



**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. 03/18**

**Date to Members: 19/01/2018**

**Member's Deadline: 25/01/2018 (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:

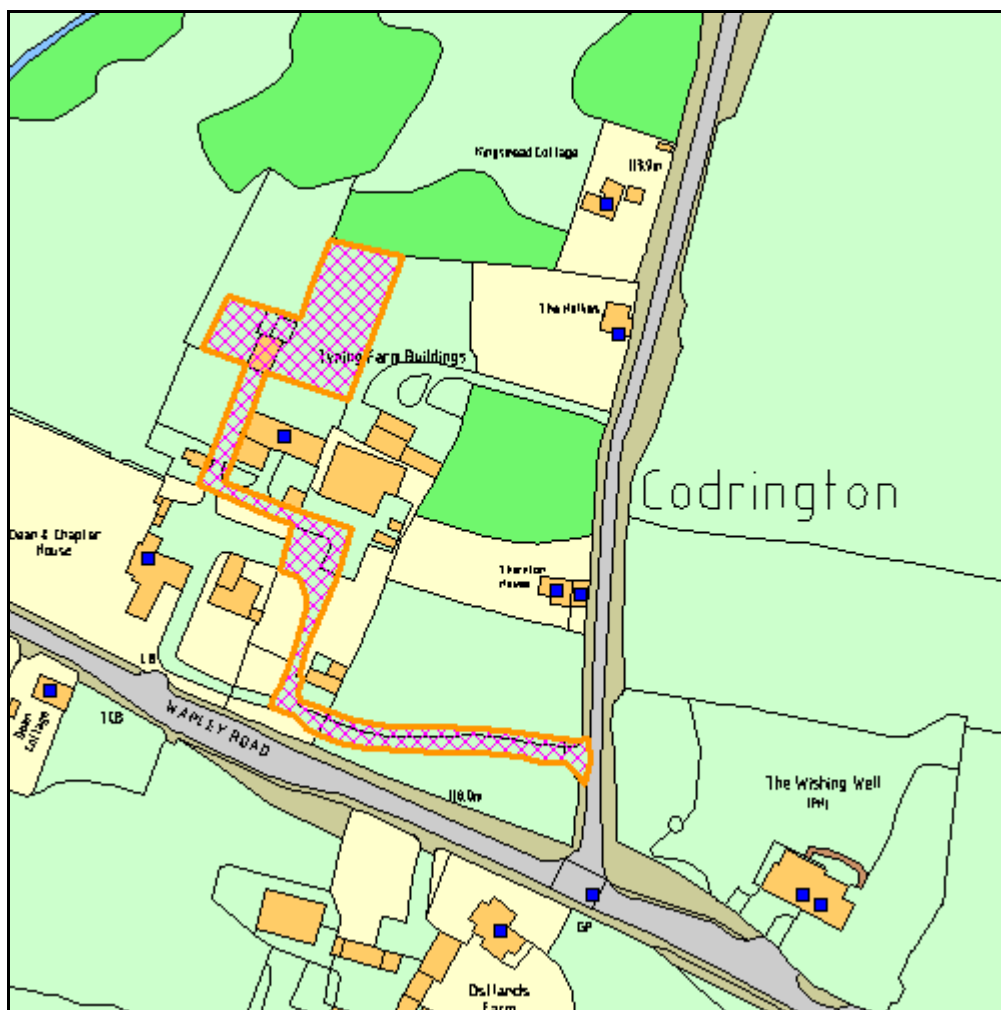
- Before referring an application always speak to the case officer or Area Planning Manager first to see if your concerns can be addressed without the application being referred.
- If you are considering referring in an application outside the ward you represent, as a courtesy, speak to the ward member(s) 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 - 19 January 2018

ITEM NO.	APPLICATION NO.	RECOMMENDATION	LOCATION	WARD	PARISH
1	<b>PK17/3653/F</b>	Approve with Conditions	The Bull Pen Dean And Chapter Farm Wapley Road Codrington South Gloucestershire BS37 6RY	Westerleigh	Dodington Parish Council
2	<b>PK17/4584/F</b>	Approve with Conditions	39C High Street Wickwar Wotton Under Edge South Gloucestershire GL12 8NP	Ladden Brook	Wickwar Parish Council
3	<b>PK17/4790/F</b>	Approve with Conditions	21 Mount Hill Road Hanham South Gloucestershire	Hanham	Hanham Parish Council
4	<b>PK17/4834/F</b>	Approve with Conditions	Greystones Siston Lane Siston South Gloucestershire BS30 5LX	Siston	Siston Parish Council
5	<b>PK17/5016/F</b>	Approve with Conditions	75 Highworth Crescent Yate South Gloucestershire	Yate Central	Yate Town
6	<b>PK17/5241/F</b>	Approve with Conditions	101C Hill Street Kingswood South Gloucestershire	Kings Chase	None
7	<b>PK17/5516/TRE</b>	Approve with Conditions	42 Wadham Grove Emersons Green South Gloucestershire BS16 7DW	Emersons	Emersons Green Town Council
8	<b>PK17/5591/CLP</b>	Approve with Conditions	12 Tippetts Road Kingswood South Gloucestershire	Woodstock	None
9	<b>PK17/5616/CLP</b>	Approve with Conditions	85 Seymour Road Staple Hill South Gloucestershire	Staple Hill	None
10	<b>PK17/5630/CLP</b>	Approve with Conditions	32 Coombes Way North Common South Gloucestershire BS30 8YP	Oldland	Bitton Parish Council
11	<b>PT17/1892/F</b>	Approve with Conditions	Church Leaze Farm Henfield Road Coalpit Heath South Gloucestershire BS36 2UY	Westerleigh	Westerleigh Parish Council
12	<b>PT17/2809/F</b>	Approve with Conditions	44 Henfield Road Coalpit Heath Bristol South Gloucestershire BS36 2TE	Westerleigh	Westerleigh Parish Council
13	<b>PT17/3586/F</b>	Approved Subject to	Yate Court Farm Limekiln Road Yate South Gloucestershire BS37 7QB	Ladden Brook	Wickwar Parish Council
14	<b>PT17/3688/LB</b>	Approve with Conditions	Yate Court Farm Limekiln Road Yate South Gloucestershire BS37 7QB	Ladden Brook	Wickwar Parish Council
15	<b>PT17/4568/F</b>	Approve	Units 1 Station Yard Hicks Common Road Winterbourne South Gloucestershire BS36 1EJ	Winterbourne	Winterbourne Parish Council
16	<b>PT17/4665/F</b>	Approve with Conditions	Plots 1-3 Site Of Former Landshire Road Frenchay South Gloucestershire	Frenchay And Stoke Park	Winterbourne Parish Council
17	<b>PT17/4959/CLP</b>	Approve with Conditions	42 Orchard Rise Olveston South Gloucestershire BS35 4DZ	Severn	Olveston Parish Council

## CIRCULATED SCHEDULE NO. 03/18 – 19 JANUARY 2018

<b>App No.:</b>	PK17/3653/F	<b>Applicant:</b>	Mrs Lisa Roberts
<b>Site:</b>	The Bull Pen Dean And Chapter Farm Wapley Road Codrington Bristol South Gloucestershire	<b>Date Reg:</b>	25th August 2017
<b>Proposal:</b>	Conversion and extensions to existing barn to form 1no dwelling and associated works. (Re-submission of PK17/0433/F).	<b>Parish:</b>	Dodington Parish Council
<b>Map Ref:</b>	372768 178971	<b>Ward:</b>	Westerleigh
<b>Application Category:</b>	Minor	<b>Target Date:</b>	28th September 2017



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100023410, 2008.

N.T.S.

PK17/3653/F

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

This application is being referred to Circulated Schedule following objections from local residents. Comments from the Parish Council are noted.

### **1. THE PROPOSAL**

- 1.1 The applicant seeks full planning permission for the conversion of an existing building to include a single storey extension to form 1 no. detached dwelling and associated works.
- 1.2 This application is a resubmission of a recently refused scheme under PK17/0433/F for the conversion of an existing barn to include single storey extension, raising of roofline and first floor extension to form 1 no, detached dwelling and associated works.
- 1.3 The application site relates to a former bull pen previously associated with Tynning Farm also now known as the Dean and Chapter Farm in Codrington. The site lies outside any defined settlement boundary and therefore within the open countryside. It is also within the Bristol/Bath Green Belt. The building was previously part of a farm complex, Tynning Farm, and many of its outbuildings have been converted either into residential use or business use. Its operation as a farm has ceased. Dean and Chapter House Farmhouse is a grade II listed building. The former bull pen is not within the curtilage of the listed building but is under 40 metres away.
- 1.4 During the course of the application the applicant has worked with the LPA to produce an acceptable scheme. Changes include:
  - A reduction in the overall residential curtilage proposed
  - The removal of two side additions and an overall reduction in size
  - No increase in the height of the main building
  - Additional planting

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
National Planning Policy Framework March 2012  
National Planning Practice Guidance  
Planning (Listed Buildings and Conservation Areas) Act 1990  
Planning (Listed Buildings and Conservation Areas) Regulations 1990 (as amended)  
Managing Significance in Decision-Taking in the Historic Environment (GPA 2)  
The Setting of Historic Assets (GPA 3)
- 2.2 Development Plans  
  
South Gloucestershire Local Plan Core Strategy Adopted December 2013  
CS1 High Quality Design  
CS4a Presumption in favour of Sustainable Development

CS5 Location of Development  
 CS8 Improving Accessibility  
 CS9 Managing The Environment and Heritage  
 CS15 Distribution of Housing  
 CS17 Housing Diversity  
 CS34 Rural Area

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

PSP1 Local Distinctiveness  
 PSP2 Landscape  
 PSP7 Green Belt  
 PSP8 Residential Amenity  
 PSP11 Transport Impact Management  
 PSP16 Parking Standards  
 PSP17 Heritage Assets and the Historic Environment  
 PSP40 Residential Development in the Countryside  
 PSP43 Private Amenity Space Standards

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist SPD (Adopted) 2007  
 South Gloucestershire Council Residential Parking Standards (Adopted) 2015  
 South Gloucestershire Landscape Character Assessment (Adopted) 2014  
 LCA 6 Pucklechurch Ridge and Boyd Valley  
 South Gloucestershire Waste Collection guidance for new developments (Adopted) 2015

3. **RELEVANT PLANNING HISTORY**

**Dean and Chapter house land:**

- 3.1 P85/1072 Use of land as riding and livery stables and construction of outdoor ménage.  
 Approved 5.6.85

**Dean and Chapter house:**

- 3.2 P85/2802 Change of use of ground floor of dwellinghouse to game food restaurant.  
 Approved 29.1.86
- 3.3 P86/2578/L Change of use of building from barn to dwelling.  
 Approved 26.11.86
- 3.4 P86/2606 Change of use of building from barn to dwelling  
 Approved 26.11.86
- 3.5 PK06/1817/LB External and internal alteration to existing stone barn. Erection of detached garage.  
 Approved 10.8.06

3.6	PK06/1818/F	Conversion of existing stone barn to form 1 No. residential dwelling. Erection of detached garage.
	Approved	14.8.06
3.7	PK09/1227/LB	Internal alterations to include new mezzanine floor and new staircase.
	Approved	25.8.09
Other buildings on site as Tynning Farm		
3.8	P87/1965	Use of buildings for storage of land drainage, plant equipment and vehicles, and ancillary office accommodation; use of land for parking of trailers and vehicles; alterations to existing vehicular access. (In accordance with the revised plans received by the council on 19 <sup>th</sup> November 1987.)
	Approved	1.2.88
3.9	P89/2590	Conversion of existing buildings to workshop units and construction of a new access road
	Refused	13.6.90
3.10	P89/2627	Change of use of building currently used as a land drainage contractors depot to form light industrial workshop
	Refused	13.6.90
3.11	P92/1033	Change of use from agricultural land and buildings to uses ancillary to the enjoyment of dean and chapter house, including the use of buildings for private stabling and squash court. Construction of new vehicular access and driveway
	Approved	11.3.92
3.12	P92/1518/L	Alterations to existing vehicular access in boundary wall to form pedestrian access only
	Approved	21.5.92
3.13	P94/2029/L	Demolition of milking sheds and erection of detached conservatory.
	Approved	2.10.94
3.14	PK06/1813/F	Part demolition of barn and conversion of gardeners cottage and barn to form a four bed dwelling( Resubmission PK06/0681/F).
	Refused	14.8.06
3.15	PK06/2037/LB	Internal and external alterations to gardeners cottage and barn and partial demolition of barn to facilitate conversion to 1 no. detached dwelling. Erection of 1.8m high stone wall.

	Refused	14.8.06
3.16	PK08/1549/F	Conversion of existing outbuilding to form offices (Class B1) as defined in Town and Country Planning (Use Classes Order) 1987 (as amended).
	Approved	16.7.08
3.17	PK08/1551/LB	Internal and external alterations to facilitate the conversion of existing outbuilding to office and storage.
	Approved	7.7.08
3.18	PK08/3160/F	Conversion of existing stone barn to form 1no. residential dwelling. Erection of detached triple garage. (Amendment to previously approved scheme PK06/1818/F).
	Approved	19.1.09
3.19	PK08/3161/LB	Internal and external alterations to barn to facilitate conversion to 1no. detached dwelling. (Amendment to previously approved scheme PK06/2037/LB)
	Approved	19.1.09
3.20	PK11/3402/F	Alterations to roof of barn and change of use from ancillary residential use to storage (class B8) and ancillary residential use as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended)
	Approved	23.12.11
3.21	PK17/0433/F	Conversion of existing barn to include single storey extension, raising of roofline and first floor extension to form 1 no. detached dwelling and associated works.
	Refused	6.4.17:
	Reason 1:	The proposal is considered inappropriate development in the Green Belt for which no very special circumstances have been provided to overcome the harm. The extent of the work is considered to result in a disproportionate addition to the existing building and also tantamount to a new build rather than the re-use of the existing building. The proposal is considered harmful and contrary to the NPPF (2012), Policies CS5, CS34 of the South Gloucestershire Local Plan: Core Strategy (Adopted) 2013, saved Policy H10 of the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire SPD: Development in the Green Belt (Adopted) 2007.
	Reason 2:	The proposed development is considered to be harmful to the visual amenity and rural character of the area due to the alterations to the existing building and the creation of the residential curtilage. It therefore fails to be in-keeping with its surroundings in terms of its overall design, form and bulk and would have a harmful effect on the countryside contrary to policies CS1, CS5, CS9, CS34 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013

and Policies L1 and H10 of the South Gloucestershire Local Plan (Adopted) 2006 and the NPPF (2012).

Reason 3:

Dean and Chapter House is a grade II listed building, the architectural and historic interest and setting of which it is desirable to preserve. The proposed development, by virtue of its scale, massing, height and design would be detrimental to the setting of the listed building contrary to section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, the NPPF and policy L13 of the Adopted South Gloucestershire Local Plan.

Reason 4:

The proposed development is not considered to be in a sustainable location and is therefore contrary to the NPPF and Policy CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted) 2013

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

4.1 Dodington Parish Council

Members realise the scheme has been reduced and will take their lead from the conservation officer

#### **Internal Consultees**

4.2 Conservation Officer

Objection: harm due to incongruous looking barn conversion. Poor design.

*Updated comments:*

Revised plans have made appropriate amendments to the overall size of the building. Residential curtilage to the west needs to be reduced.

4.3 Ecology

No objection

4.4 Transport

Objection

Remote from local facilities and services and as such not suitable for general residential development which would be contrary to Core Strategy Policy CS8.

4.5 Drainage

No objection

4.6 Environmental services

No objection subject to a condition regarding land contamination if the application is approved

4.7 Archaeology

No objection

4.8 Landscape comments

No objection. Landscape condition required if recommended for approval

4.9 Highway Structures

No objection

**Other Representations**

4.10 Local Residents

Two letters of objection have been received by the Council. The points raised are summarised as being:

- The business run from Dean and Chapter House already creates an increasing level of traffic compared to a private house – staff and frequent deliveries and collections have considerable impact on number of vehicles travelling in and out the village especially Gibbs Lane which is already a busy junction onto Wapley Road
- The continued development and alteration of more buildings on the site to accommodate the business and more people is increasing traffic
- There is no public transport, shops or amenities in the area – anyone who moves into the new property will have to be reliant on their own motor vehicles
- Putting a roof on top of an open pen cannot be the reuse of the building – it would be a new build in the Green Belt
- Concerned if permission is granted then further development under permitted development rights could be allowed and double the size of the original plans
- As Dean and Chapter House is a listed historical building and the bull pen is visible from the house – as such it will have an impact on the building
- Hope this conversion will not set a precedent for further conversions of other buildings at Dean and Chapter House. An entrance has been created on the blind bend/corner of Downs Farm which could be used as an access to the Bullpen and other buildings

**5. ANALYSIS OF PROPOSAL**

- 5.1 The proposal is for the conversion and extension to an existing building to form 1no. dwelling and associated works.

5.2 Principle of Development

The proposal stands to be assessed against the above listed policies and all material considerations. The previously refused scheme is a material consideration, however, detailed discussions have resulted in changes to the proposal which are considered acceptable.

- 5.3 Of particular importance is the location of the site within the Green Belt and outside any settlement boundary. Policy CS5 of the adopted Core Strategy directs where development should take place and states that development in the Green Belt will need to comply with the provisions of the NPPF or relevant Local Plan policies in the Core Strategy. Policy CS5 also notes that development within the open countryside will be strictly limited. Similarly, Policy

CS34 'Rural Areas' of the Core Strategy aims to protect the designated Green Belt from inappropriate development and maintain settlement boundaries defined on the Policies Map around rural settlements. In addition, paragraph 55 of the NPPF is supportive of the re-use of redundant or disused buildings and Policy PSP40 also allows the conversion and re-use of existing buildings for residential purposes provided the building is permanent and substantial; and would not affect the operation of a rural business or working farm; and any extension it not disproportionate; and if the building is dis-used must lead to an enhancement of the setting.

#### 5.4 *Five year land supply*

Paragraph 49 of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development. The paragraph goes on to suggest that if the Local Planning Authority cannot demonstrate a five-year supply of deliverable housing sites then their relevant policies for the supply of housing should not be considered up-to-date. It is acknowledged that South Gloucestershire cannot demonstrate a five year housing land supply. This means paragraph 49 of the NPPF is engaged. With reference to this proposal policies CS5 and CS34 of the adopted Core Strategy are therefore considered not to be up-to-date for the purposes of the NPPF. Regardless, the starting point for any decision-taker is the adopted Development Plan, but the decision-taker is also required to consider the guidance set out within paragraph 14 of the NPPF and what weight should be given to these respective policies. Paragraph 14 declares a presumption in favour of sustainable development, and states that proposals that accord with the development plan should be approved without delay, and where relevant policies are out-of-date planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF (known as the first limb test). This is the case unless there are specific policies within the NPPF indicate development should be restricted (second limb). Both land designated as Green Belt and impact on designated heritage assets are such identified as having specific policies/tests within the NPPF. These are therefore considered below. It is only if these specific tests are met that the decision maker should return to considering the overall balance under the first limb of paragraph 14.

#### 5.5 *Green Belt*

With regards to the Green Belt, only development which meets a set of criteria can be regarded as being appropriate development in the Green Belt. The scheme under consideration here is the reuse of a building where the buildings are of permanent and substantial construction and provided the development would preserve the openness of the Green Belt and not conflict with the purposes of including land within it the proposal can be regarded as meeting the criteria set out in paragraph 90 of the NPPF.

#### 5.6 *The application site is a former Bull Pen and although no structural survey has been provided, it is clear that the building has solid walls and solid roof timbers. It can therefore be regarded as being substantial and of permanent construction. It therefore meets this part of the test. An extension to the rear of this building is proposed as part of the conversion to a dwellinghouse.*

The scale of the extension would be subservient to the main existing building and acceptable in terms of creating a functional home. Although there would be additional built form resulting from this extension the presence of the footprint and walls of the former pen to the rear must be noted and, given the building is close to a number of large former agricultural and existing office buildings within the site it is considered the new addition would not have an adverse impact on the openness of the Green Belt. In this way the proposal is considered to fully meet the criteria and is appropriate development in the Green Belt.

- 5.7 The conversion and extension of this former agricultural building into a dwelling would also necessitate the creation of a residential curtilage. It is noted that current permitted development rights under Class Q allow the conversion of agricultural buildings to residential dwellings. In this instance although this proposal would not fall within the criteria for permitted development (due to the proposed extension of the structure, and some other works) the principle of conversion and of creating a residential curtilage in the open countryside is something that is otherwise permitted in general terms. Under Class Q the amount of amenity space is specifically restricted to being no greater than the footprint of the building.
- 5.8 It is noted that the amount of land to be included within the residential curtilage here would form a very substantial garden for the new dwelling. The boundary to the east of the site is already marked by high trees and the natural end of this piece of land to the north is marked by fencing. To the west the property would face open fields. Initially the amount of proposed residential garden was to have followed a line created by the formal garden associated with the Dean and Chapter Farmhouse. It was felt that this degree of newly formed residential curtilage in this particular location would have an impact on the setting of the listed heritage asset and furthermore have the potential to be harmful to the landscape if domestic paraphernalia were to be indiscriminately introduced here, immediately beyond the formal garden. To this end a revised red edge plan was submitted reducing the curtilage to the west. This was welcomed and forms one of the contributory reasons for there being no objection to the scheme.
- 5.9 Notwithstanding the above, ideally the extent of the residential curtilage to the north should also have been reduced. However, due to the shape and size of the area of land, any sub-division would create an awkward and potentially unusable and inaccessible area of land which could result in its future neglect. On the basis of its extensive size it was felt prudent to advertise the change of use of this large proposed garden as a departure from normal Green Belt policy. It is only this aspect of the scheme that is considered not to be expressly covered by paragraph 90. It is considered that the practical considerations above, coupled with the fact that the land will remain open amount to very special circumstances to justify the proposal. Conditions proposed will remove permitted development rights, and require landscaping proposals to further safeguard the openness of the land.

- 5.10 Given the above it is not unreasonable that the amenity space for this new dwelling be limited to that shown on red edge plan and therefore the plans will be conditioned. Taken as a whole however the proposal is primarily a conversion of an existing buildings as is not considered to be inappropriate in the Green belt, and would not necessitate a referral to the Secretary of State as a departure from normal Green Belt policy.
- 5.11 **Heritage asset**  
Moving on to the second specific policy regarding impact on the heritage asset, Paragraph 133 of the NPPF indicates that *“where a proposal will lead to a substantive harm to or total loss of significance of a designated heritage asset local planning authorities should refuse consent unless there are substantial benefits that outweigh that harm”*. Paragraph 134 of the NPPF states *“where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including securing its optimum viable use”*. At the same time Policy CS9 of the South Gloucestershire Local Plan Core Strategy both seek to ensure that heritage assets are conserved, respected and enhanced in a manner appropriate to their significance.
- 5.12 The Bull Pen lies to the north of the grade II listed Dean and Chapter Farmhouse and can therefore be considered to be part of the setting of this heritage asset.
- 5.13 Revised plans have reduced the overall footprint of the building, removed any development to the sides, reduced the amount of residential curtilage, and designed a more in-keeping addition to the rear. The wall facing the Dean and Chapter Farmhouse will have minimal openings which have been kept to a modest scale. In this way the setting of the grade II listed building will be preserved, any harm to the heritage asset is deemed as less than substantial. Whilst particular weight is given to this, the harm is so modest that it is clearly outweighed by the public benefits of the proposal. This will secure a future use of a redundant building (which of itself will safeguards the setting of listed buildings); and make a modest contribution to housing supply. The conditions proposed will ensure the residential curtilage will remain open and landscaped appropriately. As such paragraph 134 of the NPPF is satisfied and the public benefits of the scheme are deemed to outweigh the harm to the heritage asset.
- 5.14 In terms of Green Belt and impact on the heritage asset the scheme meets the respective specific policy tests, and the assessment can return to the first limb of paragraph 14 test on the basis of the ‘tilted’ balance with the presumption being in favour of sustainable development.
- 5.15 ***Loss of agricultural land***  
The proposal includes the introduction of a residential curtilage to serve the new dwelling. The issue to consider is whether it is acceptable in principle to lose this area of agricultural land.

- 5.16 The National Planning Policy Framework (para 112) states:  
*Local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality.* Annex 2 of the NPPF indicates that the best and most versatile agricultural land is in grades 1, 2 and 3a.
- 5.17 Policy CS9 of the Core Strategy also states that development should avoid using the “*best and most versatile agricultural land.*” Details indicate the land does not fall within the highest grading and the scheme is acceptable in these terms and furthermore it could even have been a small orchard-type area.
- 5.18 Residential Development in the Countryside  
Both the NPPF and the recently adopted Policy PSP40 supports the reuse of redundant buildings in the countryside provided the development would meet certain criteria. In this circumstance the proposal is considered acceptable as it would comply by being of permanent and substantial construction, by not affecting the existing businesses being run from the site (it is no longer a working farm), the proposed extension is being subservient and respectful of the original building is not disproportionate and the bringing back into a purposeful use, the re-development of this building would lead to an enhancement of its immediate setting.
- 5.19 Design and Visual Amenity  
The existing Bull Pen presents as a single skinned blockwork structure with gable ends which measures about 12 metres in length by 6.5 metres in width. Eaves height is about 2.7 metres and the ridge height is about 4.5 metres. High level windows are in both the east and west sides. Respectively, the north gable elevation has a single window at high level and two doorways and the south elevation a window at mid-level and one doorway. The roof covering has been removed as it is understood this was of asbestos which had deteriorated. To the rear of this structure are three independent walls. These formed the pen for the bulls with escape gaps in between for the use of the handlers. The pillars of the walls achieve the height of 1.9 metres with the sections in between being slightly lower. These walls again are single skinned block work construction and were intentionally open to the elements.
- 5.20 The conversion into a 3 bed property would entail the creation of a first floor element within the existing structure, the introduction of new fenestration, the installation of a new roof and the erection of a good sized single storey rear addition. Overall the scale and massing of the converted building would be acceptable and the use of good quality materials would be respectful of and further aid its successful integration into this site. It is however, considered reasonable given its Green Belt location and the proposed extension to the original building that the permitted development rights for this site be removed so that the impact of any future development can be fully assessed.

5.21 Residential amenity

The proposal would be some distance from closest neighbours at the Hollies at over 80 metres. Other neighbouring residential properties are even further away and as such there would be no adverse impact on privacy resulting from the conversion. Windows in the adjacent office block are found at ground floor level and those in the roof elevation are small velux types. Given the distance between and being at right angles to each other again there would be no adverse impact on the privacy of either users. The proposed garden would provide sufficient amenity space for the future occupants.

5.22 Transport

Comments from the transport officer objecting to the scheme on the basis of it not being a sustainable location are noted. Similar concerns are expressed by neighbours. Although it is recognised that the site is located within the countryside and there are limited public transport opportunities, the government's support of barn conversions which can be in even more remote locations must also be recognised. Moreover the Council has an adopted policy which supports the conversion of such buildings into residential accommodation (policy PSP40). Furthermore, the site is within a complex of other converted barns used for employment and residential purposes and there are existing houses close by.

5.23 Onsite parking and turning provision is to be provided to the east of the building the degree of which is considered to accord with adopted planning policy. Covered and secure cycle parking is also required and although not shown on the plans, there would be sufficient room for two cycle parking spaces to be provided on-site. Their provision would be conditioned.

5.24 Impact on Equalities

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

5.25 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.

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

5.27 Other Matters

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

- 5.28 Increase in traffic: It is acknowledged that several of the buildings within the Dean and Chapter Farm complex have been converted for business use. However, this is an existing situation, one of the benefits of which would include providing employment opportunities in this location. Although the proposed 3 bed house means that occupants would probably use motor vehicles the degree of resulting increase in traffic movement is unlikely to be so different to the existing situation and would not warrant a refusal of the application.
- 5.29 Permitted development: Concern has been expressed that without check the size of the development could increase. However, the removal of permitted development rights must be fully justified. In this instance it must be recognised that the site is located within the setting of a listed building, within the Green Belt where disproportionate additions are inappropriate, and that extensive negotiations have reached this current situation, it is considered reasonable that permitted development rights be removed so that any further development here can be fully assessed.
- 5.30 New access: the proposed access to be used for this new dwelling has been indicated on the plans. This is the route that has been assessed and Officers are unaware of any intention to use an alternative route. Any different access may require planning permission.
- 5.31 Future conversions: each application must be assessed on its own merits under adopted planning policy at the time of any submission.
- 5.32 Planning Balance  
The proposed development has been assessed against the relevant policy and all material considerations. The less than substantial harm to the setting of the grade II listed Dean and Chapter Farmhouse has been judged as being outweighed by the public benefits of the scheme. Overall the scheme has been judged as being appropriate development in the Green Belt. The proposal should then be considered using the tilted balance argument. On the one hand its countryside location could weigh against it but on the other adopted policy, and national planning guidance is supportive of very similar conversions, some of which are in even less sustainable locations. One dwellinghouse would provide a small contribution to the housing supply and the scheme would not have an adverse impact on the amenity of neighbours. Sufficient amenity space and appropriate levels of on-site parking can be accommodated within the proposed application site. The overall design would be respectful of its surroundings and given the above, the scheme can be supported

## **6. CONCLUSION**

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

- 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. The proposal was advertised on 15.12.17 and a period of 21 days must pass before a decision can be issued.

## **7. RECOMMENDATION**

- 7.1 It is recommended that the application be **APPROVED** subject to conditions attached to the decision notice.

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

### **CONDITIONS**

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

Reason

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

2. The development shall proceed in accordance with the following plans:  
As received by the Council on 3.8.17:  
Existing elevations and floor plans - 001 A

As received by the Council on 28.11.17:  
Proposed elevations and floor plans - 002B

As received by the Council on 11.12.17:  
Site block plan 1:500  
Site location plan 1:1250  
Site location plan - 1:2500  
Proposed landscape plan - 003 A

Reason

For the avoidance of doubt

3. 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, E, F and G), 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

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 PSP7 and PSP17 of the South Gloucestershire Policies, Sites and Places Plan (Adopted) 2017 and the National Planning Policy Framework.

4. Prior to the commencement of that part of the development details/samples of the roofing and external facing materials proposed to be used shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason

To ensure a satisfactory standard of external appearance and to accord with Policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; Policy PSP17 of the South Gloucestershire: Policies, Sites and Places Plan (Adopted) 2018 and the National Planning Policy Framework.

5. Prior to the commencement of development a landscape scheme, which shall include details of all existing trees and hedgerows on the land and details of any to be retained and removed, together with measures for their protection during the course of the development; proposed planting (and times of planting); boundary treatments and areas of hard surfacing shall be submitted to the Local Planning Authority for approval. Development shall be carried out in accordance with the agreed details. The scheme should comply with SGC planning policy in relation to landscape (inc. CS1, CS9, PSP1, PSP2, PSP3, PSP17, PSP19) and the strategic landscape recommendations of the South Gloucestershire Landscape Character Assessment (LCA 6). The landscape scheme also to include specification notes covering topsoil depths, cultivation, planting, irrigation, and landscape maintenance covering a 5 year establishment period to help ensure the planting thrives. The details shall be implemented as approved.

Reason

This is a prior to commencement condition to avoid any unnecessary remedial action and 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; Policies PSP1, PSP2, PSP3, PSP17 and PSP19 of the South Gloucestershire: Policies, Sites and Places Plan (Adopted) 2017, the South Gloucestershire Landscape Character Assessment (LCS6) and the National Planning Policy Framework.

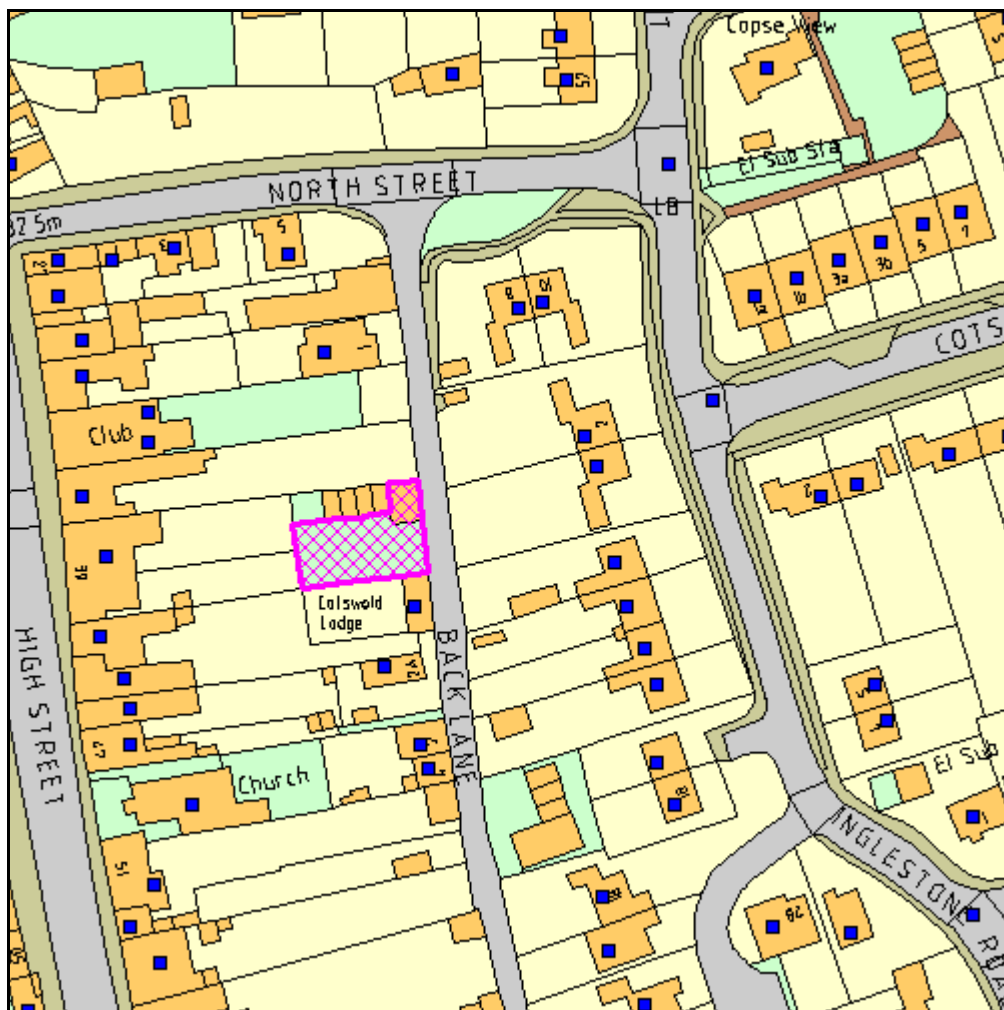
6. The dwelling shall not be occupied until two covered and secure cycle parking spaces have been provided in accordance with details previously submitted to and approved in writing by the Local Planning Authority. The spaces shall be maintained as agreed for future use.

Reason

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

## CIRCULATED SCHEDULE NO. 03/18 – 19 JANUARY 2018

<b>App No.:</b>	PK17/4584/F	<b>Applicant:</b>	Mrs Hazel
<b>Site:</b>	39C High Street Wickwar Wotton Under Edge South Gloucestershire GL12 8NP	<b>Date Reg:</b>	17th October 2017
<b>Proposal:</b>	Conversion of outhouse/ garage to form detached annex ancillary to main dwelling (Resubmission of PK17/1639/F)	<b>Parish:</b>	Wickwar Parish Council
<b>Map Ref:</b>	372419 188511	<b>Ward:</b>	Ladden Brook
<b>Application Category:</b>	Householder	<b>Target Date:</b>	27th November 2017



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PK17/4584/F

## 1. **THE PROPOSAL**

- 1.1 This application seeks planning permission for alterations to the existing outbuilding at 39C High Street, Wickwar to form a detached annex ancillary to the main dwelling.
- 1.2 The outbuilding is located to the rear, adjacent to Back Lane in a parking court used by 39A, 39B and 39C. The building would be retained but the shallow pitched flat roof would be raised to accommodate a first floor in the roof.
- 1.3 The site is situated within the Wickwar Conservation Area, and is within the curtilage/ownership of 39C High Street which is not listed. 39A and 39B are a statutorily grade II listed building (with one formal frontage to the High Street and each also having gardens extending towards the joint parking court at the rear of 39A, 39B and 39C. The outbuilding itself is not considered to be curtilage listed. There are other listed buildings around the site.
- 1.4 Amendments were received during the course of the application to clarify ownership of the site and to revise the scheme in appearance.
- 1.5 The application is accompanied by:
  - A structural survey
  - A bat survey report
  - A statement of significance

## 2. **POLICY CONTEXT**

- 2.1 **National Guidance**
  - National Planning Policy Framework March 2012
  - National Planning Practice Guidance
- 2.2 **Development Plans**
  - South Gloucestershire Local Plan Core Strategy Adopted December 2013**
    - CS1 High Quality Design
    - CS5 Location of Development
    - CS8 Accessibility
    - CS9 Heritage and Environment
    - CS34 Rural areas
  - South Gloucestershire Local Plan: Policies, Sites and Places Plan adopted November 2017**
    - PSP1 Location Distinctiveness
    - PSP8 Residential Amenity
    - PSP16 Parking Standards
    - PSP19 Wider Biodiversity
    - PSP38 Extensions within Residential Curtilages
    - PSP43 Private Amenity Space Standards
- 2.3 **Supplementary Planning Guidance**
  - South Gloucestershire Design Checklist SPD
  - Residential Parking Standards SPD

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

- 3.1 PK17/1639/F Refused for reasons of ecology, conservation, concern about parking 20.06.2017  
Alterations to existing outbuilding to form detached annexe ancillary to main dwelling.
- 3.2 PK01/0139/F Approve with conditions 27/02/2001  
Erection of rear conservatory and pitched roof over existing single storey rear extension.

### **4. CONSULTATION RESPONSES**

#### **4.1 Wickwar Parish Council**

Objection – Concerns relate to:

- It is a garage and has never been a house before. This will lead to a separate dwelling to 39.
- The outer wall running along Back Lane is part of the old Burgage plots walling..A lot of the old Burgage Plot walling has been destroyed already we do not need to destroy anymore of the village's heart and early history.
- There is already a problem with parking and traffic in Back Lane.. It is also, already a dangerous "walk to school" route.. More cars exiting onto the very narrow lane with poor visibility in Back Lane can only be a danger to children. The area concerned has no parking on or off road.

#### **4.2 Other Consultees**

##### Sustainable Transport

No objection

##### Archaeology

No objection.

##### Listed Building

No objection as a result of amended plans

##### Ecology

Bat survey was received and subject to a condition auctioning the report no objection is raised.

#### **Other Representations**

#### **4.3 Local Residents**

Two residents have objected to the proposal (but none using the same parking area) with the following concerns:

- Will make a separate home

- The back wall is one of the last pieces of the old Burgage wall not to have been disturbed as yet. It dates back to 1875 and provides enclosure and permanence. Loss should be resisted.
- Reference is made to the Buthay where loss of enclosure occurred with new development
- It is in the conservation area
- Will affect neighbours views and outlook
- Not in keeping with the village layout
- Back lane is dangerous and this will mean another car exiting onto back lane.
- This is an outbuilding to a grade II listed house and should be treated as being in the same curtilage.

## 5. **ANALYSIS OF PROPOSAL**

### 5.1 Principle of Development

Policy CS9 seeks to protect and manage South Gloucestershire's environment and its resources in a sustainable way and new development will be expected to, among others, ensure that heritage assets are conserved, respected and enhanced in a manner appropriate to their significance; conserve and enhance the natural environment and conserve and enhance the character, quality, distinctiveness and amenity of the landscape. Policy PSP17 has similar aims and seeks to preserve and where appropriate enhance those elements which contribute to the special character of the Conservation area.

5.2 Subject to an assessment of this below, the development is acceptable in principle.

### 5.3 Annex test

By definition an annex must be ancillary to the main dwellinghouse and should have some form of physical and functional reliance upon it. In this case the proposed annex does contain elements associated with living accommodation i.e. bedroom, kitchen, living room or bathroom. It is therefore necessary for a condition to be attached to the decision notice stating that the use of the annex must be ancillary to the main dwelling and that it cannot be used independently of that dwelling. The annex also relies on the shared parking court facilities and garden associated with 39C for outdoor space which gives further credence to this condition.

### 5.4 Design and Heritage

The character of Back Lane is one that appears to be increasingly defined by the residential conversion of former outbuildings that are located at the southern end of the burgage plots of the properties that fronted onto the High Street. The lack of homogeneity is recognised within the SPD as being a positive aspect of the areas character, as it comprises of an "ad-hoc muddle of outbuildings and less formal back elevations". The quality of the conversions that a number of these outbuildings have been subject to and the contribution they now make to the Back Lane character varies, however this scheme which retains the existing burgage walling and proposes a simple pitched roof with no

openings on the Back Lane is considered to be, after amended plans were received, to be a good design.

- 5.5 The scale and form are now considered to be far more appropriate and in keeping for these historic outbuildings to the rear of the burgage plots and would secure that building with its benefits to the Conservation Area into the future.

In regard to matters of detail and appearance, it can be noted that the key roadside elevation will remain free of openings with a blank stone elevation therefore fronting onto Back Lane, in views down Back Lane, the contribution this building makes to the enclosure and general character of Back Lane will be a positive one. There will be a modest change to the character of the building from an ancillary garage to an ancillary annex but this is not considered harmful to the character of the conservation area nor to the setting of surrounding heritage assets.

The design of the openings to the gable/ side elevation are also now considered to be far more acceptable and the specific detail of these and other details including the use of 'conservation rooflights' can be addressed by condition.

- 5.6 The proposal would therefore preserve or enhance the character and appearance of the Wickwar Conservation Area. Consideration has also been given to the setting and significance of the listed building known as number 39A and 39B High Street and other heritage assets nearby and it is considered that the alterations proposed to this non-listed building will not be harmful. As there is no harm to the heritage assets found there is no harm to be weighed against the public benefit of maintaining the building in a different form.

5.7 Residential Amenity

The length of the burgage plots means that the increase in height from its original state is unlikely to have an impact on any neighbouring properties, whilst the garden to the north may be slightly overshadowed this would only be at the very rear of the garden, away from the property. The annex would share access to the garden with the main dwelling, and is therefore considered acceptable in residential amenity terms, subject to the aforementioned condition restricting that the annex is subdivided from the main dwelling.

5.8 Transport

Parking was considered to have been a concern in the refused planning application but the revised site area demonstrates the flexibility within this shared parking court and officers have seen that the proposal works on the ground to provide satisfactory parking for all three properties with access to it.

- 5.9 The development proposes to convert an existing garage to a one-bed residential annexe. This will remove vehicular parking currently available but not utilised for day to day parking within the garage but the three bedroom house even with an additional annex would only require two parking spaces.

The other houses having an interest in this courtyard are advised to be three bedroom houses which also require only two parking spaces under South Gloucestershire Residential Parking Standards.

- 5.10 The proposal includes most of the parking court in the red line of the revised application and the neighbours at 39A and 39B have been duly served with notice of the application and consulted by your officer. Areas excluded from the red line are four garages belonging solely to 39A and 39B and an area capable of parking two additional cars directly at the rear of 39A. The courtyard operates informally between the three houses with 39C (the site) currently having three cars parked. The third car relates to the intended occupier of the annex and as such this situation is not likely to change. Whilst this is not a standard scenario which would be sought in a new development, it is a historic arrangement in a historic environment which does not need to cater for more parking as a result of the proposal.
- 5.11 There is concern from consultees that more cars will mean more danger but this scheme does not propose more cars. It maintains the same space to access or egress from the site onto Back Lane and in doing so also inadvertently effectively maintains an informal passing space over the applicants private land. Overall therefore the proposal now overcomes previous concerns and no highway or parking objection is raised subject to a condition restricting the proposal to an annex because separation of the unit to become a new residential planning unit would require separate parking facilities.
- 5.12 Ecology  
The development has the potential to impact on bats as a result of its construction: wooden boarding and crevices in the stonework that could provide roosting opportunities for bats. There is also suitable foraging habitat provided by the back gardens in the surrounding area. The previous application was refused as no ecological surveys was submitted but this application is accompanied by evidence from All Ecology which had carried out relevant surveys and concluded that no there was no evidence of roosting and roosting potential was negligible. As such subject to works continuing in accordance with their submission no objection is sustained in relation to ecology. A condition can adequately deal with this matter and is attached.
- 5.13 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.

This proposal will offer some independence to a family member currently living in the house but overall this is not given any particular weight and the proposal is considered to have a neutral impact on equality. No weighting has been afforded to the independence created as the proposal is acceptable in its own right.

## **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 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 annex hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 39C High Street, Wickwar, South Gloucestershire, GL12 8NP.

Reason

Permission has only been granted in the basis that the annex shares the domestic garden and parking facilities available at the host dwelling 39C High Street and as such accords with policies PSP43 and PSP16 of the South Gloucestershire Local Plan (Adopted) January 2006.

3. The proposal shall be carried out in accordance with the following plans and reports:  
01 A location and block plan  
04 Proposed plans  
05 Proposed elevations all received 30/11/2017

03 Original plans and elevations received 2/10/2017

All ecology survey letter dated 21/9/2017

Reason

To provide clarity and to prevent the need for remedial action.

4. The development shall proceed in accordance with the recommendations made in the covering letter from ALL Ecology Ltd (21st September, 2017) referring to avoiding disturbance and harm to roosting bats.

Reason

To ensure the works are carried out in an appropriate manner and in the interests of ecology, and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013, policy PSP19 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan adopted November 2017 and the National Planning Policy Framework.

5. Prior to the commencement of development, the detailed design of the following items shall be submitted and approved in writing by the local planning authority.
  - a. All new windows and fixed glazing (including cill, head, reveal and glass details)
  - b. Rooflights
  - c. All new external doors (including frames and furniture)
  - d. All new vents and flues
  - e. Eaves (including rainwater goods), verges and ridges

The details shall be submitted via elevation and section drawings at a scale of 1:10, and the development shall be completed strictly in accordance with the agreed details. Also for the avoidance of doubt, the rooflights proposed should be 'conservation rooflights', vertical format windows set flush with the roof covering and feature a vertical and central glazing bar.

Reason

To ensure the development serves to preserve the character and appearance of the conservation area in accordance with section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, national guidance set out within the NPPF, Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013 and PSP17 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan adopted November 2017

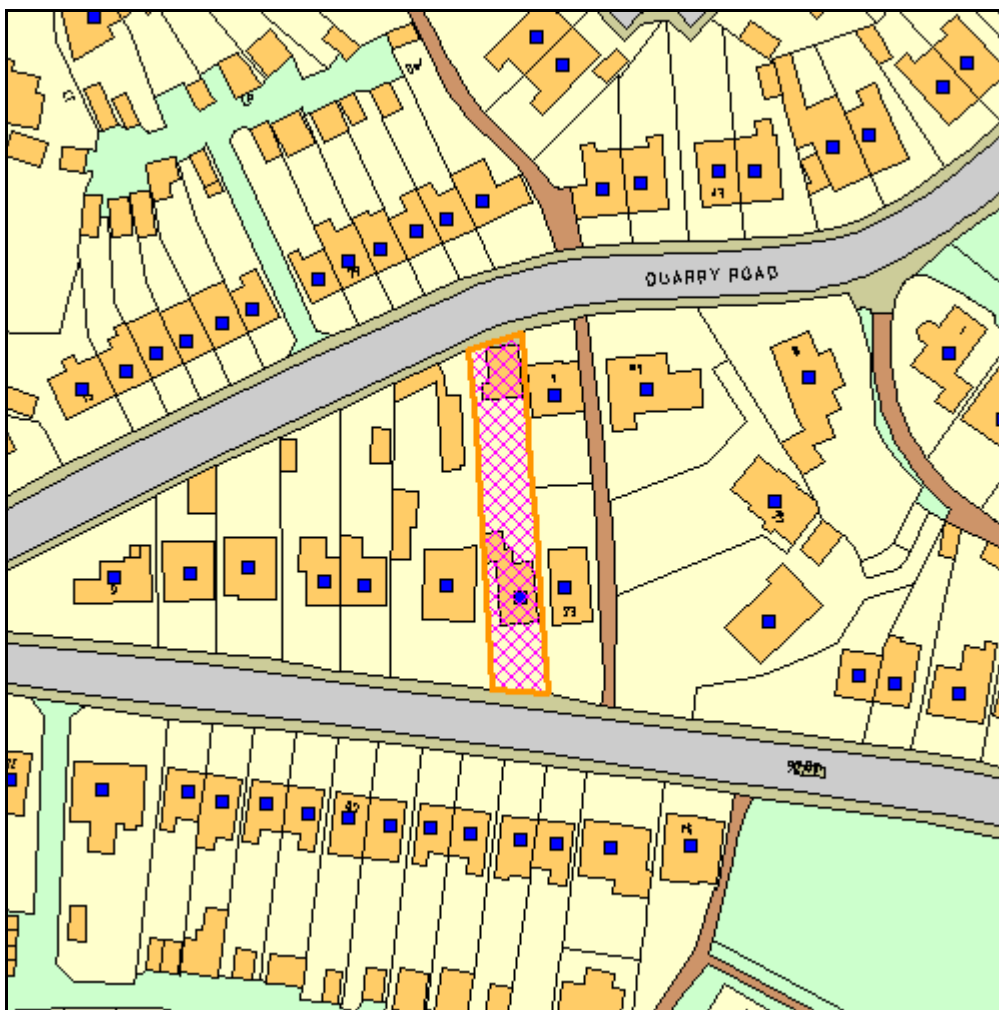
6. Representative sample panels of any works to the natural stonework of the building/boundary walls of at least one metre square demonstrating the stone, coursing, mortar and pointing are to be erected on site and approved in writing by the Local Planning Authority before the relevant parts of the work are commenced. The approved sample panel shall be kept on site for reference until the stonework is complete. Development shall be carried out in accordance with the agreed sample.

#### Reason

To ensure the development serves to preserve the character and appearance of the conservation area in accordance with section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, national guidance set out within the NPPF, Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013 and PSP17 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan adopted November 2017.

## CIRCULATED SCHEDULE NO. 03/18 – 19 JANUARY 2018

<b>App No.:</b>	PK17/4790/F	<b>Applicant:</b>	Mr George Barker
<b>Site:</b>	21 Mount Hill Road Hanham Bristol South Gloucestershire BS15 8QU	<b>Date Reg:</b>	27th October 2017
<b>Proposal:</b>	Demolition of garage and erection of 1no. bungalow and associated works. Construction of access to the front of existing dwelling.	<b>Parish:</b>	Hanham Parish Council
<b>Map Ref:</b>	364597 172668	<b>Ward:</b>	Hanham
<b>Application Category:</b>	Minor	<b>Target Date:</b>	15th December 2017



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PK17/4790/F

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

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

### **1. THE PROPOSAL**

- 1.1 The application seeks permission for the erection of a detached bungalow to the rear of 21 Mount Hill Road, Hanham and access to 21 Mount Hill Road. The access to the site is from Quarry Road.
- 1.2 The application site for the proposed dwelling consists of a garage, located in a rear garden within the defined urban area in the Bristol East Fringe.
- 1.3 An updated block plan showing updated parking in line with the transport officer's comments was provided on 5<sup>th</sup> December 2017. An updated location plan was required to facilitate this; a full reconsultation was also held.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
National Planning Policy Framework (NPPF) March 2012

- 2.2 Development Plans

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

CS1 High Quality Design  
CS4a Presumption in Favour of Sustainable Development  
CS5 Location of Development  
CS8 Improving Accessibility  
CS9 Managing Environment and Heritage  
CS15 Distribution of Housing  
CS16 Housing Diversity  
CS17 Housing Density  
CS29 Communities of the East Fringe

#### 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

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

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

- 3.1 K323 Approved 01.11.1974  
EXTENSION TO EXISTING DWELLING HOUSE. (Previous ID: K323)

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

##### **4.1 Hanham Parish Council**

Original Plans:

Object due to overdevelopment and loss of parking

Updated Plans:

Object due to overdevelopment and fact that parking for both properties being in front of the living accommodation.

##### **4.2 Other Consultees Highway Structures**

No comment

Lead Local Flood Authority

No objection.

Sustainable Transport

Original Plans:

Objection due to lack of parking. Also states that details of retaining wall would be required for approval.

Updated Plans:

No comments received

Coal Authority

Objection due to lack of coal mining risk assessment report

#### **Other Representations**

##### **4.3 Local Residents**

None received.

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

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

The application seeks permission for the erection of a detached bungalow to the rear of 21 Mount Hill Road, Hanham and access to 21 Mount Hill Road. The access to the dwelling is from Quarry Road. Policy CS5 of the Core Strategy (Adopted) 2013 directs development to the existing urban areas and defined settlements and therefore the site is considered, in principle, suitable for development. The pertinent issues to consider are residential amenity, highway safety, design and the environment.

##### **5.2 Design**

The application site is situated off Quarry Road, which is predominantly matching rendered terraces. However, a bungalow sits to the east of the site (No. 4a), and another unique house is located directly to the east (No. 4). Planning permission for 2no. dwellings to the west has also been granted recently (PK17/1312/F).

- 5.3 The proposal is for a detached bungalow. It would be relatively modest in size, with rendered elevations and a hipped roof with grey concrete roof tiles. It would have a pedestrian access way to the side and 2no. bay windows to the front. A small area of hardstanding to the front of the new property would form a parking area for 1no. vehicle. The design is considered appropriate.
- 5.4 It is noted that the parish council have objected due to concerns regarding overdevelopment. However, in relation to the street scene, the current garage is larger in width than the proposed bungalow; it is also located much closer to the road. It is not considered that the reduction in width would represent overdevelopment of the site and the layout and siting of the proposal is considered to be acceptable in terms of visual amenity.
- 5.5 The development would also consist of the provision of 2no. off-street parking spaces to the front of 21 Mount Hill Road. The front of this dwelling is currently paved and hard landscaped. While the current area does look attractive, numerous houses within the immediate vicinity have parking spaces to the front of the dwelling. Therefore, the provision of 2no. off-street parking spaces would not be considered to have a significant material impact on the street scene. Accordingly, there are no concerns in terms of design.
- 5.6 Residential Amenity  
The application proposes 1no. detached bungalow. The bungalow would be set down from the house to its east (No. 4) due to the natural sloping of the road. Planning permission has recently been granted for 2no. houses on the site to the east. It is considered that the proposed development, by virtue of the scale, layout and siting would not appear significantly overbearing or oppressive to the occupiers of the surrounding dwellings and would not have a prejudicial impact on existing levels of outlook or light. Given the proximity of nearby occupiers to the site it is considered necessary and reasonable to enforce a times of construction condition.
- 5.6 There are no upper floor windows proposed within the bungalow. There would be no real danger of overlooking or loss of privacy as a result of the development.
- 5.7 Adequate private amenity space would remain to serve No. 21 Mount Hill Road and sufficient space is provided for the new dwelling. It is not considered that the provision of a new access to the front of No. 21 Mount Hill would have an impact on the residential amenity of any nearby occupiers.
- 5.8 Highway Safety  
The transport officer originally objected to the scheme due to the loss of parking; the original plans showed 1no. parking space for the new dwelling, and no designated off-street parking for the existing dwelling (No. 21). Updated plans were submitted, showing 1no. parking space for the new bungalow, and 2no. parking spaces for the existing dwelling. This level of parking is commensurate with the levels prescribed within the Parking Standards SPD. Therefore, subject to a condition requiring that the parking shown on the plan is in place prior to occupation of the new dwelling, there are no objections.

Additionally, a condition requiring that details of the proposed retaining wall are submitted and agreed by transport officers will be added to the decision notice.

5.9 Drainage and Flood Risk Management

The drainage officer originally queried surface water drainage details. These were provided. Subsequently, the drainage and flood risk management officer stated that they had no objection to the scheme.

5.10 Coal

The property is located within a high risk coal mining area. A coal mining risk assessment was not provided as part of this application. Consideration was given to whether this in itself should amount to a refusal or whether a condition requiring this to be done would suffice. In concluding that a condition would be appropriate in these circumstances the officer is mindful that the site is already within a C3 residential planning unit and has built form already on it; in addition the area is surrounded by residential development (including recent residential development adjacent). Accordingly it is concluded that in these circumstances the likelihood is the risks arising from coal mining are unlikely to be such that development should be prevented in principle, and that a condition will ensure that the risk of coal mining has been adequately considered and mitigated.

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.

5.12 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 is APPROVED subject to the conditions 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 hours of working on site during the period of construction shall be restricted to:

Monday - Friday.....7:30am - 6:00pm

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

No working shall take place on Sundays or Public Holidays.

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

Reason

To minimise disturbance to occupiers of nearby dwellings.

3. 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. For the avoidance of doubt this applies to the parking proposed for the proposed dwelling, and the existing dwelling at 21 Mount Hill Road.

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.

4. No development shall take place until construction details of the proposed retaining wall have been submitted to and been approved in writing by the Local Planning Authority. The development shall then proceed in accordance with the agreed details.

Reason

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

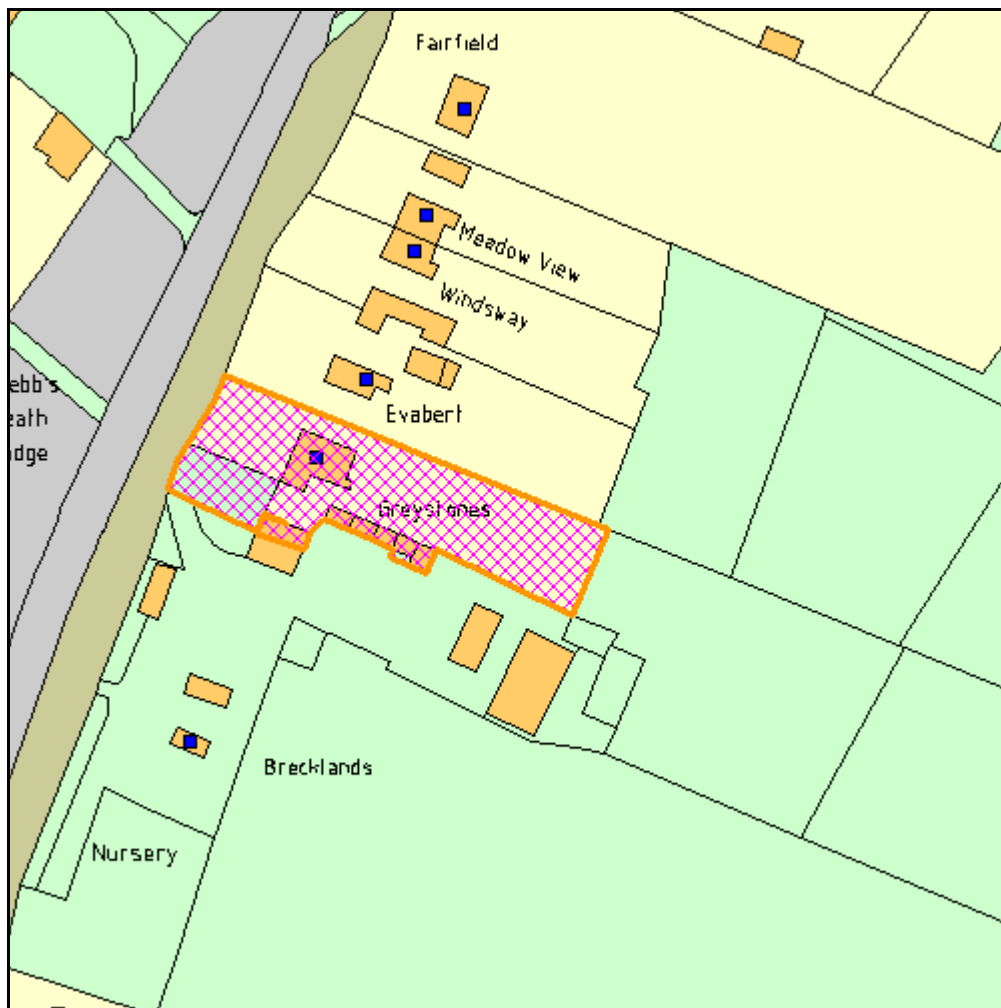
5. No development shall take place until a Coal Mining Risk Assessment has been submitted to and been approved in writing by the Local Planning Authority in consultation with the Coal Authority. Any mitigation measures agreed shall be implemented prior to the commencement of development and be permanently retained thereafter.

Reason

To accord with policy PSP22 of the South Gloucestershire Policies, Sites and Places Plan (Adopted) November 2017; and the National Planning Policy Framework.

CIRCULATED SCHEDULE NO. 03/18 – 19 JANUARY 2018

<b>App No.:</b>	PK17/4834/F	<b>Applicant:</b>	Mr Daniel Brain
<b>Site:</b>	Greystones Siston Lane Siston Bristol South Gloucestershire BS30 5LX	<b>Date Reg:</b>	7th November 2017
<b>Proposal:</b>	Demolition of existing dwelling and outbuildings and erection of 1no dwelling and associated works.	<b>Parish:</b>	Siston Parish Council
<b>Map Ref:</b>	368253 174121	<b>Ward:</b>	Siston
<b>Application</b>	Minor	<b>Target</b>	29th December
<b>Category:</b>		<b>Date:</b>	2017



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PK17/4834/F

## 1. **THE PROPOSAL**

- 1.1 The proposal seeks to demolish the existing and to replace a period dwelling in the greenbelt.
- 1.2 According to submitted information the existing detached property is in need of a complete internal redecoration and repairs and the existing layout fails to make the best use of the space provided. The proposal would replace the existing building and would have a similar appearance to the existing structure, however further extensions will be included to the rear.
- 1.3 The site is level and situated outside of any defined settlement boundary but adjacent to number of other buildings. There are a number of extensions and outbuildings within the curtilage of the site some of which pre-date 1948. The proposal would remove these structures in order to provide a greater additional volume within the main building.
- 1.4 The proposal is outside any defined settlement boundary in an area washed over by the Bristol/Bath greenbelt.

## 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  
CS34 Rural Areas

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

PSP1	Local Distinctiveness
PSP7	Development in the Greenbelt
PSP8	Residential Amenity
PSP16	Parking Standards
PSP17	Heritage Assets
PSP38	Development within Existing Residential Curtilages
PSP43	Private Amenity Space

### 2.3 Supplementary Planning Guidance

Design Checklist SPD (adopted) August 2006  
Development in the Greenbelt SPD (adopted) June 2007  
Residential Parking Standards SPD (adopted) December 2013

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

- 3.1 PRE17/0857 – Enquiry – 04/10/2017 – Demolition of existing house and erection of 1no new dwelling.
- 3.2 PRE16/0157 – Enquiry – 23/03/2016 – Rebuild existing house to a larger size
- 3.3 PK17/2653/O – Approval of Outline – 14/12/2017 – Demolition of existing outbuildings and erection of 4no. dwellings (outline) with access, layout and scale to be determined. All other matters reserved.
- 3.4 PK16/5286/O – Refusal of Outline – 20/12/2016 – Demolition of existing outbuildings. Erection of 3no dwellings (outline) with access, layout and scale to be determined. All other matters reserved.
- 3.5 PK15/1646/CLE – Approval – 26/08/2015 – Application for a certificate of lawfulness for the existing use of land in part for the sale of sheds and associated products and in part the sale of garden plants and associated products Class Use sui generis.

### 4. **CONSULTATION RESPONSES**

#### 4.1 Siston Parish Council

Whilst members have no objection to proposed demolition and rebuild, they do have some concern at the proposed increase in scale and massing.

#### 4.2 Other Consultees

##### Lead Local Flood Authority

No objection in principle but requests some further information.

##### Commons Stewardship Officer

Notes that the access is across commons land therefore no materials should be stored on the land, no new access created and no works should take place that affects this land without the consent of the Secretary of State and the owner of the common.

##### Transport Officer

No objections/comments

##### Landscape Officer

No objection in principle but requests further information – a condition will be attached to provide this.

##### 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.

### **Other Representations**

- 4.3 Local Residents  
None Received

## **5. ANALYSIS OF PROPOSAL**

### **5.1 Principle of Development**

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

- 5.2 Development within the Green Belt would be considered acceptable subject to assessment to elucidate whether it would constitute appropriate development. Paragraphs 89 and 90 of the National Planning Policy Framework set out a number of instances where development in the Green Belt is not inappropriate, subject to certain criteria. The South Gloucestershire development within the greenbelt SPD states that replacement dwellings on sites washed over by the greenbelt can be appropriate development. In such a situation replacement buildings will only be allowed if there is no greater impact on the openness of the green belt than that of the original building. Any replacement must be of a similar size and scale to the original dwelling. The form, bulk, and general design must also be in keeping with the surroundings. The proposal is subject to the consideration below.

### **5.3 Greenbelt**

The subject site is located within the Bristol/Bath Greenbelt and would therefore be assessed against the South Gloucestershire Development in the Greenbelt SPD (Adopted 2007), Policy CS5 of the Core Strategy and the NPPF (2012). Policy PSP7 is also relevant; having recently been adopted. These policies indicate limited development is permitted in the greenbelt subject to an assessment of its impact.

- 5.4 The proposal seeks to replace the existing turn of the 20th century property with a more modern building. The proposed structure will have largely the same form in terms of the original building but further two storey extensions will be included to the rear to create a dual apex roof with central valley in place of the single storey and two storey projections that currently exist. The proposal would remove a number of existing outbuildings on the site to offset a proportion of the volume increase. It is assumed that the majority of the structures currently standing pre-date 1948 and therefore these additions will be discounted from the cumulative volume increase. According to information provided the addition

would represent a cumulative addition of around 43% over that of the existing dwelling. Whilst this is towards the upper limits of what is likely to be permitted in the greenbelt, the proposal would reduce sprawl through the removal of the outbuildings. Furthermore the property is situated nearby a number of other buildings. Whilst it may be outside of a defined settlement boundary, it does fall within the ribbon of buildings that front onto Siston Lane. It should also be noted that outline planning permission has been granted on the adjacent site, this would further reinforce this existing linear pattern of development. Though the proposal would result in a reasonable increase in volume, the loss of the existing outbuildings would weigh in favour of the development, as the property would have a less sprawling appearance than that existing. The proposal would respect the characterful principal elevation facing the road and could be considered to be in keeping with the character and scale of the existing property. On this basis there is no objection to the proposed replacement dwelling in terms of greenbelt policy and is therefore considered appropriate development in the green belt.

- 5.5 The above noted, due to the proposal being on the limits of extensions that could be supported in the green belt a permitted development right restriction should be put in place. Given the rights afforded by the Town and Country Planning (General Permitted Development) Order 2015, the cumulative impact of further development upon the Green Belt would not be considered under the procedure. Therefore it has been seen as appropriate to impose a condition to remove these rights so as to safeguard against further additions; such that proper consideration of the impact upon the Green Belt is not circumvented. This would only be relevant to volumetric additions. 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. Consideration was given to the loss of Class E and it was suggested that were an application to come forward the main dwelling could be reduced in size in order to provide some domestic storage. The application has not included this suggestion, however will be served by a basement level which is thought to be sufficient for the purposes of domestic storage.
- 5.6 Design and Visual Amenity  
The existing building is not a listed or locally listed building but does have a degree of period charm and utilises traditional detailing and materials. The proposal would replace the existing structure with a modern building. Supporting plans suggests that the proposal would retain this period form and appearance. As a result there is no objection to the proposed appearance of the replacement dwelling from the streetscene.
- 5.7 The proposal would remove existing extensions to the rear and replace them with a larger two storey projection with a twin apex roof. This is a feature common in the South Gloucestershire area, particularly for properties dating from pre-1900. As a result this feature would be considered to be in keeping with the character of the building and the area in general.

- 5.8 The proposal has put forward appropriate materials with regard to the roof, windows and elevations and the council has no objection to the design on these grounds. Nevertheless given the heritage value of the existing building, it has been seen as reasonable to attach a condition requiring the submission of samples prior to the relevant part of the build.
- 5.9 Overall, it is considered that the proposed replacement dwelling would not harm the character or appearance of the area and as such is considered acceptable in terms of visual amenity. Therefore, it is judged that the proposal has an acceptable standard of design and is considered to accord with policies CS1, PSP1 and PSP17 and therefore conforms to the criteria in the adopted Local Plan.
- 5.10 Residential Amenity  
Policy PSP38 of the adopted Local Plan gives the Council's view on new development within existing residential curtilages. Proposals should not prejudice the residential amenity (through overbearing, loss of light and loss of privacy) of neighbouring occupiers as well as the private amenity space of the host dwelling.
- 5.11 The proposal seeks to replace the existing dwelling with one that is not significantly larger in height or form. The proposal will be contained within the existing limits of the property and as a result is not considered to have any further negative impact on the amenity of its neighbours and is therefore acceptable in this respect.
- 5.12 The subject property has a significant amount of private outdoor amenity space and the proposals would not result in the loss of sufficient outdoor amenity space.
- 5.13 The subject property is located within a ribbon of development along Siston lane in a residential area, the proposal will not result in a detrimental impact on the residential amenity of its neighbouring occupiers, meaning the proposal is in accordance with policy PSP38 of the adopted Policies Sites and Places DPD.
- 5.14 Sustainable Transport and Parking Provision  
The proposal would have 4no bedrooms. Currently the property has an area of driveway to the side and front of the property and a detached garage building. The outbuilding will be removed as part of the proposal, however the existing drive is large and would be sufficient for the size of the dwelling proposed. According to the residential Parking Standards SPD a 4 bedroom property would be required to provide 2 private parking spaces. This requirement is more than satisfied by the proposed arrangement. The proposal would not require any additional parking spaces nor will it have a negative impact on highway safety or the retention of an acceptable level of parking provision, meaning the proposal is in accordance with policies PSP11 and PSP16 of the Policies Sites and Places DPD. The council has no objection to the proposal in relation to highway safety or parking provision.

5.15 Drainage and Surface Water

The application states the proposal would be connected to a mains drainage system, however the Flood Authority states no such mains sewer exists in the immediate vicinity. It is noted that the application is for a replacement dwelling and therefore it is assumed the proposal would be served by the same systems as currently exists, however the authority have no detail on such provision and as a result it has been seen as reasonable to attach a condition requiring the submission of these details prior to the commencement of the build.

5.16 Consideration of likely impact on Equalities

The proposal would have a neutral impact on equalities.

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 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 further additions; such that the cumulative impact upon the Green Belt is considered and to accord with policies CS5 and CS34 of the Core Strategy (Adopted) December 2013; Policy PSP7 of the Policies Sites and Places DPD (Adopted) November 2017; and the provisions of the NPPF (2012).

3. Prior to the commencement of development drainage detail proposals incorporating Sustainable Drainage Systems SUDS 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. This information is required prior to development to allow it to be incorporated into the build.

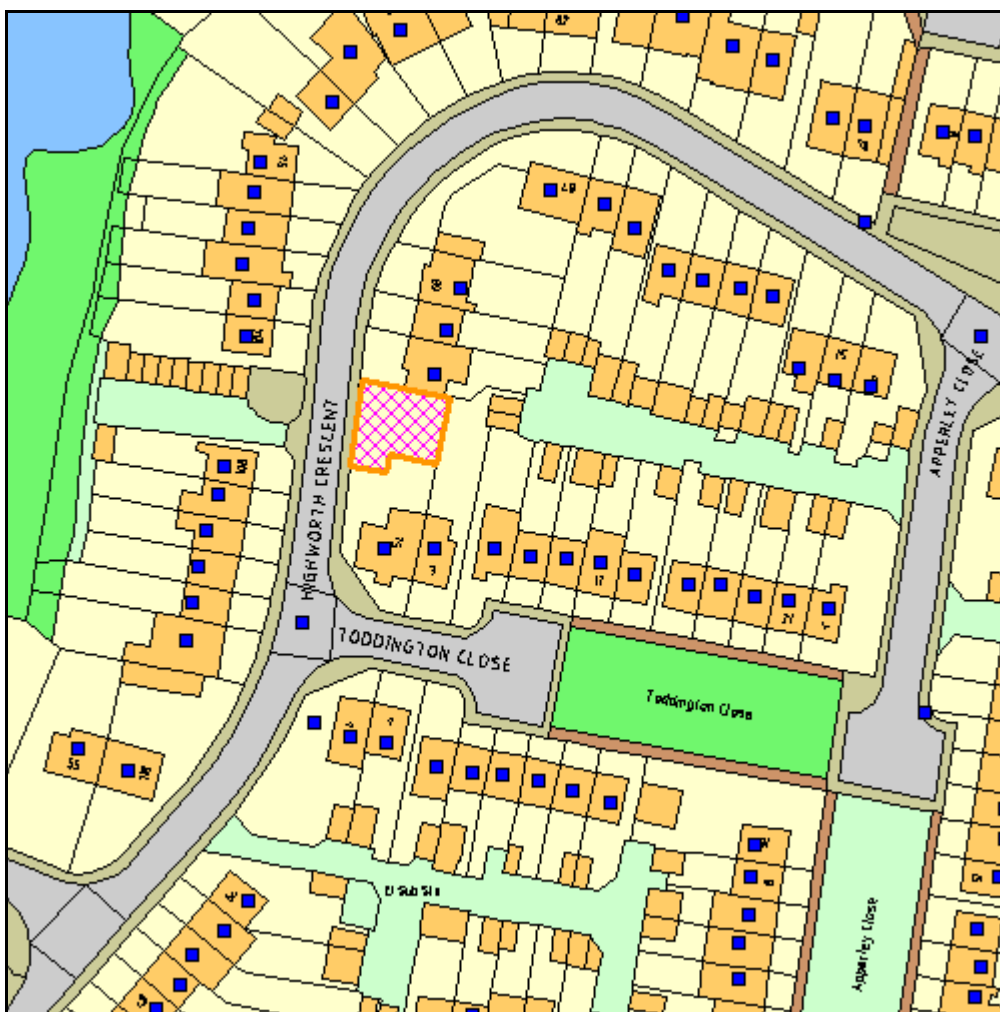
4. The development shall be carried in accordance with the materials stated on the "Proposed elevations" plan received 8th January 2018 and prior to the relevant part of the build samples of the roofing and external facing materials proposed to be used shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason

To ensure a satisfactory standard of external appearance and 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.

CIRCULATED SCHEDULE NO. 03/18 – 19 JANUARY 2018

<b>App No.:</b>	PK17/5016/F	<b>Applicant:</b>	Mr & Mrs Gullock
<b>Site:</b>	75 Highworth Crescent Yate Bristol South Gloucestershire BS37 4HL	<b>Date Reg:</b>	14th November 2017
<b>Proposal:</b>	Demolition of existing garage and erection of 1no detached dwelling with access and associated works. (Re- submission of PK17/3629/F).	<b>Parish:</b>	Yate Town Council
<b>Map Ref:</b>	370911 181821	<b>Ward:</b>	Yate Central
<b>Application Category:</b>	Minor	<b>Target Date:</b>	21st December 2017



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PK17/5016/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 demolition of an existing garage and the erection of 1no. detached dwelling with access and associated works. The application site forms part of the residential curtilage of no. 75 Highworth Crescent, Yate.
- 1.2 The application site currently consists of a semi-detached property set towards the front of a relatively large corner plot. The site is located within the established residential area of Yate. The existing dwelling incorporates a pitched roof, and is finished in a mixture of brick, cladding and render. A two-storey side extension is attached to the west-facing side elevation.
- 1.3 The application forms a re-submission of a previously withdrawn application (PK17/3629/F), which also sought planning permission for the erection of a detached dwelling at the site.
- 1.4 Following the submission of an amended application, further revised plans were requested and received by the Local Authority on 1<sup>st</sup> January 2018. The revisions involve alterations to the design of the proposed dwelling.

### **2. POLICY CONTEXT**

#### **2.1 National Guidance**

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

#### **2.2 Development Plans**

##### **South Gloucestershire Local Plan 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

##### **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  
PSP43      Private Amenity Space Standards

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

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

#### **3.1      PK17/3629/F**

Demolition of existing garage and erection of 1no detached dwelling with access and associated works.

Withdrawn:    09.10.2017

#### **3.2      P99/1439**

Erection of boundary fence 1.8 metres high x 28 metres long.

Refused:      24.05.1999

#### **3.3      P97/2704**

Erection of two storey side extension; front porch and pitched roof to existing single storey rear extension (in accordance with      amended plans received by the Council on 14/01/1998).

Approved:    22.01.1998

#### **3.4      N8990**

Erection of double domestic garage. Repositioning of side boundary wall 1.2m. (3ft. 9ins.) high.

### **4.      CONSULTATION RESPONSES**

#### **4.1      Yate Town Council**

Objection - Whilst we note adjustments have been made, we repeat the previous concern regarding the inadequacy of off street parking other than a garage which may not remain as a garage. Still does not demonstrate proper off-street parking in an area where off-street parking is a problem.

#### **4.2      Other Consultees**

Sustainable Transport  
No objection

Lead Local Flood Authority  
No objection subject to SUDs condition

## Highway Structures

No comment

## **Other Representations**

### 4.3 Local Residents

8 comments, raising objection to the proposal, were submitted following consultation. It should be noted that all of the comments originate from the same address. The main concerns raised are summarised below:

- There will be an ongoing issue in relation to visibility when exiting driveway.
- Do not want vehicles parking in front of our house or causing mess.
- Cannot comprehend why proposal is so close to our property.
- Very concerned about removal of garage which is attached to ours – this could cause damage to our structure.
- Should application be approved we wish for an order to be put in place to prevent lorries from parking in front of our property.
- Lorries will be an issue as Highworth Crescent is a rat run for parents getting children to school.
- Having a new dwelling at end of terrace will be very strange.
- Was not aware of any damage being caused to applicant's property during previous periods of development.

One comment was also submitted by the applicant in response to the concerns. The main points raised are outlined below:

- With the removal of the garage, we will be further away from the neighbour which is surely a bonus.
- Issues regarding vehicles parking outside of neighbouring property is something all residents have encountered at times, however as long as vehicles are not blocking driveways they can park wherever as long as legal.
- Neighbouring development has previously caused traffic issues.

## 5. **ANALYSIS OF PROPOSAL**

### 5.1 **Principle of Development**

Planning permission is sought for the erection of 1no. detached two-bedroom dwelling within an existing residential curtilage. Policy CS5 of the Core Strategy outlines the locations at which development is considered appropriate. CS5 dictates that most new development in South Gloucestershire will take place within the communities of the north and east fringes of the Bristol urban area. CS5 also outlines that at Yate/Chipping Sodbury, new development will be of a scale appropriate to achieve greater self-containment, improving the roles and functions of towns, with a focus on investment in the town centres and improving the range and type of jobs. The application site is located within the defined settlement boundary of Yate/Chipping Sodbury, and the scale of development is considered appropriate for this location. As such, based solely on the location of the site, the principle of the development is acceptable.

5.2 Notwithstanding this, it is recognised that, at present, the local planning authority is unable to demonstrate a five-year supply of deliverable housing land. Paragraph 49 of the NPPF states that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. However as the application site falls within the defined settlement boundary of Yate/Chipping Sodbury, the principle of development is acceptable under the provisions of policy CS5. As policy CS5 is not seeking to restrict the supply of housing, it can be afforded full weight in this case.

5.3 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.

### 5.4 **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.

5.5 The proposal relates to the erection of a detached, two-storey dwelling which would contain a total of 2 bedrooms. The proposed dwelling would be located roughly 12 metres north of the existing dwelling at no. 75 Highworth Crescent, but just 0.6 metres south of the terrace row of properties immediately to the north of the application site. Given the proximity of the proposed dwelling to the terrace row to the north, it is considered that the proposed dwelling should seek to reflect properties within the neighbouring terrace in terms of its scale, form and detailed design.

- 5.6 The proposed dwelling would be of a fairly simple design, and would incorporate a pitched roof. The dwelling would have a modest footprint, with an overall width of 6.9 metres and depth of 7.8 metres. The ridge height of the dwelling would be set at roughly 7.9 metres, with the eaves set at a height of approximately 5.5 metres. At its front (west) elevation, the proposed dwelling would incorporate two first floor windows, a ground floor window, and a front door. The south-facing side elevation would incorporate a ground floor window and side door, with the north-facing side elevation forming a blank elevation with no fenestration proposed. No ground floor or first floor windows are proposed at the rear (east) elevation, with 2no. rooflights to be inserted in to the rear-facing roof slope. The proposed dwelling would be finished in render.
- 5.7 With regard to the extent to which the proposed dwelling would respect the character and distinctiveness of the immediate locality, it is recognised that Highworth Crescent and neighbouring residential streets are predominately made up of post-war, semi-detached and terrace properties. In this respect, a new detached dwelling would differ, in terms of its built form, from surrounding properties.
- 5.8 However following negotiations, amendments have been made to the design of the proposed dwelling, with the altered dwelling now largely matching the terrace row of properties to the north in terms of building line, scale, and detailed design. On balance, whilst there are no other detached properties in the vicinity, it is considered that the proposed dwelling could be read as forming part of the terrace row to the north. It is also considered that the flat-roof, two storey extension attached to the southern side of no. 73 Highworth Crescent would form a link between the terrace row and the proposed dwelling.
- 5.9 In terms of the detailed design of the proposed dwelling, the amount and configuration of fenestration proposed is considered appropriate. It is noted that both side elevations and the rear elevation have been left largely free of windows in order to avoid overlooking on to neighbours. Whilst this does create large blank elevations, the north-facing side elevation and rear elevation would not be readily visible from public areas. Whilst the south-facing side elevation would be more visible, blank side-facing elevations are fairly common features of properties in the immediate locality. As such, a blank elevation, particularly at first floor level, would not significantly detract from the immediate streetscene.
- 5.10 In terms of materials, it has been outlined that the proposed dwelling would be finished in render. However further details of the proposed render in terms of its colour and texture have not been submitted. Whilst a supporting document does outline that the external materials will respect the host dwelling and properties in the area, a condition will be attached to any decision, requiring details of the proposed materials to be agreed post-determination. This is in order to ensure that the proposed dwelling sufficiently respects the external appearance of neighbouring properties.
- 5.11 With regard to boundary treatments, the proposed site plan indicates that a new hedge will be installed at the western boundary of the site. At present, a small fence and hedge are located at the boundary. It is not considered that the installation of a replacement hedge would have a material impact the

streetscene or the character and distinctiveness of the immediate surrounding area.

- 5.12 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, and subject to the agreement of materials post-determination, 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.

5.13 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.

- 5.14 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. 73 Highworth Crescent, and the adjoining property to the east at no. 3 Toddington Close. The extent to which the erection of the dwelling would impact upon the residential amenity of the occupiers of the existing dwelling at no. 75 Highworth Crescent.

*73 Highworth Crescent*

- 5.15 Whilst being detached in nature, the proposed dwelling would largely follow the building line created by the terrace row of properties to the north; with no. 73 making up the southern 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. It should also be noted that there are no windows present at the south-facing side elevation of the neighbouring dwelling, and as such the erection of a dwelling to the south would result in no direct loss of outlook.
- 5.16 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. 73, or in to any of the front or rear-facing windows at the neighbouring property.
- 5.17 With regard to overlooking, no north-facing side windows or rear-facing first floor windows are proposed. 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.

### *3 Toddington Close*

- 5.18 The rear of the proposed dwelling would be set roughly 1 metre from the boundary shared with no. 3 Toddington Close to the east of the site. Whilst being set away from the neighbouring property itself, it is recognised that the proposed dwelling would have some overbearing and overshadowing impacts on to the rear garden of no. 3. However the area towards the rear end of the neighbouring garden would be most affected. Due to its separation from the main dwelling, this area of the neighbouring garden is considered to hold lower amenity value than the area immediately to the rear of the neighbouring property. On this basis, it is not considered that any overbearing or overshadowing effects would equate to an unacceptable impact on residential amenity.
- 5.19 With regard to overlooking, no first floor windows are proposed at the rear-facing elevation of the proposed dwelling. This reduces the potential for any overlooking on to no. 3 Toddington Close.

### *75 Highworth Crescent (host dwelling)*

- 5.20 An area of private amenity space, measuring approximately 3 metres in width, would separate the proposed dwelling from the boundary shared with no. 75, with the distance between the two dwellings set at 12 metres. Whilst the proposed dwelling would be visible from the rear windows of no. 75 and within the rear garden, it is considered that a sufficient degree of separation would be retained as to avoid any unacceptable sense of enclosure. Furthermore, as the proposed dwelling would be located to the north of no. 75, the structure would not have any significant overshadowing effects on to the amenity space afforded to no. 75.
- 5.21 With regard to overlooking, no first floor windows are proposed at the south-facing side elevation of the proposed dwelling. This reduces the potential for any overlooking on to no. 75 Highworth Crescent.

### *Disturbance*

- 5.22 It is not considered that the occupation of the proposed dwelling would cause an unacceptable degree of disturbance to any neighbouring residents. However, it is recognised that the demolition of the existing garage and the erection of a new dwelling would cause some increased disturbance to neighbours during the construction period. That said, a degree of disturbance is to be expected as part of any development, and would not constitute a reason for refusing the application. However in order to protect the residential amenity of neighbours, a condition will be attached to any decision, restricting working hours during the construction period.

### *Amenity Space*

- 5.23 A total of 61m<sup>2</sup> of outdoor amenity space would be provided for the new dwelling. This exceeds the guide for a 2-bed dwelling (50m<sup>2</sup>), as set out in policy PSP43 of the Policies, Sites and Places Plan. However due to the siting of the proposed dwelling within the plot, the majority of amenity space would be

provided to the front/side of the dwelling, as opposed to the rear. Whilst this is an unusual layout, it is considered that the proposed boundary hedge would provide sufficient screening, as to provide an acceptable degree of privacy. Whilst the fairly narrow 'L' shaped arrangement of the amenity space is an area of concern, it is not considered that this issue alone would sustain a reason for refusing the application.

5.24 Due to the generous size of the existing plot, it is considered that sufficient amenity space would still be afforded to no. 75, following the sub-division of the plot.

5.25 On balance, whilst some issues regarding the provision of private amenity space have been identified, 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.

5.26 Transport

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 2 bedrooms. Policy PSP16 of the Policies, Sites and Places Plan stipulates that a minimum of one parking space, measuring a minimum of 2.4m x 4.8m, should be provided for 1 and 2 bed-properties. An existing driveway would be utilised to provide one external parking space for the proposed dwelling. The proposed provision meets the minimum standard, and is considered acceptable.

5.27 It has been confirmed that the existing dwelling at no. 75 Highworth Crescent contains a total of 4 bedrooms. Policy PSP16 outlines that a total of 2 parking spaces should be provided for 4-bed properties. 2 external parking spaces, which meet the minimum size standards, would be provided to the north of the existing dwelling. This therefore meets the minimum parking standard, and the proposed parking arrangements serving the existing dwelling are considered acceptable.

5.28 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.

5.29 With regard to highway safety, the transport officer is satisfied that sufficient visibility would be provided when existing and egressing the parking spaces for both the existing and proposed properties, as not to create a highway safety hazard. 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.

5.30 The concerns raised regarding the impacts of delivery vehicles on highway safety have been taken in to account. However this is considered more of a civil matter than a planning matter. Were a larger scale development proposed, any impacts would be mitigated through the submission and approval of a

traffic management plan. However given the scale of development and the temporary nature of the construction period, it is not considered that the impact on traffic flow would be so significant as to sustain a reason for refusal, or require the submission of a traffic management plan.

5.31 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.

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

5.33 Planning Balance

Paragraph 14 of the NPPF outlines that development proposals that accord with the development plan should be approved without delay. The proposal is not contrary to any development plan policies, and as such, the application should be approved.

5.34 Other Matters

Concerns raised regarding potential damage to neighbouring property is a factor that will be assessed further by a building control officer as part of an application for building regulations consent. However it should be noted that any planning permission granted would not give the applicant the right to carry out any works on neighbouring land without consent.

## 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. 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 and approved by the Local Planning Authority.

**Reason**

To comply with Policy CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and National Planning Policy Framework 2012. This is required to be agreed prior to the commencement of development to avoid any unnecessary remedial action in the future.

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

**Reason**

To ensure a satisfactory standard of external appearance and to accord with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; and the National Planning Policy Framework. This is required to be agreed prior to the commencement of development to avoid any unnecessary remedial action in the future.

4. 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.

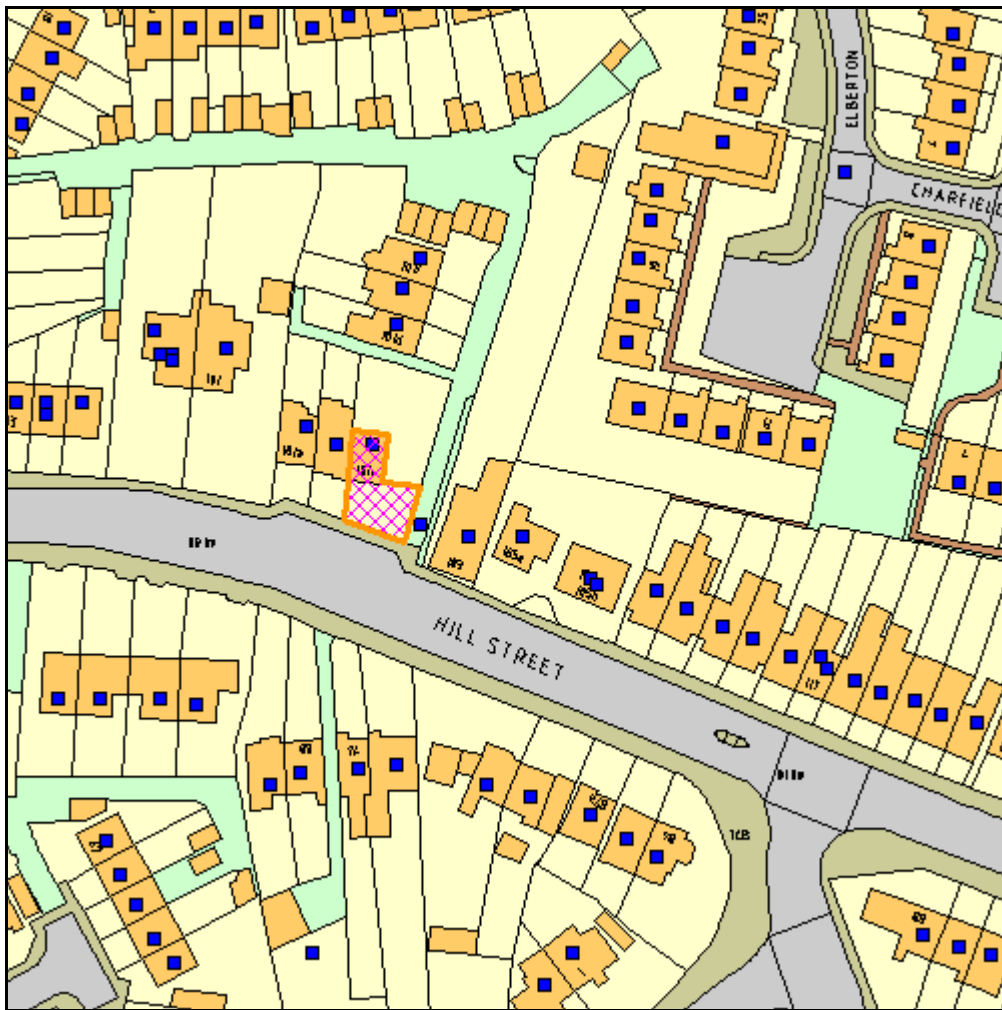
5. The off-street parking facilities for the new dwelling (for all vehicles, including cycles) shown on the plan (PL07C) hereby approved shall make provision for the parking of a minimum of 1 vehicle (with each space measuring at least 2.4m by 4.8m). The off-street parking facilities for the existing dwelling at no. 75 Highworth Crescent (for all vehicles, including cycles) shown on the plan (PL07C) hereby approved shall make provision for the parking of a minimum of 2 vehicles (with each space measuring at least 2.4m by 4.8m). All parking spaces shall be provided before the new dwelling is first occupied, and thereafter retained for that purpose.

Reason

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

CIRCULATED SCHEDULE NO. 03/18 – 19 JANUARY 2018

<b>App No.:</b>	PK17/5241/F	<b>Applicant:</b>	Mr Gurvinder Jutla
<b>Site:</b>	101C Hill Street Kingswood Bristol South Gloucestershire BS15 4EZ	<b>Date Reg:</b>	28th November 2017
<b>Proposal:</b>	Creation of new vehicular access from Hill Street and formation of driveway to create 2no. parking spaces	<b>Parish:</b>	None
<b>Map Ref:</b>	366114 173695	<b>Ward:</b>	Kings Chase
<b>Application Category:</b>	Householder	<b>Target Date:</b>	4th January 2018



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## **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 creation of a new vehicular access and the formation of a driveway to form 2no. vehicular parking spaces at no. 101C Hill Street, Kingswood.
- 1.2 The application site consists of an end of terrace property, set along Hill Street (A420), in the established residential area of Kingswood. The property is set within a large plot, with outdoor areas to the front, side and rear of the main dwelling. The site is separated from Hill Street by a row of parking bays. The space directly adjacent the site was previously designated as a disabled parking bay. However the designation has recently been removed.
- 1.3 A revised site location plan was requested and received on 16<sup>th</sup> January 2018. As the revision only sought to address an inaccuracy, and did not alter the scope of the proposal in any way, the submission of the revised plan did not trigger a period of re-consultation.

### **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 **PRE17/0615**

Dropped kerb to gain access to a driveway.

Response provided: 30.08.17

Summary of response: *provided a safe design (allowing suitable visibility to road and footway users) could be achieved, and provided there were no issues with removing the disabled bay, and the dwelling didn't already have off-street parking, there would be no objection to a full application.*

### 4. **CONSULTATION RESPONSES**

#### 4.1 Parish Council

The area is un-parished

#### 4.2 Other Consultees

##### Sustainable Transport

##### *Initial comments*

We note the application for conversion of the front garden of 101C Hill Street on the A420 to provide two off-street parking spaces, with cars able to enter and exit in a forward gear. This would require a dropped kerb and would reduce on-street parking capacity by one vehicle which at the time of the pre-application enquiry was marked as a designated disabled parking bay.

Our pre-application advice was that if a safe design (allowing suitable visibility to road and footway users) could be achieved, and provided there were no issues with removing the disabled bay, and the dwelling didn't already have off-street parking, we had no objection. The plans suggest that safe design has been achieved because of the low height of boundary walls allowing visibility of footway users; and although the visibility splay from the entrance is likely to be influenced by parked cars, as vehicles get to the edge of the main carriageway, visibility should be acceptable.

Our perspective as the Local Highway Authority (as a consultee in the planning process) is that there is benefit in replacing a single publicly accessible on-street parking bay (a public asset) with two (or more) off-street parking spaces (private asset), as there are parking issues in the locality. This reduction in publicly available on-street parking, together with the additional issues of pavement crossing is more likely to be accepted because of this benefit in adding to parking capacity, should the household have two vehicles or would provide parking space if car based visitors arrived. If the proposal was simply to replace the publicly accessible space with a private space then the wider benefits are less clear, other than to the household which gains a private parking space.

Should planning consent be achieved, South Gloucestershire's procedures require the applicant to apply for a dropped kerb and footway crossover. The procedures are set out in <http://www.southglos.gov.uk/transport-and-streets/streets/road-and-traffic-management-information/dropped-kerbs/> and require our Street Care team to review and approve dropped kerbs, which if approved, includes confirming utilities and approving a suitable contractor to carry out the works. This is separate to the planning process.

The design is acceptable, and it is understood that the Council's procedures have been followed regarding the removal of the disabled bay. However it is not clear from the submitted information if the property already has off-street parking – objector correspondence infers there is off-street parking. As details of existing parking were specifically highlighted in the pre-application advice and would influence our recommendation, we recommend a holding objection until this is clarified. We require confirmation of existing off-street parking availability - the number of spaces and if garaged the internal dimensions to compare with South Gloucestershire's Residential Parking Standards SPD (adopted December 2013).

*Updated comments following correspondence with applicant*

Given that the size of the garage is less than our current standards and has operational issues as its entrance and internal dimensions make parking difficult, I remove the holding objection.

## **Other Representations**

### **4.3 Local Residents**

2 comments, originating from the same address, have been submitted raising objection to the proposed development. The main concerns raised are summarised below:

- I am a blue badge holder and use disabled parking space at the front of no. 101C.
- My house is situated along side lane with no other parking access.
- The 6 houses (101 A, B, C, D, E & F Hill Street), were constructed at same time by same builder. The layby at the front of no's. 101 A, B & C is listed in house deeds as being for use of residents of 6 houses. I and fellow residents at 101 D, E & F have no other access to road and parking.
- There are 6 garages at other end of lane which are accessible to 101 A, B and C.
- A previous owner at 101C was disabled and had a disabled parking bay marked out at the front of the main road. Since passing away, I have been using the bay.

- The bay was removed (out of the blue - with no consultation with the six houses) on the 29th November 2017. I have contacted the council asking for it to be reinstated.
- Would not ordinarily object however application fails to take account of history of 6 properties and 3 'stranded' residents with houses in side lane.
- Whilst application would provide two parking spaces in garden, it would remove parking for several neighbours as highway would have to remain clear – causing more dangerous situation for 3 houses that cannot parking in front of own homes.
- 6 garages at end of lane, ironically applicant's garage is one of first 3 garages.
- I ask that the planners please take into consideration the three people living away from the main road and consider the fact that without the layby more and more cars will be trying to find spaces on the road.

A comment responding to the objection raised was also submitted by the applicant. The main points raised are outlined below:

- I would like to state that the plans for a driveway on my property would allow for off-street parking for two plus vehicles in an already congested area. The addition of a driveway would allow vehicles to manoeuvre on private property safely, as oppose to directly on Hill Street which can, at times be dangerous due to it being a busy road with oncoming vehicles travelling in both directions.
- Neighbours have access to garages, and can park within garages or outside. The garages are accessed off Walnut Lane and closer to 101D, E & F than layby. Do not agree that residents are 'stranded' as can park in or near garages or can access on-street parking on surrounding streets.
- Disabled parking bays were added by previous owner of property. Prior to this they bays were unmarked which allowed anyone to park within them. As far as I am aware, there is no requirement in my property deeds for the bays to be used for blue badge holders only, and neighbours are not entitled to provision of disabled parking space near home. In any event, all three spaces within bay have been marked as 'disabled'.
- Do not believe that addition of driveway would cause any additional hardship to neighbours.

## 5. **ANALYSIS OF PROPOSAL**

### 5.1 Principle of Development

The application seeks permission for the creation of a new vehicular access and the formation of a driveway to form 2no. vehicular parking spaces. 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 transport, design, amenity, and loss of trees and vegetation. The development is acceptable in principle but will be determined against the analysis set out below.

### 5.2 Transport

The proposal seeks to create a new vehicular access at no. 101C Hill Street, and convert an existing front garden in to parking spaces. As a result of the proposal, a minimum of 2 off-street parking spaces would be provided at the site.

5.3 No. 101C Hill Street, as well as the other five properties which make up the small development (no's. 101A, B, D, E & F), all each have access to a single garage to north of the application site. The garages are accessed off Walnut Lane. The applicant has confirmed that the internal dimensions of the garage serving no. 101C are 2.81m x 5.15m. This does not meet the minimum size standards for a single garage (3m x 6m), as set out in Policy PSP16 of the Policies, Sites and Places Plan. As such, the existing garage cannot be counted as an existing parking space towards on-site parking provision. The applicant has confirmed that the land in front of the garage is not under their ownership and is not a parking space. In the deeds for the property it states that they have "the right to pass and repass with or without vehicles over the garage forecourt", however they do not have any rights to park on the land. As such, the subject property is not considered to currently benefit from any off-street parking spaces.

5.4 The creation of a new vehicular access off Hill Street would result in the loss of one publicly accessible on-street parking bay (public asset). However this would be replaced by two off-street parking spaces (private asset). It is considered that the benefit of providing two off-street parking spaces would help to mitigate the harm caused by the loss of one on-street space. As no. 101C Hill Street does not currently benefit from any private parking spaces, the provision of two off-street spaces would likely lead to a marginal decrease in on-street parking competition in the immediate vicinity.

5.5 In terms of impacts on no's 101D, E and F, it is recognised that the proposal would result in the loss of one publicly accessible parking space in the vicinity of the properties. However as vehicular access to the properties is gained off Walnut Close, and only pedestrian access can be gained off Hill Street, it is not considered that the proposed development would have any impacts in transportation terms other than the loss of one publicly accessible space.

- 5.6 Submitted plans indicate that sufficient turning space would be provided, as to allow for vehicles to enter and exit the site in forward gear. In line with transport officer comments, it is considered that even with the effects of parked cars, an acceptable degree of visibility can be achieved. On this basis, it is considered that a safe access can be provided, without the need for any more than a single on-street parking bay to be removed.
- 5.7 It is understood from the representations received the on street space for Blue Badge holders was originally marked out in relation to a previous occupant of 101C Hill Street, who has since passed away. There is a specific and separate process in order to remove such a parking space administered by the Highway Authority and it is not considered that the planning application should duplicate this procedure. On balance, it is considered that the benefits of providing two off-street parking spaces sufficiently mitigates the loss of one publicly accessible on-street parking space. Furthermore, it is considered that vehicles will be able safely enter and exit the site. Subject to a condition requiring a minimum of 2 parking spaces to be provided on-site and thereafter retained for that purpose, there is no objection to the proposal from a transportation perspective. The applicant should however be made aware of the need to gain consent from the Council's Streetcare team, prior to implementing a dropped kerb adjacent to the site.
- 5.8 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.
- 5.9 Whilst the loss of the existing front garden is regrettable, it is noted that the use of areas to the front of properties to provide space for vehicular parking is a common feature within the immediate locality. On this basis, it is not considered the proposal would have any unacceptable impacts on the character or distinctiveness of the site or the immediate surrounding area. The proposal is considered to comply with the design criteria set out in policy CS1 of the Core Strategy and PSP38 of the Policies, Sites and Places Plan.
- 5.10 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.

- 5.11 Due to the nature of the proposed development, it is not considered that the proposed works would have any overbearing, overshadowing or overlooking impacts on neighbours. Furthermore, it is not considered that the construction or use of the parking area would cause a significant degree of disturbance to neighbours. Whilst an area of outdoor amenity space would be lost to accommodate the parking spaces, it is considered that sufficient space would be retained on-site following the implementation of the development. For the reasons outlined above, the proposal is considered to meet the requirements of policies PSP8 and PSP38 of the Policies, Site and Places Plan.
- 5.12 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.
- 5.13 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 It is noted that a disabled parking way has been removed in order to facilitate the proposed works. However the disabled bay had already been removed under a separate process, prior to the planning application being submitted. The Equalities duty would have equally applied to that process.

## 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 off-street parking facilities (for all vehicles, including cycles) shown on the plan (17-012-101) hereby approved shall make provision for the parking of a minimum of 2 vehicles (measuring at least 2.4m by 4.8m), and shall be provided prior to the first use of the proposed new access, 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 Local Plan: Policies, Sites and Places Plan (Adopted) November 2017; and the South Gloucestershire Residential Parking Standards SPD (Adopted) December 2013.

CIRCULATED SCHEDULE NO. 03/18 – 19 JANUARY 2018

<b>App No.:</b>	PK17/5516/TRE	<b>Applicant:</b>	Ms Biggs
<b>Site:</b>	42 Wadham Grove Emersons Green Bristol South Gloucestershire BS16 7DW	<b>Date Reg:</b>	1st December 2017
<b>Proposal:</b>	Works to fell 1no Poplar tree covered by Tree Preservation Order KTPO 03/91 (330) dated 29th July 1991.	<b>Parish:</b>	Emersons Green Town Council
<b>Map Ref:</b>	366860 176105	<b>Ward:</b>	Emersons Green
<b>Application Category:</b>	Works to trees	<b>Target Date:</b>	23rd January 2018



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PK17/5516/TRE

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

This application is referred to the Circulated Schedule as comments have been received that are contrary to the Officer's recommendation.

### **1. THE PROPOSAL**

- 1.1 Works to fell 1no Poplar tree covered by Tree Preservation Order KTPO 03/91 (330) dated 29th July 1991.
- 1.2 The tree is in the rear garden of no.42 Wadham Grove, Emersons Green, Bristol, South Gloucestershire, BS16 7DW.

### **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 PK11/1898/TRE, Site Address: 42 Wadham Grove, Emersons Green, Bristol, South Gloucestershire, BS16 7DW, Decision: COND, Date of Decision: 22-JUL-11, Proposal: Works to pollard 4 no. Polar trees by 4 metres covered by South Gloucestershire Council Tree Preservation Order (Emersons Green) dated 29th July 1971., CIL Liable
- 3.2 PK10/2387/TRE, Site Address: 42 Wadham Grove, Emersons Green, Bristol, South Gloucestershire, BS16 7DW, Decision: COND, Date of Decision: 17-MAY-11, Proposal: Works to 4no. Poplar trees to reduce crown and remove overhanging branches, covered by Tree Preservation Order KTPO03/91 dated 29 July 1991., CIL Liable:

### **4. CONSULTATION RESPONSES**

- 4.1 Emersons Green Town Council object to the proposal on the grounds that they feel that insufficient evidence has been provided to justify the felling of a tree with a Tree Preservation Order and would seek the comments of the South Gloucestershire Council Tree Officer.

#### **Other Representations**

- 4.2 Local Residents  
None received.

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

- 5.1 Proposed Work  
Works to fell 1no Poplar tree covered by a Tree Preservation Order.

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

This is one of a row of pollarded Poplars that were protected in 1991 in response to the development of Emersons Green.

5.4 Poplar is a very fast growing genus of trees that produce vigorous regrowth when they are pollarded. The regrowth is so vigorous that there is a need to re-prune every 3 to 5 years, depending on growth rates.

5.5 If such a regime is not maintained the regrowth gets too big for its unions and stems tend to fail.

5.6 This onerous maintenance regime is difficult to justify and when applications have been received on other trees in this there has been a tendency to allow their removal on the condition that the trees are replaced with more appropriate species. This would be a condition of removal in this case too.

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

In the interests of the long term health of the tree, and to accord with The Town and Country Planning (Tree Preservation) (England) Regulations 2012.

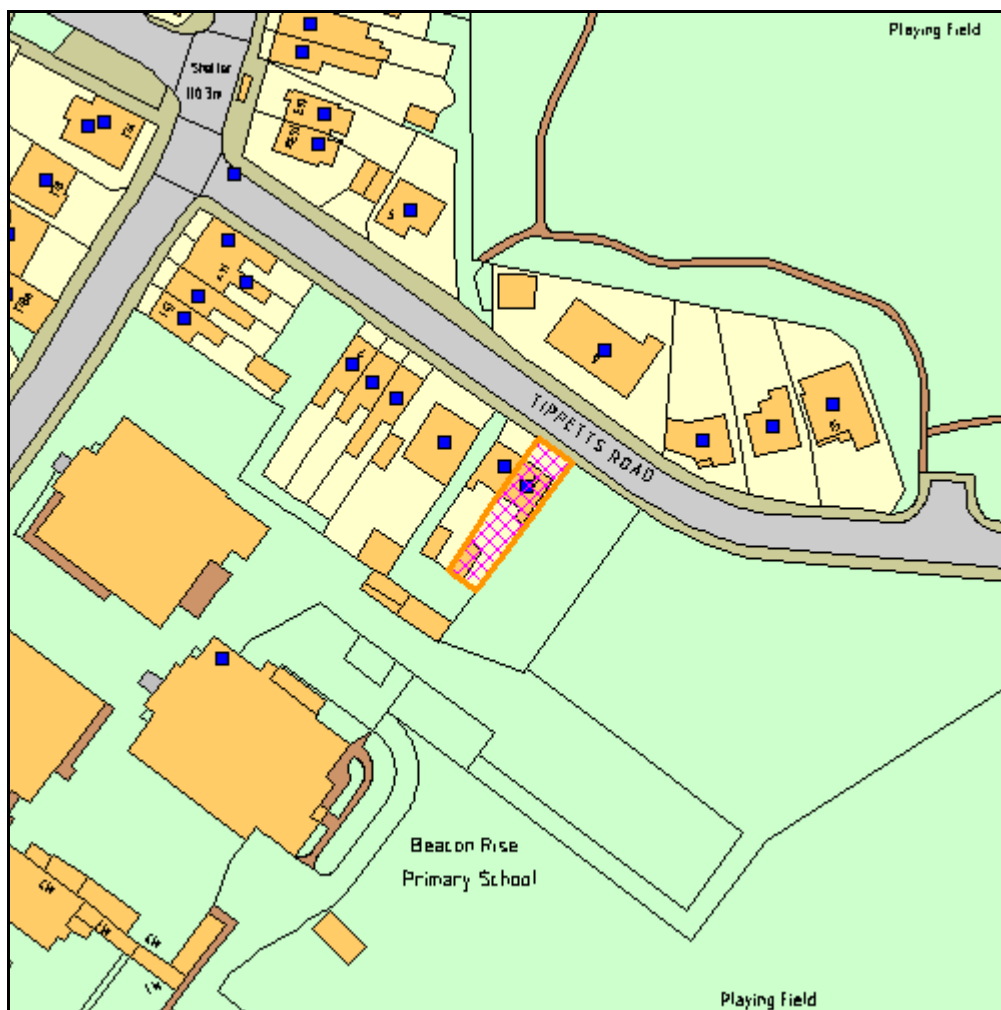
2. A replacement tree, the species, size and location of which is to be approved in writing by the Local Planning Authority, shall be planted in the first planting season following the felling hereby authorised.

Reason

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

## CIRCULATED SCHEDULE NO. 03/18 - 19 JANUARY 2018

<b>App No.:</b>	PK17/5591/CLP	<b>Applicant:</b>	Mr Godfrey
<b>Site:</b>	12 Tippetts Road Kingswood Bristol South Gloucestershire BS15 8NS	<b>Date Reg:</b>	20th December 2017
<b>Proposal:</b>	Certificate of lawfulness for a proposed single storey rear extension, rear dormer and new access on to Tippetts Road.	<b>Parish:</b>	None
<b>Map Ref:</b>	364781 172960	<b>Ward:</b>	Woodstock
<b>Application Category:</b>	Certificate of Lawfulness	<b>Target Date:</b>	29th January 2018



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PK17/5591/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 proposed single storey rear extension, rear dormer window and new access at 12 Tippetts Road, Kingswood, would be lawful. This is based on the assertion that the proposal falls within the permitted development rights normally afforded to householders.
- 1.2 This 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  
Town and Country Planning (Development Management Procedure) (England) Order 2015  
Town and Country Planning (General Permitted Development) (GPDO) (England) Order 2015

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 Ward Councillor – Councillor Perkins**

1. No issues with the dormer.
2. Concerned about the impact in terms of loss of sunlight for the neighbours at number 10.
3. Not clear as to what new access is being created.

#### **Other Representations**

#### **4.2 Local Residents**

No comments received.

## 5. SUMMARY OF EVIDENCE IN SUPPORT OF APPLICATION

### 5.1 Combined Plan Site Plan

Received by the Council on 5<sup>th</sup> Dec 2017

## 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. Accordingly whilst the request of the ward Councillor is noted, an assessment of overlooking or impact to neighbours is not within the remit of this procedure. It is assumed that Parliament in granting these permitted development rights concluded that such relationships would be acceptable.

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

6.3 The proposed development consists of a single storey rear extension, rear dormer window and new access. The proposed single storey extension would fall within the category of development permitted by Schedule 2, Part 1, Class A of the GPDO, 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 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.

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

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

- (c) **The height of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the highest part of the roof of the existing dwellinghouse;**  
The height of the rear extension would not exceed the height of the highest part of the roof of the existing dwellinghouse.
- (d) **The height of the eaves of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the eaves of the existing dwellinghouse;**  
The height of the eaves of the rear extension would not exceed the height of 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 project beyond the rear elevation which does not front a highway.
- (f) **Subject to paragraph (g), the enlarged part of the dwellinghouse would have a single storey and—**  
(i) **extend beyond the rear wall of the original dwellinghouse by more than 4 metres in the case of a detached dwellinghouse, or 3 metres in the case of any other dwellinghouse, or**  
(ii) **exceed 4 metres in height;**  
The application relates to a semi-detached dwellinghouse. The proposed extension would extend beyond what is considered to be the original rear elevation and would have an approximate depth of 3 metres. The height of the proposed addition is approximately 3.5 metres. The development therefore meets the criteria.
- (g) **Until 30th May 2019, for a dwellinghouse not on article 2(3) land nor on a site of special scientific interest, the enlarged part of the dwellinghouse would have a single storey and—**  
(i) **extend beyond the rear wall of the original dwellinghouse by more than 8 metres in the case of a detached dwellinghouse, or 6 metres in the case of any other dwellinghouse, or**  
(ii) **exceed 4 metres in height;**  
Not applicable.
- (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 height of the eaves of the enlarged part of the dwellinghouse would be approximately 2.3 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 development would not extend beyond the side elevation of the original dwellinghouse.

- (k) **It would consist of or include—**

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

The development includes alterations to the roof in order to facilitate the rear dormer. The alterations will need to meet the requirements of Class B in order to be permitted development. The rear extension would not include any of the other features listed.

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

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

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

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

- (a) **the materials used in any exterior work (other than materials used in the construction of a conservatory) must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse;**  
All materials will match existing.
- (b) **any upper-floor window located in a wall or roof slope forming a side elevation of the dwellinghouse must be—**
  - (i) **obscure-glazed, and**
  - (ii) **non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed; and**  
Not applicable.
- (c) **where the enlarged part of the dwellinghouse has more than a single storey, the roof pitch of the enlarged part must, so far as practicable, be the same as the roof pitch of the original dwellinghouse.**  
Not applicable.

6.4 The proposed rear dormer to facilitate the loft conversion would fall within the category of development permitted by Schedule 2, Part 1, Class B of the GPDO, which allows for the enlargement of a dwellinghouse consisting of an addition or alteration to its roof, provided it meets the criteria as detailed below:

**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 (change of uses);**  
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.
- (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 proposed works do not exceed the maximum height 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 the principal elevation of the dwellinghouse and fronts a highway;**  
The proposed dormer would not extend beyond the principal elevation.
- (d) **The cubic content of the resulting roof space would exceed the cubic content of the original roof space by more than-**
  - (i) **40 cubic metres in the case of a terrace house, or**  
The dormer does not exceed this volume.
  - (ii) **50 cubic metres in any other case;**  
Not applicable.
- (e) **It would consist of or include-**

- (i) **The construction or provision of a veranda, balcony or raised platform, or**  
Not applicable
- (ii) **The installation, alteration or replacement of a chimney, flue or soil and vent pipe;**  
Not applicable.
- (f) **The dwellinghouse is on article 2(3) land.**  
The dwellinghouse is not on article 2(3) land.

### **Conditions**

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

- (a) **The materials used in any exterior work shall be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse.**  
All materials will match existing.
  - (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, measures along the roof slope from outside the edge of the eaves; and**  
The proposal leaves the original eaves of the dwellinghouse unaffected.  
The edge of the proposed dormer closest to the eaves is set back by 0.4 metres from the existing eaves.
    - 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 proposal does not extend beyond the outside face of any external wall of the original dwellinghouse.
  - (c) **Any window inserted on a wall or roof slope forming the side elevation of a dwellinghouse shall 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.**
- Not applicable.

- 6.5 The proposed new access onto Tippet Road would fall within the category of development permitted by Schedule 2, Part 2, Class B of the GPDO, which allows for means of access to a highway, provided it meets the criteria as detailed below:

**B. The formation, laying out and construction of a means of access to a highway which is not a trunk road or a classified road, where that access is required in connection with development permitted by any Class in this Schedule (other than by Class A of this Part).**

Tippetts Road is an unclassified road and so any new access would be permitted development by provision of the above order.

## **7. RECOMMENDATION**

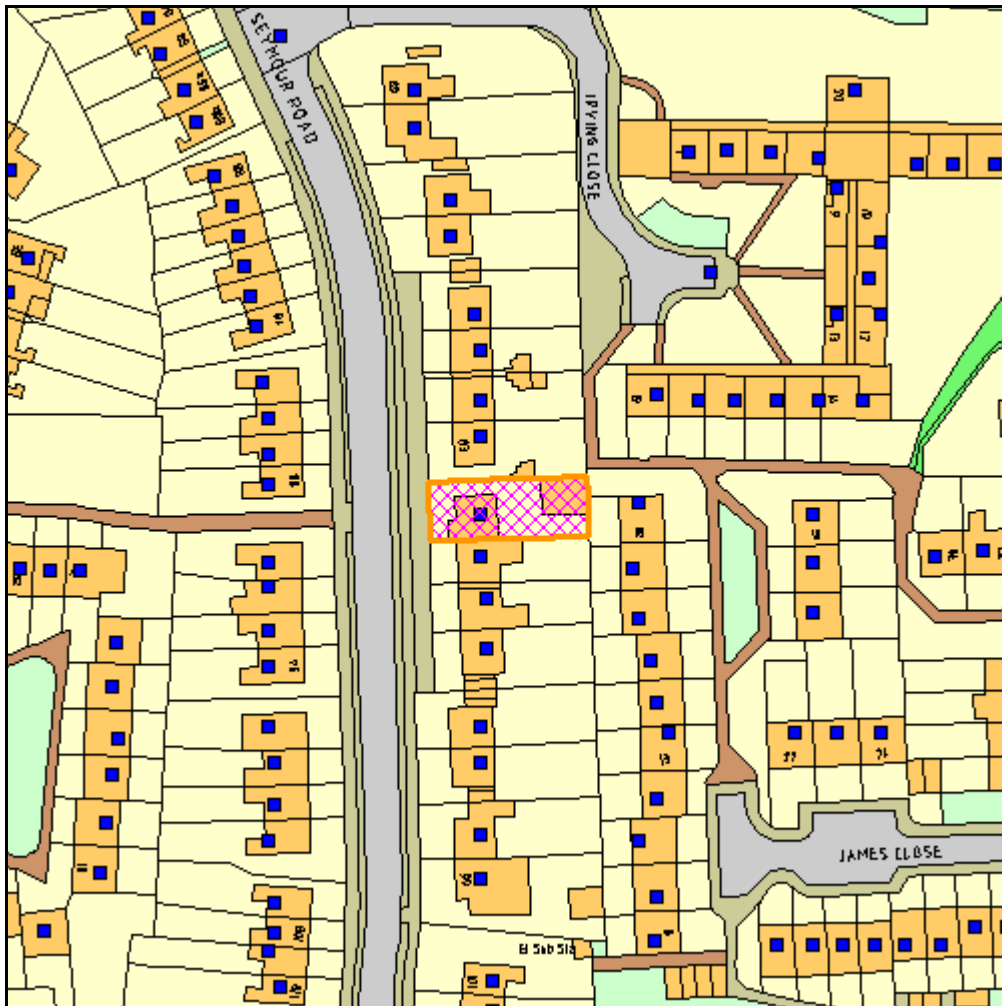
- 7.1 That a certificate of Lawfulness for Proposed Development is **granted** for the following reason:

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

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

CIRCULATED SCHEDULE NO. 03/18 – 19 JANUARY 2018

<b>App No.:</b>	PK17/5616/CLP	<b>Applicant:</b>	Mr Ben Hammond
<b>Site:</b>	85 Seymour Road Staple Hill Bristol South Gloucestershire BS16 4TB	<b>Date Reg:</b>	18th December 2017
<b>Proposal:</b>	Application for a certificate of lawfulness for the proposed installation of a rear dormer and 3no. front elevation roof lights to facilitate loft conversion.	<b>Parish:</b>	None
<b>Map Ref:</b>	365072 175573	<b>Ward:</b>	Staple Hill
<b>Application Category:</b>	Certificate of Lawfulness	<b>Target Date:</b>	26th January 2018



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PK17/5616/CLP

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

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

### **1. THE PROPOSAL**

- 1.1 The applicant is seeking a formal decision as to whether the proposed installation of a rear dormer and 3no. front elevation rooflights to 85 Seymour Road, Staple Hill would be lawful.
- 1.2 The application is a formal way of establishing whether the proposal requires planning permission or not. Accordingly there is no consideration of planning merit, the decision is based solely on the facts presented.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
Town and Country Planning (General Permitted Development) (England) Order 2015, Schedule 2, Part 1, Class 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 None Relevant

### **4. CONSULTATION RESPONSES**

- 4.1 Local Councillor  
No Comment

#### **Other Representations**

- 4.2 Local Residents  
No comments received

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

- 5.1 Existing and proposed Elevations  
The Location Plan

(Received by Local Authority 01 December 2017)

## 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 rear dormer and 3no. front elevation 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 or Q of Part 3 of this Schedule (changes of use)**

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

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

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

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

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

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

The property is a terraced house and the proposal would result in an additional volume of no more than 40 cubic metres.

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

The proposal would include none of the above.

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

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

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

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

Submitted plans confirm materials of similar appearance.

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

The rear dormer would be approximately 0.5 metres from the outside edge of the eaves of the original roof respectively. Additionally, the proposal does not protrude beyond the outside face of any external wall of the original dwellinghouse.

- (c) any window inserted on a wall or roof slope forming a side elevation of the dwellinghouse must be –
  - (i) obscure-glazed, and
  - (ii) non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed.

Plans show no proposed side windows.

## **7. RECOMMENDATION**

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

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

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

## CIRCULATED SCHEDULE NO. 03/18 - 19 JANUARY 2018

<b>App No.:</b>	PK17/5630/CLP	<b>Applicant:</b>	Mr Shaun Thornhill
<b>Site:</b>	32 Coombes Way North Common Bristol South Gloucestershire BS30 8YP	<b>Date Reg:</b>	20th December 2017
<b>Proposal:</b>	Certificate of lawfulness for a proposed single storey rear extension.	<b>Parish:</b>	Bitton Parish Council
<b>Map Ref:</b>	367651 171849	<b>Ward:</b>	Oldland Common
<b>Application Category:</b>	Certificate of Lawfulness	<b>Target Date:</b>	29th January 2018



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PK17/5630/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 single storey rear extension to 32 Coombes Way, North Common 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.
- 1.3 Having looked at the planning history of the site, it is entirely clear which application the dwelling was originally constructed under. The balance of evidence would suggest that it is the most recent application for the dwelling (K670/23) which has no restriction to permitted development rights. This does not appear to be a reserved matters application; therefore, in this case, it is considered that the dwelling's permitted development rights are intact.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
Town and Country Planning (General Permitted Development) (England) Order 2015, 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 K5572 Conversion of garage to living room and construction of front porch. Permitted September 1987.
- 3.2 K670/23 Erection of 38 dwellings, and associated garages. Permitted January 1981.

### **4. CONSULTATION RESPONSES**

- 4.1 Bitton Parish Council  
No comment

## **Other Representations**

- 4.2 Local Residents  
No comments received

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

- 5.1 Existing Ground Floor Plan 01  
Proposed Ground Floor Plan 02c  
Proposed Rear Elevation 03b  
Proposed Side Elevation 04c  
Proposed Side Elevation 05  
(Received by Local Authority 04 Dec 2017)

## **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 in this instance is to determine whether the proposal falls within the permitted development rights afforded to householders under Schedule 2, Part 1, Class A of the GPDO (2015).

- 6.3 The proposed development consists of a single storey extension to the rear of property. This development would fall within Schedule 2, Part 1, Class A, 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 or Q of Part 3 of this Schedule (changes of use)**

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

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

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

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

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

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

The height of the eaves of the rear extension would not exceed the height of 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 does not extend beyond a wall which fronts a highway or forms the principal elevation 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, or**  
**(ii) exceed 4 metres in height;**

The proposal does not extend beyond the rear wall of the original dwellinghouse by more than 4 metres, or exceed 4 metres in height.

- (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 the boundary, however the eaves would not exceed 3 metres in height.

- (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 proposal does not extend beyond a side wall of the original dwellinghouse.

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

The proposal does not include any of the above.

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

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

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

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

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

The submitted plans indicate that the proposed extension would be finished in materials to match existing. As such, the proposal meets this criterion.

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

Not applicable.

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

Not applicable.

**7. RECOMMENDATION**

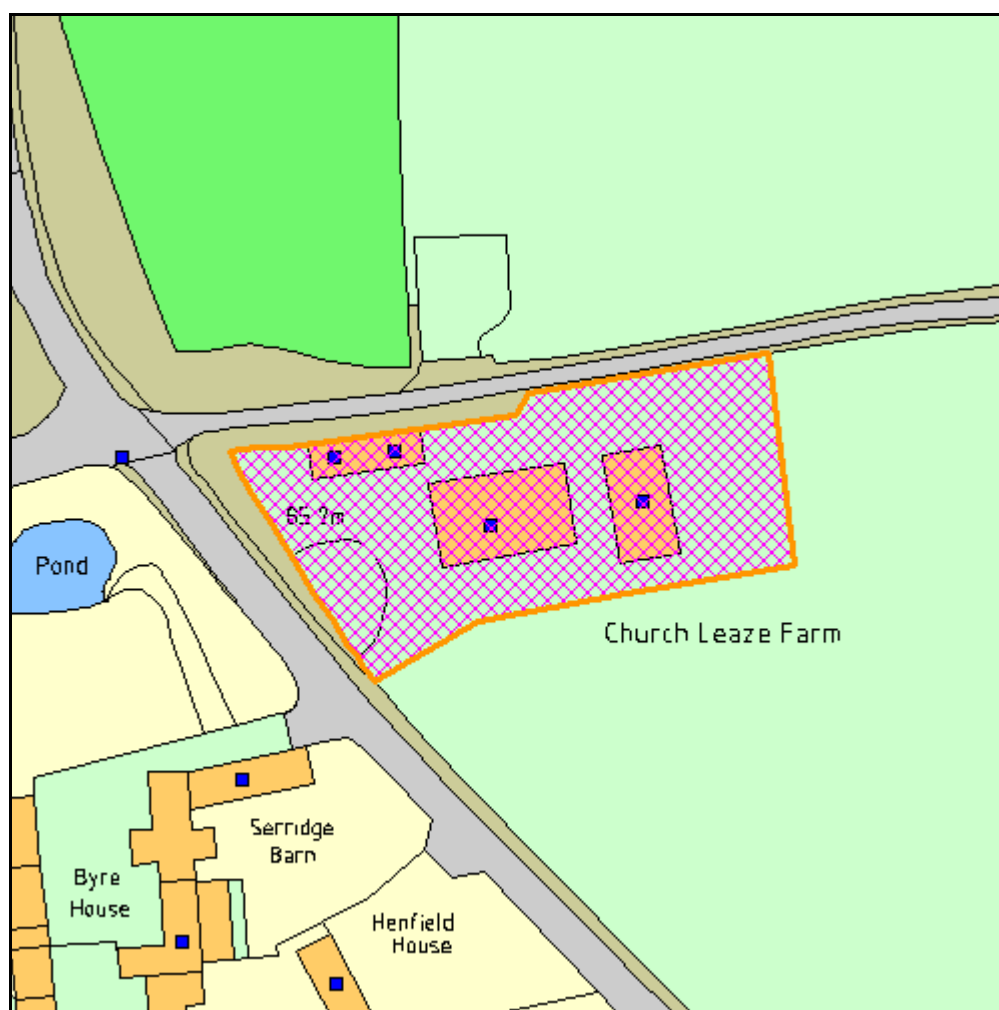
- 7.1 That a certificate of Lawfulness for Proposed Development is **granted** for the reasons listed below:

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

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

## CIRCULATED SCHEDULE NO. 03/18 – 19 JANUARY 2018

<b>App No.:</b>	PT17/1892/F	<b>Applicant:</b>	Messrs M, E, J & A Bracey
<b>Site:</b>	Church Leaze Farm Henfield Road Coalpit Heath Bristol South Gloucestershire BS36 2UY	<b>Date Reg:</b>	25th May 2017
<b>Proposal:</b>	Demolition of existing buildings. Erection of 4 no. dwellings, car port and associated works.	<b>Parish:</b>	Westerleigh Parish Council
<b>Map Ref:</b>	367437 179778	<b>Ward:</b>	Westerleigh
<b>Application Category:</b>	Minor	<b>Target Date:</b>	18th July 2017



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 100023410, 2008.

N.T.S.

PT17/1892/F

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

This report appears on the Circulated Schedule following an objection from a local resident. Following the receipt of revised plans, no additional comments have been received from the Parish Council, but for the sake of completeness they are being included within the report.

### **1. THE PROPOSAL**

- 1.1 The applicant seeks full planning permission for the erection of 4no. new dwellings, car ports and associated works. The application site relates to an existing light industrial site with a mixture of Class use B1c, B2 and B8 uses, located outside the settlement boundary of Coalpit Heath, in the countryside and in the Bristol/Bath Green Belt.
- 1.2 To facilitate the development existing buildings on site would be demolished.
- 1.3 During the course of the application the amount of development on site has been reduced from 5 no. to 4no, dwellings to overcome design concerns. The red edge has also been reduced in size.
- 1.4 The applicant requested further time to address the concerns raised by the Coal Authority and revised plans were submitted.

### **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	Presumption in Favour of Sustainable Development
CS5	Location of Development
CS8	Improving Accessibility
CS9	Managing the Environment and Heritage
CS13	Non-safeguarded Economic Development Sites
CS15	Distribution of Housing
CS16	Housing Density
CS17	Housing Diversity
CS18	Affordable Housing

##### **South Gloucestershire Local Plan: Policies, Sites and Places Plan Adopted 8<sup>th</sup> November 2017**

PSP1	Local Distinctiveness
PSP2	Landscape
PSP7	Development in the Green Belt
PSP8	Residential Amenity
PSP10	Active Routes
PSP11	Development Related Transport Impact Management

PSP16	Parking Standards
PSP17	Heritage Assets and the Historical Environment
PSP21	Environmental Pollution and Impacts
PSP40	Residential Development in the Countryside
PSP43	Private Amenity Space Standards

### 2.3 Supplementary Planning Guidance

Residential Parking Standard SPD (Adopted) December 2013  
 South Gloucestershire Design Checklist SPD (Adopted) August 2007  
 South Gloucestershire Council SPD: Green Belt (Adopted) 2007  
 South Gloucestershire Landscape Character Assessment (adopted Nov 2014):  
 LCA 12 Westerleigh Vale and Oldland Ridge

## 3. RELEVANT PLANNING HISTORY

- |     |                            |  |
|-----|----------------------------|--|
| 3.1 | PT13/4282/CLE              | Certificate of Lawfulness for the existing change of use of agricultural buildings to mixed Class B1, Equestrian and Class B8<br><br>19.5.14       |
|     | Approved<br>Split decision |  |
| 3.2 | P88/3196                   | Provision of golf driving range on 7.3 acres (3 hectares ) of land together with associated booths, club house, car park and access<br><br>13.4.89 |
|     | Refused                    |  |

## 4. CONSULTATION RESPONSES

### 4.1 Westerleigh Parish Council

Objection:

- a) This is Green Belt land
- b) This plot of land is on a very dangerous road location on bends and junctions with limited visibility of potential access points.
- c) Part of development shows properties and access points on the single track road Serridge Lane which is much used as a Bridleway and cycleway. This would cause difficulty of access and disruption to public, for services during construction and afterwards such as Waste Collection, Emergency Services, delivery vehicles etc
- d) Over-development ie the number of properties on the piece of land
- e) The proposed size of each individual plot is not in keeping with surrounding properties and environment which have much larger gardens and grounds.

*Update:*

*No comment has been received on the updated plans*

### 4.2 Other Consultees

#### Environmental Protection

No objection but the development is on potentially contaminated land and if approved conditions are to be attached to the decision notice.

### Landscape

No visual landscape objection but concern regarding loss of traditional stone building. If approved landscape conditions to be attached to the decision notice.

### Public Rights of Way

#### Objection:

This development may affect the nearest recorded public right of way, restricted byway ref. LWE36/10 which runs concurrent with Serridge Lane on the northern boundary of the property.

A restricted byway has rights shared by equestrians, horse and carriage drivers, cyclists and pedestrians. This is a popular recreational link and in close proximity to the SGC Local Plan Policy LC12 route LWE35, also known as the Dramway Footpath. There are concerns that the narrow lane is inadequate to accommodate the proposed access for 4 new dwellings and that the additional movements of residents, visitors, delivery and service vehicles will create unacceptable hazards for users of the rights of way

#### *Updated comments:*

*The revised plans retain the access off the narrow Serridge Lane which is class 5 minor highway and restricted byway on the Definitive Map. For this reason the previous comments submitted 7 June 2017 still stand. PROW would want to see mitigation for vehicular access to the residential properties off this minor narrow lane to protect the vulnerable users.*

### Highway Structures

No objection subject to an informative should the application be approved

### Housing enabling team

Affordable Housing is sought in line with the policy CS18 of the Council's adopted Core Strategy Development Plan Document. This application generates an affordable housing requirement of 1 affordable home to be provided on site without any public subsidy.

#### *Updated comments:*

*The reduction in the number of units on the site means the scheme falls below the threshold for affordable housing*

### Community Infrastructure

The scheme falls below SGC threshold for s106 contributions to open space.

### Drainage comments

No objection in principle subject to conditions regarding SUDS

### Ecology

The buildings do not provide suitable roosting opportunities for bats, and limited opportunities for nesting birds.

There is no ecological objection to this application subject to conditions attached to the decision notice.

### Sustainable Transport

Additional information required:

- a. An assessment of access to the site by all modes of transport including a forecast of the number of vehicular movements associated with the site together with an assessment of the potential impact on the local highway network.
- b. A full assessment of the arrangements to allow refuse to be collected from the site. There may be a requirement for the provision of suitable turning space to allow service vehicles to turn round on-site before joining the adjacent highway network. In which case, Auto-track details are likely to be required to demonstrate this can be successfully accomplished.
- c. The detail of all new on-site highways and any off-site amendments, especially if it is intended that they be adopted. All highways which are to be adopted must be the subject of approval by the Council and must also be subject to appropriate safety audit procedures

*Updated comments:*

*Although the latest information was limited, it is considered likely that the refuse collection could be carried out from the public highway. Hence, no objection to this application.*

### Coal Authority

Objection:

The application site falls within the defined Development High Risk Area; therefore within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application. The Coal Authority's records indicate that a mine entry (shaft, CA ref. 367179-012) is located adjacent to the western application site boundary. The applicant should be required to carry out intrusive site investigation works, subject to obtaining Coal Authority permission, to establish the precise location and condition of the recorded mine entry and the implications for the layout and design for their development proposal. Appropriate remedial, preventive and mitigatory measures should then be proposed to address any issues of land instability, alongside any necessary revisions to the site layout.

*Updated comments:*

*Following revised details the objection is withdrawn subject to a condition and an informative attached to the decision notice.*

*The Coal Authority is satisfied that the remedial measures proposed by the applicant following intrusive site investigation works as set out in the letter report from GRM Development Solutions Ltd (dated 3 January 2018) are appropriate to address the coal mining legacy issues present on the application site.*

### Esso Petroleum Company Ltd

No objection provided the proposal adheres to the 'Special Requirements for Safe Working' and the covenants contained in the Deed of Grant associated with Esso Petroleum Co Ltd and this site.

## **Other Representations**

### **4.3 Local Residents**

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

- Green Belt location
- Over development
- Poor access for 4 of the dwellings – Serridge Lane is single track and also on a sharp bend

*Update:*

*No comment has been received on the updated plans*

## **5. ANALYSIS OF PROPOSAL**

### **5.1 Principle of Development**

The proposal stands to be assessed against the above listed policies and all other material considerations. Of particular importance is the location of the site within the Green Belt and outside any settlement boundary. Policy CS5 of the adopted Core Strategy directs where development should take place and states that development in the Green Belt will need to comply with the provisions of the NPPF or relevant Local Plan policies in the Core Strategy. Policy CS5 also notes that development within the open countryside will be strictly limited. Similarly, Policy CS34 'Rural Areas' of the Core Strategy aims to protect the designated Green Belt from inappropriate development and maintain settlement boundaries defined on the Policies Map around rural settlements. Policy CS13 deals with development on non-safeguarded economic development sites.

### **5.2 Five year land supply**

Paragraph 49 of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development. The paragraph goes on to suggest that if the Local Planning Authority cannot demonstrate a five-year supply of deliverable housing sites then their relevant policies for the supply of housing should not be considered up-to-date. It is acknowledged that South Gloucestershire cannot demonstrate a five year housing land supply. This means paragraph 49 of the NPPF is engaged. With reference to this proposal policies CS5 and CS34 of the adopted Core Strategy are therefore considered not to be up-to-date for the purposes of the NPPF. Regardless, the starting point for any decision-taker is the adopted Development Plan, but the decision-taker is also required to consider the guidance set out within paragraph 14 of the NPPF and what weight should be given to these respective policies. Paragraph 14 declares a presumption in favour of sustainable development, and states that proposals that accord with the development plan should be approved without delay, and where relevant policies are out-of-date planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF.

- 5.3 Paragraph 14 goes on to state that specific policies within the NPPF indicate development should be restricted. One such policy relates to land designated as Green Belt and only development which meets a set of criteria can be regarded as being appropriate development in the Green Belt. The scheme under consideration here is the redevelopment of previously developed land which is one of the appropriate types of development listed in the NPPF, provided it would not have a greater impact on the openness over the existing situation. As will be seen in the forthcoming report (which sets out the detailed reasoning) the scheme meets this specific policy test, as it is concluded that it constitutes appropriate development in the Green Belt. The assessment then returns to the first limb of paragraph 14 test on the basis of the 'tilted' balance with the presumption in favour of sustainable development.
- 5.4 The proposal is for four new dwellings to be located on land currently in use as light industrial. The question remains whether this proposal would constitute sustainable development in terms of the NPPF advice. Regard has been given to paragraph 55 of the NPPF. This tells us that isolated homes in the countryside should be avoided. Settlement boundaries are guiding tools with the main function perhaps of restricting unacceptable development in rural locations. It is acknowledged that there are limited services in this part of Coalpit Heath itself but there are amenities such as schools, doctors' surgery and shops in the village of Coalpit Heath between 0.5 and 1 mile away. The nearest bus stop is directly outside the site which connects to Coalpit Heath and beyond. The town of Yate around .3.5 miles away with a large selection of shops and rail links. Kendleshire Golf Club provides some facilities within walking distance of the site.
- 5.5 On this basis, the site is not so remote that it could be called isolated development in the countryside. Planning applications are always assessed on their own merits and this instance is no exception. The unique circumstances of this individual site are recognised and are considered sufficient to warrant awarding weight in favour of the proposal being appropriate development in the Green Belt. While weight is given in favour of the scheme for this reason it must be recognised that four dwellings would only be of limited benefit to the economy in terms of construction and the use of local businesses, of minimum benefit to the community in terms of scale of development and social contribution. It therefore attracts limited weight in its favour for these reasons.
- 5.6 The submitted details include a statement which indicates that Planning application PT13/4282/CLE established the mixed commercial use of the site under a certificate of lawfulness. It is stated that the present use of the site comprises Class B1(c), B8, B2 and equestrian/stabling/livery.
- 5.7 However, when reviewing the details, planning application PT13/4282/CLE was a split decision being partly approved and partly refused. It was approved that buildings A1 and A2 had a Class B1c use, Buildings B and C1 had a B8 use, Building D had a mixed B2 and B8 use and there being not more than 5 cars and 3 lorries on the site for a continuous period of 10 years prior to the date of the application. In addition the decision indicated that evidence had failed to show that Building A1 had been used for stone masonry falling in Class Use

B2, that Building C2 had been used for equestrian stables purposes and that Yard E had been used for open air storage.

- 5.8 It is noted that Part 3 Class P and Class PA of the Town and Country Planning (General Permitted Development) (England) Order 2015 is relevant. Class P allows for the change of use of a building and any land within its curtilage from a use falling within Class B8 to a use falling within Class C3 and Class PA allows for the change of use of any building and any land within its curtilage from a use falling within Class B1 (c) to Class C3 dwellinghouse. This is a material consideration in terms of residential use of the site. There is some potential for a fall back position for residential uses under the permitted development rights. However this proposal would result in a wholesale redevelopment of the site into purpose built dwellings rather than conversions of the existing buildings.

5.9 Loss of employment

The scheme would result in the loss of an employment site, but it is not listed in Policy CS12 as being a safeguarded employment site. Policy CS13 deals with non-safeguarded economic development sites within the settlement boundaries and villages as defined on the Proposals Map. This policy has a sequential test stating that development will not be allowed unless all attempts to secure a suitable economic re-use have failed. Under such circumstances priority will be given to firstly, a mixed use scheme and secondly a residential only scheme. It is however, noted that the site is outside a settlement boundary and as such the policy is not directly applicable. Moreover the NPPF does not require such tests when assessing the change of use of an employment site, nevertheless, some weight is given against the scheme for the loss of existing employment opportunities in the countryside.

5.10 Green Belt – impact on openness

Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 89 of the NPPF sets out exception categories where the construction of new buildings within the Green Belt should be considered to be appropriate development. One of these exception categories is *'the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development'*..

- 5.11 As discussed above, the proposed development would in the first instance be the redevelopment of previously developed land and meet this part of the criteria. With regards to the second element, the difference between the existing and proposed situation can be compared to determine the potential impact on the openness of the Green Belt. Currently the site is occupied by number of large agricultural buildings plus other items and vehicles either stored or discarded around them and the smaller stone workshop in one corner. The proposal is for 4no. dwellings to be spread across the site. In their entirety these would occupy a smaller footprint and have a smaller massing than the existing agricultural buildings currently on the site. There will be a reduction in hardstanding and outside storage, and the garden areas proposed

are likely to contribute towards greater openness. On this basis the scheme would not have a greater impact on the openness of the Green Belt over and above the existing situation and would therefore be appropriate development in the Green Belt. Weight is therefore awarded in its favour.

5.12 **Proposal**

This application is for the demolition of existing buildings and the erection of 4no. new dwellings with car ports and associated works.

5.13 **Design and Visual Amenity**

Revised plans have indicated that four houses are proposed on this site. This is considered an appropriate number of new dwellings for this location given the constraints of the site which include the presence of the Esso Petroleum pipeline.

5.14 The application site is on the corner of Henfield Road and Serridge Lane. The proposal indicates that of the four houses Plots 1, 2 and 4 would be two-storey and Plot 3 would be single storey. Plot 4 would use an existing access off the main road, Henfield Road while the other three would use an existing access off Serridge Lane. Plots 1, 2 and 3 would form a courtyard grouping with associated parking to the front of each dwelling within individual car ports. Plot 4 would have its carport to the side.

5.15 Each property would sit within a good size garden and each would be of a different style. The properties would be individual in appearance, with the intention of being 'barn-like', designed to reflect the rural character of the area by

5.16 It is considered that the scheme has now responded positively to the site and its location to achieve an appropriate scheme.

5.17 Five dwellings would represent a cramped form of development which would not be supported here, but the four houses are considered appropriate to the size of the plot and the immediate surroundings. In terms of its design, scale and massing the proposed dwellings are acceptable and to ensure their successful integration conditions will be attached requesting materials be approved by the LPA. It is considered reasonable that the plans be conditioned.

5.18 **Residential Amenity**

Closest residential dwellings are on the other side of the main road but screened by mature planting. Each of the four new dwellings would have private amenity space which would comply with the standards adopted in PSP43. Plots 1 and 3 would be directly opposite each other with Plot 2 perpendicular to these two. Plans indicate the distance between Plots 1 and 3 would be around 19 metres, and the proposed car ports and parking for each property would help to avoid inter-visibility or overlooking. The rear of Plot 4 would be at around 15 metres distant from the south side of Plot 3. This side elevation would comprise the corridor serving the three bedrooms of this single storey dwelling. As such the main bedroom windows would be in the north elevation facing and close to the road. It is acknowledged that the house would

be set back a little from the road side but the boundary treatment in this location would be an important consideration. Fencing would not be appropriate and a stone wall around 1.5-1.8 metres in height already forms part of this boundary further to the east. A condition requiring both hard and soft landscaping would secure an appropriate height for a wall here to protect the residential amenity of future occupants.

- 5.19 The site does not have any close neighbours, some screening by existing boundary treatments is noted and a landscape condition would ensure the appropriateness of additional boundaries to the site in this Green Belt and rural location.

5.20 *Sustainable Transport*

The proposal is for four new dwellings, three to be accessed off Serridge Lane and one off Henfield Road, the main road. The site is served by two existing access points, one on each of these highways. In response to queries raised regarding trip generation additional details were provided. In the overall assessment it must be noted that the site is already used for B1c, B2 and B8 uses plus the equestrian uses as stated in submitted details. The agent suggests, by using TRICS (Trip Rate Information Computer System) database, that the size of the site would generate around 76 vehicle movements per day whereas the entire new residential development would usually generate about 49 vehicle movements per day.

- 5.21 The extrapolated TRICs data, parking standard and general assessment all point towards a higher level of comings and goings with the existing use than would reasonably be envisaged to result from the proposed redevelopment.

- 5.22 It is furthermore stated by applicant, that the majority of existing vehicles access the site from Serridge Lane point. Under this proposal three of the four houses would use this access, again reducing the amount of traffic moving in and out of the site at this point.

- 5.23 With regards to the collection of refuse, the agent has argued that service vehicles already collect commercial waste from the site. However, this development will change the on-site space for refuse collection so a direct comparison cannot be made. It has been stated that there is sufficient space alongside both access points to accommodate a future domestic kerbside collection, where individual waste bins (and recycling) are kept within the house's curtilage, only being moved out on collection days. Other domestic collections in this area, beyond the site and its main road are noted, so turning may not even be required.

- 5.24 Following the submission of additional information which is considered to address the areas of concern highlighted in consultee comments, the proposed access arrangements for the new dwellings, the on-site parking provision and the proposed refuse collection arrangements are considered acceptable.

5.25 Landscape

*“The Westerleigh Vale and Oldland Ridge landscape character area comprises a diverse and intricate mix of farmland, settlement, roads, commons and industrial heritage”. LCA 12.*

5.26 The LCA 12 landscape strategy in summary requires the following:

- *Management of hedgerows and hedgerow trees*
- *Avoid the introduction of fencing*
- *Reinforce biodiversity and landscape character*

5.27 Despite being under pressure from development, formal recreation and traffic the area retains a largely rural character with hedgerows, pasture and scattered woodland. The site itself is not good visually; comprised mainly of poorly maintained modern farmyard buildings. The location of the site in the Green Belt is noted and given that the site is already developed it is felt that the proposed development should not have a significant adverse effect on the visual landscape and this respect there is no objection. The general character of the well-spaced, surrounding dwellings is recognised and it is therefore acknowledged that the reduction in the number of dwellings proposed is more in keeping with the character of the landscape.

5.28 The site is in close proximity to the Dramway (a Major Recreational Route to the east) and the landscape design should be mindful of this. It is therefore considered reasonable that prior to commencement of development a landscape scheme shall be submitted for assessment and should enhance the setting of the development and contribute to the amenity of the wider landscape and public realm.

5.29 Public Right of Way

It is recognised that Serridge Lane is a restricted byway that has rights shared by equestrians, horse and carriage drivers, cyclists and pedestrians. Comments received have suggested that mitigation measures are required on this narrow lane to protect vulnerable users.

5.30 The safety of users of the highway is very important. However, in this case the development proposes using an existing access, one that has been shown to be in use by a variety of vehicles, some of which are of a considerable size. The evidence submitted indicates that the situation would not be worsened by the change of use to a residential development and would in fact reduce the number of vehicles using this access point.

5.31 Furthermore, any conditions attached to a planning decision must pass the tests set out in the NPPF which include being reasonable, proportionate and necessary to make the development acceptable. It is considered that the introduction of measures to mitigate as suggested would fail to meet these tests and cannot be conditioned.

5.32 Coal Authority

Coal Authority records indicated coal mining features/hazards within the application site, specifically a mine shaft adjacent to the western boundary. Any form of development over or within the influencing distance of a mine entry could raise safety, engineering and financial liabilities for all parties. Site investigation works were requested and remedial, preventative and mitigatory measures to form part of the risk assessment report.

5.33 Following a re-design of the scheme and further information the Coal Authority accept the findings of a report from GRM Development Solutions Ltd confirming the shaft is located off site, beyond the western boundary. The report acknowledges that the zone of influence of the shaft encroaches into Plot 4 and deepening and reinforcing of foundations would ensure ground movement associate with the shaft would not compromise the new dwelling.

5.34 The report indicates that mine gas emissions pose a negligible risk, but the Coal Authority query how this conclusion has been reached. Mine shafts represent possible pathways for the migration of mine gases and therefore further consideration of the potential risk posed by mine gas and any resultant need for the installation of gas protection measures within the dwelling at Plot 4 need to be considered under Building Regulations. Should any unrecorded mine entries be encountered appropriate treatment i.e. filling and capping will be required and may entail revisions to the site layout.

5.35 The Coal Authority is satisfied and that the remedial measures as set out in the letter report by GRM Development Solutions Ltd are appropriate to address the coal mining legacy issues and subject to a condition regarding the full implementation of the mitigatory measures prior to the first occupation of Plot 4, the application is acceptable.

5.36 Housing Enabling

It is noted that this scheme has been reduced in size from an original 5 no. new dwellings to 4 no. new dwellings. As such the level of housing does not fall within the threshold for affordable housing.

5.37 Flooding

The Environment Agency has three types of flood zone groupings which can be used as a starting point in determining how likely somewhere is to flood. In addition, different types of development have been classified as being either acceptable or unacceptable for each of the flood zones based on their vulnerability. The application site being assessed is located within Flood Zone 1 and this means it has been allotted as an area least likely to flood i.e having less than a 0.1% chance of flooding in any year. The proposed development is therefore acceptable subject to a SUDS condition to be attached to the decision notice.

5.38 Ecology

Ecological information in support of the application has been provided in a Protected Species Survey (AD Ecology, January 2017).

### Bats

The two modern agricultural buildings do not have any potential to support roosting bats.

The traditional stone building also did not have any potential features for bat roosting as the gable ends and ridge tiles were mortared and the stone walls pointed. Some recent damage from antisocial behaviour meant some roof tiles were missing, but not enough time had passed in the bat active season for it to be colonised by bats. No evidence of bats being present was found in any of the buildings.

### Birds

The nests of a dove species were recorded in the stable part of one of the agricultural buildings, although no other presence was detected.

### Other Species

No other protected species are expected to be present due to unsuitable habitat.

- 5.39 The buildings do not provide suitable roosting opportunities for bats, and limited opportunities for nesting birds. There are therefore, no ecological objections to the scheme subject to conditions regarding position of bird boxes and bat boxes as enhancement and compensation measures to prevent biodiversity loss, and enable biodiversity gain, through the proposed development.

5.40 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.

5.41 Planning Balance

Paragraph 14 states a presumption in favour of sustainable development, but directs decision makers to first consider specific policies. Land within the Green Belt falls under such consideration and development must firstly comply with set criteria before the 'tilted' balance argument can be made. In Green Belt terms the proposal met the test of being the *redevelopment of a brownfield site* which did not impact on openness over the existing situation. The scheme is therefore appropriate development. Having established the above, the decision maker can now return to weighing up the pros and cons of the scheme to reach an overall decision. The proposal would not have a negative impact

on immediate neighbours and neutral weight is given for this reason. The introduction of four new dwellings in this location would not have a severe highway impact and appropriate on-site parking can be achieved. Neutral weight is accordingly awarded. Some weight is given in favour of four new dwellings adding to the overall housing supply shortage. Appropriate conditions will limit the impact in ecological and landscape terms and neutral weight is awarded for this reason. In addition the concerns expressed by the Coal Authority have been overcome and appropriate conditions will be used to address the coal mining legacy issues associated with the site.

- 5.42 The above has provided a balanced assessment of the scheme which has clearly indicated that the proposal is considered acceptable and can be recommended for approval.

## **6. CONCLUSION**

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

## **7. RECOMMENDATION**

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

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

## **CONDITIONS**

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

Reason

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

2. The development shall proceed in accordance with the following plans:

As received by the Council on 25.7.17:

Car port plans - LPC/4010/SD1/10

As received by the Council on 16.10.17:

Site layout plan - LPC/4010/SD2/1

Plot 1 - Ground floor and first floor plans and elevations - LPC/4010/SD2/2  
Plot 1 - Elevations - LPC/4010/SD2/3  
Plot 2 - Ground floor and first floor plans and elevations - LPC/4010/SD2/4  
Plot 2 - Elevations - LPC/4010/SD2/5  
Plot 3 - Ground floor plans and elevations - LPC/4010/SD2/6  
Plot 4 - Ground and first floor plans and elevations - LPC/4010/SD2/7A  
Plot 4 - Elevations - LPC/4010/SD2/8

Reason

For the avoidance of doubt.

3. The historic use of the site as a farm and in association with coal mining may have caused contamination which could give rise to unacceptable risks to the proposed development. The following conditions should therefore be included in any approval.

A) Desk Study - Previous historic uses(s) of the site may have given rise to contamination. Prior to commencement, an investigation (commensurate with the nature and scale of the proposed development) shall be carried out by a suitably competent person into the previous uses and contaminants likely to affect the development. A report shall be submitted for the written approval of the Local Planning Authority prior to the commencement of development.

B) Intrusive Investigation - Where potential contaminants are identified under (A), prior to the commencement of development excepting necessary demolition works, an investigation shall be carried out by a suitably competent person to ascertain the extent, nature and risks the contamination may pose to the development in terms of human health, ground water and plant growth. A report shall be submitted prior to commencement of the development for the written approval of the Local Planning Authority setting out the findings (presented in terms of a conceptual model) and identify what mitigation measures are proposed to address unacceptable risks (Remediation Strategy). The resulting Remediation Strategy shall include a schedule of how the works will be verified (Verification Strategy). Thereafter the development shall proceed in accordance with any agreed mitigation measures. (Note (A) and (B) may be combined if appropriate).

C) Verification Strategy - Prior to occupation, where works have been required to mitigate contaminants (under section B) a report verifying that all necessary works have been completed satisfactorily shall be submitted to and agreed in writing by the Local Planning Authority.

D) 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.

Note: An appropriate investigation is likely to include the following:

- i) A comprehensive desk study to identify all potential sources of contamination both arising on-site and migrating onto site from relevant adjacent sources.
- ii) A comprehensive ground investigation including sampling, to quantify the extent and nature of contamination.
- iii) An appropriate risk assessment to determine the scale and nature of the risks to human health, groundwater, ecosystems and buildings arising from the contamination. This will normally be presented in the form of a conceptual model.
- iv) A report detailing the remediation options including the final proposals for mitigating any identified risks to the proposed development.
- v) All works should be carried out with reference to the most relevant, appropriate and up to date guidance.

**Reason**

This is a prior to commencement condition to avoid any unnecessary remedial action in future and to ensure that adequate measures have been taken to mitigate against contaminated land to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

- 4. Prior to first occupation, the location and type of two bat boxes and two bird boxes shall be submitted to the local planning authority for approval in writing and shall be installed according to the approved details.

**Reason**

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

- 5. Prior to the commencement of this part of the development details/samples of the roofing and external facing materials proposed to be used shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

**Reason**

To ensure a satisfactory standard of external appearance and 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 all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection during the course of the development; proposed planting (and times of planting); boundary treatments and areas of hardsurfacing shall be submitted to the Local Planning Authority for approval. Development shall be carried out in accordance with the agreed details.

**Reason**

This is a prior to commencement condition to avoid any unnecessary remedial action in future and to protect the character and appearance of the area to accord with Policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; Policy PSP7 of the Policies Sites and Places Plan (Adopted) 2017 and the National Planning Policy Framework.

7. Prior to the first occupation of Plot 4 the mitigatory measures outlined in Section 3.0 of the letter report from GRM Development Solutions Ltd (dated 3 January 2018) shall be fully implemented.

Reason

In the interests of residential amenity of occupiers and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; and the National Planning Policy Framework.

8. 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 and approved by the Local Planning Authority. The scheme shall proceed in accordance with the approved details.

A detailed development layout showing surface water and SUDS proposals is required as part of this submission.

We would expect to see the following details when discharging the above conditions:

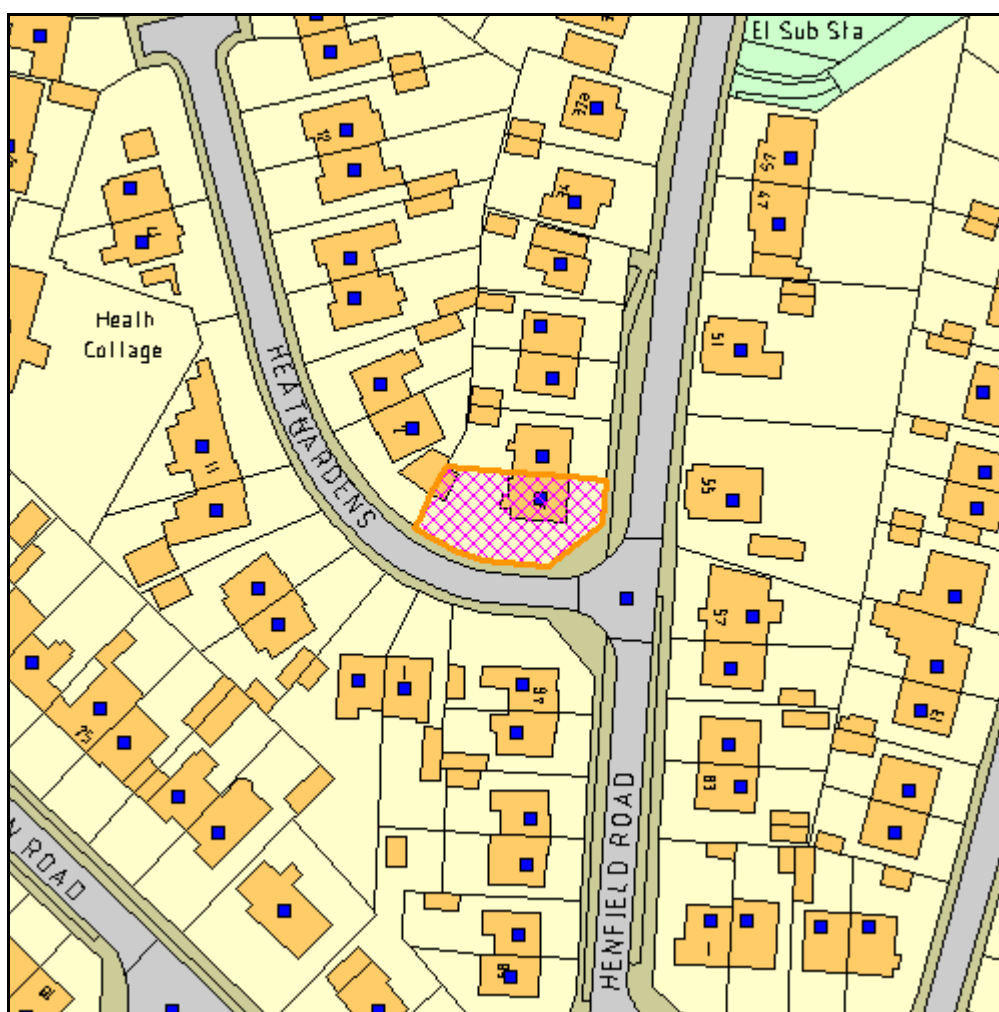
- o A clearly labelled drainage layout plan showing the exact location of any soakaways.
- o Evidence is required to confirm that the ground is suitable for soakaways. Percolation / Soakage test results as described in Building Regs H - Drainage and Waste Disposal
- o Evidence that the soakaway is appropriately sized in accordance with BRE Digest 365 Soakaway Design.
- o Sp.Note; - Soakaways must be located 5 Metres from any structure including the Public Highway
- o Sp. Note: - No surface water discharge will be permitted to an existing foul sewer without the expressed approval of the sewage undertaker.

Reason

This is a prior to commencement condition to avoid any unnecessary remedial action in future and to comply with Policy CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and National Planning Policy Framework 2012.

## CIRCULATED SCHEDULE NO. 03/18 – 19 JANUARY 2018

<b>App No.:</b>	PT17/2809/F	<b>Applicant:</b>	Mr Hillier
<b>Site:</b>	44 Henfield Road Coalpit Heath Bristol South Gloucestershire BS36 2TE	<b>Date Reg:</b>	12th July 2017
<b>Proposal:</b>	Sub-division of existing dwelling to form 2no dwellings with new pedestrian access and associated works.	<b>Parish:</b>	Westerleigh Parish Council
<b>Map Ref:</b>	367404 180432	<b>Ward:</b>	Westerleigh
<b>Application Category:</b>	Minor	<b>Target Date:</b>	1st September 2017



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PT17/2809/F

## **REASON FOR REPORT APPEARING ON CIRCULATED SCHEDULE**

This application is due to appear on the Circulated Schedule due to the objections of individual Parish Councillors, contrary to the Officer's recommendation.

### **1. THE PROPOSAL**

- 1.1 This application seeks planning permission for the sub-division of the existing dwelling to form 2no. dwellings with new pedestrian access and associated works.
- 1.2 The application site comprises a modest semi-detached bungalow located within the settlement boundary of Coalpit Heath, an established residential area. The property has an existing rear garage with hardstanding in front for the parking of 1no. vehicle and a rear private garden.
- 1.3 During the course of the application, revised plans in relation to the proposed parking arrangement and private gardens have been submitted to overcome Officer's concerns. The application will be assessed based on the submitted revised plans.
- 1.4 It is noted that the 'Combined Existing' plan has not been available to the public for inspection since the registration stage. To remedy this, a 21 day re-consultation has been issued immediately.

### **2. POLICY CONTEXT**

#### **2.1 National Guidance**

National Planning Policy Framework March 2012  
National Planning Practice Guidance

#### **2.2 Development Plans**

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

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

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

PSP1 Local Distinctiveness  
PSP8 Residential Amenity  
PSP11 Transport Impact Management  
PSP16 Parking Standards  
PSP38 Development within Existing Residential Curtilages  
PSP39 Residential Conversions, Subdivision and HMOs

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

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

- 3.1 PT13/1453/F  
Erection of single storey side and rear extension to form additional living accommodation. Amendment to previously approved scheme PT12/3360/F to include 3 no. windows to the south elevation.  
Approval  
12.08.2013
- 3.2 PT12/3360/F  
Erection of single storey side and rear extension to form additional living accommodation.  
Approval  
12.12.2012

### 4. **CONSULTATION RESPONSES**

- 4.1 Westerleigh Parish Council  
No comment
- 4.2 Parish Councillors  
Objections have been received from 2 individuals who are also Westerleigh Parish Councillors, however it is not considered that they purport to be making comments on behalf of the Parish Council. Their concerns are summarised as follows:
- would increase parking pressure on street, harming highway safety
  - unauthorised front driveway
- 4.3 Other Consultees
- Highway Structures  
Attach informative advising applicant what to do if the application includes:
- a structure that will support the highway or land above a highway; or
  - a boundary wall alongside the public highway or open space land.
- Lead Local Flood Authority  
No objection
- Sustainable Transport  
No objection

## **Other Representations**

- 4.4 **Local Residents**  
None received

## **5. ANALYSIS OF PROPOSAL**

### **5.1 Principle of Development**

The application site is located within the existing settlement of Coalpit Heath where, under policy CS5, new development is directed. As such the principle of development in this location is acceptable, but significant weight will be given to the positive impact of additional housing given the Council's lack of 5-year land supply and any adverse impact will be balanced against this. In addition the proposal would make more efficient use of the land, and contribute to a greater mix of housing size in the immediate area. The scheme must also demonstrate that it reaches a high standard of design and would not have unacceptable impacts on area character, residential amenity and highway safety. This analysis is set out in the report below.

### **5.2 Design**

The proposal mainly comprises internal work with some external alteration in the form of a front door and rear window in unit 2. The existing dwelling has four bedrooms, bathroom and a kitchen/living area. The proposed layout would involve subdividing the unit, installing a separate entrance for unit 2 and creating one double bedroom, a bathroom and open plan kitchen/lounge. The lounge will have double French doors opening out onto an existing terrace down to the new rear garden. The Officer suggested dividing the rear garden evenly into two private gardens with a central boundary treatment so house 1 will have more amenity space. The existing rear garage will become storage for this unit. Overall, the proposed physical alterations to the bungalow are considered acceptable.

### **5.3 Residential Amenity**

Residential amenity should not be prejudiced as a result of development. Careful consideration is required regarding the living accommodation to be created and the effect on neighbouring occupiers given that the dwelling would be sub-divided into two smaller units. The external alterations are minor and would not harmfully impact any nearby residents. The amenity space provided for both units is considered acceptable. Overall, the proposal will provide acceptable living conditions for future occupiers and will not prejudice existing levels of residential amenity.

### **5.4 Transport**

Parish Councillors have commented that the present off-street parking for two vehicles off Henfield Road is unauthorised. There is no evidence within the Council's planning history to contradict this view. In this regard, the proposal will include regularisation of this existing hardstanding area which is proposed for the two-bed bungalow. The existing vehicular parking off Heath Gardens will remain for the one-bed bungalow.

- 5.5 Following earlier transportation comments in the process, detail was submitted demonstrating the proposed boundaries for the site. Officers are now satisfied with the proposal as submitted. The proposed vehicular parking also complies with the Council's residential parking standards. In light of the above, no transportation objection is raised to the proposed development.
- 5.6 Officers have noted the concerns raised by Parish councillors regarding the subdivision placing additional parking pressure on the public highway within the immediate area. However, the Highway Officer raises no objection to the development on this basis.
- 5.7 **Equalities**  
The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society. As a result of that Act the public sector Equality Duty come 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.
- 5.8 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.
- 5.9 The local planning authority is statutorily required to apply the Equality Duty to its decision taking. With regards to the Duty, the development contained within this planning application is considered to have neutral impact.
- 5.10 **Overall Planning Balance**  
The proposed development would contribute 1 dwelling towards housing supply in the district. This is a benefit of the proposal. The site would also see the redevelopment of a existing residential curtilage, which is generally accepted as an environmentally sustainable form of development.
- 5.11 There would be economic and social benefits from providing housing in the rural settlement. Overall, there would be benefit resulting from the development if permitted which should be given moderate weight.
- 5.12 Minimal harm has been identified through this analysis. Although some operational development would be required to facilitate the conversion, it is not so significant that it would outweigh the benefit of the proposal.
- 5.13 Therefore, the planning balance falls in favour of permitted the proposed development.

## **6. CONCLUSION**

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

- 6.2 The recommendation to grant permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan Policies, Sites and Places Plan (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 It is recommended that planning permission is GRANTED subject to the attached conditions:

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

## **CONDITIONS**

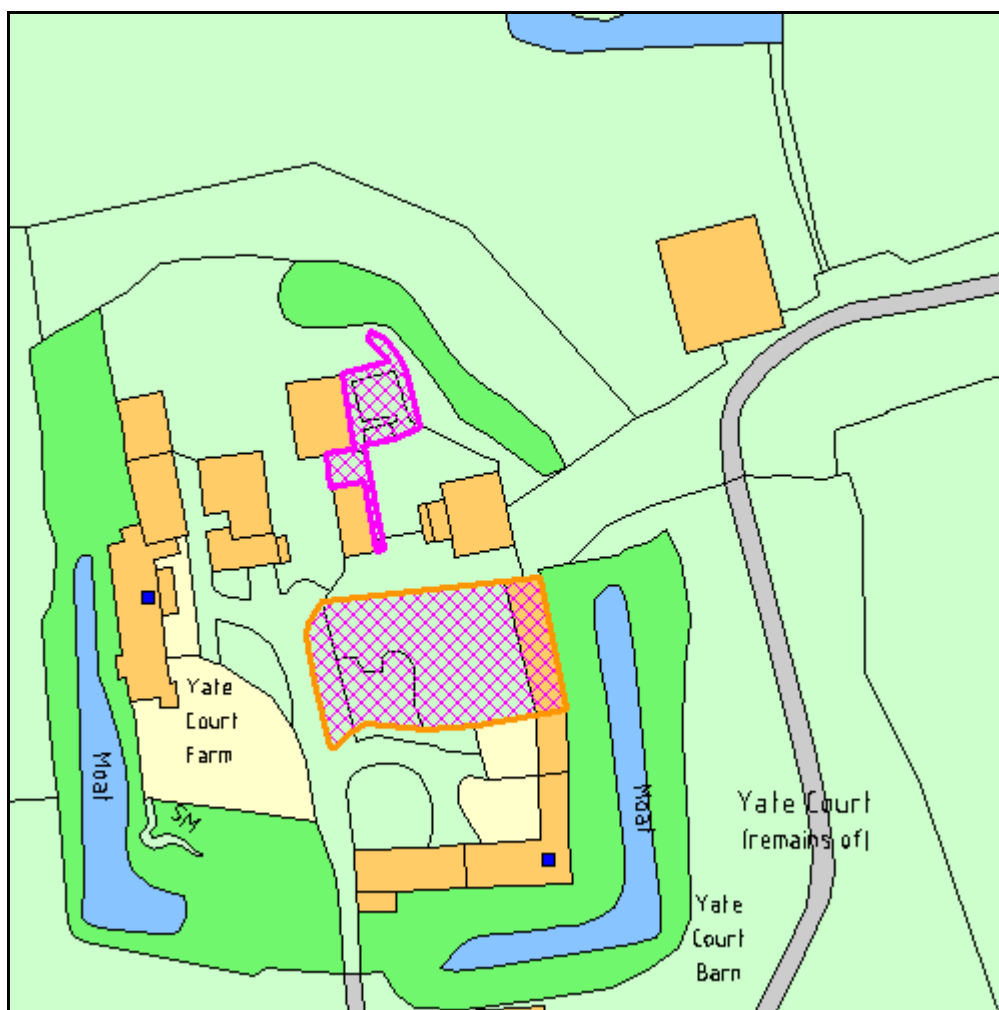
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason

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

## CIRCULATED SCHEDULE NO. 03/18 – 19 JANUARY 2018

<b>App No.:</b>	PT17/3586/F	<b>Applicant:</b>	Mr Ivan Oakes
<b>Site:</b>	Yate Court Farm Limekiln Road Yate Bristol South Gloucestershire BS37 7QB	<b>Date Reg:</b>	31st August 2017
<b>Proposal:</b>	Conversion of existing storage building to form 1no. dwelling and stabilising repairs to ruin.	<b>Parish:</b>	Wickwar Parish Council
<b>Map Ref:</b>	371251 185971	<b>Ward:</b>	Ladden Brook
<b>Application</b>	Minor	<b>Target</b>	28th September
<b>Category:</b>		<b>Date:</b>	2017



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PT17/3586/F

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

This application has been referred to the Circulated Schedule as a S106 Legal Agreement is required to secure repair works to Yate Court Remains.

### **1. THE PROPOSAL**

- 1.1 This application seeks planning permission for the conversion of an existing storage building to a single residential dwelling at Yate Court Farm, on Limekiln Road, Yate.
- 1.2 The barn is a stone built building sited within the curtilage of three Grade II listed buildings; Yate Court Farmhouse, Yate Court Barn and Yate Court Remains. It is also located directly next to another similar converted building. The site is also located within close proximity of a Public Right of Way, which runs directly through the curtilage of the farmhouse. The proposal would involve the conversion of the existing building to a separate dwelling. The dwelling would retain the existing footprint, with an increase in the ridge roof level, providing a more suitable head height.
- 1.3 The site is located outside of any defined settlement boundary and is therefore in the open countryside. The original plans were not considered acceptable. After a long period of negotiation, updated plans were received on the 22nd November 2017, as well as a scheme of repairs to Yate Court Remains, which would be considered “enabling development”. A listed building application (PT17/3688/LB) accompanies this application. A pre-app was also submitted prior to this application; this pre-app stated that the scheme would be unlikely to gain approval, due to concerns regarding design and conservation.

### **2. POLICY CONTEXT**

#### **2.1 National Guidance**

Planning (Listed Buildings and Conservation Areas) Act 1990  
Planning (Listed Buildings and Conservation Areas) Regulations 1990 (as amended)  
National Planning Policy Framework March 2012  
National Planning Practice Guidance March 2014  
Managing Significance in Decision-Taking in the Historic Environment (GPA 2)  
The Setting of Heritage Assets (GPA 3)  
Historic England Advice Notes, in particular Note 2 - Making Changes to Heritage Assets

#### **2.2 Development Plans**

South Gloucestershire Local Plan: Core Strategy Adopted December 2013

CS1 High Quality Design  
CS4a Presumption in Favour of Sustainable Development  
CS5 Location of Development  
CS8 Improving Accessibility  
CS9 Managing the Environment and Heritage  
CS15 Distribution of Housing  
CS16 Housing Density

CS17 Housing Diversity  
CS23 Community Infrastructure and Cultural Activity  
CS34 Rural Areas

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

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
PSP40	Development in the Countryside
PSP43	Private Amenity Space Standards

- 2.3 Supplementary Planning Guidance  
Marshfield Conservation Area SPD (Adopted) 2004  
Design Checklist SPD (Adopted) 2007  
Residential Parking Standards SPD (Adopted) 2013

**3. RELEVANT PLANNING HISTORY**

- |     |  |                     |
|-----|--|---------------------|
| 3.1 | PT17/3688/LB   | Ongoing             |
|     | Conversion of existing storage building to form 1no. dwelling and stabilising repairs to ruin.                                       |                     |
| 3.2 | PK01/2942/F  | Approved 09.07.2003 |
|     | Conversion of redundant barns to dwelling (Re-submission of planning application P99/2359). Including the rebuilding of outbuilding. |                     |
| 3.3 | PK01/1363/LB   | Approved 09.07.2003 |
|     | Conversion of redundant farm buildings to 1no. dwelling. Including the rebuilding of outbuilding.                                    |                     |
| 3.4 | P99/2360/L   | Approved 12.10.2000 |
|     | Conversion of redundant barns to dwelling.   |                     |
| 3.5 | P99/2359   | Approved 12.10.2000 |
|     | Conversion of redundant barns to dwelling.   |                     |

**4. CONSULTATION RESPONSES**

- 4.1 Wickwar Parish Council  
No comments received
- 4.2 Conservation Officer  
*Original Plans*  
Objected due to conservation concerns

### *Updated Plans*

Feels that stabilisation works to Yate Court Remains would represent a public benefit which outweighs the harm caused by the subdivision of the historic farm. Suggests Head of Terms and Conditions.

#### 4.3 Public Rights of Way

No objection subject to the addition of an informative and the provision of a plan and method statement showing:

1. A restricted speed limit for construction vehicles using the track.
2. Cautionary signage to ensure drivers are aware of the right of way for pedestrians.

#### 4.4 Open Spaces Society

No comments received

#### 4.5 Archaeology Officer

No objection

#### 4.6 Ecology Officer

No objection, subject to the addition of conditions to decision notice

#### 4.7 Highway Structures

No comment

#### 4.8 Drainage and Flood Risk Management

No objection

#### 4.9 Sustainable Transport

Parking conforms to Parking Standards SPD. Access is adequate. Concerns regarding isolated location of the site making development wholly car dependent. However, impact would not sustain an objection.

### **Other Representations**

#### 4.10 Local Residents

None received

## **5. ANALYSIS OF PROPOSAL**

- 5.1 This application seeks planning permission for the conversion of an existing storage building into a residential dwelling.

#### Principle of Development

- 5.2 Paragraph 14 of the NPPF states that proposals that accord with the development plan should be approved without delay.

- 5.3 Policy CS5 and Policy CS34 set out the locational strategy for development in the district. New development is directed towards the existing urban areas and defined rural settlements; the application site is located outside of a defined settlement and in the open countryside. However, CS5 and CS34 are silent in

regard to the conversion of existing barns; this is covered by PSP40 of the Policies, Sites and Places Plan (Adopted) November 2017. PSP40 states that the conversion of rural buildings into residential dwellings may be acceptable in principle. This hinges on the building being of a permanent and substantial construction, the development not adversely affecting the operation of rural businesses or working farms, any extensions not being disproportionate, and the reuse of the building leading to an enhancement of its immediate setting. The building has been standing for hundreds of years and the site does not operate as a business. The proposals are therefore considered broadly in line with these principles. Therefore the proposal is considered to comply with the development plan, and should be assessed against the analysis set out below.

#### 5.4 Design and Conservation

The existing storage building currently sits within the curtilage of a number of Grade II listed buildings. Policy CS9 expects new development to ensure that heritage assets are conserved, respected and enhanced in a manner appropriate to their significance. PSP17 seeks to conserve and enhance heritage assets and the historic environment. Development proposals should serve to protect, and where appropriate, enhance or better reveal the significance of heritage assets and their settings. They should be conserved in a manner that is appropriate to their significance. Development within the setting of a listed building will be expected to preserve and, where appropriate, enhance those elements which contribute to their special architectural or historic interest. Where development proposals affect listed buildings whose architectural or heritage significance has been degraded or eroded, the Council may seek implementation of measures and/or management plans to secure restoration of the heritage assets and/or their setting or contributions towards such works.

5.5 The design and conservation assessments are very important planning considerations, due to the unique context of the site. This will be discussed within this section.

5.6 Yate Court Farmhouse is a grade II listed building. The ruins of the Great Hall, to the east of the farmhouse are separately listed at grade II and the large barn to the south is grade II. Yate Court retains a number of buildings, evidencing the sites evolution and changing fortunes through history. There are likely to have been buildings on the site since the thirteenth century, however it wasn't until the beginning of the sixteenth century that the manor passed to the Berkeley family, who transformed the manor house. At this time the manor house was totally encompassed by a moat, with a gatehouse protecting the entrance across it. By the 1630's the site was in the ownership of Viscount Chichester who was a supporter of the Royalist cause and as a consequence Yate Court was occupied in the early years of the Civil War, and destroyed by the Parliamentarians. Parts of the Manor house that were left were converted to a farmhouse and associated agricultural buildings. The site continued to operate as a farm in to the twentieth century. The gatehouse was dismantled and moved to Berkeley Castle in the 1920's. Archaeological trenching has identified that remains of the medieval curtain wall survive as the foundations for the east wall of the large barn and attached single storey shelter shed.

Archaeological investigation did not progress to the building relating to the proposal; however it is possible that the curtain wall remains in its east wall too, as there is a distinctive change in wall thickness. The ruins of the manor house itself, and which contained the great hall, chambers and service rooms, are at the north east corner of the site and separately listed grade II. Due to the poor condition of the ruin it is included on the South Gloucestershire Buildings at Risk Register.

- 5.7 The application relates to the northern half of the single storey range of open fronted shelter sheds which extend from the main barn. The building is stone built with seven open fronted bays and one fully enclosed bay which would likely have served as a stable. The proposal relates to the conversion to a residential dwelling. The southern section of shelter sheds have permission to be converted to residential (along with the main barn), and this permission has been part implemented. These buildings are now in separate ownership.
- 5.8 The submitted plans show a typical barn conversion, with the current openings filled with full height glazed windows. The roof would be restored, with new double roman roof tiles installed. New timber casement windows would be installed to the front and rear of the dwelling, with a new timber door to the front. The gutters and other rainwater goods would be heritage style aluminium, and the existing stone elevations would be retained and slightly raised, repointed with mortar and finished with materials to match the existing building. Additionally, an air source heat pump would be located to the side of the dwelling. The conversion and raising of the roof are considered acceptable in design and heritage terms, and would not have a significant negative impact on the Listed Buildings nearby.
- 5.9 Paragraph 132 of the NPPF states that “when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation... Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting”. Paragraph 134 goes on to state that “where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal”. Additionally, Paragraph 137 of the NPPF states that “proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably”.
- 5.10 It is felt that the conversion and subsequent further subdivision of the curtilage of the listed Yate Court Farmhouse would be harmful to its setting. This would be considered a “less than substantial” harm in the context of Paragraph 134 of the NPPF. However, securing a scheme of repair for the ruins is considered to represent mitigation for the further fracture of ownership and curtilage, and would represent a public benefit which would outweigh the negative impact caused by the further fracture of the site, in accordance with Paragraph 134 of the NPPF. The proposed barn conversion can therefore in effect be considered to be a form of ‘enabling’ development, as it would facilitate benefits that outweigh that harm. In effect, the “less than substantial harm”, would be neutralised by the public benefit brought about by the repairs to the ruins.

- 5.11 The applications in 2001 (P99/2360/L) and (P99/2359) sought consent to convert the barns attached to the south of the barn now being considered. A scheme of 'urgent repairs' to Yate Court Remains was agreed with implementation of the repairs forming a condition attached to the consent. However, it is understood that due to changes in ownership, the enforcement of this condition was frustrated and these works were never undertaken.
- 5.12 A scheme of stabilisation was submitted on 22 November 2017. The scheme of repairs is considered proportionate. Subject to a legal agreement to deliver the stabilisation scheme, it is felt that the harm caused by the subdivision of the plot would be offset by the stabilisation of Yate Court Remains. It is not considered that listed building consent is required in relation to the stabilisation works, as the red edge for the associated Listed Building Consent was altered to include Yate Court Remains, and the works are outlined within the stabilisation report. It is therefore considered that the listed building consent adequately covers the stabilisation works.
- 5.13 Subject to a Section 106 legal agreement being added to the decision notice to secure the stabilisation of Yate Court Remains, and a number of conditions to ensure the preservation of the site's heritage, there is no objection to the development in design and heritage terms; the impact of the development is considered neutral in relation to visual amenity and conservation. Previous consent PK01/2942/F included a condition to secure stabilisation works to the ruins; however, this was never undertaken due to changes in ownership. It is therefore considered that a legal agreement is necessary and proportionate in this instance.
- 5.14 Residential Amenity  
The proposal is unlikely to have any overbearing, overshadowing or overlooking impacts. It consists of the conversion of an existing rural building to a residential dwelling, and the slight raising of the ridge height. The storage building is currently attached to another existing outbuilding.
- 5.15 Other residential buildings are located to the south and west of the development site. Overall, it is not considered that there would be any impact on the residential amenity of neighbouring occupiers as a result of this development. The dwelling would also have adequate amenity space to serve its occupiers.
- 5.16 Transport  
The proposed dwelling would have two bedrooms; the proposed plans show two off-street parking spaces. This is commensurate with the prescribed parking levels within the Parking Standards SPD. Additionally, it would use the existing access; therefore, there are no concerns relating to highway safety.
- 5.17 However, the transport officer has raised concerns relating to the isolated location of the site, and its car dependence. However, a two bedroom dwelling is likely to produce 7 or 8 new vehicular movements per day in a 24 hour day; this is modest, and would not be considered enough to sustain an objection.

The recent High Court Decision “Braintree District Council v Secretary of State for Communities and Local Government [2017]” suggests that “isolated” in this context refers to its spatial position in relation to other built development. As the proposed development sits within close proximity to other residential dwellings, it is not considered that it can reasonably be defined as “isolated”.

5.18 Ecology

A series of ecology surveys and reports have been completed and submitted. These include the following documents:

- Extended Phase 1 Survey Report (September 2016);
- Bat Survey Report (September 2016);
- Great Crested Newt Survey Report (June 2017); and
- Assessment of Great Crested Newt Impact (July 2017).

These were considered adequate, and there is no ecological objection, subject to conditions being attached to the decision notice.

5.19 Archaeology

There is no archaeological objection to the application

5.20 Public Rights of Way

Public footpaths LYA17 and LYA18 pass along the access track and across the site respectively. LYA13, also known as the Jubilee Way, crosses the access track just inside the entrance to the property. The Public Rights of Way Officer has stated that there would be no objection in principle subject to a detailed plan and method statement being submitted showing the footpaths in context with the site, demonstrating the following mitigation measures:

1. A restricted speed limit for construction vehicles using the track.
2. Cautionary signage to ensure drivers are aware of the right of way for pedestrians.

5.21 The requirement of these will be added to the decision notice as a condition.

5.22 The Planning Balance

The proposal would provide a positive contribution in meeting the shortfall identified in respect of the five-year housing land supply. Officers consider that in all respects the development is acceptable and on this basis is representative of sustainable development. Paragraph 14 of the National Planning Policy Framework sets out that where applications accord with the development plan, they should be approved without delay.

5.23 The proposal is for the conversion of an existing outbuilding to form 1 no. new dwelling and the benefits of new housing to the housing supply is given a modest weight. It is considered that the proposal represents a sustainable development in terms of the NPPF three strands (social, economic and environmental). Whereas the harm to the setting of the listed buildings onsite would have likely tipped the balance towards refusal, it is considered that the proposed stabilisation works would adequately neutralise this impact, making it neutral overall. On this basis, it is considered that there is modest weight in

favour of granting planning consent in respect of this application. It is considered that no significant adverse impacts would weigh against the approval of this application, and that the proposal is therefore in accordance with Paragraph 14 of the NPPF.

#### 5.24 Planning Obligations

Planning obligations assist in the mitigation of unacceptable development, to make it acceptable in planning terms. These obligations only constitute a reason for granting planning permission if they meet the three tests, which are:

- They are necessary to make the development acceptable in planning terms
- They are directly related to the development
- They are fairly and reasonably related in scale and kind.

5.25 The proposed obligation is considered to accord to these three tests, and would therefore be appropriate. The obligation exists to make the development acceptable by neutralising the impact of further subdivision, it is directly related to the development due to the proximity of the new dwelling to the listed building, and it is fairly and reasonably related, as it related to a listed building in the same curtilage as the new dwelling. Additionally, the applicant has agreed to the proposed obligation to undertake the works to Yate Court Remains.

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

## 7. RECOMMENDATION

7.1 That authority be delegated to the Director Environment and Community Services to grant planning permission, subject to the conditions set out below and the applicant first voluntarily entering into an Agreement under Section 106 of the Town & Country Planning Act 1990 (as amended) to secure the following;

- i) The owner/ occupier, in compliance with the agreed phasing schedule (as contained within Yate Court Stabilisation Schedule as received on 22nd November 2017) shall undertake the agreed and hereby approved repair and consolidation works to the ruins at Yate Court in their entirety as contained within the Yate Court Stabilisation Schedule as received on 22nd November 2017.

Reason:

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

- 7.2 That the Head of Legal and Democratic Services be authorised to check and agree the wording of the agreement.
- 7.3 Should the agreement not be completed within 6 months of the date of the committee resolution that delegated authority be given to the Director of Environment and Community Services to refuse the application.

**Contact Officer: 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. Prior to the commencement of development a scheme of landscaping, which shall include details of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection during the course of the development; proposed planting (and times of planting); boundary treatments and areas of hardsurfacing shall be submitted to the Local Planning Authority for approval. Development shall be carried out in accordance with the agreed details.

Reason

To maintain and enhance the character and setting of the listed building, and to accord with Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990

3. The development should be carried out in accordance to the plans identified below only:

Received 31 Jul 2017

Existing Plans 04

Received 25 Oct 2017

Raising Roof Method Statement

Received 22 Nov 2017

Yate Court Stabilisation Schedule

Site Plan

Proposed Plan and Elevations

Reason

To maintain and enhance the character and setting of the listed building, and to accord with Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990

4. Prior to any development, a detailed plan and method statement must be submitted and approved by the council, showing the footpaths in context with the site, demonstrating the following mitigation measures:
  1. A restricted speed limit for construction vehicles using the track.
  2. Cautionary signage to ensure drivers are aware of the right of way for pedestrians.

Reason

In the interests of safety, and to accord with Policy PSP10 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017 and the National Planning Policy Framework.

5. The works shall be carried out strictly in accordance with the approved details (Chapter 3 - Mitigation Strategy; Assessment of Great Crested Newt Impact. Simecology, July 2017) and shall be retained in that manner thereafter. Any deviation from this strategy must be submitted to the local planning authority for approval in writing.

Reason

In the interests of protected species and to accord with Policy PSP19 of The Policies Sites and Places Plan (Adopted) 8th Nov. 2017 and Policy CS9 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11th Dec. 2013.

6. Prior to occupation, a sensitive lighting plan shall be submitted to the local planning authority for approval in writing. The plan shall include the location, height and specification of each external lighting unit. The eastern boundary of the site must remain in darkness and appropriate mitigation to avoid light spill must be used throughout the site (L9).

Reason

In the interests of protected species and to accord with Policy PSP19 of The Policies Sites and Places Plan (Adopted) 8th Nov. 2017 and Policy CS9 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11th Dec. 2013.

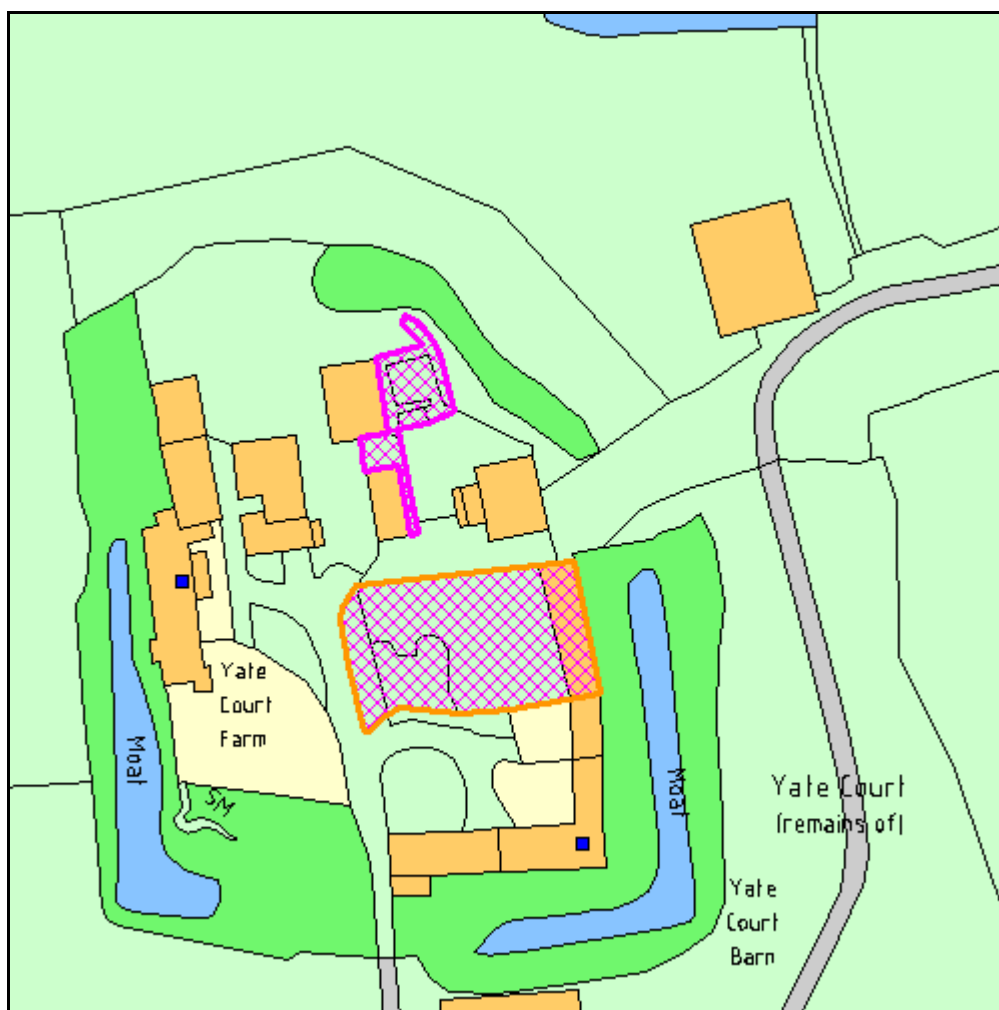
7. Prior to occupation, the location of two swallow nesting cups shall be submitted to the local planning authority for approval in writing. The cups shall be placed within suitable outbuildings to ensure the continued use of the site by swallows.

Reason

In the interests of protected species and to accord with Policy PSP19 of The Policies Sites and Places Plan (Adopted) 8th Nov. 2017 and Policy CS9 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11th Dec. 2013.

CIRCULATED SCHEDULE NO. 03/18 – 19 JANUARY 2018

<b>App No.:</b>	PT17/3688/LB	<b>Applicant:</b>	Mr Ivan Oakes
<b>Site:</b>	Yate Court Farm Limekiln Road Yate Bristol South Gloucestershire BS37 7QB	<b>Date Reg:</b>	31st August 2017
<b>Proposal:</b>	Conversion of existing storage building to form 1no. dwelling and stabilising repairs to ruin.	<b>Parish:</b>	Wickwar Parish Council
<b>Map Ref:</b>	371251 185971	<b>Ward:</b>	Ladden Brook
<b>Application</b>	Minor	<b>Target</b>	28th September
<b>Category:</b>		<b>Date:</b>	2017



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PT17/3688/LB

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

This application has been referred to the Circulated Schedule as the associated full application is subject to a S106 Legal Agreement, which is required to secure repair works to Yate Court Remains.

### **1. THE PROPOSAL**

- 1.1 This application seeks listed building permission for the conversion of an existing storage building to form 1no. dwelling and stabilising repairs to ruin at Yate Court Farm, on Limekiln Road, Yate.
- 1.2 The barn is a stone built building sited within the curtilage of three Grade II listed buildings; Yate Court Farmhouse, Yate Court Barn and Yate Court Remains. It is also located directly next to another similar converted building. The dwelling would retain the existing footprint, with an increase in the ridge roof level, providing a more suitable head height.
- 1.3 The original plans were not considered acceptable. After a long period of negotiation, updated plans were received on the 22nd November 2017, as well as a scheme of repairs to Yate Court Remains, which would be considered “enabling development”. A full application (PT17/3586/F) accompanies this listed building application. A pre-app was also submitted prior to this application; this pre-app stated that the scheme would be unlikely to gain approval, due to concerns regarding design and conservation.

### **2. POLICY CONTEXT**

- 2.1 Planning (Listed Buildings and Conservation Areas) Act 1990
- 2.2 National Guidance  
National Planning Policy Framework March 2012 & Planning Practice Guidance – Conserving and Enhancing the Historic Environment

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

- 3.1 PT17/3688/LB Ongoing  
Conversion of existing storage building to form 1no. dwelling and stabilising repairs to ruin.
- 3.2 PK01/2942/F Approved 09.07.2003  
Conversion of redundant barns to dwelling (Re-submission of planning application P99/2359). Including the rebuilding of outbuilding.
- 3.3 PK01/1363/LB Approved 09.07.2003  
Conversion of redundant farm buildings to 1no. dwelling. Including the rebuilding of outbuilding.
- 3.4 P99/2360/L Approved 12.10.2000  
Conversion of redundant barns to dwelling.

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

4.1 Wickwar Parish Council

Would like to see that the repairs to the ruins are dealt with sympathetically and the relevant authorities are informed and advised of repairs.

4.2 Other Consultees  
Conservation Officer  
*Original Plans*

Objected due to conservation concerns

*Updated Plans*

Feels that stabilisation works to Yate Court Remains would represent a public benefit which outweighs the harm caused by the subdivision of the historic farm. Suggests Head of Terms and Conditions.

Georgian Group

No comments received.

Historic England

No comments received

Victorian Society

No comments received

Twentieth Century Society

No comments received

Society for the Protection of Ancient Buildings

No comments received

Council For British Archaeology

No comments received

#### **Other Representations**

4.3 Local Residents

None received

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

5.1 Principle of Development

Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that when determining a listed building consent application the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. The National Planning Policy Framework seeks to ensure that the significance of heritage assets are maintained and enhanced.

- 5.2 As the application seeks listed building consent, the only consideration is the impact the proposed development would have on the special historic or architectural features of the property.
- 5.3 Impact on the Listed Building  
The existing storage building currently sits within the curtilage of a number of Grade II listed buildings. Development proposals should serve to protect, and where appropriate, enhance or better reveal the significance of heritage assets and their settings. They should be conserved in a manner that is appropriate to their significance. Development within the setting of a listed building will be expected to preserve and, where appropriate, enhance those elements which contribute to their special architectural or historic interest. Where development proposals affect listed buildings whose architectural or heritage significance has been degraded or eroded, the Council may seek implementation of measures and/or management plans to secure restoration of the heritage assets and/or their setting or contributions towards such works.
- 5.4 The design and conservation assessments are very important planning considerations, due to the unique context of the site.
- 5.5 Yate Court Farmhouse is a grade II listed building. The ruins of the Great Hall, to the east of the farmhouse are separately listed at grade II and the large barn to the south is grade II. Yate Court retains a number of buildings, evidencing the sites evolution and changing fortunes through history. There are likely to have been buildings on the site since the thirteenth century, however it wasn't until the beginning of the sixteenth century that the manor passed to the Berkeley family, who transformed the manor house. At this time the manor house was totally encompassed by a moat, with a gatehouse protecting the entrance across it. By the 1630's the site was in the ownership of Viscount Chichester who was a supporter of the Royalist cause and as a consequence Yate Court was occupied in the early years of the Civil War, and destroyed by the Parliamentarians. Parts of the Manor house that were left were converted to a farmhouse and associated agricultural buildings. The site continued to operate as a farm in to the twentieth century. The gatehouse was dismantled and moved to Berkeley Castle in the 1920's. Archaeological trenching has identified that remains of the medieval curtain wall survive as the foundations for the east wall of the large barn and attached single storey shelter shed. Archaeological investigation did not progress to the building relating to the proposal; however it is possible that the curtain wall remains in its east wall too, as there is a distinctive change in wall thickness. The ruins of the manor house itself, and which contained the great hall, chambers and service rooms, are at the north east corner of the site and separately listed grade II. Due to the poor condition of the ruin it is included on the South Gloucestershire Buildings at Risk Register.
- 5.6 The application relates to the northern half of the single storey range of open fronted shelter sheds which extend from the main barn. The building is stone built with seven open fronted bays and one fully enclosed bay which would likely have served as a stable. The proposal relates to the conversion to a residential dwelling. The southern section of shelter sheds have permission to

be converted to residential (along with the main barn), and this permission has been part implemented. These buildings are now in separate ownership. The listed building application also relates to the stabilisation works to the barn; these would be considered to enhance the associated listed building (Yate Court Remains), and are considered acceptable.

- 5.7 The submitted plans show a typical barn conversion, with the current openings filled with full height glazed windows. The roof would be restored, with new double roman roof tiles installed. New timber casement windows would be installed to the front and rear of the dwelling, with a new timber door to the front. The gutters and other rainwater goods would be heritage style aluminium, and the existing stone elevations would be retained and slightly raised, repointed with mortar and finished with materials to match the existing building. Additionally, an air source heat pump would be located to the side of the dwelling. The conversion and raising of the roof are considered acceptable in design and heritage terms, and would not have a significant negative impact on the Listed Buildings nearby.
- 5.8 Paragraph 132 of the NPPF states that “when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation... Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting”. Paragraph 134 goes on to state that “where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal”. Additionally, Paragraph 137 of the NPPF states that “proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably”.
- 5.9 It is felt that the conversion and subsequent further subdivision of the curtilage of the listed Yate Court Farmhouse would be harmful to its setting. This would be considered a “less than substantial” harm in the context of Paragraph 134 of the NPPF. However, securing a scheme of repair for the ruins is considered to represent mitigation for the further fracture of ownership and curtilage, and would represent a public benefit which would outweigh the negative impact caused by the further fracture of the site, in accordance with Paragraph 134 of the NPPF. The proposed barn conversion can therefore in effect be considered to be a form of ‘enabling’ development, as it would facilitate benefits that outweigh that harm. In effect, the “less than substantial harm”, would be neutralised by the public benefit brought about by the repairs to the ruins.
- 5.10 The applications in 2001 (P99/2360/L) and (P99/2359) sought consent to convert the barns attached to the south of the barn now being considered. A scheme of ‘urgent repairs’ to Yate Court Remains was agreed with implementation of the repairs forming a condition attached to the consent. However, it is understood that due to changes in ownership, the enforcement of this condition was frustrated and these works were never undertaken. The full application relating to this listed building application (PT17/3586/F) contains a Section 106 Legal Agreement which secures stabilisation works to Yate Court Remains; this ensures that the stabilisation works will go ahead, and would

make the development acceptable in heritage terms. Therefore, there is no objection in relation to design and conservation.

## **6. CONCLUSION**

- 6.1 The decision to grant listed building consent has been taken having regard to section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and government advice contained in the National Planning Policy Framework and accompanying Historic Environment Planning Practice Guide.

## **7. RECOMMENDATION**

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

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

## **CONDITIONS**

1. The development should be carried out in accordance to the plans identified below only:

Received 31 Jul 2017  
Existing Plans 04

Received 25 Oct 2017  
Raising Roof Method Statement

Received 22 Nov 2017  
Yate Court Stabilisation Schedule  
Site Plan  
Proposed Plan AND ELEVATIONS

Reason

To maintain and enhance the character and setting of the listed building, and to accord with Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990

2. Prior to the commencement of the relevant works, the detailed design including materials, and finishes, of the following architectural details shall be submitted to and approved in writing by the local planning authority:
- a. eaves (including rainwater goods), verges and ridges
  - b. all new windows (including cill, head, reveal and glass details)
  - c. details of all vents and flues
  - d. all new internal doors including frames and furniture;
  - e. all other internal joinery such as skirting's;

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

Reason

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

3. Condition 4

Prior to commencement of the relevant works, full details of the proposed floors, wall and ceiling finishes shall be submitted and agreed in writing by the local planning authority. The development shall thereafter be carried out strictly in accordance with the agreed details. For the avoidance of doubt, the specification for the finishes and any insulation should ensure breathability.

Reason

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

4. Notwithstanding the details indicated on the submitted elevations, representative sample panels of natural stonework of at least one metre square demonstrating the stone, coursing, mortar and pointing are to be erected on site and approved in writing by the Local Planning Authority before the relevant parts of the work are commenced. The approved sample panel shall be kept on site for reference until the stonework is complete. Development shall be carried out in accordance with the agreed sample.

Reason

In order that the works serve to preserve the architectural and historic interest of the listed building in accordance with section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and in accordance with National Planning Policy Framework (2012).

## CIRCULATED SCHEDULE NO. 03/18 – 19 JANUARY 2018

<b>App No.:</b>	PT17/4568/F	<b>Applicant:</b>	Mr Martin Smith
<b>Site:</b>	Units 1 Station Yard Hicks Common Road Winterbourne South Gloucestershire BS36 1EJ	<b>Date Reg:</b>	31st October 2017
<b>Proposal:</b>	Erection of single storey extension to form workshop (Class B1c) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended) (retrospective).	<b>Parish:</b>	Winterbourne Parish Council
<b>Map Ref:</b>	365325 179936	<b>Ward:</b>	Winterbourne
<b>Application Category:</b>	Minor	<b>Target Date:</b>	25th December 2017



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PT17/4568/F

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

The application has been subject to 1no. representation contrary to findings of this report. As a result, under the current scheme of delegation the application must be referred to circulated schedule.

### **1. THE PROPOSAL**

- 1.1 This application seeks retrospective planning permission for the erection of a single storey extension to form a workshop (Class B1c) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended).
- 1.2 The application site relates to an industrial unit located within a safeguarded employment area of Station Premises and Yard and within the settlement boundary of Winterbourne. The application site is located off Hicks Common Road and is surrounded by other industrial units. A number of residential properties are located to the north and south and a railway line runs directly to the south of the site.
- 1.3 The existing adjacent units were recently permitted to be sub-divided into 3 units as part of application ref. PT17/2014/F. This application relates to the erection of an extension to the rear which would form an additional unit.
- 1.4 Throughout the course of the application, comments were received which required officers to confirm the ownership of the land within the red line boundary. The applicant provided officers with an amended red line boundary, and evidence that they owned all land within such. Given this, a period of re-consultation was undertaken for 14 days.

### **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

CS12 Safeguarded Areas for Economic Development

CS34 Rural Areas

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

PSP1 Local Distinctiveness

PSP8 Residential Amenity

PSP11 Transport Impact Management

PSP16 Parking Standards

PSP21 Environmental Pollution and Impacts

## PSP27 B8 Storage and Distribution Uses

### 2.3 Supplementary Planning Guidance South Gloucestershire Design Checklist (Adopted)

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

- |     |   |                         |            |
|-----|---|-------------------------|------------|
| 3.1 | N166  | Approve with Conditions | 11.07.1974 |
|     | Extension of workshop and installation of septic tank.  |                         |            |
| 3.2 | N166/2  | Approve with Conditions | 03.11.1977 |
|     | Erection of extension (760 sq. ft.) to light engineering workshop.  |                         |            |
| 3.3 | P88/2090  | Approval                | 24.07.1988 |
|     | Erection of single storey extension to provide 19 sq. Metres (204 sq. Ft.) Of storage space   |                         |            |
| 3.4 | PT17/1083/CLP   | Refusal                 | 07.04.2017 |
|     | Application for a certificate of lawfulness to sub-divide existing unit into 3no. units, the proposed installation of external entrance door, 2no. new garage doors to front elevation and external cladding. |                         |            |
| 3.5 | PT17/2014/F   | Approved                | 28.07.2017 |
|     | Sub division of existing unit into 3no. units, the proposed installation of external entrance door, 2no. new garage doors to front elevation and external cladding. (Retrospective)                           |                         |            |

### 4. **CONSULTATION RESPONSES**

- |     |  |
|-----|--|
| 4.1 | <u>Winterbourne Parish Council</u>   |
|     | No comment received.   |
| 4.2 | <u>Economic Development</u>  |
|     | No objection   |
| 4.3 | <u>Highway Structures</u>  |
|     | Suggested informatives.  |
| 4.4 | <u>Lead Local Flood Authority</u>  |
|     | No objection.  |
| 4.5 | <u>Sustainable Transport</u>   |
|     | Given the scale and use, we do not believe that the development would materially affect the travel demand pattern associated with this unit. No objection. |
| 4.6 | <u>Ecology</u>   |
|     | No objection   |
| 4.7 | <u>Archaeology</u>   |
|     | No objection   |

## **Other Representations**

### **4.8 Local Residents**

1no. objection was received from a local resident. Comments as follows:

- ownership
- accuracy of submitted information
- parking issues
- no mention of business name
- no working hours provided, issues with existing units.

## **5. ANALYSIS OF PROPOSAL**

### **5.1 Principle of Development**

National Policy seeks to support sustainable economic development in a globally competitive market. Station Premises and Yard, Winterbourne is identified as a safeguarded area for economic development in Policy CS12. As such, the principle of B1, B2 and B8 uses are acceptable in this location and opportunities to redevelop or intensify existing employment sites is encouraged. Policy PSP28 sets out that new buildings for business development in rural areas will be acceptable, subject to a number of criteria. This will be assessed below.

*(a) There are no existing suitable underused buildings reasonably available and capable of conversion.*

All the existing units and surrounding units are in use and are therefore not reasonably available.

*(b) The proposed building is reasonably necessary for the purposes of the use and is clearly designed for that purpose.*

The development involves an extension to an existing building which currently provides 3no. B1c class units. The development involves the erection of an additional unit in the same use class, which provides space for a small business to operate. It is formed of cladded elevations with a corrugated metal roof, which reflects the adjacent units and its commercial nature.

*(c) The development relates well to settlements and existing groups of buildings*

The proposed unit is located immediately adjacent, and to the rear of the existing building, which is within a safeguarded employment area. It is therefore considered to relate well to adjacent buildings.

*(d) The development makes efficient use of the land in relation to its location, layout, accessibility and surroundings*

The development is located on land which was previously unused and adjacent to the railway line. It is considered that it would contribute to the efficient use of the land and it is not considered to compromise accessibility or its surroundings.

- (e) *The volume and nature of any goods sold would not have a significant adverse effect on shopping facilities available in nearby settlements*

Given the nature, and scale of the unit it is not considered that it would have a significant adverse effect on shopping facilities in nearby settlements.

- (f) *the proposal is of a scale which is consistent with its function, use and rural location.*

The unit is modest and is bound by the railway line to the south. It is also located within a safeguarded employment area which encourages intensification of uses such as that proposed (Class B1c). As such it is considered to be consistent with its function, use and rural location.

- 5.2 Given the above, it is considered that this business development within the rural area would meet the criteria as set out in PSP28. The assessment will move on to discuss design, residential amenity and highway safety.

5.3 Design

The development is a modest unit which adjoins to the rear of the existing building. It has 4no. windows to the rear elevation, 1no. window to the side (east) elevation, and a roller shutter door to the side (west) elevation. The materials would match those found in the existing building, and are in-keeping with its industrial nature. It is therefore felt that its appearance would be acceptable in this instance.

5.4 Residential Amenity

The application site is located within a Safeguarded Employment Area where industrial development is permitted. It is noted that there are a number of residential properties to the north and south of the unit. The comments of local residents with regard to disturbance from the working hours of the existing units are noted. The unit is a B1c use class, Officers are mindful that this type of use is appropriate in a residential area without causing detriment to the amenity of the area. In an instance where the units are becoming detrimental to the amenity of local residents, would be investigated by Environmental Health and enforcement would take place under different legislation.

- 5.5 The level of separation distance is 60 metres (approx), between the unit and the existing nearest dwelling. An extant permission ref. PT14/3637/O is also noted, which, if submitted at reserved matters stage, could introduce residential properties 27 metres away (approx). As such, whilst these concerns are noted, given all of the above, as well as the size of the unit, it is not thought that they would result in unacceptable noise or amenity impacts.

5.6 Access and Transportation

Local residents stated that there are existing parking issues surrounding the unit. This is noted, however, para. 32 of the NPPF sets out that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

5.7 Transportation colleagues were asked to comment on the development and state that given the scale and use of the development, it is unlikely that it materially alters the travel demand. It is noted that continued development of this nature in the vicinity of the site could have a cumulative severe impact. However, in this instance and based on the evidence before officers it is not thought that it results in such, and on balance, no objection is raised.

5.8 Other matters

Local residents raised concerns with the ownership of the land within the red line boundary. For the purposes of clarification, the applicant was asked to confirm that he owned the land, and in any other instance the correct statutory notices were served. As a result of this, the red line boundary was amended, and the applicant supplied a title plan showing that he owns the land. This matter is therefore considered to have been addressed.

The specific business name of the occupant is not a relevant consideration in terms of the planning application, rather it is the use class that has been considered in this report rather than the merits of a particular occupant (as occupants may change over time).

6. **CONCLUSION**

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

6.2 The recommendation to **APPROVE** permission has been taken having regard to the policies and proposals in the South Gloucestershire Policies, Sites and Places Plan (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.

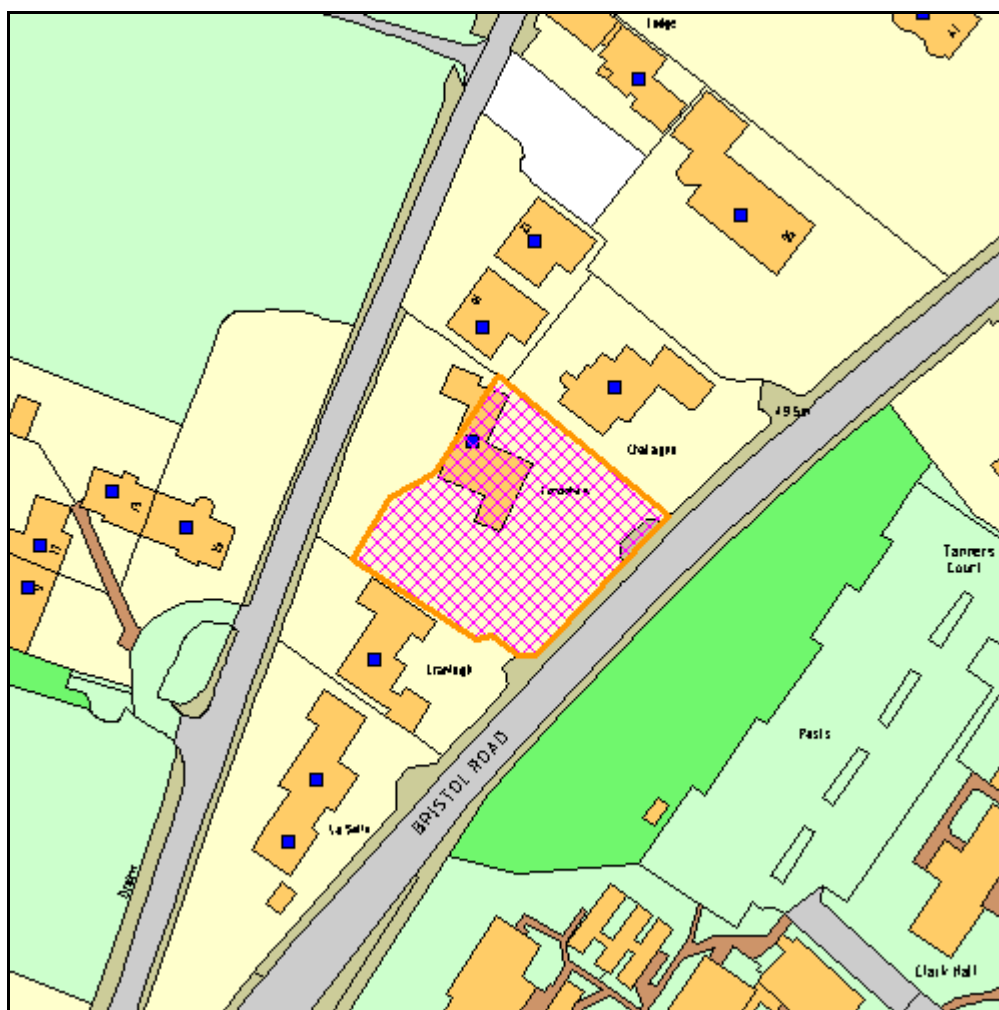
7. **RECOMMENDATION**

7.1 It is recommended that planning permission is **APPROVED**.

Contact Officer: **Lucy Paffett**  
Tel. No. **01454 863436**

## CIRCULATED SCHEDULE NO. 03/18 – 19 JANUARY 2018

<b>App No.:</b>	PT17/4665/F	<b>Applicant:</b>	Frenchay Construction Ltd
<b>Site:</b>	Plots 1-3 Site Of Former Landshire Bristol Road Frenchay Bristol South Gloucestershire	<b>Date Reg:</b>	13th October 2017
<b>Proposal:</b>	Erection of 3no. detached dwellings with associated works (Retrospective)	<b>Parish:</b>	Winterbourne Parish Council
<b>Map Ref:</b>	363539 178013	<b>Ward:</b>	Frenchay And Stoke Park
<b>Application Category:</b>	Minor	<b>Target Date:</b>	4th December 2017



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PT17/4665/F

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

This application has been referred to the circulated schedule for determination as comments of objection, contrary to the officer recommendation, have been received.

### **1. THE PROPOSAL**

- 1.1 This application seeks retrospective planning permission for the erection of 3 dwellings on a site formerly occupied by a dwelling known as 'Landshires' in Frenchay. This site has a relatively complex planning history, as detailed in section 3; however, in essence this application forms the less controversial part of the most recently refused scheme (with the more controversial element, relating to 'plot 4' being contained within planning application PT17/4710/F). By splitting the site, the applicant hopes to gain a planning permission for part of the development which would therefore draw to a close the planning on that part of the site.
- 1.2 The most recent application on this site, PT17/1732/RVC, was determined by the Development Control (West) Committee on 21 September 2017. It was refused for the reason listed in paragraph 3.2 (below). That application itself had been submitted to regulate the development. The initial planning permission, PT15/0320/F, was for 4 smaller dwellings. The dwellings as built were larger and consent was sought to regulate this under PT17/1732/RVC. The refusal of that application is now at appeal.
- 1.3 The application site is within the existing urban area of the North Fringe of Bristol, in the residential area of Frenchay. The site is opposite the former Frenchay Hospital which is in the process of being redeveloped for residential purposes. Access for the 3 dwellings subject to this application is provided from Bristol Road.

### **2. POLICY CONTEXT**

#### **2.1 National Guidance**

National Planning Policy Framework March 2012  
National Planning Practice Guidance

#### **2.2 Development Plans**

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

CS1	High Quality Design
CS4A	Presumption in Favour of Sustainable Development
CS5	Location of Development
CS8	Improving Accessibility
CS15	Distribution of Housing
CS16	Housing Density
CS17	Housing Diversity
CS25	Communities of the North Fringe of Bristol

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

- 2.3 Supplementary Planning Guidance  
Design Checklist SPD (Adopted) August 2007  
Residential Parking Standard SPD (Adopted) December 2013  
CIL and S106 SPD (Adopted) March 2015

**3. RELEVANT PLANNING HISTORY**

*In relation to Plot 4*

- 3.1 PT17/4710/F Under Consideration  
Erection of 1 no. detached dwelling with associated works (retrospective)

*In relation to the site as a whole*

- 3.2 PT17/1732/RVC Refused 22/09/2017  
Variation of condition 10 attached to PT15/0320/F (added by PT16/6433/NMA)  
to substitute plans with those received by the Council on 12th April 2017 and  
25th May 2017 (retrospective)

Reason(s):

1. The siting of plot 4 closer to Old Gloucester Road than the approved scheme is materially harmful to the character of the streetscene and wider area contrary to policy CS1 of the South Gloucestershire Local Plan: Core Strategy (adopted) December 2013.

- 3.3 PT16/6433/NMA No objection 15/12/2016  
Non Material Amendment to planning permission PT15/0320/F to make  
approved drawings the subject of a planning condition.

- 3.4 PT15/0320/F Approved 09/06/2015  
Demolition of existing dwelling to facilitate the erection of 4no. detached  
dwellings with parking, vehicular access and associated works (re-submission  
of PT14/0193/F)

- 3.5 PT14/0193/F Refused 02/07/2014  
Demolition of existing dwelling to facilitate the erection of 4no. detached  
dwellings with parking, vehicular access and associated works.

Reason(s):

1. The proposed development would lead to a cramped form of development which would be detrimental to the visual amenity and character of the locality and would be contrary to Policy CS1 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013.

2. The requirement to provide a suitable visibility splay that would provide safe access onto the Old Gloucester Road from the proposed Plot 4 would prevent the reinstatement of hedgerow along the boundary of the site with Old Gloucester Road to the detriment of the visual amenity and character of the locality and would be contrary to Policy CS1 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013 and policy L1 of the South Gloucestershire Local Plan (adopted) January 2006 (saved policy).
3. The proposed access to plot 4 would not consist of a safe access due to the lack of appropriate visibility given the speeds of the highway and would result in a detrimental impact on highway safety and would be contrary to Policy T12 of the South Gloucestershire Local Plan (adopted) January 2006 and Policy CS1 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013.

Appeal Dismissed

- |     |   |          |            |
|-----|---|----------|------------|
| 3.6 | PT13/0579/EXT   | Approved | 09/04/2013 |
|     | Erection of 4 no. detached dwellings and ancillary outbuildings. (Consent to extend time limit implementation for PT09/6064/F). |          |            |
| 3.7 | PT09/6064/F   | Approved | 11/03/2010 |
|     | Erection of 4 no. detached dwellings and ancillary outbuildings.  |          |            |

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

- 4.1 Winterbourne Parish Council  
Objection: approving this scheme would push the boundaries of the previous planning permission. Any recommendation to grant should be referred to DC West.

##### **Internal Consultees**

- 4.2 Highway Structures  
No comment
- 4.3 Lead Local Flood Authority  
No objection; use of soakaways questioned
- 4.4 Sustainable Transport  
No objection

##### **Other Representations**

- 4.5 Local Residents  
Two comments of objection have been received which raise the following points:
- Agent implies only objection is to house 4 – this is not the case
  - Attempt to get around planning legislation
  - Buildings are 30% larger than that originally permitted
  - Buildings are too close to other properties and Bristol Road
  - Development has been inaccurately carried out
  - Development should be determined by appeal

- Extra windows have been included
- Fifth bedroom has been turned into a wardrobe to overcome parking requirements
- Front boundary walls are too high (exceed 1 metre)
- Garage sizes should be checked
- Overlooking
- Site too constrained to enable vehicles to enter and leave site in a forward gear

## 5. **ANALYSIS OF PROPOSAL**

5.1 This application seeks to regulate currently unauthorised development. It seeks planning permission for the erection of 3 dwellings on land at Bristol Road in Frenchay.

### 5.2 Principle of Development

The application site is within the North Fringe of Bristol where residential development is directly by policy CS5 and CS25. Development at this location would accord with the locational strategy and is therefore acceptable in principle. Furthermore, planning permission has previously been granted for 4 dwellings at this site. The assessment therefore relies on the difference between that previously approved and that sought under this application and any resulting harm.

### 5.3 Design and Appearance

The development as built out does not accord with the plans previously approved. However, there is a general resemblance between what has been built and that previously considered. Unfortunately it is the detailed design that has suffered. For example, the bay windows have become less well detailed and instead of a wraparound window are now rectangular and boxy with less fenestration. The tile hanging and timber beam cladding has been omitted in its entirety; and the dormer window has been increased in size and lost its delicacy.

5.4 While the design of the properties as built is not as visually appealing or coherent as that previously approved, it cannot be said to be harmful to the overall appearance of the development or the locality in general. This is said in knowledge of the residential redevelopment of the former Frenchay Hospital site which does impact on the character and appearance of the area overall. The design is considered acceptable.

### 5.5 Scale and Layout

Concern has been raised about the size of the buildings and the layout of the development. The prevailing characteristics of the area must be noted and given weight. In the immediate locality there are a mix of plot sizes and the proposed development would not be inconsistent with the general density in the area. It is, however, much greater in density than the development it replaces. Higher density housing is relatively sustainable as it limits the amount of land that is required for development. Further to this, the reuse of land is also sustainable as it assists in limiting the additional land required for development.

- 5.6 In the previous appeal decision, the Inspector did not raise an objection to the proposal with regard to plots 1-3 (which are subject to this application) as it was not an area of contention between the local planning authority and the applicant.
- 5.7 While relatively large houses have been built, they are considered to be acceptable. The proposal would not result in the overdevelopment of the site to the detriment of amenity and should therefore be permitted. However, a restriction should be placed on the dwellings being extended any further without due assessment. Therefore permitted development rights should be removed.
- 5.8 Plot 4, against which previous objection has been raised, is excluded from this application and therefore cannot be considered. That plot will be considered under PT17/4710/F.
- 5.9 Highway Safety and Parking  
Accessed from Bristol Road, a Class B highway, highway safety is a consideration. Each of the dwellings would have its own access from the highway. No objection to the proposal has previously been raised with regard to highway safety or parking. The reasons for refusal on this basis have not been upheld.
- 5.10 The layout of the site provides a parking area to the front of the properties and an internal garage. The internal garage is slightly substandard but has previously been accepted as a parking space. Externally, parking for 2 cars is demonstrated. Therefore sufficient parking is provided.
- 5.11 There is also some room for manoeuvring although this is not tracked. Should vehicles park parallel to the house there would sufficient room for all movements to be undertaken in a forward gear and there would be no detriment to highway safety.
- 5.12 Conditions should therefore be applied to ensure the provision of the external parking areas and restrict the use of the garages in the interests of highway safety and parking provision.
- 5.13 Residential Amenity  
Development should not be permitted that has a prejudicial impact on residential amenity. Concern has been raised by local residents on the impact of the development on amenity. However, this has not previously been a reason for concern either by the Planning Committee or the Planning Inspectorate.
- 5.14 It is considered that the outlook afforded to the occupiers of 10 Old Gloucester Road would not substantially alter. This is because the property is a bungalow and the existing boundary treatment already affects any outlook. It is acknowledged that the revised proposal would bring the dwelling closer to the boundary with number 10 and that the development would be visible from the garden area and at an angle from the windows. It is also noted that number 10

has a very modest garden area and as such the quality the outdoor space afforded to this dwelling is already compromised.

- 5.15 Overall, it is not considered that the proposal would have a significant detrimental impact on residential amenity and no objection is raised in this regard.

5.16 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.

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

5.18 Other Matters

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

- 5.19 The objections received, against this application and that for plot 4, are noted. The applicant has a right of appeal against any application refused or not determined by the local planning authority. A recommendation on this planning application must be made by balancing the various factors – it should not therefore be considered a means to evade planning legislation.

- 5.20 It is noted that the development has been inaccurately carried out however this application, if approved, would regulate the development. Internal amendments are also noted. The height of the boundary wall has been noted but is not considered to impede vehicular movements.

## 6. CONCLUSION

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 The recommendation to grant permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017 set out above, and to all the relevant material considerations set out in the report.

## **7. RECOMMENDATION**

- 7.1 It is recommended that planning permission is GRANTED subject to the conditions listed below.

**Contact Officer: Griff Bunce**  
**Tel. No. 01454 863438**

### **CONDITIONS**

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

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

2. The off-street parking facilities (for all vehicles, including cycles) shown on plan 17.002-101 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. 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) the integral garages hereby permitted shall be used for no other purpose than the garaging of private motor cars and ancillary domestic storage without the prior written consent of the Local Planning Authority.

#### **Reason**

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

## CIRCULATED SCHEDULE NO. 03/18 – 19 JANUARY 2018

<b>App No.:</b>	PT17/4959/CLP	<b>Applicant:</b>	Nicky and Matt Browne and Williams
<b>Site:</b>	42 Orchard Rise Olveston Bristol South Gloucestershire BS35 4DZ	<b>Date Reg:</b>	18th December 2017
<b>Proposal:</b>	Proposed garage conversion.	<b>Parish:</b>	Olveston Parish Council
<b>Map Ref:</b>	360364 187046	<b>Ward:</b>	Severn
<b>Application Category:</b>	Certificate of Lawfulness	<b>Target Date:</b>	9th February 2018



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PT17/4959/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 a proposed garage conversion 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.
- 1.3 The plans originally proposed a pitched roof above the existing garage and porch. This was not considered Permitted Development, and was removed from the plans submitted on 17<sup>th</sup> January, 2018.

### **2. POLICY CONTEXT**

#### **2.1 National Guidance**

Town and Country Planning (General Permitted Development) (England) Order 2015, Schedule 2, Part 1, Class A.

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

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

- 3.1 No relevant planning history.

### **4. CONSULTATION RESPONSES**

- 4.1 Olveston Parish Council  
No objection.

#### **Other Representations**

- 4.2 Local Residents  
No comments received

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

- 5.1 Plans received 18 Dec 2017  
Existing and Proposed Ground Floor Plans      4201/PL/02  
Block Plan 4201/PI/04

## 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 a garage conversion. This development would fall within Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015, which permits the enlargement of a dwellinghouse, and the additions or alteration to its roof.

### 6.4 *Garage Conversion*

Under Section 55(2) of the Town and Country Planning Act 1990, the conversion of the integral garage to form an additional bedroom would not amount to 'development' because there are no conditions on the original, or subsequent permissions for the property requiring that the garage be retained, and the use before and after falls within the same primary use class (C3 Dwellinghouses) of the building.

6.5 To facilitate the conversion, the building works proposed would remove the existing garage door and replace it with a wall and window. This alteration amounts to 'development' set out in Section 55(2) of the Town and Country Planning Act 1990 because the building operations will materially affect the external appearance of the building. However, such alterations are normally permitted development by reason of Part 1 Class A of the GDPO 2015. In Enfield 06/06/2000 DCS No 058-330-712, involving the change of use of an integral garage to a study, the inspector distinguished between the change of use and the building works. He found that the change of use would not materially affect the character and use of the dwellinghouse as such and was therefore not development. He found that the replacement of the garage door with a window and wall would materially affect the external appearance of the building but would be permitted development.

- 6.6 Following the decision in Enfield 06/06/2000 DCS No 058-330-712, the replacement wall would therefore 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 or Q of Part 3 of this Schedule (changes of use)**

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

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

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

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

The height of the replacement wall 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 proposal does not change the height of the existing garage eaves.

- (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 replacement wall forms part of the principal elevation of the original dwellinghouse, but it does not extend beyond the wall because it is replacing an existing garage door.

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

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

There would be no enlargement to the dwellinghouse.

- (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 replacement wall would be single storey and does not form part of the rear elevation.

- (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 replacement wall would be within 2 metres of the boundary of the curtilage of the dwellinghouse, but the proposal does not change the height of the existing garage eaves.

- (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 proposal does not form part of a side wall of the property.

- (k) It would consist of or include—
  - (i) the construction or provision of a verandah, balcony or raised platform,

- (ii) the installation, alteration or replacement of a microwave antenna,
- (iii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe, or
- (iv) an alteration to any part of the roof of the dwellinghouse.

The development would not include any of the above.

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

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

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

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

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

The replacement wall will be constructed to match the existing dwelling.

- (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

The proposal does not include the installation of any upper floor windows.

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

The proposal is single storey.

## 7. **RECOMMENDATION**

- 7.1 That a certificate of Lawfulness for Proposed Development is **approved** for the reason listed below.

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

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