application the advert would be removed in any case by virtue of the building it forms part of being taken away.
- 5.5 *Stationing of the Building:*  
It should first be noted that the General Permitted Development Order (2015) (as amended) Part 4 Class A allows for the erection of a temporary building in connection with and for the duration of operations being carried out on, in, under or over that land, or land adjacent to it. It is acknowledged that the use differs as it is not required directly in relation to the operations taking place on the nearby housing site and that it would not be directly adjacent to the site; and therefore would not fall within this category of permitted development. However it is thought a site office would be acceptable if it were positioned opposite the current proposal site and this would have an identical material impact visually, with regard to transport and in relation to residential amenity and pollution. The only difference between the two uses is the nature of the work being carried out within them. It is expected that the structure would cater for a similar number of employees and therefore the transport impact would be similar. It is also likely that a sales office such as that under consideration would likely be in place for a shorter period as these uses are often removed prior to the completion of the development and incorporated into a show home; as is the case here.
- 5.6 It should be made clear that the proposal is for the temporary stationing of the structures. Supporting information suggests that this is until spring 2018 and until the show home is completed. It is therefore expected that the structures will be removed by the summer time. This is by any measure a relatively short period. The impact of permitting the development would therefore be only short lived. In such a situation the permanence of development, or in this case the lack of, reduces the amount of harm caused by development and as discussed earlier, the impact is not seen to amount to refusal with regard to the adopted local plan and the provisions of the NPPF. Notwithstanding this it has been seen as necessary to attach a condition requiring the removal of the structure within 4 months of the date of consent.

- 5.7 Comments have suggested permitting the application would set an unwelcome precedent and that the Memorial Hall should not give consent for such a use. What landowners chose to do with their land is outside the remit of the Local Planning Authority to consider unless it would result in conflict with planning law and policy. As such the choice of the Memorial Hall to allow the stationing of the structures is seen as a civil matter outside the assessment of the application at hand. The purpose of this assessment is to consider the physical impact on the locality in relation to the range of issues outlined in the principle of development and the actual application submitted and not to speculate on potential future applications and their acceptability.
- 5.8 *Noise, Residential Amenity and Air Pollution:*  
Policy PSP8 of the adopted Local Plan gives the Council's view on residential amenity. Proposals should not prejudice the residential amenity of neighbouring occupiers.
- 5.9 It is noted that the proposal also includes a generator for the provision of basic amenities within the office. This is expected to produce a certain amount of noise and air pollution. Comments have speculated that this is overly large for the size of the building it caters for. It is not clear where this information was acquired nor is it clear what exactly the demand for the generator is, however on the site inspection it was noted that it was not emitting a particularly loud noise, nor was there a particularly noticeable smell of emissions or visible signs of smoke when the office was in operation. Furthermore it is expected that a generator operates depending on demand and therefore where there is less demand it would be operating at a lower capacity and in turn would create less noise and less emissions. This means that potentially having a larger generator would result in less noise and less emissions than a smaller counterpart. Notwithstanding this consideration, as previously mentioned it is expected a similar structure providing an alternative use would not require planning permission and this would have the same material impact on residential amenity and pollution in general and therefore this impact is not considered to result in an unacceptable impact on the locality. Furthermore the proposal site sits adjacent to Wooton Road which is the arterial route through the village. As a result there is a relatively large amount of traffic and associated pollution and given this, the proposal would not be considered to result in a further material impact on the air quality of the locality.
- 5.10 No objection was raised to the structures themselves with respect to residential amenity, only the impact of the generator in terms of noise and air pollution, however in the interest of fullness of information the following assessment has been provided. The structures are situated relatively centrally against the northern boundary of the site. As a result the proposals lie a reasonable distance from the nearest residential properties. The structures themselves are of a relatively modest single storey scale and given the level of separation would not be viewed to have a harmful impact on the amenity of neighbours as a result of overbearing or the associated loss of light. Additionally the office building has a south facing aspect and windows are oriented back towards the Memorial Hall and away from dwellings. Consequently this is not viewed to result in harm to the privacy enjoyed by the nearest properties and there is no objection in this respect.

5.11 *Sustainable Transport and Parking Provision:*

The proposal falls within the car park of the Memorial Hall and playing fields. The structures are occupying a few parking spaces, however the majority of the site remains clear. Furthermore the proposal site is separated from the highway by a grass verge. As a result it would not result in a harmful impact on visibility or the provision of an acceptable level of parking provision. No objection was raised by the council's transport officer subject to a condition being attached requiring the structures removal. A condition will be attached to that effect requiring the structures removal within 3 months of the date of the decision.

5.12 *Consideration of likely impact on 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 South Gloucestershire Policies Sites and Places DPD (adopted) November 2017; and the South Gloucestershire Local Plan Core Strategy (adopted) December 2013 set out above, and to all the relevant material considerations set out in the report.

## 7. **RECOMMENDATION**

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

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

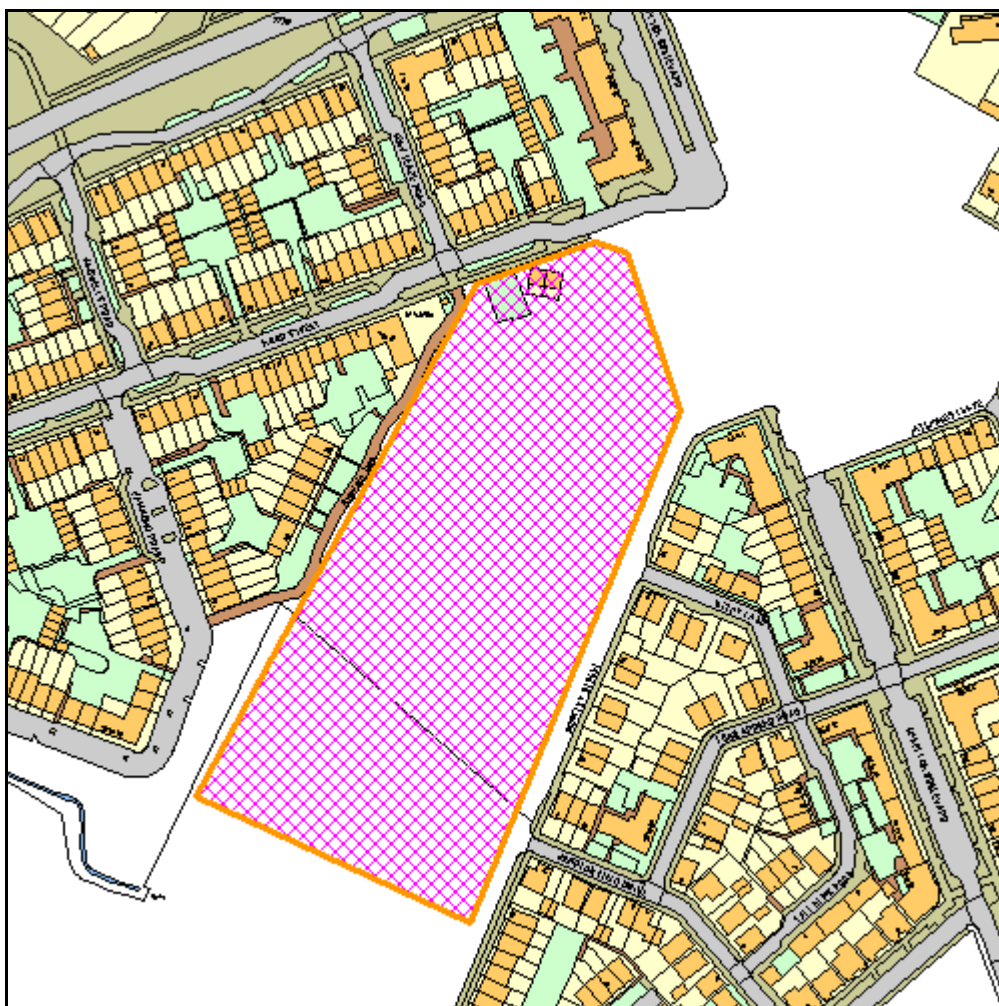
## **CONDITIONS**

1. The building and associated generator hereby permitted shall be removed and the land restored to its former condition on or before 16th July 2018.

#### Reason

The form and appearance of the building(s) is out of character with the surrounding area and is permitted for a limited period only because of the special circumstances of the case and to accord with the provisions of Policy CS1 of the Core Strategy 2013 and Policies PSP1 and PSP8 of the Policies Sites and Plan 2017.

<b>App No.:</b>	PT17/5134/R3R	<b>Applicant:</b>	South Gloucestershire Council
<b>Site:</b>	Site Adjacent To Borkley Street Patchway South Gloucestershire BS34 5DB	<b>Date Reg:</b>	4th December 2017
<b>Proposal:</b>	Erection of building to form a 420 place Primary School with associated playing field, staff car parking and landscaping. (Approval of Reserved Matters with regards to access, appearance, landscaping, layout and scale to be read in conjunction with Outline Planning Permission PT03/3143/O)	<b>Parish:</b>	Patchway Town Council
<b>Map Ref:</b>	360084 181243	<b>Ward:</b>	Patchway
<b>Application Category:</b>	Major	<b>Target Date:</b>	28th February 2018



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

The application appears on the Circulated Schedule because the applicant is South Gloucestershire Council.

### **1. THE PROPOSAL**

- 1.1 Approvals of reserved matters is sought for a new Primary School on a 1.97ha site at Charlton Hayes. The proposed school is a single storey two-form entry school and proposed to be located to the south west of the proposed Square in Charlton Hayes, and between Borkley Street and Ringsfield Lane/Wood Street. The site slopes generally downwards from north to south, with a fall of approximately 6 metres across the site. The main entrance to the school reception will be from the Square, and pupil entrances are proposed in Borkley Street and Ringsfield Lane. A staff car park with 28 spaces is proposed to be accessed from Borkley Street, as are two accessible parking bays, and delivery access will be from Wood Street, with a new layby created to accommodate this.
- 1.2 Two existing laybys in Borkley Street and one in Wood Street are proposed to be utilised for the purpose of parental parking. A framework travel plan has been put forward outlining methods to be used to encourage travel to and from school by means other than the car and manage and reduce parental parking.
- 1.3 The proposed school building has a footprint of approximately 2,200 square metres and comprises two sections joined with a further small link section. The smaller section at the front of the site contains the main entrance, school hall, kitchen, reception and offices. The link section contains a corridor and offices and the fourteen classrooms and also meeting/ breakout areas are in the larger section of the building to the rear. The walls of the building are mainly finished in buff brickwork with some relief brick panels on the elevation facing the Square. Some blue cladding is also proposed. Large glazed areas are proposed for the external walls of the classrooms and areas of full height glazing light the school hall and reception area. The proposed roof comprises varied pitches with roof lights and is finished in grey cladding, and is approximately 9.2 metres in height at the highest point.
- 1.4 In respect of the outdoor areas proposed, a courtyard and covered walkway for circulation are proposed on the northern side of the building. On the south east side of the building, separate play areas are proposed for children in reception and year 1 classes. The main playground is behind the school building (to the south west of it). This also contains a cycle store and MUGA. Wrapping around the north and west of this, a school woodland is proposed which contains several trees and a proposed amphitheatre and outdoor classroom. Beyond this, a grass sports pitch is proposed.
- 1.5 For boundary treatments, 1.2 metre high railings are proposed facing school square, a section of brick wall is proposed facing Wood Street and a 2.4 metre high weld mesh fence is proposed for most of the rest of the boundary. A hedge is also proposed around the much of the perimeter.

## **2. POLICY CONTEXT**

### **2.1 National Guidance**

National Planning Policy Framework March 2012

National Planning Policy Guidance March 2014

### **2.2 Development Plans**

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design

CS5 Location of Development

CS6 Infrastructure and Developer Contributions

CS8 Improving Accessibility

CS9 Managing the Environment and Heritage

CS23 Community Infrastructure and Cultural Activity

CS25 Communities of the North Fringe of Bristol Urban Area

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

PSP1 Local Distinctiveness

PSP2 Landscape

PSP3 Trees and Woodland

PSP5 Undesignated Open Spaces within Urban Areas and Settlements

PSP6 Onsite Renewable and Low Carbon Energy

PSP8 Residential Amenity

PSP11 Transport Impact Management

PSP16 Parking Standards (Cycle Parking Standards)

PSP20 Flood Risk, Surface Water and Watercourse Management

PSP21 Environmental Pollution and Impacts

PSP47 Site Allocation and Safeguarding

### **2.3 Supplementary Planning Guidance**

Design Checklist SPD Adopted August 2007

Specific Guidance Note 1 Planning and Noise Adopted March 2015

## **3. RELEVANT PLANNING HISTORY**

3.1 PT03/3143/O- Major mixed-use development across 81.25 hectares of land comprising 2,200 new dwellings, 66,000 sq m of employment floor space (B1, B2 and B8), 1,500 sq m of A1, A2, A3, A4 and A5 floor space: together with the provision of supporting infrastructure and facilities including; new vehicular and pedestrian accesses to Highwood Road, new link road, public open space, primary school, community building, hotel (C1) (Outline) Approved 15<sup>th</sup> March 2008.

3.2 PT08/2619/RVC- Variation of condition 21 of p/p PT03/3143/O to allow for phasing of archaeological investigation and associated works. Approved 3<sup>rd</sup> November 2008.



- 3.3 PT11/0521/RVC- Variation of condition 12 attached to planning permission PT03/3143/O which relates to the Code For Sustainable Homes. Approved 6<sup>th</sup> May 2011.
- 3.4 PT17/4419/RVC- Variation of condition 2 attached to PT10/2029/RM to substitute application drawings with those received by the Council on 21st September 2017 and remove condition 1 attached to PT10/2029/RM. Pending decision.
- 3.5 Environmental Impact Assessment was carried out for the outline planning permission for this development and it is not considered that any revisions are required to this as a result of this reserved matters application.

#### **4 CONSULTATION RESPONSES**

- 4.1 Patchway Town Council: Concern at the lack of parking for parents dropping of and picking up children attending this new school. The Council, noting that the residential roads were very narrow, recommended a drive-through parking area as was used at Wheatfield School.
- 4.2 Archaeology Officer: This site has never been subject to archaeological assessment and seems to have been omitted from the large scale evaluation work that took place at Northfield. There is a non-designated heritage asset recorded in the project site and some archaeology found in the neighbouring evaluation. As such a condition for a programme of archaeological work should be applied to the consent.
- 4.3 Arts and Development Officer: In the DAS it says, “the halls have tall glazed elements over two storeys in height, panels of textured brickwork and conspicuous signage and artwork to enliven the façade”. Queries what this artwork is. Would like more details to be provided up front as part of the application to clarify what their intentions are, and then perhaps condition a final public art scheme (to be produced by an artist) to be agreed in due course.
- 4.4 Conservation Officer: Defers to the Urban Design Officer, no further comment.
- 4.5 Drainage Officer: Drainage and Flood Risk Management Team (Engineering Group - Street Care) has no objection in principle to this application subject to the following:

The drainage strategy plan for the site outlined in the Flood Risk Assessment and Drainage Layout is acceptable in principle. The proposal is to discharge surface water runoff into the public mains system at a restricted rate of 18l/s which will be achieved by attenuating flows within underground attenuation tanks. Confirmation has been provided as to how this rate has been derived.

It is proposed to discharge run-off from the football pitch located in the south of the site to an existing watercourse. This approach will need to be discussed and agreed with the Lead Local Flood Authority. A set discharge rate and discharge point into the watercourse will need to be agreed and signed off. An assessment/survey would need to be carried out on the watercourse itself to determine whether or not the approach is feasible without creating any drainage/flooding issues elsewhere. Please note that for these works it may be that Ordinary Watercourse Consent is required.

The detailed design for the drainage elements of this site have not been submitted as of yet as part of this application. The detailed drainage design is required to understand how the system will operate during the various storm events to make sure that it does not increase flood risk. As this information is not currently available recommend a condition in order to obtain the detailed design for drainage.

An informative is also recommended advising that Ordinary Watercourse Consent may be required.

4.6 Economic Development Officer: No Objection.

4.7 Environmental Protection Officer (Contaminated Land): No objections in principle, has commented that the following report has been submitted in support of this application.

Ground Investigation (SouthWest) Ltd, Proposed Charlton Wood Primary Academy, Charlton Hayes, Patchway, Report ref SW-981.1.1 dated 20<sup>th</sup> October 2017.

The conclusions and recommendations of the report are accepted. Contaminants identified as requiring remediation include PAH and Carbon dioxide and remediation proposals are provided in the report. To ensure the remediation is carried out as recommended, it is recommended a condition is included should approval be given.

4.8 Environmental Protection Officer (Noise): No objections in principle, but commented that the acoustic report does not state if plant and machinery will be operating at night. If it does, no assessment has been made on the impact of night-time noise at noise sensitive locations. Also that the use of playgrounds and all weather sports facilities outside of normal school hours should be considered as such use can be detrimental to residents and give rise to complaints of nuisance by reason of noise and light pollution. In addition raised that acoustic barriers could be helpful to protect both residents and the occupants of the school and that plant noise from equipment installed at the school shall not exceed 43 dB LAeq at the windows of any acoustically sensitive spaces belonging to the development. Following further information submitted by the applicant in relation to mechanical noise, has confirmed that this information is acceptable.

4.9 Highway Structures: No comment.

4.10 Landscape Officer: The landscape proposals show a relatively well treed site that should provide a valuable setting for the new school and contribute to enhancing the visual amenity to the surrounding locality.

Being mindful of the need to provide summertime shade to play grounds it is queried whether there is scope for additional shade tree planting at the perimeter of the playground e.g. either side of play shed and maybe just off the south east corner of the multi-use play area. In respect of the revised plans, comments that rather than include additional trees it appears the landscape designer has shifted the previously formal arrangement of boundary trees into the site making a more formal arrangement and affording some additional shade to the informal play area.

Similarly, the 2no. proposed *Pyrus chancleer* (ornamental pear) (planted in mounds within the playground, near the school building) are medium sized with a relatively upright habit. It is queried if these could be changed for a medium sized tree with a more spreading form in an attempt to optimise the shading. In respect of the revised plans, notes no changes have been made and comments that the Tree Officer is in accordance with the above comment that *Pyrus chancleer* is less than adequate for providing playground shade and that a better specimen shade tree could be selected for this location. It appears that the trees are located approximately 14 metres from the building, which the South Gloucestershire Council Tree Officer again confirms is an adequate and safe distance from the building.

Proposed 2no. *Sorbus aucuparia* (mountain ash/rowan) on the west boundary are marked as Silver Birch. The general impression is that rowan doesn't do so well in South Gloucestershire and Silver Birch would be preferable. However, this is not significant and if the designer prefers rowan then this would be acceptable.

Need to ensure that amelanchier is specified and planted at an adequate height. Landscape maintenance operatives often treat this plant as a shrub, clipping it back every year, and so the intended small tree fails to reach its required height. It is also queried whether there is scope for additional e.g. multi-stemmed amelanchier on the northern boundary, within the hebe behind the retaining wall to provide some height along this line.

In respect of the revised plans, notes no changes have been made and comments that the applicant's landscape architect's reasoning - ball damage and ground compaction – is accepted but could be overcome with temporary hedge protection during the establishment period. Also, a line of additional trees are now proposed along the southern boundary which provide some landscape mitigation. However, it is questioned whether this is sufficient screening for the adjacent open space and neighbouring dwellings.

It is appreciated that the mixed hedge on the western boundary may have been proposed to contribute to biodiversity. However, it is queried whether keeping it as single species beech would help with unity in the design and may ease future maintenance.

It is queried why the boundary hedge has been stopped short at the pitch and is there is scope to extend it around the whole boundary? In respect of the revised plans, notes no changes have been made and comments that the applicant's landscape architect's reasoning - ball damage and ground compaction – is accepted but could be overcome with temporary hedge protection during the establishment period.

The Illustrative Site Plan appears to indicate a circuit path coming off the playground. This type of path a valuable play feature is very useful to help to improve all year access the school grounds. However, grassy areas/paths are only accessible during dry prolonged weather conditions - mainly in the Summer (when there is a long holiday period) and less so in the Winter. Also, an outdoor classroom is proposed which it is assumed is for year round use and would be more readily accessed by a proper path.

The applicant needs to amend the revision letters.

- 4.11 Transport DC Officer: The principle of a primary school in this location was agreed at the outline planning permission stage (PT03/3143/O), where the traffic implications of the proposal were assessed at that time in relation to the traffic generation etc. The current proposal is a result of a number of pre-application discussions to ensure that the layout, etc. complies with appropriate guidance.

Traditionally primary schools with a single point of access tend to focus all staff, parents and pupil activity at one location, this inevitably can cause congestion, particularly at pick up time. From the outset this proposal has been designed to have 3 access points with a 3m wide footway surrounding the site to minimise the congestion points and provide capacity on the adjacent footways for parents during pick up and drop off. Whilst not a requirement of the initial masterplan the provision of parking laybys has been secured to provide additional parking in the vicinity to minimise potential vehicle congestion usually associated with schools.

As this is a new primary school in the middle of a residential development it would be expected that the majority of children will be walked, biked or scooted to the school. To facilitate this cycle and scooter storage has been incorporated within the design. The site does have the benefit that no travel patterns have been established by users of the school, and as such a suitable funded travel plan would have an opportunity to shape the way the school is to be accessed. Consequently, a Travel Plan will be required to be submitted for approval and implementation prior to the school opening.

Notes the interim Travel Plan attached to the DAS and welcome the suggestions within it, but comments there needs to be more clarity on time scales of when the suggestions are to be implemented – as from looking at the Travel Plan it would appear that most of the options are Medium/Long term whereas a lot of these measures need to be in place and communicated to parents and staff before the school opens. Given that the school would appear not to be fully occupied from day one, would also suggest that within the Travel Plan provision is made for the funding and implementation of a TRO in the vicinity of the site should it prove to be necessary.

Subject therefore to the provision of a Travel Plan as mentioned above then there would be no transportation objection to this proposal.

The Highways Development Implementation Team would like to see the construction access coming from Highwood Road, rather than Hayes Way, as Charlton Boulevard is due to be surfaced and adopted.

Prior to commencement of development recommends a condition to ensure a Construction Environmental Management Plan (CEMP) is submitted for approval, with the development proceeding in accordance with the approved document. For the avoidance of doubt the CEMP should include, but not be restricted to delivery routes, delivery times, working hours, contractor parking, compound location, Wheel washing facilities, noise pollution, dust control etc.

Following the submission of a revised Framework Travel Plan comments on this as follows:

Considers that it makes sense to introduce a waiting restriction time on the laybys for the school opening rather than consider how things develop following the school opening. The limited waiting could operate solely for the times of the day around when the school opens and closes, and unrestricted at other times offering benefit for the surrounding residents. The reasoning is the potential for implementing a Traffic Regulation Order (TRO) on the laybys is beyond the scope of the travel plan and the purpose of its monitoring to enable this action is not as clear as may be imagined, given that it can't action a TRO, only request one be considered. The monitoring would have to determine if any layby parking issues were because of too many car borne parents, or too many residents using the capacity in the laybys, each would have a different outcome. The TRO process takes time, is not guaranteed, and if acted later in the timeline may affect those using the spaces more as their patterns become established i.e. is more likely to have objectors.

Also suggests minor alterations to clarify areas of the Framework Travel Plan and requests a further action for the action plan; that usage of the cycling / scooter spaces will need to be monitored and increased if / as needed.

- 4.12 Highways Development Implementation Team: consider that the latest route proposed, with access from Highwood Road, is a better route.
- 4.13 Tree Officer: No comment.
- 4.14 Urban Design Officer: The layout and scale generally accord with the recently agreed Development Brief required under condition 7 of the Outline Planning Application. Defers to transport and landscape colleagues in respect of those issues. With respect to 'appearance' notes that no materials details have been submitted and therefore requests that this is done. Should include roof, brick and mortar spec, detail brick if different, window frame colour and product info etc. There is also little information in respect of critical details that drive quality, such as window reveal depths (preferably min 100mm), eaves, plinths, brick detailing, canopies, columns etc. Similar product and colour info should also be provided in respect of boundary treatments. Also notes that railings to the front of the school are shown as 1.8m on plans and referred to as 1.4m in the Design and Access Statement. 1.4m would be preferred. There also appears to be multiple boundaries; railing, hedge, wall to the front and northern boundary of the school in places and wonders if these could be rationalised as will significantly detract from the appearance of the scheme. Subject to the above clarifications and information being submitted and acceptable would have no objection. Note, that this is a significant and critical building in the context of Charlton Hayes New Neighbourhood and such detail is critical to the appearance of the scheme and should not be left to conditions.
- 4.15 Police Crime Prevention Design Advisor:
- Perimeter Fencing- The junction between the 1.8m high railings and 2.4m high wall should be designed to avoid creating a climbing point.

The walls adjoining the street scene- These walls being exposed to the street scene are vulnerable to graffiti. Strongly recommends they are treated with anti-graffiti paint.

Makes security recommendations in respect of the staff car park gates, bin store, reception/ school office area, server room, alarm system, CCTV provision and standards for the roof construction, roof lights, doors, windows and glazing,

Community use of the school- This area must be planned in detail so as not to undermine the overall security of the school. This should take into account the zoning of the alarm system and the fire evacuation plan.

Following some further information from the applicant's electrical engineering consultant, is pleased to see a risk assessment has been completed and a CCTV operational requirement has been formulated.

- 4.16 Sport England: Seek to ensure the new sports facilities are fit for purpose and available for community sport given the amount of investment into this proposal.

Provide advice on the expected standard for pitches, changing and toilet facilities. Would like to see pitch sports other than football, e.g. cricket, rugby, athletics, rounders, softball considered at the site.

In the event that the Council is minded to approve the application, recommends a condition should be imposed requiring the assessment of the ground conditions on the land for the proposed pitch and a scheme to ensure the pitch would be provided to an acceptable quality.

Provide advice on the expected standard for the MUGA, and lighting and management of it.

Comment that the proposed Academy represents a sizeable investment in sport facilities in the locality. The applicant is, therefore, encouraged to re-consider the design of the sports facilities highlighted in this letter and making these sports facilities available for community use and enter into a community use agreement. A condition is recommended for this purpose.

Concluded that subject to design clarification including build specification, and the satisfactory establishment of a Community Use Agreement through the condition identified above, Sport England would not wish to raise an objection to this application.

The applicant has since confirmed that the sports facilities at the school will not be made available for community use. Sport England have commented that is disappointing as 70% of sports facilities are on school sites and have set out the benefits of securing such community provision.

- 4.17 Wales & West Utilities: The Wales & West Utilities High Pressure Network may be affected by the proposals and a copy of the information provided has been forwarded to Asset for their comment. They will then get in contact as necessary.

4.18 Wessex Water: The drainage strategy is as anticipated.

### **Other Representations**

4.19 Comments have been received from one neighbour to the development living in Borkley Street as follows:

Wholeheartedly supports the construction of this new school and really hopes it will be completed on schedule as has a child who is starting school in 2019. However is concerned over the construction phase due to the emission of dust, given their close proximity to the site. Has had bitter experience with it during the construction of nearby housing with roads covered in mud and leaving them unable to open windows during the day as this would leave all the surfaces in the house covered in dust.

Would it be possible to ensure dust-suppression systems are employed wherever possible and that the sweeper lorry is on an increased-frequency duty? The other concern is that of the zig-zag lines. Are these proposed along Borkley Street as if so, would they be losing their on-street parking and that of their visitors. Are there additional parking areas planned to compensate for this?

Also comments in response to the comments from Sports England suggesting that the sports facilities within the school boundary are made available to be used by the public. Strongly opposes these proposals as it would most certainly generate unacceptable noise levels outside of the school hours, thereby affecting the quality of life of the many residents nearby. A similar recommendation was submitted in the Environmental Report, also concerning the playgrounds. Points out that there are existing public sports facilities some 1 mile away from the proposed school - in the grounds of Scotts Park off Coniston Road.

## **5. ANALYSIS OF PROPOSAL**

### **Principle of Development**

- 5.1 The approved masterplan within the Design and Access Statement submitted as part of Outline Planning Application PT03/3143/O shows this land as to be used for a school. The Section 106 Agreement requires land to be provided in this “approximate” location for a primary school and the developer to pay a contribution to build a two form entry primary school for the development. Therefore the principle of the primary school being provided in this location has already been established.
- 5.2 The importance of the delivery of a school in a timely manner for the establishment of the community of Charlton Hayes is greatly acknowledged. There is an expectation that the school will be delivered by September 2019 and therefore construction is programmed to meet that target. It is understood that in order to keep to the programme, the tendering process for construction has already started, and it is therefore important for this process that the reserved matters for the school are dealt with as quickly as possible.

## Transport

- 5.3 The key issues in respect of transport are encouraging travel to and from school by means other than the car, reducing and managing the impacts of parent parking and the route for construction vehicles.
- 5.4 No on-site parking is proposed for parents dropping off and picking up their children. However three parking laybys that are already in place outside the school grounds are proposed to be used for this purpose.
- 5.5 There is no policy requirement to provide parking for parents at the school. The Town Council's recommendation for an on-site drop off arrangement is acknowledged, but it is understood there has been problems with the operation of the facility put in at Wheatfield Primary School due to parents parking and leaving their cars and blocking the use of the facility and as a result it is no longer used for this purpose. As this is a primary school, there is likely to be an expectation that parents accompany their children on the school grounds until they are able to be supervised by staff members, so it is likely that such a facility at this school would encounter similar issues.
- 5.6 It is considered that key to limiting the impact of parent parking is encouraging families to travel to school by means other than the car. The school is already in a sustainable location, occupying a central position in a densely populated residential area where there is genuine priority given for walking and cycling. Once bus services start operation through Charlton Hayes it will also be on a bus route. Therefore this presents a significant opportunity to encourage more sustainable means of travel to school.
- 5.7 To achieve this, a Travel Plan is being developed with a package of measures to encourage travel to and from school by means other than the car. A Framework Travel Plan has been submitted as part of the planning application. This includes measures such as creating a school travel committee, taking part in the Walk Once a Week scheme, identifying and recommending walking routes through walk to school maps, providing sustainable travel information on the school website/ in the school newsletter, active travel ambassadors, including awareness of active/ sustainable travel in the school curriculum, and scootability/ bikeability training.
- 5.8 As well as these measures to reduce parking, measures are proposed to manage the parking that does take place, including reminding parents to park responsibly and allowing for staggered arrivals.
- 5.9 Another measure to manage parking that is being considered is the need for statutory parking restrictions to be put in place.
- 5.10 The Head Teacher Designate of the new Charlton Wood Primary Academy has suggested that parking restrictions should be in place in local roads at the time of the school opening. While not submitted as formal comments, the Residents Association Charlton Hayes (ReACH) have raised concerns about potential parking by parents in Wood Street and are keen to explore the idea of parking restrictions on Wood Street, subject to seeking the views of residents living in that area. The views of the neighbour on not wishing to lose parking they currently use are also acknowledged.



- 5.11 The Transport Officer has expressed a view, outlined above, that parking restrictions on the laybys to ensure they are available for parents to park at school drop off/ pick up times would be beneficial. In respect of parking restrictions to prevent parent parking on other local roads, his view is that feedback from ReACH on residents' views on this issue would be welcome. However, given this is a densely populated residential area where there is genuine priority for walking, cycling, and public transport use, and with school and neighbourhood encouragement, some of the perceived issues around parent parking may not arise and thus there may not be a need for wider parking restrictions in the area due to the school.
- 5.12 It is not considered that recommending the approval of the reserved matters is dependent on a strategy for parking restrictions. It is considered preferable for the purposes of the planning process to encourage travel by means other than the car through the Travel Plan. More consideration is needed at this stage in terms of the way forward on parking restrictions. Therefore these have not been addressed in the latest version of the Framework Travel Plan. The Travel Plan is an evolving document and it is proposed that a full version of the Travel Plan is conditioned to be provided and approved prior to the opening of the school. This matter can be considered further in the production of the full Travel Plan. However, it should be noted that any parking restrictions will also require a separate Traffic Regulation Order under the Road Traffic Regulation Act 1984. This has its own consultation procedure which will allow the above parties to express their views and have them taken into consideration.
- 5.13 In respect of the route for construction traffic, it is expected that this will enter Charlton Hayes via Highwood Road, come through the Square site when this route is opened and enter the site via Borkley Street. This is the Highways Development Implementation Team's preferred route as Charlton Boulevard is due to be surfaced before the end of the construction period for the school. Plans have been submitted which reflect this, although as the Square is not yet open to through traffic, it is acknowledged that construction traffic may have to enter the site via Hayes Way until the route via Highwood Road is available. These issues can be addressed through a Construction and Environmental Management Plan. The neighbour who has commented on this application has raised concerns about dust and mud from the construction process, and again these issues can be addressed via the Construction and Environmental Management Plan.
- 5.14 It should also be noted that the development of the Square is likely to take place alongside that of the school, and it is recommended that a condition is placed on any planning permission to be issued for the development of the Square that it must be completed prior to the opening of the school.

### Design

- 5.15 In respect of the Urban Design Officer's concerns regarding lack of information on materials and details, revised elevations have been submitted. These show further details regarding the roof and glazing specifications, the bricks, mortar and columns to be used.

- 5.16 The elevations also show that some additional blue cladding will be used on the reception area at the front of the building and on the gables to provide some visual interest. Two brick relief panels are also shown for this purpose on the front elevation. An eaves detail has also been submitted.
- 5.17 In respect of public art, the applicant has agreed that the front elevation could be used for this purpose and to a condition for this.
- 5.18 In respect of materials, while the additional details are welcome, it is considered that further details should be provided to ensure quality. This includes material and mortar samples, window reveal depths and details of the brick relief panels. The Urban Design Officer's preference for these details prior to determination is noted, but it is considered these details can be sought through a condition.
- 5.19 It is welcomed that the height of the railings has been reduced to 1.2 metres as this is considered to result in a better relationship between the school building and the Square. It is noted that there are still multiple boundary treatments proposed in some areas of the scheme. Given this, that colour of boundary treatment has not been specified and that it appears that exact types are to be selected by the contractor, a condition is also recommended for final details of boundary treatments.

#### Landscaping

- 5.20 There are three key issues in respect of the landscaping that the Landscape Officer has raised concern with, the provision of trees that provide sufficient shade, the lack of a hedge all the way around the pitch, and the lack of provision of a hard surface for the circuit path. Revised plans and further clarifications have now been submitted in order to address these concerns.
- 5.21 In respect of the provision of sufficient shade, the applicant's landscape consultant has now replaced the two ornamental pear trees referred to by the Landscape Officer with whitebeam, with a 4-8m wide canopy. The landscape consultant considers this has a broader canopy, giving more shade, and does not consider this would impact on the foundations.
- 5.22 No further comments have been provided by the Landscape Officer and it is unknown whether whitebeam is preferable for shade over silver birch. However, while it is acknowledged that shade is an important function of the landscaping, providing appropriate shade for the users is considered to be a management issue for the school rather than a significant planning concern. It is also noted that this constitutes 2 trees in a landscaping scheme that provides a significant amount of trees for the setting of the school.
- 5.23 In respect of the hedge, the landscape consultant has concerns about the ability of a hedge to be able to establish on the edge of a sports pitch due to the risk of damage. However, they have provided a hedge along the eastern and southern boundaries of the sports pitch as requested. This is a beech hedge and a temporary fence of 1.2 metres in height will be provided to help the hedge establish, although the landscape consultant also has concerns about maintenance and the ability of the school to recover balls and remove litter. It is noted that there is already some landscaping along the western boundary of the pitch, outside the school site.

- 5.24 In respect of the surfacing of the path, the landscape consultant has commented that the path is only a mown path to indicate access to the outdoor learning area. The head teacher has agreed that if the paths get worn and muddy then the school will install a suitable footpath and will accept the associated costs/disruption.
- 5.25 The path referred to leads from the playground to the outdoor classroom area. While the benefits of a tarmac surfaced path on the opening of the school are accepted, the path will make very little visual contribution to the area and therefore the surfacing of the path is considered to be a management issue for the school rather than a planning concern.
- 5.26 In respect of other more minor issues, it has been clarified that the two trees where they could have been either rowan or silver birch are silver birch trees. The landscape consultant has clarified that the amelanchiers will be planted at 2-2.5m tall and the specification being issued for tender states these are not to be pruned. In respect of the scope for additional amelanchier on the northern boundary, the landscape consultant considers the branches of these would clash with the beech hedge specified on the northern boundary. The consultant wishes to keep the hedge on the western boundary as mixed species rather than change it to single species to contribute to biodiversity. A row of field maple trees have now been added to the southern boundary. The revision letters of the plans have also been revised.
- 5.27 Taking into account the above revisions and clarifications, it is considered the landscaping scheme is acceptable.

### Noise

- 5.28 The applicant has confirmed that there will be no sources of mechanical noise that will be operational after school hours. In respect of noise levels not exceeding 43 dB LAeq at the windows of any sensitive locations within the school building, the applicant's acoustic consultant has submitted further information to clarify that plant noise for the nearest residents will be comfortably below 43 dB LAeq and that noise levels will also not exceed 43 dB LAeq at the windows of any sensitive locations within the school building. The Environmental Protection Officer has confirmed the information submitted is acceptable.
- 5.29 The Environmental Protection Officer has made a comment that an acoustic fence would be beneficial to both school users and residents. This comment is made in the context that the outline planning permission contains a condition requiring acoustic barriers or other measures that may be agreed by the Local Planning Authority to meet the standard of i.e. 60 dB(A) LAeq 1 hour to protect the amenities of the occupiers of the school when using the outdoor areas of the school. It is noted that the condition does not require the submission of such barriers as part of this application, nor their erection prior to the use of the school.
- 5.30 The applicant's acoustic consultant has stated that ambient noise levels on site have been measured to be around 53-55 dB. The "Acoustics of Schools – A Design Guide" provides guidance that noise levels in unoccupied playgrounds should not exceed 55 dB, therefore this playground will meet this guidance without any fencing. The applicant also has raised the issue that the noise the children make in the playground

is likely to be louder than external sources of noise so any barriers would not serve the purpose of protecting them from noise.

It is considered that the above information is acceptable and thus no additional acoustic barriers are required. In addition to the above, it is not considered that an acoustic fence is desirable from a design and visual amenity point of view as it will give the school grounds a very enclosed appearance.

- 5.31 The acoustic consultant has also stated that when considering the noise from the school affecting residents, this was not looked at specifically and this is not often something that they typically look at for playgrounds. Has stated that playground noise will be audible at nearby residents, but as it is intermittent and also given that ambient noise levels are reasonably high it is not anticipated noise from playground would adversely affect residents. It is considered that as any playground noise would be mainly break times and during the daytime, this is not considered to have a significant adverse impact on residential amenity. In addition, it is acknowledged that the principle of the school and associated playground in this location was established at outline planning permission stage.

#### Other Matters

- 5.32 In respect of the Police's comments, these are noted, but the proposed school is considered secure and to comply with policy CS1 in this respect.
- 5.33 Sport England's disappointment over the lack of proposed community use of the school facilities is noted. However, it is not a requirement of the Section 106 Agreement that the school should be used for this purpose and the close proximity of the facilities to the surrounding dwellings would potentially create issues in respect of neighbour amenity due to noise and disturbance during the evenings which would need careful consideration and management. The advice of Sport England on the benefits of the community use of school sports facilities has been forwarded to the applicant for their information.
- 5.34 In respect of the issue raised by Wales and West Utilities, the pipe they are concerned about, as measured using the plan provided, is approximately 34 metres from the site. This matter is considered more to be one for the contractor to consider in their working practices rather than a matter that requires further consideration as part of this planning application.
- 5.35 A drainage condition has been recommended as requested. The Drainage Officer has confirmed the outstanding details regarding the run off from the football pitch can requested as part of the condition recommended below.
- 5.36 Conditions in respect of archaeology and contaminated land have been recommended as requested.

#### Consideration of likely impact on Equalities

- 5.37 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 a neutral impact as equality matters have duly been considered in planning policy.

## **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 South Gloucester 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 That approval of the reserved matters is granted subject to the conditions set out below.

**Contact Officer: Helen Winsall**  
**Tel. No. 01454 865911**

## **CONDITIONS**

1. This decision relates only to the plans below:

96 Sheet 1 Topographical Survey  
97 Sheet 2 Topographical Survey  
98 Location Plan  
99 Existing Site Plan  
100E Proposed Floor Plan  
101E Proposed Elevations  
102D Proposed Elevations Sheet 2  
103A Proposed Sections  
106 Proposed Roof Plan  
108 Wood Street Elevation  
500A Delivery Routes and Contractors Parking  
501 Site Deliveries Strategy Site Location Plan  
SK1 Proposed Sketch Detail No 1  
SK3 Proposed Sketch Detail No 3

1718 2700 Rev G Proposed Site Plan  
1718 2701 Rev F Proposed Site Plan 1 of 2  
1718 2702 Rev G Proposed Site Plan 2 of 2  
1718 2703 Rev C Proposed Site Elevations and Sections 01-02  
1718 2705 Rev A Strategic Access Plan  
1718 2706 Rev A Proposed Site Elevations and Sections 05  
1718 2720 Rev E Planting Plan 1 of 2  
1718 2721 Rev E Planting Plan 2 of 2  
1718 2750 Rev C Illustrative Site Plan  
1718 3715 Rev A Boundary Treatment Plan  
10957-0050 Rev C Drainage Layout  
17/1585/E/01 Proposed External Lighting Strategy

Reason

To clarify the plans forming this consent.

2. Prior to commencement of any development on site a Construction Environmental Management Plan (CEMP) shall be first submitted to and approved by the Local Planning Authority in writing, with the development proceeding in accordance with the approved details. The CEMP shall include measures to ensure that the applicant and contractors take all reasonable endeavours to minimise environmental disturbance from on-site construction works, including the management of dust associated the development. For the avoidance of doubt the CEMP shall include details of the location of the construction compound to serve the development, details of wheel washing and the means of access for construction traffic, delivery times and construction hours. The development shall proceed in accordance with the approved construction details with all commercial vehicles having their wheels washed before entering the public highway and no access points or routes other than those approved being used for construction traffic.

Reason

This is a pre-commencement condition that is required to ensure that the safety and efficient operation of the road network is not adversely affected, to minimise disturbance to occupiers of completed and nearby dwellings, to safeguard the amenities of the locality, from the very start of the construction, and in the interests of highway safety to accord with policy PSP11 of the adopted South Gloucestershire Local Plan Policies, Sites and Places Plan (November 2017).

3. No development shall commence until surface water drainage details including SUDS (Sustainable Drainage Systems e.g. soakaways if ground conditions are satisfactory), for flood prevention; pollution control and environmental protection have been submitted to and approved by the Local Planning Authority. The drainage works shall be carried out in accordance with the approved details.

Reason

This is a pre-commencement condition that is required to ensure that provision is made for appropriate drainage to be installed and not jeopardised by construction on the site and that the drainage for the site is appropriate and complies with policies CS1 and CS9 of the adopted South Gloucestershire Local Plan Core Strategy (December 2013) and policy PSP20 of the adopted South Gloucestershire Local Plan Policies, Sites and Places Plan (November 2017).

4. Prior to the commencement of development, a programme of archaeological work and subsequent detailed mitigation, outreach and publication strategy, including a timetable for the mitigation strategy, shall be submitted to and approved in writing by the local planning authority. Thereafter the approved programme of mitigated measures and method of outreach and publication shall be implemented in all respects.

Reason

This is a pre-commencement condition that is required to ensure that archaeological interests are not prejudiced by construction works on the site and in the interests of archaeological investigation, recording and mitigation to accord with policy CS9 of the adopted South Gloucestershire Local Plan Core Strategy (December 2013).

5. In respect of contaminated land remediation works, the developer shall comply with the following:
- A) The development shall proceed in accordance with the remediation recommendations provided in the Ground Investigation (South West) Ltd Report - Proposed Charlton Wood Primary Academy, Charlton Hayes, Patchway, Report ref SW-981.1.1 dated 20th October 2017.
  - B) Verification Strategy- Prior to first occupation, a report verifying that all necessary remediation works have been completed satisfactorily shall be submitted to and agreed in writing by the Local Planning Authority.
  - C) If unexpected contamination is found after the development is begun, development shall immediately cease upon the part of the site affected. The Local Planning Authority must be informed immediately in writing. A further investigation and risk assessment should be undertaken and where necessary an additional remediation scheme prepared. The findings and report should be submitted to and agreed in writing with the Local Planning Authority prior to works recommencing. Thereafter the works shall be implemented in accordance with any further mitigation measures so agreed.

Reason

In the interest of public safety, human health, ground water and plant growth and to accord with policy CS9 of the adopted South Gloucestershire Local Plan: Core Strategy (December 2013) and policy PSP21 of the adopted South Gloucestershire Local Plan: Policies, Sites and Places Plan (November 2017).

6. Prior to the commencement of the construction of the school building itself the following details shall be submitted to and approved in writing by the Local Planning Authority:

A sample of the roofing materials to be used;  
A sample panel of the brick and mortar to be used for the walls;  
A detailed drawing showing how the brick relief panels will be laid;  
Details of the window reveal depths.

The development shall be carried out in accordance with the approved details.

Reason

To ensure high quality design and detailing and to accord with policy CS1 of the adopted South Gloucestershire Local Plan: Core Strategy (December 2013) and policy PSP1 of the adopted South Gloucestershire Local Plan: Policies, Sites and Places Plan (November 2017).

7. Prior to the erection of the boundary treatment, plans and details indicating the positions, design, materials, type and colour of boundary treatments to be erected shall be submitted to the Local Planning Authority for approval. The boundary treatments shall be implemented in full prior to the occupation of the building. Development shall be carried out in accordance with the approved details.

Reason

To ensure high quality design and detailing and to accord with policy CS1 of the adopted South Gloucestershire Local Plan: Core Strategy (December 2013) and policy PSP1 of the adopted South Gloucestershire Local Plan: Policies, Sites and Places Plan (November 2017).

8. The pedestrian access points, staff parking area "main car park" and accessible parking spaces shall be laid out in accordance with plan 1718 2700 Rev G and made available for their intended use on the first day of the opening of the school.

Reason

To ensure the accesses and parking are available for use and to accord with policy CS8 of the adopted South Gloucestershire Local Plan: Core Strategy (December 2013) and policy PSP11 of the adopted South Gloucestershire Local Plan: Policies, Sites and Places Plan (November 2017).

9. Notwithstanding the submitted details, prior to the erection of the scooter and cycle store, details shall be submitted to and approved in writing by the local planning authority of the store, including the number of spaces for storage within it and provision for extending it should this become necessary following the opening of the school. The scooter and cycle storage shall be provided in accordance with the approved details prior to the beneficial occupation of the school and shall be made available for use on the first day of the opening of the school.

Reason

To ensure the scooter and cycle store is of an appropriate size, is capable of being extended if necessary and is available for use, and to accord with policy CS8 of the adopted South Gloucestershire Local Plan: Core Strategy (December 2013) and policy PSP11 of the adopted South Gloucestershire Local Plan: Policies, Sites and Places Plan (November 2017).

10. The landscaping shall be carried out in accordance with plans 2720 Rev E (Planting Plan 1 of 2) and 1718 2721 Rev E (Planting Plan 2 of 2) in the first available planting season following the completion of the main school building hereby approved.

Reason

In the interests of the character and visual amenity of the area and to accord with Policy CS1 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013 and policy PSP2 of the adopted South Gloucestershire Local Plan: Policies, Sites and Places Plan (November 2017).



11. If within a period of 5 years from the date of the planting of any tree, that tree, or any tree planted in replacement of it, is removed, uprooted or destroyed and dies [or becomes in the opinion of the Local Planning Authority seriously damaged or defective,] another tree of the same species and size as the originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

Reason

To protect the character and appearance of the area to accord with Policy CS1 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013 and policy PSP2 of the adopted South Gloucestershire Local Plan: Policies, Sites and Places Plan (November 2017).

12. Prior to the first use of the school hereby approved a full School Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The School Travel Plan shall be implemented in full thereafter. For the avoidance of doubt the School Travel Plan shall be based on the Framework Travel Plan (v3) submitted on 7th March 2018.

Reason

To encourage means of transportation other than private car and to reduce the impact on neighbouring occupiers and to accord with policy CS8 of the adopted South Gloucestershire Local Plan: Core Strategy (December 2013) and policy PSP11 of the adopted South Gloucestershire Local Plan: Policies, Sites and Places Plan (November 2017).

13. Prior to the beneficial occupation of the school, public art shall be installed on the front elevation of the school building, in accordance with a scheme to be first submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure high quality design and to accord with policy CS1 of the adopted South Gloucestershire Local Plan: Core Strategy (December 2013) and policy PSP1 of the adopted South Gloucestershire Local Plan: Policies, Sites and Places Plan (November 2017).

## CIRCULATED SCHEDULE NO. 10/18 – 9 MARCH 2018

<b>App No.:</b>	PT17/5465/PNFU	<b>Applicant:</b>	Mr Edward Mills
<b>Site:</b>	Church Farm Northwick Road Pilning South Gloucestershire BS35 4HE	<b>Date Reg:</b>	3rd January 2018
<b>Proposal:</b>	Prior Notification under Part 3 Class R of a flexible change of use from 2no. agricultural buildings to Class B1 (business) as defined in the Town and Country Planning (General Permitted Development) (England) Order 2015.	<b>Parish:</b>	Pilning And Severn Beach Parish Council
<b>Map Ref:</b>	355903 186763	<b>Ward:</b>	Pilning And Severn Beach
<b>Application Category:</b>		<b>Target Date:</b>	13th February 2018



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PT17/5465/PNFU

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

This prior notification appears on the Circulated Schedule due to the objection from the Parish Council. Given the restricted timeframe of such applications, it is not always possible for them to appear on the Circulated Schedule. However, in this instance, due to the need for additional supporting information the applicant has agreed to an extension of time and the proposal can be circulated to Members.

### **1. THE PROPOSAL**

- 1.1 This prior notification application is considered under Part 3, Class R for a flexible change of use of 2 agricultural buildings to Offices (Class B1) and Class B8 (storage and distribution) as defined in the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). The change of use applies to agricultural buildings at Church Farm, Northwick Road, Pilning.
- 1.2 The application site is situated within the Bristol/Bath Green Belt and within Flood Zone 3, but within an area benefitting from flood defences.
- 1.3 A listed building, Church Farmhouse lies to the east of the site. This building and the application site used to be under the same ownership. It has however been confirmed that the ownership of the agricultural buildings ceased on 25.3.81. As such the farm buildings are not curtilage listed and not ancillary to Church Farmhouse.
- 1.4 During the course of the application revised plans were received to confirm that the existing Dutch barn would be removed to facilitate on-site parking for the proposed sui generis use.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
Town and Country Planning (General Permitted Development) (England) Order 2015  
NPPF National Planning Policy Framework  
PPG National Planning Policy Guidance

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

- |     |                |   |
|-----|----------------|---|
| 3.1 | PT03/2850/F    | Conversion of redundant agricultural building to form dwelling.<br>Refused 14.10.03   |
| 3.2 | PT04/0048/F    | Conversion of redundant agricultural building to form dwelling associated with existing farm.<br>(Resubmission of PT03/2850/F).<br>Refused 3.2.04                 |
| 3.3 | PT17/4137/PNFU | Prior Notification under Part 3 Class R for a flexible change of use from an agricultural building to Offices (Class B1) and storage (Class B8) as defined in the |

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

##### 4.1 Pilning and Severn Beach Parish Council

The Parish Council believe these buildings are within the curtilage of a listed building (Northwick Farm) and accordingly are not eligible for class R. However, should it be proven that these buildings are in fact not in the curtilage of the listed building then the Parish Council would not object to their use being changed to Class B1 (business)

##### 4.2 Other Consultees

###### Drainage

No objection in principle subject to clarification of method of surface water and foul drainage.

*Updated comments:*

*No objection subject to conditions and informatives*

###### Economic Development

No objection

###### Environmental Protection

No objection subject to a condition regarding construction sites

###### Transport

Query regarding the parking

*Updated comments:*

*No objections subject to conditions*

##### **Other Representations**

##### 4.3 Local Residents

None received

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

##### 5.1 Principle of Development

The proposal is not a planning application, it falls under new regulations set out in the GPDO 2015. By virtue of the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, the development is acceptable subject to a prior notification as set out in Class R and Class W of Part 3, Schedule 2. Therefore, the development is acceptable in principle and the prior approval of the Local Planning Authority must be determined against the criteria as set out below.

## 5.2 Criteria to be Permitted Development

For the change of use to be permitted development it must comply with the regulations set out in paragraph R.1 of the Order –

### **R.1 Development is not permitted by Class R if—**

- (a) the building was not used solely for an agricultural use as part of an established agricultural unit—**
  - (i) on 3rd July 2012;**
  - (ii) in the case of a building which was in use before that date but was not in use on that date, when it was last in use, or**
  - (iii) in the case of a building which was brought into use after 3rd July 2012, for a period of at least 10 years before the date development under Class R begins;**

Details submitted confirm that the building has been used as part of an established agricultural business and planning history also supports this information. The proposal complies with this part of Class R.

- (b) the cumulative floor space of buildings which have changed use under Class R within an established agricultural unit exceeds 500 square metres;**

The two stone buildings which would form the offices under this change of use amount to around 252 square metres. Original plans showed that an existing Dutch barn would be used for the parking associated with the change of use. This additional space would therefore have been included within the overall calculation of floor space to change use, and the barn could not be used for agricultural purposes in future. However, the applicant has confirmed by the submission of a revised plan and email correspondence that the Dutch barn would be removed prior to first occupation of the two stone buildings under this change of use proposal. This will be a condition attached to the decision notice.

- (c) the site is, or forms part of, a military explosives storage area;**

The site is not part of a military explosives storage area.

- (d) the site is, or forms part of, a safety hazard area; or**

The site is not part of a safety hazard area.

- (e) the building is a listed building or a scheduled monument.**

It has been confirmed by additional information provided during the course of the application that the building are not listed. Furthermore, the buildings are not curtilage listed and neither are they scheduled ancient monuments.

- 5.3 The proposed conversion is therefore considered to fit the criteria to be permitted development. This is subject to the conditions stipulated in the Order.

#### 5.4 Conditions in Respect of Permitted Development

Paragraph R.2 and R.3 stipulates a number of conditions to which the proposed conversion must adhere to be permitted development. These include the requirement of the applicant to apply to the Local Planning Authority for determination as to whether their prior approval is required, as the cumulative floor space of the building(s) that are proposed, to change use under Class R exceeds 150 square metres. Under paragraph **R.3(1)**, the Local Planning Authority may only consider the following:

- (i) transport and highways impacts of the development;**
  - (ii) noise impacts of the development;**
  - (iii) contamination risks on the site; and**
  - (iv) flooding risks on the site,**
- and the provisions of paragraph W (prior approval) apply in relation to that application.**

#### 5.5 Assessment of Prior Approval

To accord with the above condition, the Local Planning Authority must assess whether the prior approval is required in relation to the matters raised above. Therefore each will be assessed in turn in the sections of this report as set out below.

#### 5.6 *Transport and Highways*

Parking was proposed within an existing Dutch barn. However, given the proximity of the rear of one of the stone barns to the Dutch barn it was felt the required distances for manoeuvring into the parking spaces could not be achieved. This had the potential to impact on future users of the site with the potential of creating additional road side parking and subsequent highway safety issues. Revised details confirmed the willingness of the applicant to remove the Dutch barn. This means that the parking area would be unencumbered by a permanent structure, allowing ease of movement/use. There are therefore no objections subject to a condition requiring the barn is removed prior to first occupation under the change of use.

#### 5.7 *Noise*

The proximity of residential dwellings is noted, however, the proposal for the change of use from agricultural use to a business use would not give rise to any unacceptable levels of noise.

#### 5.8 *Contamination*

For the purposes of clarity, contaminated land is defined by Part IIA of the Environmental Protection Act 1990 Section 78A(2) as:

*‘any land which appears to the local authority in whose area it is situated to be in such a condition, by reason of substances in, on or under the land, that—*

- (a) *significant harm is being caused or there is a significant possibility of such harm being caused; or*
- (b) *pollution of controlled waters is being, or is likely to be, caused.'*

The application buildings are not considered to be contaminated, and the proposed use is unlikely to give rise to contamination concerns.

#### 5.9 Flooding

The development lies within flood zone 3 as defined on the Environment Agency Section 105 flood maps. Provided the development is carried out in accordance with the submitted Flood Risk Assessment and submitted Flood Mitigation Measures there are no objections to the scheme with regards to its location within Flood Zone 3.

It was however noted that no information had been provided for the proposed method of surface water and foul drainage and given there are no public foul or surface water sewers in the vicinity additional details were requested. These confirmed that the foul sewage is to be by package treatment plant discharging to an open ditch and surface water is to drain to existing ditches and, where additional surfacing is required, this is to be permeable. Informatives are to be attached to the decision notice advising the applicant to contact the Lower Severn Internal Drainage Board and Environment Agency with regards to the package treatment plant, drainage ditches and any new structures.

#### 5.10 Conditions

Paragraph **W.(13)** of Part 3 allows the Local Planning Authority to grant prior approval unconditionally or subject to conditions reasonably related to the subject matter of the prior approval.

Conditions regarding:

- Transport – barn to be removed prior to first use under change of use
- Flooding and Drainage - to comply with details submitted for the FRA and flood mitigation measures
- Construction and hours of operation

## 6. SUMMARY

- 6.1 The proposed development meets the criteria outlined under paragraph **R.1** and is considered to be permitted development.
- 6.2 Condition **R.3.1 (b)**, requires the local planning authority to determine whether prior approval of the Authority is required, accordingly, the development has been assessed with regard to the prior approval of transport and highways impacts of the development; noise impacts of the development; contamination risks on the site; and flooding risks on the site. The Authority has assessed all of these criteria and consider such criteria to not be a reason to refuse this development.

## **7. RECOMMENDATION**

7.1 It is recommended that the **PRIOR APPROVAL IS GRANTED.**

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

### **CONDITIONS**

1. The hours of operation of the site which has changed to a flexible use under Class R shall be limited to 8am to 6pm on Mondays to Friday; 9am to 1pm on Saturdays with no working on Sundays or Bank Holidays.

#### **Reason**

Due to the proximity of the nearby residential dwellings 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) 2017; and the provisions of the National Planning Policy Framework.

2. Prior to the first occupation of the buildings hereby changed to a flexible use, the existing Dutch barn is to be demolished to provide the appropriate parking spaces.

#### **Reason**

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

3. Development must be carried out in accordance with the submitted Flood Risk Assessment and submitted Flood Mitigations Measures received by the Council on 23.11.17.

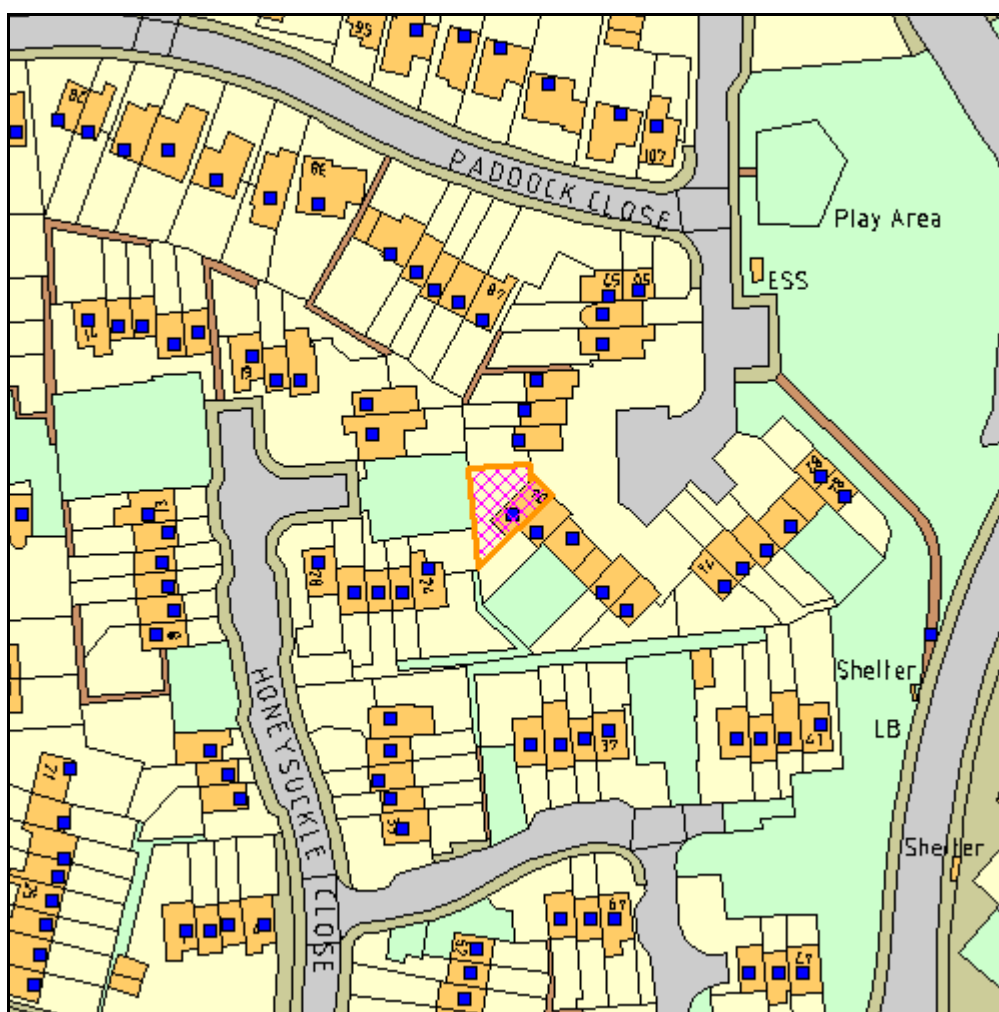
#### **Reason**

To minimise the affect of flooding in order to comply with South Gloucestershire Local Plan: Policies, Sites and Plans Plan (Adopted) November 2017 Policy PSP20; South Gloucestershire Local Plan: South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 Policy CS1 and Policy CS9; and National Planning Policy Framework 2012.



## CIRCULATED SCHEDULE NO. 10/18 – 9 MARCH 2018

<b>App No.:</b>	PT17/5850/F	<b>Applicant:</b>	Mr Darren Ward
<b>Site:</b>	64 Paddock Close Bristol South Gloucestershire BS32 0EZ	<b>Date Reg:</b>	4th January 2018
<b>Proposal:</b>	Installation of rear dormer to facilitate loft conversion to form additional living accommodation.	<b>Parish:</b>	Bradley Stoke Town Council
<b>Map Ref:</b>	362083 182795	<b>Ward:</b>	Bradley Stoke North
<b>Application Category:</b>	Householder	<b>Target Date:</b>	28th February 2018



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PT17/5850/F

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

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

### **1. THE PROPOSAL**

- 1.1 The application seeks planning permission for the installation of a rear dormer to facilitate a loft conversion at 64 Paddock Close, Bradley Stoke.
- 1.2 The application site consists of a two storey end terrace property located within a cul-de-sac in the built up residential area of Bradley Stoke.

### **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 PT12/2746/F  
Erection of rear conservatory.  
Approved: 2<sup>nd</sup> October 2012
- 3.2 PT06/1450/F  
Erection of garden shed.  
Approved: 30<sup>th</sup> June 2006
- 3.3 P89/0020/128

Residential development on 2.69 acres of land including the erection of 34 dwellings, garages with provision of associated roads, boundary structures and car parking areas. (In accordance with the amended plans received by the council on the 13<sup>th</sup> March 1989)  
Approved: 29<sup>th</sup> August 1989

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

4.1 Bradley Stoke Town Council

Objection- proposals are oppressive, overbearing and out of keeping with the streetscene and surrounding area.

4.2 Sustainable Transport

No objection.

#### **Other Representations**

4.3 Local Residents

No comments received.

#### **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 rear dormer window with a mono pitched roof to facilitate a loft conversion to form an additional bedroom.

5.3 Concerns were raised by the Town Council that the dormer would be out of keeping with the streetscene and surrounding area. The initial box dormer design was altered by the applicant to include a mono pitched roof to mitigate the negative impact on the streetscene. Although no other examples of rear dormers can be found on properties in the immediate surrounding area, the site does fall within a built up residential area and it is therefore considered that the proposal would not be detrimental to the character of the area to such a degree as to warrant refusal. The proposed dormer would be approximately 4 metres in length and have a height of approximately 2 metres to the eaves; it would be set back from the eaves of the host dwelling by more than 0.2 metres and have a volume of less than 40m<sup>3</sup>. Ordinarily this would fall within permitted development had the permitted development rights not been removed under application P89/0020/128.

- 5.4 The materials to be used in the construction of the proposed dormer would include rendered elevations, white UPVC windows and roof tiles to match the existing dwelling. As such, the proposed materials are deemed acceptable.
- 5.5 Overall, considering the site falls within a built up residential area and the design has been altered to include the less dominant mono-pitched roof, it is thought that the proposed rear dormer would not be so detrimental to the character of the host dwelling or surrounding area as to warrant refusal and is of an acceptable standard of design. As such, the proposal is deemed to comply with policy CS1 of the Core Strategy.
- 5.6 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.
- 5.7 Concerns were raised by the Town Council that the proposal would cause an overbearing impact on residential amenity. As stated previously the applicant altered the initial plans from a box dormer to a mono-pitched roof dormer to mitigate the dominant impact on the host property and surrounding occupiers. The proposal is relatively modest in scale and not unusual on properties of this size, it is therefore not considered to have a materially overbearing impact on the neighbouring occupiers.
- 5.8 Considering the existing dwelling already benefits from first floor rear window and the siting and scale of the proposed development, it is not thought that the proposed dormer would significantly alter existing levels of privacy already afforded to the surrounding occupiers. Furthermore, it is not considered the proposed dormer would significantly impact on existing levels of light currently afforded to neighbouring occupiers.
- 5.9 Overall, the proposal is not considered to have a detrimental impact on the residential amenity of surrounding properties or the host dwelling and is therefore deemed to comply with policy PSP38 of the PSP Plan.
- 5.10 Sustainable Transport and Parking Provision  
The proposal would be increasing the number of bedrooms from two to three; South Gloucestershire Council Residential Parking Standards state that a three bedroom property requires two off-street parking spaces. From a site visit it was observed that the property benefits from 1.5 off-street parking spaces with an abundance of on-street parking surrounding. Although this would not comply with the Council's Residential Parking Standards the proposal would ordinarily fall within permitted development had the permitted development rights not been removed; Condition (5) attached to application P89/0020/128 removed the permitted development rights in the interest of visual amenity. Therefore, although it is acknowledged there would be some harm to parking provision, more weight is given to the impact on visual amenity and on balance it is considered the harm to parking provision would not be so detrimental as to warrant a refusal.

#### 5.11 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

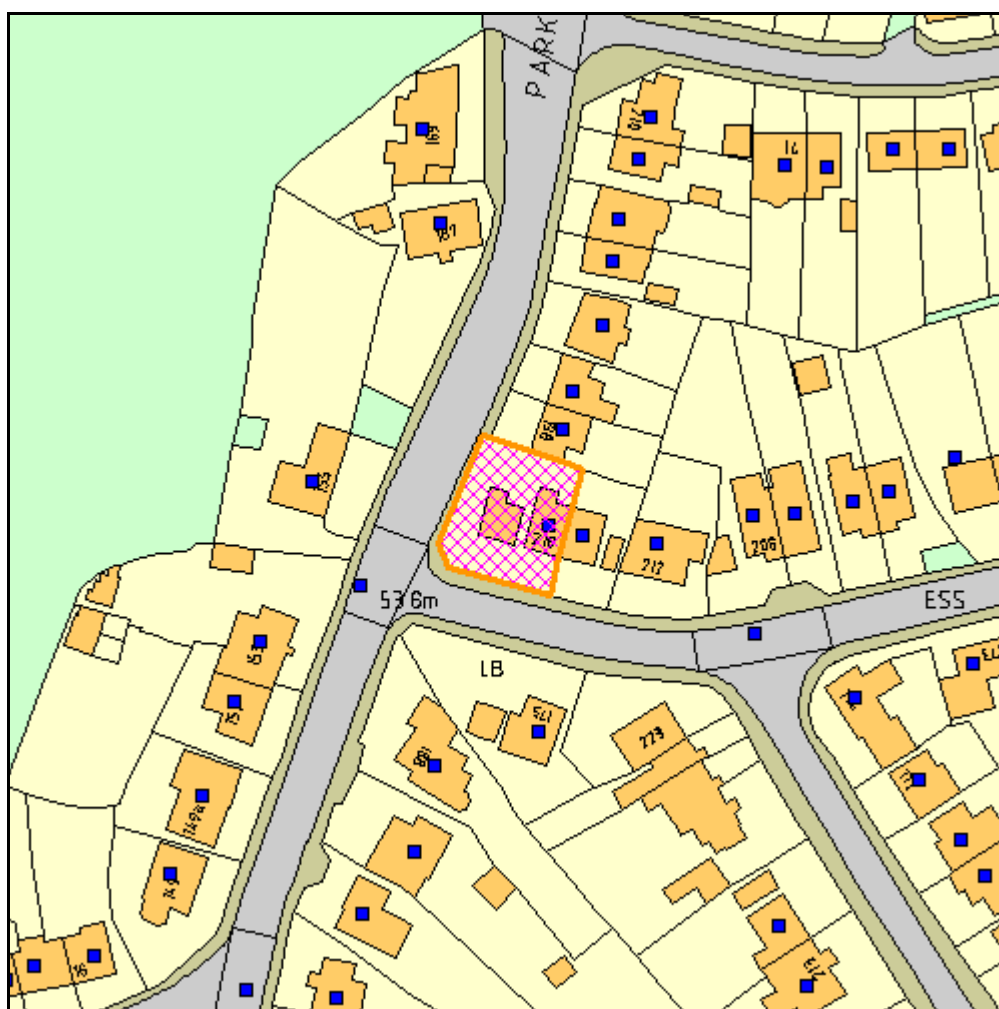
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason

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

## CIRCULATED SCHEDULE NO. 10/18 – 9 MARCH 2018

<b>App No.:</b>	PT17/5970/F	<b>Applicant:</b>	Mr Simon Cranny MNH Developments Ltd
<b>Site:</b>	216 Woodend Road Frampton Cotterell Bristol South Gloucestershire BS36 2JF	<b>Date Reg:</b>	23rd January 2018
<b>Proposal:</b>	Demolition of existing detached garage and erection of 1 no. detached dwelling and associated works with new access for the existing dwelling.	<b>Parish:</b>	Frampton Cotterell Parish Council
<b>Map Ref:</b>	366721 181362	<b>Ward:</b>	Frampton Cotterell
<b>Application Category:</b>	Minor	<b>Target Date:</b>	14th March 2018



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PT17/5970/F

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

The application has been subject to representations contrary to the findings of this report.

### **1. THE PROPOSAL**

- 1.1 Planning permission is sought for the demolition of an existing garage and the erection of 1no. detached dwelling with access for the existing dwelling and associated works. The application site relates to 216 Woodend Road, Frampton Cotterell.
- 1.2 The application site currently consists of a semi-detached property set within a relatively large corner plot. The site is located within the established residential area of Frampton Cotterell. The existing dwelling incorporates a pitched roof, and is finished in a mixture of brick and render. A double garage sits to the west of the dwelling.
- 1.3 A pre-application advice enquiry was submitted in relation to this application; the recommendations have been taken into account.

### **2. POLICY CONTEXT**

#### **2.1 National Guidance**

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

#### **2.2 Development Plans**

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

CS1 High Quality Design  
CS4A Presumption in Favour of Sustainable Development  
CS5 Location of Development  
CS8 Improving Accessibility  
CS15 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  
PSP8 Residential Amenity  
PSP11 Transport Impact Management  
PSP16 Parking Standards  
PSP38 Development within Existing Residential Curtilages, Including Extensions and New Dwellings  
PSP43 Private Amenity Space Standards

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

Design Checklist SPD (Adopted) 2007

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

- 3.1 PRE17/0582 09.06.2017  
Pre-app advice relating to the erection of 1No. new dwelling
- 3.2 PT11/3474/CLP Approved 28.11.2011  
Application for certificate of lawfulness for the proposed erection of a detached double garage and store.

### **4. CONSULTATION RESPONSES**

- 4.1 Frampton Cotterell Parish Council  
No objection

- 4.2 Other Consultees

Lead Local Flood Authority  
No objection

Sustainable Transport

No objection subject to conditions relating to parking being provided prior to occupation, fence size being reduced and an electric vehicle charging point being provided. Also asks for informative to be added to decision notice.

Highway Structures  
No comment

Archaeology Officer  
No comment

#### **Other Representations**

- 4.3 Local Residents

Eight objection letters received from local residents due to:

- Road Safety Issues x7
- Concerns relating to loss of light x4
- Concerns relating to overlooking x2
- Concerns relating to visual amenity x2
- Concerns relating to general residential amenity
- States that an application for a carport was previously refused nearby and asks how a 3-bed detached dwelling could be considered
- States that going to post box can be challenging

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

- 5.1 Principle of Development

Planning permission is sought for the demolition of an existing garage and the erection of 1no. detached dwelling with access for the existing dwelling and



associated works. Policy CS5 directs new development in the first instance to the existing urban areas and defined settlement boundaries and therefore residential development in this location is acceptable in principle.

- 5.2 The principle of development is acceptable under the provisions of policy CS5, and it is acknowledged that the provision of one additional dwelling towards housing supply would have a modest socio-economic benefit. However the impacts of the development proposal must be further assessed against relevant policy in order to identify any potential harm. The further areas of assessment are design and visual amenity, residential amenity, and transportation.

5.3 Design and Visual Amenity

Policy CS1 of the Core Strategy seeks to ensure that development proposals are of the highest possible standards and design. This means that developments should have appropriate: siting, form, scale, height, massing, detailing, colour and materials which are informed by, respect, and enhance the character, distinctiveness and amenity of both the site and its context. A pre-application advice enquiry was submitted in relation to this application. The advice given in relation to this enquiry was that a detached dwelling would likely be acceptable, subject to design considerations such as the removal of a proposed side access and provision of material details.

- 5.4 The proposal relates to the erection of a detached, three bedroom, two-storey dwelling. The proposed dwelling would be located to the side of the existing dwelling, close to the junction of Woodend Road and Park Lane.

- 5.5 The proposed dwelling would be of a fairly simple design, and would incorporate a gabled roof. The dwelling would have a modest footprint, with an overall width of 6.2 metres and depth of 7.4 metres. The ridge height of the dwelling would be set at roughly 7.2 metres, with the eaves set at a height of approximately 5.3 metres. The principal elevation of the dwelling would largely match the existing dwelling utilising rendered elevations with hanging tile accents between the windows. The proposed dwelling would sit at a slightly lower ridge height than the existing dwelling, and would have a small covered porch to the front.

- 5.6 With regard to the extent to which the proposed dwelling would respect the character and distinctiveness of the immediate locality, it is considered that Woodend Road and neighbouring residential streets are highly varied, with no particularly strong uniform sense of street scene or character. It is nevertheless residential in character with a variety of housing styles and sizes in evidence. The existing garage structure does little to contribute to the street scene. The proposed dwelling is clearly inspired by the context of the original dwelling. It is noted that the dwelling would come past the existing building line along Park Lane. While this would generally be considered negative in design terms, the large double garage and outbuilding currently sits within the side garden of No. 216. While there would be some impact, on balance it is not considered that the extension of the dwelling past the building line would have a materially significant effect on the visual amenity of the host dwelling or the surrounding area.

- 5.7 With regard to boundary treatments, the proposed site plan indicates that the existing screen fence to the side would be partially removed, and a wall would be erected to part of the side of the property to screen the garden. If anything these changes would improve the appearance of the streetscene at this point, but are unlikely to have a significant impact on the general character and distinctiveness of the immediate surrounding area.
- 5.8 In terms of site layout, whilst the proposed plot would be fairly modest in size, it is considered that a new dwelling of the scale proposed could be accommodated within the site without the plot appearing unacceptably cramped or overdeveloped. On balance, it is considered that an acceptable standard of design has been achieved. On this basis, the proposal is considered to satisfy design criteria set out in policy CS1 of the Core Strategy.
- 5.9 Residential Amenity  
Policy PSP8 of the Policies, Sites and Places Plan outlines that development proposals will be acceptable provided that they do not create unacceptable living conditions or have an unacceptable impact on the residential amenity of the occupiers of the development or of nearby properties. Unacceptable impacts could result from (but are not restricted to); loss of privacy and overlooking; overbearing and dominant impact; loss of light; noise or disturbance; and odours, fumes or vibration. It is noted that a number of nearby residents objected to the proposal due to overshadowing and overbearing concerns.
- 5.10 When considering the impacts of the proposal on the residential amenity enjoyed by neighbouring residents, the main properties under consideration are the immediate property to the north at no. 198 Park Lane, and the existing property of No. 216 Woodend Road.
- 5.11 *No. 216 Woodend Road (Host Property)*  
Whilst being detached in nature, the proposed dwelling would largely follow the building line created by the terrace row of properties to the east, with No.216 Woodend Road making up the current western end of the terrace. It is considered that whilst the proposed dwelling would be constructed in close proximity to the neighbour, the fact that it would follow the existing building line significantly reduces any sense of overbearing on to neighbouring amenity space, or any loss of outlook from front and rear-facing neighbouring windows.
- 5.12 In terms of overshadowing, the continuation of the existing building line reduces the extent to which the proposed dwelling would block the path of natural sunlight on to the rear garden of no. No. 216, or in to any of the front or rear-facing windows at the neighbouring property.
- 5.13 With regard to overlooking, although there are rear-facing windows, it is not considered that these would materially alter the privacy of the rear garden of No. 216. As such, it is not considered that the erection and occupation of the dwelling would result in a loss of privacy at the neighbouring property.

5.14 *No. 198 Park Lane*

The rear of the proposed dwelling would be set roughly 8 metres from the boundary shared with No. 198 Park Lane to the north of the site. The dwelling would be located parallel to the front garden of No. 198. The distance and position mean that it is not considered that there would be an overbearing impact.

5.15 In terms of overshadowing, the dwelling is located an acceptable distance from No. 198, sitting lower than the existing dwelling. Due to the position and scale of the proposed dwelling, and having assessed the path of the sun throughout the day, it is not considered that the erection of the proposed dwelling would have a materially significant impact on the levels of light offered to No.198.

5.16 With regard to overlooking, although there are rear-facing windows, it is not considered that these would materially alter the privacy of the rear garden of No. 198 above the existing rear facing windows located on properties along Woodend Road. There would be a greater level of overlooking to the front area of the dwelling. However this is the more public facing part of that property, facing as it does onto Park Lane with a fairly open frontage. The proposed new dwelling would be at 90 degrees, and this sort of relationship is not unusual in suburban areas. As such, it is not considered that the erection and occupation of the dwelling would result in a material loss of privacy at No. 198.

5.17 *Amenity Space*

A total of 80m<sup>2</sup> of outdoor amenity space would be provided for the new dwelling. This exceeds the guidelines for a 3-bed dwelling (60m<sup>2</sup>), as set out in policy PSP43 of the Policies, Sites and Places Plan.

5.18 Due to the generous size of the existing plot, it is considered that sufficient amenity space would still be afforded to no. 216 (60m<sup>2</sup>), following the sub-division of the plot.

5.19 It is not considered that the proposed development would have an unacceptable impact on residential amenity. As such, the proposal is considered to accord with policy PSP8 of the Policies, Sites and Places Plan.

5.20 Transport

Numerous objections were received relating to road safety and the impact that the development would have on the safety of road users.

5.21 When considering the proposed provision of parking spaces, the number of spaces required is based on the number of bedrooms provided within a property. The proposed dwelling would contain a total of 3 bedrooms. Policy PSP16 of the Policies, Sites and Places Plan stipulates that a minimum of two parking spaces, measuring a minimum of 2.4m x 4.8m, should be provided for 3 bed-properties. This amount of parking is provided onsite. Additionally, two parking spaces would be provided to the front of the existing dwelling.

- 5.22 Whilst the proposed parking arrangements are considered acceptable, a condition will be attached to any decision ensuring that the proposed parking spaces are provided as per the approved plans prior to occupation of the new dwelling.
- 5.23 With regard to highway safety, the transport officer is satisfied that sufficient visibility would be provided when entering and egressing the parking spaces for both the existing and proposed properties, as not to create a highway safety hazard. The transport officer has also asked for a condition to be added to require an electric vehicle charging point; given the minor scale of this proposal, whilst desirable, this is not considered reasonable or proportionate in relation to the proposal in question, and it is not thought it passes the NPPF tests for conditions. For the reasons outlined above and subject to the aforementioned condition, there are no concerns regarding on-site parking provision or highway safety. The proposal is considered to comply with policies PSP11 and PSP16 of the Policies, Sites and Places Plan.
- 5.24 Other Matters  
Local residents also objected due to access of the post box being difficult, and stating that an application for a carport was refused nearby, and asked how a new dwelling could be considered.
- 5.25 In relation to access to the post box, it is considered unlikely that the erection of 1no. dwelling would have a significant impact on access to the existing post box; the transport officer has considered the development acceptable on transport grounds. In relation to a nearby carport being refused, each application is determined on its own merits and the site specifics of the aforementioned proposal are unknown.
- 5.26 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.
- 5.27 With regards to the above this planning application is considered to have a neutral impact on equality.
- 5.28 Planning Balance  
Paragraph 14 of the NPPF outlines that development proposals that accord with the development plan should be approved without delay. While the development would have one very slight negative impact on the visual amenity of the locality, this is not considered materially significant.

The proposal is not contrary to any development plan policies, and as such, the application should be approved.

## 6. **CONCLUSION**

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

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

Reason

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

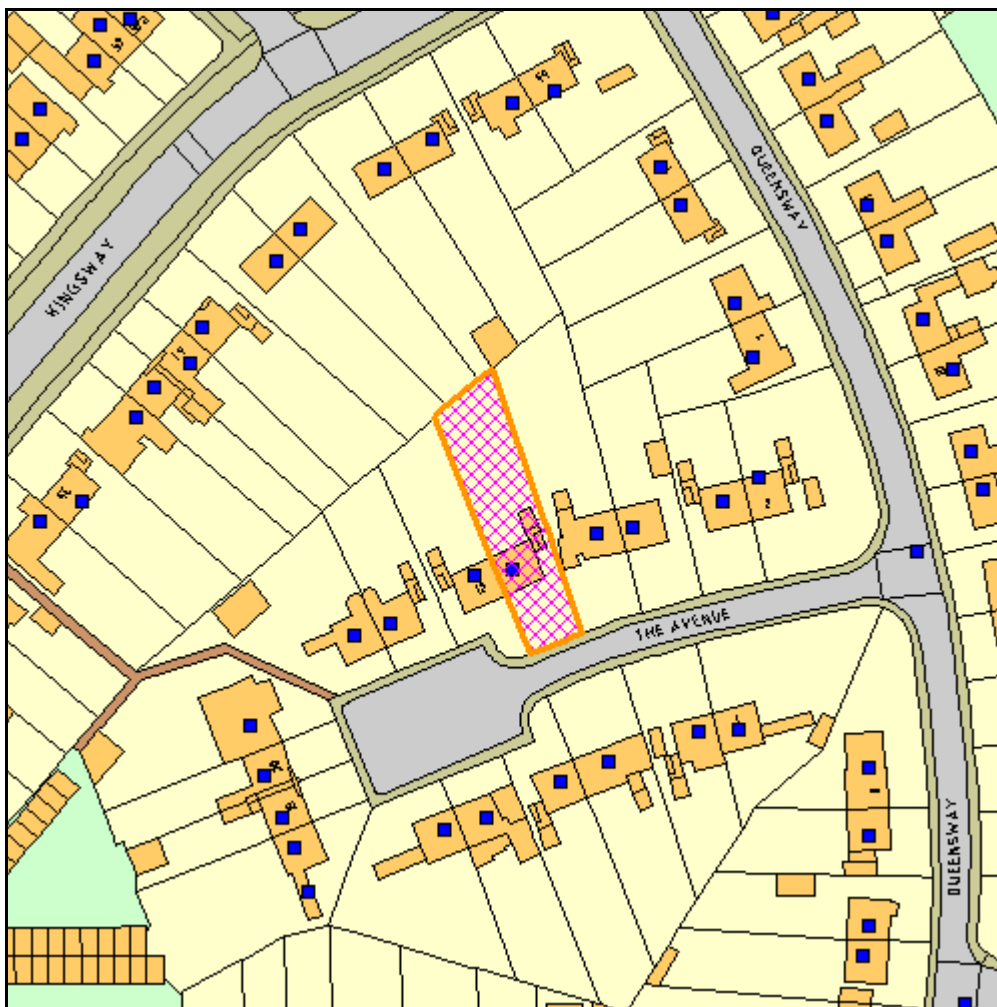
3. The dwelling shall not be occupied until the front garden boundary wall shown on the Proposed Site Plan (received by the Local Planning Authority on 28 Dec 2017) has been reduced in height to a maximum of 600mm and the vegetation with the exception of the existing tree in the front garden between the car parking spaces and Park Lane retained at a height not exceeding 600mm.

Reason

To provide adequate visibility in the interest of highway safety and to accord with Policy PSP11 of the Policies Sites and Places South Gloucestershire Local Plan (adopted) November 2017.

## CIRCULATED SCHEDULE NO. 10/18 – 9 MARCH 2018

<b>App No.:</b>	PT18/0036/F	<b>Applicant:</b>	Mr Lee Saunders
<b>Site:</b>	10 The Avenue Little Stoke Bristol South Gloucestershire BS34 6LJ	<b>Date Reg:</b>	5th January 2018
<b>Proposal:</b>	Erection of two storey side and rear and single storey front and rear extensions to provide additional living accommodation. Amendment to previously approved scheme PT15/1826/F	<b>Parish:</b>	Stoke Gifford Parish Council
<b>Map Ref:</b>	361434 180701	<b>Ward:</b>	Stoke Gifford
<b>Application Category:</b>	Householder	<b>Target Date:</b>	1st March 2018



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PT18/0036/F

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

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

### **1. THE PROPOSAL**

- 1.1 Planning permission is sought for the erection of two storey side and rear and single storey front and rear extensions to provide additional living accommodation at no. 10 The Avenue, Little Stoke.
- 1.2 The application site consists of a semi-detached property set towards the front of a relatively large plot. The site is situated within the established residential area of Little Stoke. The main dwelling is finished in facing brick and incorporates a hipped roof.
- 1.3 Planning permission was previously granted for the erection of a two storey side and single storey front and rear extensions at the property under application ref. PT15/1826/F. The current application forms a resubmission of the previously approved application.

### **2. POLICY CONTEXT**

#### **2.1 National Guidance**

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

#### **2.2 Development Plans**

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

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

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

PSP8	Residential Amenity
PSP11	Transport Impact Management
PSP16	Parking Standards
PSP38	Development within Existing Residential Curtilages, Including Extensions and New Dwellings

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

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

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

#### **3.1 PT15/1826/F**

Erection of two storey side and single storey front and rear extensions to provide additional living accommodation.

Approved: 10.06.2015

### **4. CONSULTATION RESPONSES**

#### **4.1 Stoke Gifford Parish Council** No objection

#### **4.2 Other Consultees**

Sustainable Transport  
No objection

#### **Other Representations**

#### **4.3 Local Residents**

One comment, raising an objection to the proposal, was submitted by a local resident. The main concerns raised are outlined below:

- The proposals will reduce daylight to ground floor rooms at neighbouring property to west.
- Drawings should include dimensions to allow for impact to be determined.
- Expect Party Wall notice to be received in due course.

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

#### **5.1 Principle of Development**

The application seeks permission for the erection of a two storey side and rear and single storey front and rear extension. Policy PSP38 of the Policies, Sites and Places Plan permits extensions and alterations to existing dwellings within established residential curtilages subject to an assessment of design, amenity, transport and loss of trees and vegetation. The development is acceptable in principle but will be determined against the analysis set out below.

#### **5.2 The development approved under PT15/1826/F has been found to be acceptable by the Local Planning Authority, and could still be lawfully implemented. As such, the only elements of the current proposal that will be assessed in isolation are those which differ from the previously approved scheme. These are as follows:**

- Two storey rear extension



- Single storey rear extension

5.3 The cumulative impact of the development as a whole will also then be assessed to ensure that the development proposal when considered as a whole would not cause any significant harm.

5.4 Design and Visual Amenity

Policy CS1 of the Core Strategy and policy PSP38 of the Policies, Sites and Places Plan seek to ensure that development proposals are of the highest possible standards and design. This means that developments should have appropriate: siting, form, scale, height, massing, detailing, colour and materials which are informed by, respect, and enhance the character, distinctiveness and amenity of both the site and its context.

*Two storey rear*

5.5 The proposed two storey rear extension would project off the rear of the two storey side extension, and would incorporate a gable end. The extension would be largely screened from public view by the two storey side extension and the main dwelling. On this basis, it is not considered that its erection would have any significant impact on the character or distinctiveness of the immediate surrounding area.

5.6 In terms of impact on the character and appearance of the host, it is noted that the proposed rear gable would be fairly narrow when compared to more standard rear gable extensions. In this regard, the degree of proportionality between the extension and the host dwelling would be reduced. That said, the siting of the extension to the rear does reduce the overall impact, and it is not considered that the erection of the two storey rear extension would cause a significant degree of harm to visual amenity.

*Single storey rear*

5.7 The proposed single storey rear extension would extend across the entire rear of the existing dwelling, and would connect to the proposed two storey rear extension. The single storey extension would match the two storey rear extension in terms of depth. Similarly to the two storey extension, the single storey extension would not be visible from public areas, and therefore any impacts on the character of the area are limited. It is also considered that the proposed scale, design and finish would allow for the extension to appear as an appropriate addition to the host dwelling.

*Cumulative Impact*

5.8 Whilst, when considered cumulatively, the proposal would significantly extend the residential property, it is not considered that the development would significantly detract from the character and distinctiveness of the immediate locality or the host dwelling. On balance, the proposal is considered to satisfy design criteria set out in policy CS1 of the Core Strategy and PSP38 of the Policies, Sites and Places Plan.

5.9 Residential Amenity

Policy PSP38 of the Policies, Sites and Places Plan explains that development will be permitted provided that it would not detrimentally impact the residential amenities of nearby occupiers and would not prejudice the retention of adequate private amenity space. Policy PSP8 specifically relates to impacts on residential amenity, and outlines that unacceptable impacts could result from (but are not restricted to); loss of privacy and overlooking; overbearing and dominant impact; loss of light; noise or disturbance; and odours, fumes or vibration.

- 5.10 When considering the impacts of the development proposal on the residential amenity currently enjoyed by the occupiers of neighbouring properties, the main properties under consideration are no's 8 and 12 The Avenue, situated immediately to the east and west of the application site respectively.

*Two storey rear*

- 5.11 Despite being set slightly away from the boundary with no. 8 to the east, the proposed two storey extension would be situated in close proximity to the boundary. Given its depth of roughly 4.3 metres and two storey nature, it is noted that the proposed two storey extension would have some overbearing and overshadowing impacts. The extent to which this would affect the residential amenity of the immediate neighbour will be assessed below.

- 5.12 In terms of outlook from neighbouring windows, it should be noted that the orientation of the semi-detached pair to the east mean that the rear windows at no.8 face in a slightly more easterly direction; away from the subject property. It is considered that due to this arrangement, the outlook from the rear-facing windows of no. 8 would not be significantly reduced through the erection of the extension. In terms of any increased sense of enclosure, it is acknowledged that the proposed two storey extension would be noticeable from within the rear garden of no. 8. However the neighbouring property is served by a large garden, and it is considered that an acceptable level of residential amenity would still be retained at the neighbouring property should the proposed two storey extension be implemented.

- 5.13 In terms of overshadowing, sun movement calculations indicate that the erection of the proposed two storey rear extension would only block the path of sunlight on to neighbouring properties for a very small portion of the day.

- 5.14 In terms of overlooking, no side-facing windows are proposed. The only proposed window at a first floor level would look out on to the rear garden of the host, and would not provide a direct line of sight on to neighbouring gardens. As such it is not considered that the erection of the extension would compromise the levels of privacy enjoyed at neighbouring properties through an increased sense of overlooking.

*Single storey rear*

- 5.15 The concerns raised regarding the overbearing impact of the proposed single storey rear extension have been taken in to account. It is recognised that the extension would be constructed up to the boundary with no. 12. However given the fairly modest depth of 4.3 metres, ridge height of 3.5 metres and eaves

height of 2.5 metres, it is not considered that any overbearing or overshadowing effects would be significant, and it is therefore not considered that the erection of the extension would significantly prejudice the levels of residential amenity enjoyed at the adjoining property.

#### *Disturbance*

- 5.16 It is not considered that the residential use of the proposed extensions would cause a significant degree of disturbance. It is however recognised that there would be some disturbance to neighbours during the construction period. On this basis and as per the previous approval, a condition will be attached to any decision, restricting the permitted hours of working during the construction period.

#### *Amenity Space*

- 5.17 The proposal would result in the loss of some outdoor private amenity space at the site. However given the size of the plot, it is considered that sufficient space would be retained following the implementation of the proposal.

#### *Cumulative Impact*

- 5.18 It is recognised that given the proximity of the extensions to neighbouring properties, their erection would have some impact on the immediate neighbours. However for the reasons outlined above, it is not considered that the proposal would cause any significant harm to residential amenity. On balance, the proposal is considered to comply with policies PSP8 and PSP38 of the Policies, Sites and Places Plan.

#### 5.19 Transport

Several parking spaces are provided to the front of the site. As part of the application, it is outlined that the existing parking arrangements would not change as part of the proposal. As the number of bedrooms proposed is no greater than the number approved under the previous application, the current parking arrangements are still considered satisfactory. Furthermore, it is not considered that the development proposal would have any additional impacts on highway safety.

#### 5.20 Trees and Vegetation

The proposal would not result in the loss of any trees or vegetation that contribute significantly to the character of the locality.

#### 5.21 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.

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

5.23 Other Matters

It is acknowledged that dimensions are not included on the submitted plans. However provided that the plans are to scale and provide an accurate reflection of the development proposed, they are considered to be acceptable. In terms of party wall agreements, this is covered under separate legislation and is therefore not a material planning consideration.

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

**Contact Officer: Patrick Jackson**  
**Tel. No. 01454 863034**

## CONDITIONS

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

Reason

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

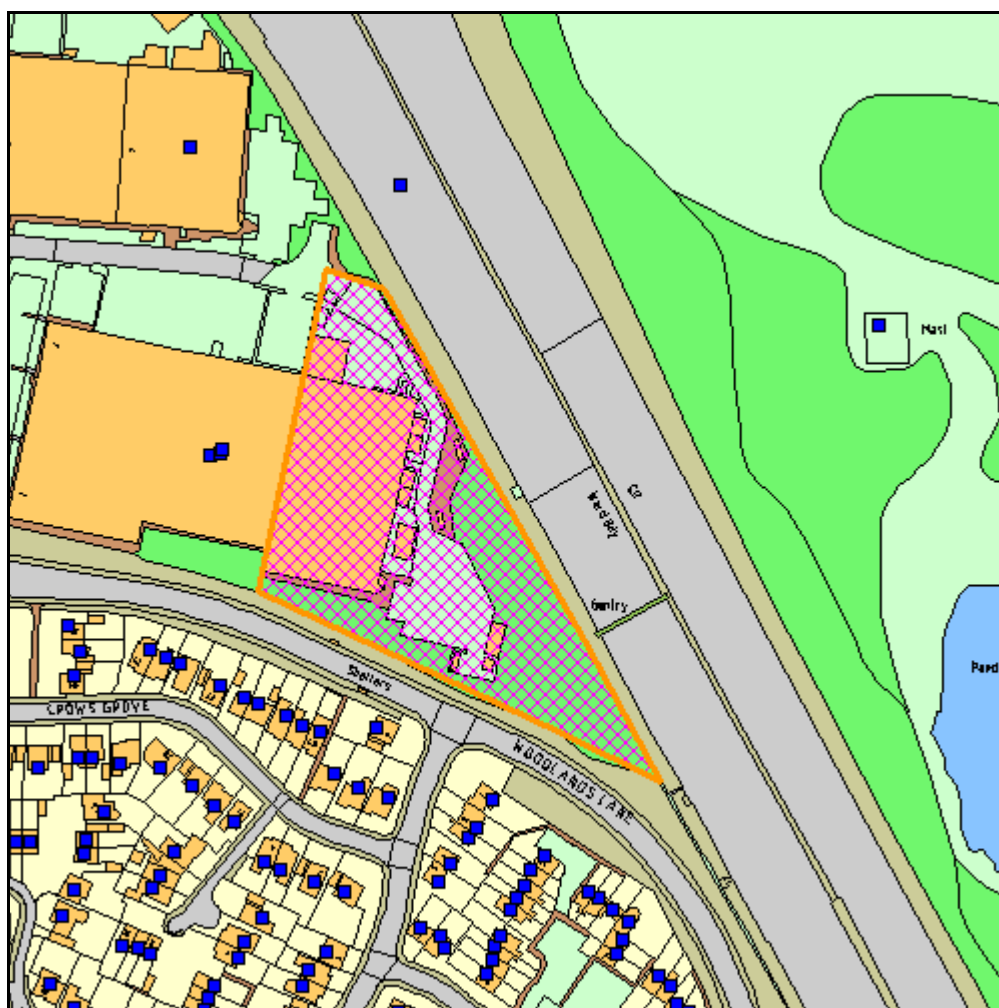
2. The hours of working on site during the period of construction shall be restricted to 0730 - 1800 on Mondays to Fridays and 0800 - 1300 on Saturdays; and no working shall take place on Sundays or Public Holidays. The term 'working' shall, for the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the curtilage of site.

Reason

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policies PSP8 and PSP38 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017.

## CIRCULATED SCHEDULE NO. 10/18 – 9 MARCH 2018

<b>App No.:</b>	PT18/0230/F	<b>Applicant:</b>	Mr Colin Bessell EE Ltd
<b>Site:</b>	Unit 2 Bristol Distribution Park Hawkey Drive Bradley Stoke Bristol South Gloucestershire BS32 0BF	<b>Date Reg:</b>	23rd January 2018
<b>Proposal:</b>	Installation of 2 no. satellite dishes to front elevation and replacement of existing 2 no. satellite dishes to side elevation	<b>Parish:</b>	Bradley Stoke Town Council
<b>Map Ref:</b>	361959 183203	<b>Ward:</b>	Bradley Stoke North
<b>Application Category:</b>	Minor	<b>Target Date:</b>	13th March 2018



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PT18/0230/F

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

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

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

- 1.1 The applicant seeks full planning permission for the Installation of 2no. Satellite dishes to the front elevation and a replacement of 2no. Satellite dishes to the side elevation of Unit 2 Bristol Distribution Park, Hawkley Drive, Bradley Stoke.
- 1.2 The application site comprise of Unit 2 of the Bristol Distribution Park. The application site is located between Woodlands Lane and the M4 Motorway with access gained from Hawkley Drive.

### **2. POLICY CONTEXT**

#### **2.1 National Guidance**

National Planning Policy Framework March 2012  
National Planning Policy Guidance 2014

#### **2.2 Development Plans**

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

CS1 High Quality Design  
CS4a Sustainable Development  
CS5 Location of Development  
CS8 Improving Accessibility  
CS9 Managing the Environment and Heritage  
CS12 Safeguarded Areas for Economic Development Land

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

PSP1 Local Distinctiveness  
PSP8 Residential Amenity  
PSP16 Parking Standards

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

Design Checklist SPD (adopted) August 2006  
Residential Parking Standards SPD (adopted) December 2013

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

- 3.1 PT10/1727/F – Approved - 09.09.2010  
Installation of replacement gate with 2.4m sliding gate, CCTV camera and floodlight and relocation of planting area.
- 3.2 PT08/2778/F – Approved - 26.11.2008  
Installation of 2 no. condenser units. Alteration to vehicle door with louvre bank and cladding.

- 3.3 PT07/0893/F – Approved - 09.05.2007  
Erection of 4 no. chiller units with associated works.
- 3.4 PT05/1353/F – Approved - 24.11.2005  
Erection of part 1.8 metre, part 2.4 metre high boundary fence. (Resubmission of PT04/4153/F).
- 3.5 PT00/1548/F – Approved - 27.07.2000  
Erection of external plant compounds and alterations to the elevations and car parking within the curtilage to facilitate change of use from B8 to B8 with telecommunication use.
- 3.6 P91/0020/285 – Approved - 02.10.1991  
Erection of two buildings to form four warehouse units totalling 146,950 sq ft including ancillary offices (class B8) (as defined in the town and country planning (use classes) order 1987). Construction of access road and associated car parking and service areas (in accordance with the amended plans received by the council on 16TH august 1991 and 26TH september 1991)
- 3.7 P89/0020/193 – Approved - 07.03.1990  
Erection of three storey office building with plant room above, totalling 6040 square metres in area (65,000 square feet). Construction of associated access road and car parking. (To be read in conjunction with P89/20/142).
- 3.8 P89/0020/142 – Approved - 11.05.1989  
Erection of office buildings totalling 390,000 square feet on 15.5 acres of land (in accordance with the amended plans received by the council on the 2ND may 1989) (outline)

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

- 4.1 Almondsbury Parish Council  
No comment
- 4.2 Bradley Stoke Town Council  
No objection
- 4.3 Highway Structures  
No objection
- 4.4 Lead Local Flood Authority  
No objection
- 4.5 Sustainable Transport  
No comments



## **OTHER CONSULTEES**

### **4.6 Local Residents**

This application received a total of 1 objection comment that raised several points, these are outlined below.

- 1: Tree coverage on site recently removed.
- 2: Why are replacement satellites required?
- 3: We were not consulted for the previous satellite erection, why are we now being consulted.
- 4: Erection of new lights causing glare, together with opening of windows this is creating issues with privacy.

## **5. ANALYSIS OF PROPOSAL**

### **5.1 Principle of Development**

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. Also of pertinence is the effect that the development would have on road safety. The proposal accords with the principle of development subject to the consideration below.

- 5.2 Policy CS12 'Safeguarded Areas for Economic Development' of the South Gloucestershire Core Strategy designates Grove Industrial Estate, Gloucester Road a safeguarded site for economic development, the application site falls within Patchway. Policy CS12 supports the retention of B Use Classes within safeguarded areas; as the proposal will support the existing B Use at the site, the proposal is considered to satisfy policy CS12.

- 5.3 Policy CS12 also encourages employers to redevelop existing sites through intensification or remodelling, the proposal is seen to encourage production through a more efficient use of land. Therefore, the proposal is considered to satisfy policy CS12.

### **5.4 Design and Visual Amenity**

The application site comprises a modern industrial unit positioned at the Far East end of the Bristol Distribution Park. All vehicular access is gained from Hawkley Drive and the application site forms the end point of the road. The unit adjoins another unit located to the west, the M4 motorway is located to the north and eastern boundaries and residential developments can be seen from the south beyond Woodlands lane.

- 5.5 The proposal consists of a like for like replacement of 2no satellite dishes to the south elevation, a further 2no satellite dishes are proposed to be erected on the east elevation. Submitted plans indicate that there would be no other alterations to the building and that the existing footprint would remain the same. The site is an industrial estate which consists of many units of varying sizes, the proposal is seen to be in keeping with both the existing unit and of those adjacent.

- 5.6 While there are numerous residential properties nearby, the site itself is clearly industrial in character. It is not considered that the proposal would have a significant negative effect on the visual amenity of the surrounding area, and the development is therefore considered acceptable.
- 5.7 Residential Amenity  
Numerous residential properties are located to the south of the site, the proposal is largely a like for like replacement with regards to the South elevation, the proposed satellites will be positioned slightly lower than the original and increase 220mm in diameter. The addition of 2no satellites to the east elevation will appear in keeping with the existing unit and the case officer does not consider this addition to have any impact on residential amenity. The application site is screened by large mature trees and overgrowth both to its southern and eastern boundaries, due to the scale, siting and nature of this application, the case officer does not consider the proposal would have a significant detrimental effect on the amenity of neighbouring occupiers.
- 5.8 Concerns were raised by a neighbouring property about the overbearing impact caused by the floodlights on site, this issue was addressed under a separate planning application PT10/1727/F.
- 5.9 Concerns were raised regarding the recent removal of trees that screen the host site. No planning application can be found for such works, it must be noted that the application site is not subject to any tree preservation orders and that no permission is required to remove the surrounding trees.
- 5.10 A question was raised as to why the additional satellites were required. A new satellite position was required for technological reasons and the addition of 2 further satellites will provide a stronger signal than currently received at the site address.
- 5.11 An occupying neighbour asked why they were not consulted for the existing satellites being erected. No previous planning applications can be found with regards to this.
- 5.12 Sustainable Transport  
Due to the nature of the application and its siting it is not considered that the proposal would impact upon highway safety, vehicle access or current parking provision. Therefore, there are no objections on highways grounds
- 5.13 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.

- 5.14 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, and to all the relevant material considerations set out in the report.

## **7. RECOMMENDATION**

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

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

## **CONDITIONS**

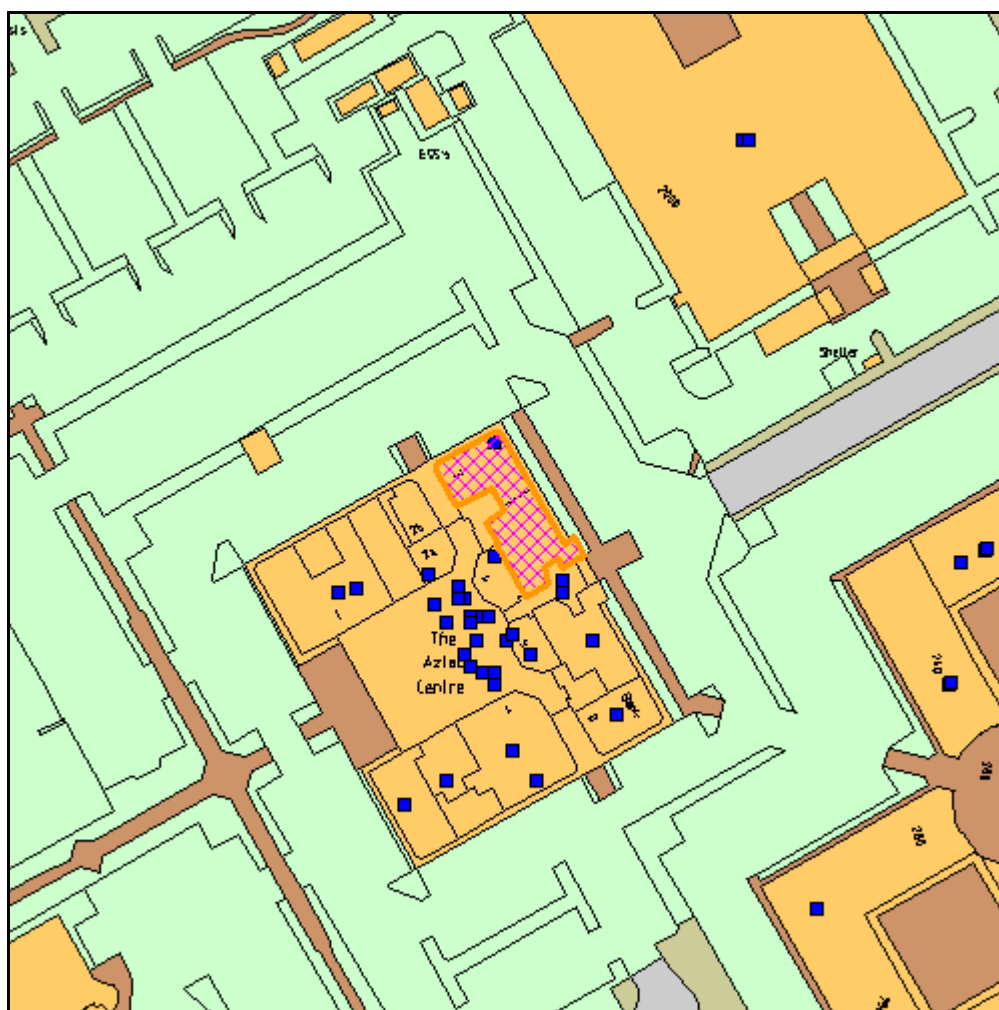
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason

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

## CIRCULATED SCHEDULE NO. 10/18 – 9 MARCH 2018

<b>App No.:</b>	PT18/0296/CLP	<b>Applicant:</b>	Mr Stewart Wood Handelsbanken
<b>Site:</b>	Unit 3 Park Avenue Aztec West Almondsbury Bristol South Gloucestershire	<b>Date Reg:</b>	26th January 2018
<b>Proposal:</b>	Certificate of Lawfulness for the proposed use of Unit 3 as Class B1a Office Use	<b>Parish:</b>	Patchway Town Council
<b>Map Ref:</b>	360422 182821	<b>Ward:</b>	Patchway
<b>Application Category:</b>	Certificate of Lawfulness	<b>Target Date:</b>	22nd March 2018



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PT18/0296/CLP

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

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

### **1. THE PROPOSAL**

- 1.1 The applicant is seeking a formal decision as to whether the proposed use of Unit 3 as Class B1a Office Use would be permitted.
- 1.2 The application is formal way of establishing whether the proposal requires planning permission or not. Accordingly there is no consideration of planning merit, the decision is based on the facts presented.

### **2. POLICY CONTEXT**

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

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

- 3.1 PT16/0401/F – Approved - 23.03.2016  
Change of use of Units 1A, 3 and 9, 6 and 8 on ground floor from A1 to Offices (Class B1(a)) as defined in Town and Country (use Classes) Order 1987 (as amended).
- 3.2 PT05/2540/F – Approved - 07.10.2005  
Change of use from Class B1(a) office to Class D1 non-residential institution (as defined in the Town and Country Planning (Use Classes) Order 2005).
- 3.3 P94/0050/118 – Approved - 27.04.1994  
Change of use of premises from retail shop to office (class A1 to class B1 as defined by the town and country planning (use classes) order 1987)
- 3.4 P89/3345/A – Approved - 07.02.1990  
Display of internally illuminated hanging sign (1400 mm x 1800 mm) to read 'aztec centre' with logo; two internally illuminated, suspended signs (800 mm x 550 mm ) internal to the building displaying names of tenants;
- 3.5 P89/0050/68 – Approved - 15.11.1989  
Erection of bin store and chiller unit

- 3.6 P87/0050/36 – Approved - 09.03.1988  
Erection of three storey building totalling approximately 6825 sq. Metres (73,464 sq. Ft.) In area to form mixed retail/commercial units on ground floor with offices over. Construction of new vehicular and pedestrian access and associated car parking area and landscaping.
- 3.7 N2580/5AP – Approved - 11.09.1980  
Construction of roads and sewers to serve warehousing, industrial and office development together with ancillary works (details following outline) (in accordance with revised site plan received by the Council on the 3rd April 1980). To be read in conjunction with planning permission Ref. No. N.2580/5.
- 3.8 N2580/5 – Approved - 23.02.1979  
Warehousing development with not more than 15,000 sq. ft., of industrial building, together with offices, a local centre and ancillary works on approximately 170 acres (Outline).

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

- 4.1 Patchway Town Council  
No Comments received

Local Councillor  
No comments received

- 4.2 Other Consultees

Sustainable Transport  
No Objections

#### **Other Representations**

- 4.3 Local Residents  
None Received

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

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

- 5.2 The key issue in this instance is to determine whether the proposals would constitute development according to Section 55 of the Town and Country Planning Act 1990. Some work is not seen to comprise development and these are identified under Section 55(2) of the aforementioned act. Within this it is stipulated that permission would not be required for *“building operations which do not materially affect the external appearance of a building. The term ‘materially affect’ has no statutory definition, but is linked to the significance of the change which is made to a building’s external appearance”* Whilst ‘materially affect’ has no statutory definition case law establishes what may be considered to be a material impact. *Burroughs Day v Bristol City Council* [1996] shows that whilst the exterior of the building may be affected this does not necessarily constitute a ‘material affect’ on the external appearance of the building. In this case it was found the works did not amount to development within the meaning of section 55(2)(a)(ii) of the 1990 Act. In assessing this impact the following should be taken into account:

*“What must be affected is “the external appearance”, and not the exterior of the building. The alteration must be one which affects the way in which the exterior of the building is or can be seen by an observer outside the building”...; and; The external appearance must be “materially” affected, and this depends in part on the degree of visibility.”...Furthermore “The effect on the external appearance must be judged for its materiality in relation to the building as a whole, and not by reference to a part of the building taken in isolation”*

- 5.3 The proposal consists of the proposed use of an existing unit to continue to be used under use Class B1a (office). The application site relates to Unit 3, Park Avenue, Aztec West, the unit is situated on the northern corner of the associated Aztec Centre and is accessed via Park Avenue.  
It is proposed that the Company Handelsbanken, a Swedish bank, will occupy the site address. The unit will accommodate a maximum of 13 staff members whilst the office function will be mainly for clerical and administrative duties and occasional meetings, there are no external changes proposed as part of this application.
- 5.4 The proposal is not considered to have any material impact on the external appearance of the property and is therefore not considered to require planning permission. It is accepted that Unit 3 falls within the established use class and there would no development involving a change of use (which will remain class B1a), nor the creation of a new planning unit. The unit will retain the same basic form, external materials and general appearance and therefore according to Section 55(2) of the Town and Country Planning Act 1990 and on balance this proposal would not amount to “development” requiring permission under the Act.

## 6. **RECOMMENDATION**

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

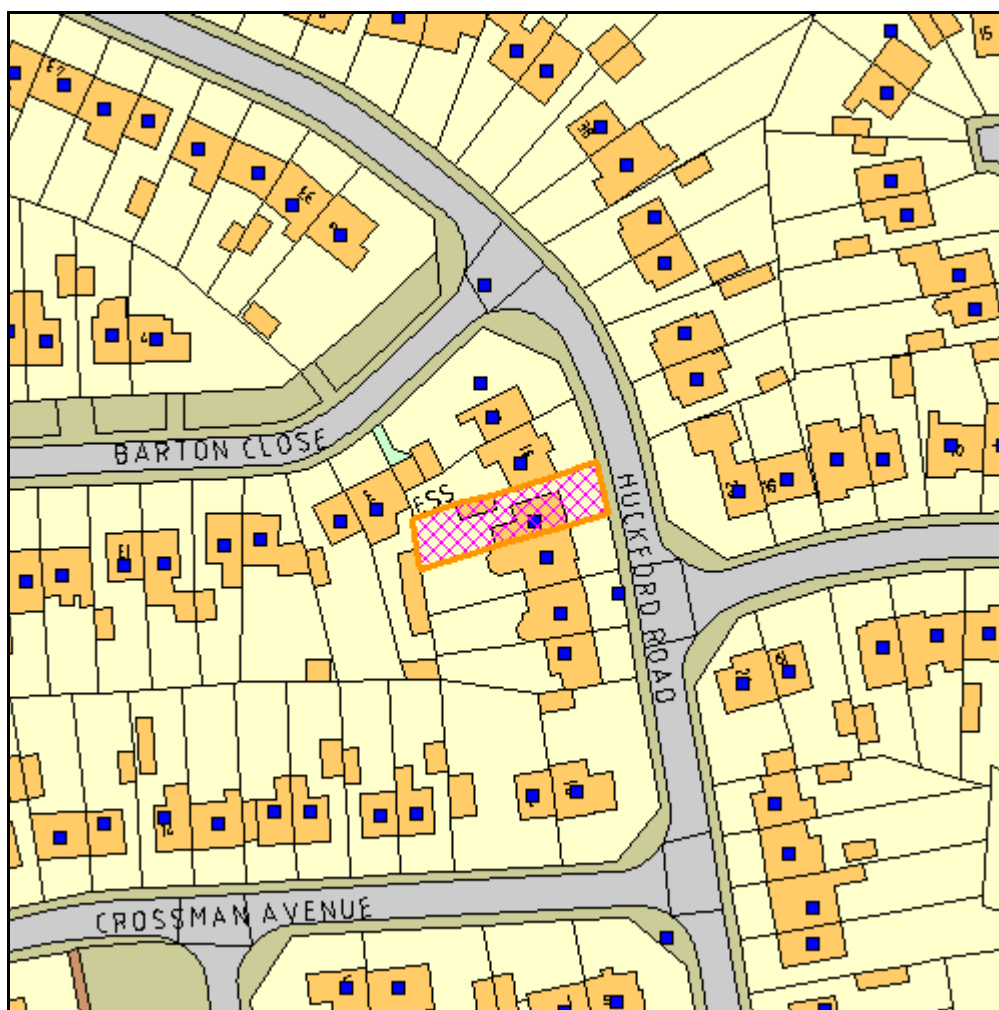
Evidence has been provided to demonstrate that on the balance of probabilities it is accepted that application site falls within the established use class and there would no development involving a change of use or would constitute development that requires planning permission under the provisions of Section 55(2) of the Town and Country Planning Act 1990 (as amended).

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



## CIRCULATED SCHEDULE NO. 10/18 – 9 MARCH 2018

<b>App No.:</b>	PT18/0298/CLP	<b>Applicant:</b>	Nicola Rice
<b>Site:</b>	29 Huckford Road Winterbourne Bristol South Gloucestershire BS36 1DX	<b>Date Reg:</b>	22nd January 2018
<b>Proposal:</b>	Certificate of Lawfulness for the erection of a single storey side extension to form an attached garage	<b>Parish:</b>	Winterbourne Parish Council
<b>Map Ref:</b>	365249 180227	<b>Ward:</b>	Winterbourne
<b>Application Category:</b>	Certificate of Lawfulness	<b>Target Date:</b>	15th March 2018



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PT18/0298/CLP

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

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

### **1. THE PROPOSAL**

- 1.1 The applicant is seeking a formal decision as to whether the proposed erection of a single storey side extension to form an attached garage at 29 Huckford Road Winterbourne would be lawful.
- 1.2 The application is a formal way of establishing whether the proposal requires planning permission or not. Accordingly there is no consideration of planning merit, the decision is based solely on the facts presented.

### **2. POLICY CONTEXT**

#### **2.1 National Guidance**

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

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

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

- 3.1 N5969  
Approve with Conditions (25.10.1979)  
Erection of rear dormer extension to form bedroom (in accordance with the applicant's letter received by the Council on 21st September 1979).

### **4. CONSULTATION RESPONSES**

- 4.1 Winterbourne Parish Council  
"No objection."

Sustainable Transport  
None received.

#### **Other Representations**

- 4.2 Local Residents  
No comments received.

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

- 5.1 Site Location and Block plan  
Received by the Council on 18<sup>th</sup> January 2018
- Existing Floor Plans  
Received by the Council on 18<sup>th</sup> January 2018
- Proposed Floor Plans  
Received by the Council on 18<sup>th</sup> January 2018
- Existing Elevations  
Received by the Council on 18<sup>th</sup> January 2018
- Proposed Elevations  
Received by the Council on 18<sup>th</sup> January 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.
- 6.3 The proposed side extension would fall within Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015, which allows for the enlargement, improvement or other alteration of a dwellinghouse, provided it meets the criteria as detailed below:

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

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

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

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

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

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

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

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

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

- (e) The enlarged part of the dwellinghouse would extend beyond a wall which—**

- (i) forms the principal elevation of the original dwellinghouse; or**
- (ii) fronts a highway and forms a side elevation of the original dwellinghouse;**

The extension would not extend beyond a wall which forms the principal elevation or the side elevation which fronts a highway of the original dwellinghouse.

- (f) Subject to paragraph (g), the enlarged part of the dwellinghouse would have a single storey and—**

- (i) extend beyond the rear wall of the original dwellinghouse by more than 4 metres in the case of a detached dwellinghouse, or 3 metres in the case of any other dwellinghouse,**
- (ii) or exceed 4 metres in height;**

The proposal does not extend beyond the rear wall of the original dwelling house.

- (g) Until 30th May 2019, for a dwellinghouse not on article 2(3) land nor on a site of special scientific interest, the enlarged part of the dwellinghouse would have a single storey and—**

- (i) extend beyond the rear wall of the original dwellinghouse by more than 8 metres in the case of a detached dwellinghouse, or 6 metres in the case of any other dwellinghouse, or**

**(ii) exceed 4 metres in height;**

Not applicable.

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

The extension would be single storey.

- (i) The enlarged part of the dwellinghouse would be within 2 metres of the boundary of the curtilage of the dwellinghouse, and the height of the eaves of the enlarged part would exceed 3 metres;**

The extension would be within 2 metres of a boundary; however the eaves would not exceed 3 metres.

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

The extension would extend beyond a wall forming a side elevation of the original dwellinghouse. However the extension would not exceed 4 metres in height, would not be more than a single storey, and would not have a width greater than half the width of the original dwellinghouse.

- (ja) Any total enlargement (being the enlarged part together with any existing enlargement of the original dwellinghouse to which it will be joined) exceeds or would exceed the limits set out in sub-paragraphs (e) to (j);**

The total enlargement does not exceed the limits set out in sub-paragraphs (e) to (j).

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

The development would not include any of the above.

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

- (a) it would consist of or include the cladding of any part of the exterior of the dwellinghouse with stone, artificial stone, pebble dash, render, timber, plastic or tiles;**
- (b) the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse; or**
- (c) the enlarged part of the dwellinghouse would have more than a single storey and extend beyond the rear wall of the original dwellinghouse.**
- (d) any total enlargement (being the enlarged part together with any existing enlargement of the original dwellinghouse to which it will be joined) exceeds or would exceed the limits set out in sub-paragraphs (b) and (c);**

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

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

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

The submitted information indicates that the proposal will be finished in materials similar to those used in the exterior finish of the existing dwellinghouse

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

Not applicable.

- (c) Where the enlarged part of the dwellinghouse has more than a single storey, or forms an upper storey on an existing enlargement of the original dwellinghouse, the roof pitch of the enlarged part must, so far as practicable, be the same as the roof pitch of the original dwellinghouse.**

Not applicable.

## **7. RECOMMENDATION**

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

Evidence has been provided to demonstrate that on the balance of probabilities the proposed single storey side extension falls within the permitted rights afforded to householders under Schedule 2, Part 1, Class A of the Town and Country Planning General Permitted Development Order 2015.

**Contact Officer: David Ditchett**  
**Tel. No. 01454 863131**