



**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. 20/17**

**Date to Members: 19/05/2017**

**Member's Deadline: 25/05/2017 (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.

**Dates and Deadlines for Circulated Schedule**  
**During May Bank Holidays 2017**

<b>Schedule Number</b>	<b>Date to Members 9am on</b>	<b>Members Deadline 5.00PM</b>
16/17 As Normal	Friday 21 April	Thursday 27 April
17/17	Thursday 27 April	Thursday 04 May
18/17 As Normal	Friday 05 May	Thursday 11 May
19/17 As Normal	Friday 12 May	Thursday 18 May
20/17 As Normal	Friday 19 May	Thursday 25 May
21/17	Thursday 25 May	Thursday 01 June

Please see changed deadlines in **RED**.  
All other dates remain as usual

# CIRCULATED SCHEDULE - 19 May 2017

ITEM NO.	APPLICATION NO.	RECOMMENDATION	LOCATION	WARD	PARISH
1	PK16/5067/F	Approve with Conditions	Land At North Road Yate South Gloucestershire BS37 7LQ	Ladden Brook	Iron Acton Parish Council
2	PK16/5299/F	Approve with Conditions	Rear Of 38 Bath Road Bridgeyate South Gloucestershire BS30 5JW	Siston	Siston Parish Council
3	PK16/6507/F	Approve with Conditions	39A Blackhorse Road Kingswood South Gloucestershire BS15 8EF	Woodstock	None
4	PK17/0530/F	Approve with Conditions	California Cottages California Road Oldland Common South Gloucestershire BS30 9PR	Longwell Green	Oldland Parish Council
5	PK17/0546/F	Approve with Conditions	7 Cherry Gardens Bitton South Gloucestershire BS30 6JD	Bitton	Bitton Parish Council
6	PK17/0824/F	Approve with Conditions	Lawns Inn Church Road Yate South Gloucestershire	Yate Central	Yate Town
7	PK17/0953/F	Approve with Conditions	The Cherry Tree 128 West Street Oldland Common South Gloucestershire BS30 9QR	Oldland	Bitton Parish Council
8	PK17/1038/F	Approve with Conditions	130 Spring Hill Kingswood South Gloucestershire BS15 1XW	Kings Chase	None
9	PK17/1094/F	Approve with Conditions	77 Adderly Gate Emersons Green Bristol South Gloucestershire BS16 7DR	Emersons	Emersons Green Town Council
10	PK17/1198/F	Approve with Conditions	Rogers Orchard Upper Street Dyrham Chippenham South Gloucestershire SN14 8HN	Boyd Valley	Dyrham And Hinton Parish Council
11	PK17/1278/F	Approve with Conditions	Beechwood House 4 Lime Croft Yate South Gloucestershire BS37 7HG	Yate North	Yate Town
12	PK17/1289/ADV	Approve	HSBC 20 Badminton Road Downend South Gloucestershire BS16 6BN	Downend	Downend And Bromley Heath Parish Council
13	PK17/1383/CLP	Approve with Conditions	55 Cranleigh Court Road Yate South Gloucestershire BS37 5DQ	Yate North	Yate Town
14	PK17/1545/CLP	Approve with Conditions	42 Charnhill Drive Mangotsfield South Gloucestershire BS16 9JR	Rodway	None
15	PT16/6725/F	Refusal	The Slad Grovesend Thornbury South Gloucestershire BS35 3TW	Thornbury South And	Thornbury Town Council
16	PT16/6951/F	Approve with Conditions	14 Catbrain Hill Cribbs Causeway South Gloucestershire BS10 7TH	Patchway	Almondsbury Parish Council
17	PT17/0264/F	Approve with Conditions	38 Mill Lane Frampton Cotterell South Gloucestershire BS36 2AA	Frampton Cotterell	Frampton Cotterell Parish Council
18	PT17/0492/CLE	Approve with Conditions	The Hackett Hacket Lane Thornbury South Gloucestershire BS35 3TY	Thornbury South And	Thornbury Town Council
19	PT17/1065/F	Approve with Conditions	9 Newtown Charfield Wotton Under Edge South Gloucestershire GL12 8TF	Charfield	Charfield Parish Council

<b>ITEM NO.</b>	<b>APPLICATION NO.</b>	<b>RECOMMENDATION</b>	<b>LOCATION</b>	<b>WARD</b>	<b>PARISH</b>
20	<b>PT17/1124/F</b>	Approve with Conditions	27 Blenheim Drive Filton South Gloucestershire BS34 7AX	Filton	Filton Town Council
21	<b>PT17/1213/F</b>	Approve with Conditions	6 Willow Close Patchway South Gloucestershire BS34 5SG	Patchway	Patchway Town Council
22	<b>PT17/1537/CLE</b>	Approve	The Flat 4 Holmdale Road Filton South Gloucestershire BS34 7HS	Filton	Filton Town Council

## CIRCULATED SCHEDULE NO. 20/17 – 19 MAY 2017

<b>App No.:</b>	PK16/5067/F	<b>Applicant:</b>	Mr Steve Edwards
<b>Site:</b>	Land At North Road Yate Bristol South Gloucestershire BS37 7LQ	<b>Date Reg:</b>	20th September 2016
<b>Proposal:</b>	Change of use of land from agricultural to 7no. plot Travelling Showpeople yard (Sui Generis, as defined in the Town and Country (Use Classes) Order 1987 as amended) with landscaping, access and associated works	<b>Parish:</b>	Iron Acton Parish Council
<b>Map Ref:</b>	369940 183606	<b>Ward:</b>	Ladden Brook
<b>Application Category:</b>	Major	<b>Target Date:</b>	19th December 2016



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 100023410, 2008.

N.T.S.

PK16/5067/F

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

This application has been referred to the circulated schedule for determination as comments of objection from local residents have been received. These comments are contrary to the officer recommendation of approval.

### **1. THE PROPOSAL**

- 1.1 This application seeks full planning permission for the change of use of land at North Road, Engine Common, Yate to provide a travelling showpeople's yard containing 7 plots. The land is currently in agricultural use providing grazing with an area to the south used for grazing horses. Whilst shown on plans connected with the planning application, the land to the south is not subject to the proposed change of use and would be retained for grazing.
- 1.2 The application site is situated outside of any defined settlement, being to the north of the defined settlement of Engine Common, as identified on the proposals maps and therefore falls into the rural area of the district. Access is provided by North Road, a category C highway. Land to the rear (east) of the site may have been the route of a Roman road and is therefore of archaeological interest. The site falls within an area based tree preservation order. The site is located adjacent to an existing travelling showpeople's yard, Acres Fair. Whilst, normally, the constraints affecting the site would be the important factor to note, here the opposite applies. The fact that the site is outside of the green belt and Cotswolds AONB is of significant importance.
- 1.3 In terms of the development proposed, access would be gained from a relatively central position in the field before sliding to the south. From here, access would be provided to 4 plots of various sizes to the north and 3 plots to the south, behind a draining ditch. At the eastern end of the access road is a play area. There is also an informal copse leading to a paddock towards the southwest and two proposed paddocks either side of the access to the west. Each plot would be defined by hedgerow and native tree planting with rolled gravel surfacing.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
National Planning Policy Framework March 2012  
Planning Policy for Traveller Sites August 2015

- 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  
CS22 Travelling Showpeople  
CS34 Rural Areas

South Gloucestershire Local Plan Adopted January 2006 (Saved Policies)

L1 Landscape  
L9 Species Protection  
L16 Protecting the Best Agricultural Land  
EP2 Flood Risk and Development  
T12 Transportation

2.3 Supplementary Planning Guidance

- South Gloucestershire Council and The City of Bristol Council: Gypsy, Traveller and Travelling Showpeople Accommodation Assessment, January 2014
- Revised Landscape Character Assessment SPD, Adopted, November 2014
- Revised Waste Collection: Guidance for New Developments SPD, Adopted, March 2017

3. **RELEVANT PLANNING HISTORY**

3.1 There is no relevant planning history on this site.

3.2 The adjacent site, Acres Fair, was permitted under the following:

Reference: P92/1192

Description: Use of land for stationing of mobile homes and travelling showmen's equipment

Decision: Approved subject to condition

Date: 25 January 1994

Reference: P95/1617

Description: Use of land for stationing mobile homes and travelling showmen's equipment. (In accordance with Application P92/1192 dated 5 February 1992 without compliance with Condition 10 contained in the Decision Notice dated 25 January 1994

Decision: Approved subject to revised condition

Date: 14 July 1995

Appeal: Dismissed

Date: 17 January 1998

Reference: P97/2458

Description: Siting of 8 additional caravans (16 total).

Decision: Approved subject to condition

Date: 10 April 2001

Reference: PK00/2529/RVC

Description: Variation of condition 10 of planning permission P92/1192, as varied by P95/1617, to allow movement of light commercial vehicles and associated trailers outside of the authorised operating hours

Decision: Approved subject to conditions



Date: 09 April 2001

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

- 4.1 Iron Acton Parish Council  
Objection: outside settlement boundary; traffic; noise; impact on local amenities; lack of details on foul sewerage
- 4.2 Arts and Development Officer  
No comment
- 4.3 Avon and Somerset Police  
No objection
- 4.4 Ecology Officer  
No ecological constraints to prevent the grant of planning permission but conditions regarding bat mitigation are required
- 4.5 Highway Structures  
No comment
- 4.6 Landscape Officer  
No overall objection; query development within root protection area of trees; loss of roadside hedge is undesirable; landscaping details and maintenance should be required by condition
- 4.7 Lead Local Flood Authority  
No objection but drainage condition should be attached to include package treatment plant location and effluent
- 4.8 Spatial Planning Team  
The site is not allocated for travelling showpeople's accommodation and therefore should be assessed by the planning officer against the criteria in policy CS22, and the national Planning Policy for Traveller Sites.
- There is an existing shortfall of sites across the district for travelling showpeople which this development would help to address.
- 4.9 Sustainable Transport  
No objection subject to condition relating to the provision of visibility splays and construction details of the site access
- 4.10 Tree Officer  
No objection in principle; however, the trees have not been afforded any protection. Details of fencing and an arboricultural method statement are required by condition.

## **Other Representations**

### 4.11 Local Residents

2 comments of objection and 1 general comment from local residents have been received. These raise the following points:

- close board fence and high hedgerow requested to retain privacy
- development will generate heavy goods vehicle traffic; road is subject to a weight restriction
- conditions should restrict the hours which heavy goods vehicles may enter and leave the site
- drainage needs to be demonstrated
- consideration should be given to potential pollutants from the repair and maintenance of machinery
- development is not in keeping with the surrounding area
- existing showpeople's yard is in the area
- land is designated as countryside and should be protected

## **5. ANALYSIS OF PROPOSAL**

5.1 This application seeks planning permission for the change of use of land to form a travelling showpeople's yard to include 7 plots on land near Engine Common.

### Principle of Development

5.2 Planning law states that applications for planning permission must be assessed against the provisions of the development plan unless material considerations indicate otherwise. The relevant section of the development plan is policy CS22. This policy does 3 things: firstly, it states that provision will be made in the Policies, Sites and Places DPD for allocating sites to meet the identified need for travelling showpeople; secondly, it provides a criteria against which sites will be considered; and, thirdly, it safeguards existing provision of accommodation for travelling showpeople.

5.3 Although only adopted in 2013, it should first be considered whether the development plan policy is considered up-to-date and to reflect government guidance in order to establish what weight should be applied to the policy in the determination of this application. Government guidance is contained in 'Planning Policy for Traveller Sites' dated August 2015 ("PPTS"). This contains 9 'policies' as to how development for traveller sites should be considered and annex containing definitions. To summarise these, PPTS requires local planning authorities to plan positively to manage development through using robust evidence base to set accommodation levels against the established need, identify and deliver accommodation against these targets whilst promoting sustainable development. PPTS is very clear that any development should not dominate the nearest settled community, should relate well to existing development, and that development of traveller sites in the green belt is inappropriate development (which should not be approved except in very special circumstances).

The PPTS is also clear that if a local planning authority cannot demonstrate a 5-year supply of deliverable sites, this would be a highly significant material planning consideration in the determination of speculative applications.

- 5.4 To comparing national guidance to policy CS22, each of the 3 aspects of the policy shall be considered.
- 5.5 Taking first the site allocations, it should be noted that the application to be determined is not an allocated or safeguarded site. Therefore this part of the policy does not come into play in this decision. Moving on to the criteria for assessing planning applications, those listed within CS22 are broadly consistent with the aims of government policy as expressed in PPTS. As a result, policy CS22 can be afforded full weight (in terms of the areas for consideration) in the determination of this planning application. However, a major concern with the policy is found in relation to the issues of need and provision.

#### *Need and Provision of Travelling Showpeople's Accommodation*

- 5.6 Policy CS22 identifies that provision within the district for travelling showpeople's accommodation is required but defers making such provision to the Policies, Sites and Places Plan ("the PSP"). The PSP has undergone Examination in Public and is expected to be adopted by the authority (subject to modifications) in the autumn of this year. The PSP does not include any allocations; it is being produced purely to provide an update to the authority's development management policies. Therefore, provision for travelling showpeople's accommodation will not now be made until the replacement local plan which is soon to start preparation.
- 5.7 This leads to a number of issues. PPTS requires planning authorities to be able to demonstrate a 5-year supply of deliverable sites. However, as the development plan is in effect silent on the matter as it does not set a target provision against which the 5-year supply can be measured, completions are not reported in the annual Authority Monitoring Report. This also means that the planning authority cannot demonstrate that the underlying need is being met.
- 5.8 The need for travelling showpeople's accommodation is established in the Gypsy, Traveller and Travelling Showpeople Accommodation Assessment ("GTAA") dated January 2014 for South Gloucestershire and Bristol City Council. This identified that:
- all existing yards in the assessment area are fully occupied;
  - a total of 10 concealed households have been identified in South Gloucestershire;
  - as there are no publically owned sites, there are no waiting lists for travelling showpeople's accommodation; and,
  - to the period to 2028, new household formation in South Gloucestershire would require the provision of 13 plots.

- 5.9 This therefore leads to a demand for 23 plots (10 from concealed households and 13 from new household formation) over the plan period; although it should be noted that a revised GTAA is under preparation.
- 5.10 Policy CS22 fails to make adequate provision for meeting demand, as required by PPTS. The policy is therefore not up-to-date and, in terms of issues regarding supply and demand, cannot be given full weight.
- 5.11 The local planning authority cannot demonstrate a 5-year supply of deliverable sites based on the identified need as no trajectory for provision is included within the development plan against which completions can be measured. As such, it must be concluded that the authority does not have a 5-year supply and in accordance with paragraphs 23 and 27 of PPTS the issues of supply are a significant material planning consideration and the presumption in favour of sustainable development should apply.
- 5.12 In terms of provision, the proposed development would address 30% of the identified need over the period to 2028. This factor weighs heavily in favour of the proposal.
- 5.13 The proposed development should therefore be determined against the considerations set out below.

#### Criteria of CS22 and PPTS

- 5.14 As stated, policy CS22 can be afforded full weight in terms of the criteria posed for assessing planning applications. However, in light of the absence of a 5-year supply of deliverable sites, the policy overall cannot be afforded full weight. Therefore, in order to make a robust decision, reference to both the development plan and PPTS should be made. The assessment of the planning application is undertaken using the following headings.

#### *Definition of Travelling Showpeople and Personal Circumstances*

- 5.15 Paragraph 3 of Annex 1 to PPTS defines “travelling showpeople” as:

*Members of a group organised for the purposes of holding fairs, circuses or shows (whether or not travelling together as such). This includes such persons who on the grounds of their own or their family’s or dependent’s more localised pattern of trading, educational, or health needs or old age have ceased to travel temporarily, but excludes Gypsies and Travellers [for which the Annex provides a separate definition]”*

- 5.16 The applicant has confirmed that the occupiers of the site would meet the characteristics of this definition. Should the application be approved, a condition should be attached which sought to ensure that the site was occupied only by persons to whom this definition applies.
- 5.17 No personal circumstances have been advanced by the applicant which they wish the planning authority to consider as part of their determination. As such, no weight is applied to personal circumstances in reaching a recommendation on this proposal.

### *Alternative Accommodation*

- 5.18 It is clear from the discussion above that there is an unmet need for the provision of travelling showpeople's accommodation in South Gloucestershire. However, the issue is more detailed than the face-value demand. The GTAA has identified that the existing yards are at capacity and that the plots within the yards in the administrative area of Bristol are being gradually reduced in number. The GTAA also identifies that there are no public sites. As a result it is clear that there is no alternative accommodation and this is a factor which should be given significant weight in the determination of this application.

### *Relationship with and impact upon Settled Community and Locality*

- 5.19 PPTS states that new development in the open countryside should be strictly limited and CS22 requires development to be within a reasonable distance of local services and facilities. Whilst the site is within the rural areas of the district, as it is outside of any defined settlement, it is not distinctly isolated nor is it a significant distance from a settlement.
- 5.20 The site lies less than 300 metres from the northern limit of the defined settlement boundary of Engine Common. Engine Common is a linear settlement along North Road with the greatest levels of development towards its southern end. The site is situated close to the junction of North Road, Manor Road, and Tanhouse Lane. In this location there is a cluster of development on the eastern site of North Road; to which the site would relate. Whilst the site is within the open countryside, the extent of nearby development means that there is a good relationship with existing settlements.
- 5.21 As part of the planning process, the impact on the settled community must be considered. Adjacent to the site is Acres Fair, another travelling showpeople's yard. This yard provides 9 plots at present (although it should be noted that up to 16 plots on this site were permitted under P97/2458). Combined with the existing 9 plots at Acres Fair, the proposed 7 plots would lead to total of 16 plots in this locality. As part of the supporting documents, the applicant compares the population to that of the parish of Yate (with 21,603 residents). The provision of 16 plots could not be considered to dominate. When this is taken to a lower level, the results are the same. The site is located within the parish of Iron Acton which (according to the 2011 census) has a population of 1,346 residents within 551 households. The 16 households for travelling showpeople is not considered to dominate the smaller more local population of Iron Acton parish.

### *Design, Layout, and Landscaping*

- 5.22 Policy CS1 requires all development in the district to meet the highest possible standards of site planning and design. In addition to this, PPTS seeks to use soft landscaping to enhance the environment, promote open space and play areas, and avoid high walls and fences. Policies CS1, CS9 and L1 seeks to protect and enhance the landscape.

- 5.23 The proposed layout leads to the formation of individual plots through hedgerows which native tree planting within. This leads to a rural setting to the site, especially as existing trees and hedges are retained. As part of the layout a play area is proposed, as are 2 paddocks and an informal copse. These can be used as outdoor amenity space and provide relief from the otherwise relatively hard surface treatments of the plots themselves. In terms of fencing, 1.5 metre high post and rail fences are proposed to contain the hedges and mark the boundaries of the plots and paddocks. These are not high and therefore would assist in providing the openness sought by PPTS.
- 5.24 Some concern has been raised that the development includes work within the root protection areas of the trees. This requires the revised alignment of a number the proposed fences and an arboricultural method statement (which should include the means of surfacing); however, such matters can be managed by condition.
- 5.25 It is considered that the layout of the site would (subject to condition) provide appropriate landscaping and protect the existing trees and hedges whilst providing both play and amenity space. An acceptable standard of site planning and design has been achieved.

*Environmental Effects (including Drainage, Ecology, and Heritage)*

- 5.26 Policy CS22 seeks to resist proposals that would have an unacceptable environmental effect and proposals which are subject to unacceptable levels of noise disturbance, air pollution, smell, dust or contamination.
- 5.27 There is no evidence that the site is subject to high levels of noise disturbance, air pollution, smell, dust, or contamination. There is little evidence that the proposal itself would lead to a significant environmental impact.
- 5.28 Drainage of the site is important. Further details have been sought during the determination of this application. The lead local flood authority is satisfied that the site can be subject to suitable drainage and flood risk management. A condition shall be attached which seeks to secure a SUDS scheme in the interests of managing flood prevention and pollution control. The condition would also require details of the proposed package treatment plant including method of irrigation and effluent.
- 5.29 It has been noted by the ecology officer that, based on the submitted ecological appraisal, there are no ecological constraints to granting planning permission. However, given the rural location of the site any lighting on the site should be managed to ensure that it is 'bat friendly'; this can be through the use of planning conditions.
- 5.30 Running along the eastern boundary of the site runs the route of a Roman Road. Whilst there is only limited ground disturbance, it does provide the potential for archaeology to be found. In order to manage any archaeology that may be discovered as a result of this development, a condition for a watching brief to be agreed should be attached to any permission given.

5.31 The development would lead to the loss of agricultural land. A long standing planning objective is to protect against the loss of the best agricultural land in the interests of soil sustainability. However, given the scale, nature, and type of development, this proposal is not considered to have a significant impact on the availability of agricultural land or the quality of that land.

#### *Access, Transport, and Parking*

5.32 To facilitate the development of the site, a new access on to North Road is proposed on the western boundary of the site. At this location, visibility splays of 2.4 metres by 120 metres can be achieved in both directions. This level of visibility is that required for trunk roads – the most strategic category A roads in the country – and exceeds the distance normally required for junctions of this nature.

5.33 Within the site, the layout provides access and turning for articulated heavy goods vehicles and other such large vehicles. Movements to and from the site can therefore all be undertaken in forward gear. The layout also provides adequate parking. In terms of highway design and safety the development is acceptable and would not result in a severe impact.

5.34 Traffic associated with the development is transient and dependent on the trading season of the occupiers. In general, travelling showpeoples's yards are less occupied in the spring and summer than during the winter. Traffic generated from the site during the spring and summer is therefore likely to be low. During the winter, it is reasonable to expect that the site would be occupied with associated daily traffic movements. Movements can be expected to be similar to residential dwellings and therefore the total movements from the site would be between 42 and 46 per day. Movements of this nature are more likely to be in smaller vehicles (those associated with daily life) than tractors and trailers used in association with the business of the occupiers.

5.35 Residents have expressed concern in relation to vehicular movements and the weight restriction on North Road. In response to this, the applicant has confirmed that it is unlikely that the development would breach the restriction. This is because the vehicles used are below the weight limit. However, should this change in the future, vehicles would be used to access the site to load/unload equipment and then leave; this would not be in breach of the restriction. It should be noted that the weight restriction is in place for environmental rather than highway safety or structural reasons.

5.36 Given all of the above, it is not considered that the development would have a severe impact on highway safety, transport, access or parking. Conditions would be used to ensure that the development is carried out appropriately including the provision of the access and its surfacing.

#### *Residential Amenity*

5.37 Development should not be permitted that has a prejudicial impact on the residential amenities of nearby occupiers or which fails to provide adequate living conditions to future occupiers of the development.

The property most likely to be effected by development is Pear Tree Cottage (410 North Road). The access is some distance from the dwelling itself, although the route does slow towards the dwelling it is still at an acceptable separation distance. Immediately to the rear of the property is the informal copse and native woodland buffer. The development therefore is not considered to be overbearing or to effect outlook. Details to be agreed through condition would also act to protect privacy, by, for example, ensuring the appropriate maintenance of any planting and the prevention of new fences.

- 5.38 Amenity can also be impacted through operations at 'anti-social' hours. In order to protect amenity, a condition shall be used to prevent 'working' at certain times. The times for this condition shall reflect those at the adjacent yard.
- 5.39 It is considered that the occupiers of the site would benefit from adequate access to outdoor space in the interests of health, wellbeing and play.
- 5.40 It is not considered that the development would have an adverse impact on any other nearby occupiers.

#### Planning Balance

- 5.41 PPTS requires decision takers, when a 5-year supply of deliverable sites cannot be demonstrated, to assess proposals in light of the presumption in favour of sustainable development. Whilst this proposal is not on an allocated site, it would make a significant and valuable contribution towards accommodation for travelling showpeople in the district. Indeed, the proposed 7 plots would provide 30% of the currently identified need to be delivered by 2028. This weighs heavily in favour of permitting the proposed development.
- 5.42 The site is not subject to any landscape or land use designation (such as green belt) which would deem the development inappropriate in principle. Therefore, the assessment should look at the harms and benefits of the proposal to determine its acceptability.
- 5.43 The site is well located with access to local goods, services, and facilities. It also relates to an existing settlement and a cluster of development outside of the village boundary. The development is not considered to have a dominating impact on the settled community. The development reaches an acceptable standard of design and site planning and subject to the conditions discussed would not result in harm.
- 5.44 Through the assessment of the application, no harm has been identified. The proposed development would therefore be considered to be sustainable development as defined in the National Planning Policy Framework: it would provide accommodation for travelling showpeople (social/ economic) without an adverse (environmental) impact.
- 5.45 No harm has been identified to outweigh the benefit of the proposal. It is therefore recommended that planning permission is granted.



## Other Matters

- 5.46 A few items raised in the consultation responses have not been addressed in the above analysis; these will be addressed here for clarity.
- 5.47 A close board fence or high hedge would not be considered sympathetic to the rural character of the location. Matters of fencing and hedging will be fully considered under the proposed landscaping condition.
- 5.48 The presence of the existing travelling showpeople's yard would only be of issue should the resulting number of plots dominate the settled community; this is not the case here. Furthermore, from the majority of the anecdotal evidence available to officers, it would appear that the existing travelling showpeople population and the settled community have a good relationship.
- 5.49 While the land is in the countryside, it has been found that the development is acceptable.

## **6. CONCLUSION**

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

## **7. RECOMMENDATION**

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

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

## **CONDITIONS**

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

Reason

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

2. The development hereby approved shall be solely occupied by persons who are members of a group organised for the purposes of holding fairs, circuses or shows (whether or not travelling together as such). For clarity this includes: such persons who on the grounds of their own or their family's or dependents' more localised pattern of trading, educational or health needs, or old age, have ceased – temporarily – to travel; but excludes all other persons of a nomadic habit of life whatever their race or origin.

Reason

The site has been assessed as providing accommodation for travelling showpeople and should be retained for such use to accord with policy CS22 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013, the provisions of the Planning Policy for Traveller Sites August 2015, and the National Planning Policy Framework March 2012.

3. The number of plots at the yard hereby approved (as defined as being within the land edged in red on drawing SE16-SLP) shall at no time exceed 7.

Reason

Any intensification of the use would require further assessment in the interests of meeting the need for the provision of this type of accommodation, the impact on the locality, and monitoring purposes, and to accord with policy CS1, CS8, CS9, and CS22 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013, the provisions of the Planning Policy for Traveller Sites August 2015, and the National Planning Policy Framework March 2012.

4. Prior to the commencement of development, drainage detail proposals incorporating Sustainable Drainage Systems (SUDS) and confirmation of hydrological conditions within the development site (e.g. soil permeability, watercourses, mining culverts) for the purposes of flood prevention, pollution control, and environmental protection, 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 that a satisfactory means of drainage is provided, and to accord with policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework. This is required prior to commencement as it relates to ground conditions.

5. Prior to the commencement of development a programme of archaeological investigation and recording for the site shall be submitted to and approved by the Local Planning Authority. Thereafter, the approved programme shall be implemented in all respects, unless the Local Planning Authority agrees in writing to any variation.

Reason

In order to ensure the adequate protection of archaeological remains, and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework. This is required prior to commencement as it relates to ground disturbance.

6. Prior to the commencement of development a scheme of landscaping, based upon drawing TDA.2202.03, 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; details of any works being undertaken in the root protection areas of said trees (which shall be supported by an arboricultural method statement); proposed planting (and times of planting); boundary treatments, and location of boundary treatments; areas of hardsurfacing; and, a scheme of landscape maintenance (which shall include provision for the replacement of any plant which becomes damaged, diseased, or dies) for a period of 5 years from the date the landscaping scheme is completed; shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details with tree protection measures being installed prior to the commencement of any works. The planting required by this condition shall be completed before the end of the first planting season following the first occupation of the site.

Reason

To protect the character and appearance of the area to accord with Policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework. This is required prior to the commencement of development in order to ensure adequate tree protection measures are in place.

7. Prior to the first occupation of the site, a scheme of lighting shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved lighting scheme and lights that do not accord with the approved details shall not be installed. For clarity: the lighting scheme shall be designed to limit the impact on artificial lighting on bats and shall accord with the specifications made in the Preliminary Ecological Appraisal (Just Mammals Consultancy LLP, November 2015).

Reason

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

8. Prior to the first occupation of the yard hereby approved, visibility splays at the intersection with North Road shall be provided in accordance with 'Figure 3 (Proposed Access Arrangement)' within the Highways Transport Statement.

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.

9. Prior to the first occupation of the yard hereby approved, the first 20 metres of the access road from the junction with North Road shall be constructed of a bound surface material.

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.

10. The hours of working at the site shall be restricted to 0800 to 1800 on Mondays to Fridays and 0800 to 1300 on Saturdays and no working shall take place on Sundays or Bank Holidays. The term 'working' shall, for the purpose of clarification, include: the use of plant or machinery (mechanical or otherwise); the carrying out of any maintenance work on any plant or machinery; the movement of vehicles (except private cars and light commercial vehicles, such as a Transit, and any trailer towed by such vehicles); and, the movement of heavy goods vehicle trailers.

Reason

To protect the amenity enjoyed by those living in the locality and to accord with the provisions of the National Planning Policy Framework.

11. 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 2 (Class A), other than such development or operations indicated on the plans hereby approved (and as agreed under condition 6 of this permission), 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 Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; and the National Planning Policy Framework.

12. The hours of working on site during the period of construction shall be restricted to 0730 to 1800 Monday to Friday, 0800 to 1300 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 amenity enjoyed by those living in the locality and to accord with the provisions of the National Planning Policy Framework.

13. The development hereby approved shall be carried out in accordance with the following plans (as substituted by the details required by the above conditions): TDA.2203.03-C Site Layout and Detailed Landscape Proposals, and SE16-SLP Site Location Plan.

Reason

In the interests of clarity and proper planning.

## CIRCULATED SCHEDULE NO. 20/17 – 19 MAY 2017

<b>App No.:</b>	PK16/5299/F	<b>Applicant:</b>	Mr Ian McBraida McBraida Plc
<b>Site:</b>	Rear Of 38 Bath Road Bridgegate South Gloucestershire BS30 5JW	<b>Date Reg:</b>	28th September 2016
<b>Proposal:</b>	Construction of car park to provide 45no. parking spaces with access and associated works relating to McBraida PLC (Class Use B1)	<b>Parish:</b>	Siston Parish Council
<b>Map Ref:</b>	367920 173025	<b>Ward:</b>	Siston
<b>Application Category:</b>	Minor	<b>Target Date:</b>	18th November 2016



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 100023410, 2008. N.T.S. PK16/5299/F

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

The application is referred to Circulated Schedule following objections from local residents and from two Parish Councils.

### **1. THE PROPOSAL**

- 1.1 The applicant seeks full planning permission for the construction of a car park to provide 45no. parking spaces with access and associated works, to be ancillary to the McBraida factory (Class Use B1).
- 1.2 The application site relates to a parcel of land on the corner of Bath Road and Francis Way. It is in the ownership of the McBraida PLC but on the opposite side of the road to the main factory. The area of land has been enclosed by fencing and hedges which have reached a mature level. To the south of the site is the River Frome and part of the site closest to the river is a wildlife corridor allowing access along and connecting to Siston Common on the other side of Bath Road. This part has been identified as falling within Flood Zone 2. The common is within the Bristol/Bath Green Belt but the site itself is within the settlement of Bridgeyate. It is noted that the main factory site has been designated a protected employment area but the proposed new car park site falls outside this zone.
- 1.3 During the course of the application revised drawings were received to amend the landscape plan, to re-configure the 45no. spaces on the site and also detailed information was requested and received to address concerns raised by the Environment Agency given the close proximity to the River Frome.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
National Planning Policy Framework  
Planning Policy Guidance

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

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

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

- E3 Employment Development Proposals with the Urban Area and Defined Settlement Boundaries
- EP2 Flood Risk Development
- L5 Open areas within defined urban settlements
- L9 Landscape
- T8 Parking standards
- T12 Transportation Development Control Policy for New Development

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

PSP1	Local Distinctiveness
PSP2	Responding to Climate Change
PSP5	Undesignated Open Spaces within Urban Areas and Settlements
PSP16	Parking Standards
PSP19	Wider Biodiversity
PSP20	Flood Risk, Surface Water and Watercourse Management
PSP21	Environmental Pollution and Impacts

2.4 Supplementary Planning Guidance  
Design Checklist SPD (Adopted) 2007

**3. RELEVANT PLANNING HISTORY**

The main site has been subject to a number of planning applications. Full details can be found on the Council's website but some of the more relevant applications are listed below:

3.1	Application site PK02/3435/O Refused	Residential development (Outline). 8.4.03
3.2	Main factory site PK01/3362/RVC Refusal	Removal of conditions 6 of planning permission pk01/1639/f to allow non-restricted hours of working and removal of condition 7 to allow outside storage. 29.4.02
3.3	PK01/1639/F Approved	Erection of extension and re-roofing of existing unit 3.9.01
3.4	P97/4207 Approved	Creation of new vehicular access 2.6.98
3.5	Francis Way development K6277/7 Approved	Erection of 41 no. dwellings and associated works 11.7.96
3.6	Haweswater Close K448/56 Approved	Erection of 14 x 2 bed dwellings and garages as a revision to K448/35 18.2.91

3.7	K448/35	Erection of 111 dwellings with associated roads, footpaths and children's play areas and joint cycle footpath link
	Approved	30.9.87

#### 4. CONSULTATION RESPONSES

##### 4.1 Bitton Parish Council

###### Objection:

It constitutes a loss of green open space and leads to the urbanisation of the street scene. No landscaping plans are apparent. It would seem that the addition of 45 new parking spaces would provide virtually sufficient spaces for every member of staff and therefore provides no incentive for more sustainable forms of transport.

##### Siston Parish Council

###### Objection:

- the address quoted on the application is incorrect, it is in fact Francis Way, Bridgegate.
- the area concerned was always intended to be used as open space when the estate was built. McBraida have fenced the area and put in place a gate which limits the free access that was intended.
- there is concern that the run-off from soiled water will enter the adjacent brook and have a detrimental effect on the wildlife.

##### 4.2 Other Consultees

###### Landscape architect

###### Objection:

Green corridors linking open countryside to the urban wildlife green network are important Green Infrastructure assets that should be protected from development.

###### *Updated comments:*

*The site does not fall within an area of public open space but is delineated as Green Infrastructure. To compensate native planting on the opposite side of the road is required. Revised plans showing planting are considered acceptable.*

###### Ecologist

No objection subject to conditions and informatives

###### Sustainable Transport

Over provision of parking as per Policy T8 so additional information requested re floor area of building, confirmation of existing use, query travel plan.

###### *Updated comments:*

*Following receipt of additional information the proposed level of parking is considered acceptable. No objection subject to a condition attached to the decision notice.*



#### Lead Local Flood Authority

Details relating to flood risk have been submitted within Campbell Reith Drainage Statement dated 26<sup>th</sup> January 2017 and assessed by the Environment Agency (EA). South Gloucestershire Council accepts the EA's assessment and therefore have no objection subject to a SUDS condition to be attached to the decision notice.

#### Environment Agency

Objection – within Flood Zone 2. Close to brink of bank of River Frome. Drainage survey required. The Environment Agency requires clarification on how our maintenance and emergency access to the North Common Watercourse will remain uninterrupted.

#### *Updated comments:*

Objection withdrawn. Conditions to be attached to the decision notice regarding ground levels and fencing and planting alongside the river

#### Lead Local Flood Authority

It is acknowledged that a small part of the site lies within Flood Zone 2 and therefore before we may comment further, it requires the submission of a Flood Risk Assessment (FRA) to consider the potential risk of flooding from all sources to the proposed development over its lifetime and any possible impacts on flood risk elsewhere.

#### *Updated comments:*

*Following EA's updated comments, a FRA is not required. No objections.*

#### Economic Development

No objection

#### Tree Officer:

There is no Arboricultural objection to the proposal provided the development is carried out in accordance with the tree retention measures described in the submitted Bosky Arboricultural Report. This to be secured by condition.

#### Highway Structures:

No comment

### **Other Representations**

#### 4.3 Local Residents

Three letters of objection have been received. In addition the Council has received a letter from the local MP requesting that comments from his constituents be taken into consideration. One of the objectors is the named constituent and the comments have been included in the list below:

#### Impact on residential amenity:

- The planned lighting will light up my garden and the back of my property at night disturbing sleep
- Cars would be visible when trees not in full leaf
- Concerned about noise of 45 cars

Transport:

- Large commercial vehicles park in Francis Way around the entrance to the new car park and this would impact on the number of vehicles in this area increasing chance of accidents
- Design of the parking seems to include three disabled parking spaces which is strange given the remoteness of the proposed car park from the existing buildings and the gradient of the approach within the site
- The extra parking is not needed on this site – why can't it be accommodated with the main McBraida site
- What provision is there to control parking on the carriageway as this could impact on visibility from the site
- The proposals appear to give McBraida nearly a space per employee – how does this conform to Council policy on sustainable transport? Other businesses are made to lift share and use public transport
- Construction of the car park to allow 5-10 minute shift change overs to twice a day seems excessive

Green space:

- Concerns about wide variety of wildlife
- Car park would be a further loss of green space

Drainage:

- Drainage design needs to assess suitability of this location. No reference to maintenance of the SUDS system. Turning movements of vehicles can relocate stones over time which could get washed into the watercourse and cause a blockage
- Development is likely to compromise the area with regard to flooding and impact on local residents obtaining home insurance
- Previous applications have not been successful here due to fear of flooding

Other matters:

- A stepping stone to allow further building of homes on the site
- Drawings reference a football pitch – never seen anyone playing football there, no pitch markings etc
- Concerned about security due to its secluded nature
- Affects property value

## 5. **ANALYSIS OF PROPOSAL**

### 5.1 Principle of Development

The application stands to be assessed against the above listed policies and all material considerations. Of particular relevance is the location of the site on a piece of land owned by McBraida PLC but which falls outside the safeguarded employment area of the factory on the other side of Francis Way. The area is a piece of land currently set to grass and enclosed by fencing and hedges alongside Francis Way, so although owned by the commercial unit located opposite the site has never be included as part of that planning unit, and its planning use is not certain. A set of gates gives access off this road into the site. It is however within the settlement boundary of Bridgegate.

The critical balance that this assessment undertakes is balancing the economic benefits of the proposal for the established safeguarded employment unit relative to the intrinsic value of the site as open (albeit not public) space in its own right. The question is which purpose would better serve the wider public interest.

- 5.2 It has been explained that the proposed car park would be to serve the established factory of McBraida to accommodate shift working patterns. Both local and national economic policy are in favour of encouraging and facilitating new and existing businesses. The NPPF is supportive of sustainable development which has an economic, social and environmental role. In this instance the proposal would be to assist an existing business with the opportunity for future expansion on land it already owns. The scheme therefore, follows these principles.
- 5.3 Although the NPPF is a more up-to-date planning guidance document, Policy E3 holds the same ethos and the following headings can be used as relevant topic areas to assess the application which include: environment impact; transport; residential impact; effect on character of the area; and be compatible with site and its surroundings. Its overall appearance will also be discussed but it is useful to begin with the economic justification.
- 5.4 **Economic justification:**  
The main McBraida factory falls within a recognised safeguarded area for employment, but the application site itself although within the McBraida ownership, falls outside this designated area. In support of the proposal it is considered that the additional parking would lead to the retention of the staff and current contracts, which will also contribute to further growth in the future. The occupant operates within aerospace and advanced engineering, a key sector which is recognised by the West of England Local Enterprise Partnership [LEP] and one that is promoted throughout the world, to attract inward investment into the region. McBraida in particular, are a tier-one supplier to Aerospace Primes, and therefore are an integral part of South Gloucestershire's aerospace supply chain and economy.
- 5.5 Due to working patterns and shift changes during the day at the employer's site, the current available parking has become unviable for the occupier, who has been operating from this location for over 50 years. It is understood that the proposed development would address these operational issues that may in the near future, potentially hinder the growth of a local business who are in close proximity to the Cadbury Heath/Warmley Priority Neighbourhoods (part of their employment base), and invest heavily in training and developing its workforce (16 of the 170 staff are apprentices). The provision of 45 additional staff parking spaces would reduce the on-street parking in the area during business hours, which can disrupt traffic flow and reduce HGV visibility onto and off the site.
- 5.6 The proposed new car parking facility for the existing business will ultimately help retain and could support the future growth of a key local employer by increasing the viability of the site. This is given weight in the overall assessment of this application.

**5.7 Environmental impact:**

The application site has been identified as being next to the River Frome on a strip of land also recognised as a wildlife corridor running from the adjacent residential estate on Francis Way to Siston Common. It is therefore acknowledged that in environmental terms the change from an undeveloped grassland to a car park would be harmful. Any assessment must therefore fully consider the site with regards to drainage and flooding and with regards to impact on wildlife, ecology and landscape. Officers must be certain that any resulting harm can be off-set by benefits of the scheme or by measures of mitigation.

**5.8 Drainage and Flooding:**

The site has been identified on EA maps as falling within Flood Zone 2. Guidance within the NPPF declares that new development should be planned to avoid vulnerable areas such as those at risk of flooding unless the risks can be managed through suitable adaptation measures. It goes on to state that inappropriate development in areas of high risk of flooding should be directed away, but if development is necessary it should be made safe without increasing flood risk elsewhere. Advice from the Environment Agency (EA) and lead local flood authority is taken under such circumstances. A Sequential, risk-based approach is required followed by an Exception test if necessary.

5.9 The aim of the Sequential test is to firstly steer development to areas with the lowest probability of flooding. In this case the development cannot be located elsewhere given that the car park is to be located on an area of land owned by McBraida and directly opposite the main factory entrance. The Exception test is therefore activated and to be passed it must be shown that the development provides wider sustainable benefits to the community that outweigh flood risk and the site specific flood risk assessment must demonstrate that the proposal would not increase flood risk elsewhere.

5.10 The Environment Agency has spent a great deal of time working with the applicant on this application requesting appropriate drainage information and finally agreeing on measures to ensure that their access to the River Frome would not be impeded due to the proposed new car park.

5.11 Following extensive discussions a Drainage Strategy Project Number 12560 dated 26 January 2017 was submitted to the EA for consideration. Further clarification regarding how maintenance and emergency access to the North Common Watercourse would remain uninterrupted was requested of the applicant. Plans received showed that at its nearest point the proposed car park would be 0.85 metres from the brink of the bank.

5.12 The EA requires access with machinery to the North Common Watercourse to carry out maintenance activities and 24/7 emergency access. It was felt that the proposed car park should be set back 8 metres from the brink of the bank to achieve this. However, the EA was prepared to accept an agreement with the applicant confirming that access to the bank and river would not be impeded if the car park were to be positioned this close to the bank. The type of surfacing to be used for the proposed car park was agreed and it was emphasized that the EA would not be liable for any damage sustained to the surfacing of the car

park as part of its activities.

- 5.13 In addition it was emphasized that no fencing was to be erected to the rear of the car park alongside the watercourse as this would impede access and any gaps along this side within the existing planting should be retained to ensure there would be no obstruction to future access. Appropriate conditions will be attached to the decision notice.
- 5.14 Details also confirm that any works in, over, under or within 8 metres of a Main River will require a Flood Risk Activity Permit. This is a requirement over and above the need for planning permission and will be attached to the decision notice as an informative.
- 5.15 It was noted that the applicant disagreed that the site was within Flood Zone 2. In response the EA have confirmed that a challenge to their *Flood Map for Planning: Rivers and Sea* is not required in order to remove their concerns to the proposed car park. For information/awareness it is stated that changes to the EA's *Flood Map for Planning: Rivers and Sea* from Flood Zone 2 to Flood Zone 1 cannot be made based on the submission of topographic survey data alone. To undertake a formal Evidence Review Request it would be necessary to submit a hydraulic model undertaken to current best practice, water level results and mapped flood extents for Flood Zones 2 and 3. In this case the agreed measures and the submitted Drainage Strategy have been sufficient to remove the initial concerns to the proposed car park and furthermore, for this type/scale of development it is recognized that such work would be disproportionately costly.
- 5.16 The EA considers the proposal acceptable subject to conditions attached to the decision notice.
- 5.17 Lead local flood authority  
Initially part of the development site was identified as being within Flood Zone 2. Protracted discussions with the EA and the applicant have finally provided the required information which demonstrates that the proposed development could be safely accommodated on site without any additional flood risk. It is confirmed that due to the submission of an acceptable Drainage Strategy a flood risk assessment is not required and with appropriate conditions attached to the decision notice the scheme is acceptable.
- 5.18 Ecology  
An Extended Phase 1 Habitat Survey report was provided by Abricon Ltd. (September 2016). The report details the Phase 1 Habitat Survey and building inspection carried out for bats.

*Habitats:*

- Building
- Amenity grassland
- Hedgerows
- Ornamental planting
- Hardstanding

*Species protected under the Conservation Regulations 2012 (as amended), known as European Protected Species, and Wildlife & Countryside Act 1981 (as amended)*

- Bats – no evidence of bats was found during the survey and there were no opportunities for roosting bats.
- Great crested newt – the nearest pond is 450m from the development, separated by an ecological barrier. It is therefore considered unlikely that this development will impact GCN.

*Species protected under the Wildlife & Countryside Act 1981 (as amended):*

- Birds – there is some foraging and nesting habitat available in the hedgerows, and potentially within the ornamental planting.
- Reptiles – no evidence of reptiles was observed. The site is considered to have unsuitable habitat for reptiles.

*Badger Act 1992:*

- No evidence of badger was recorded on site, and the habitat was considered to be unsuitable.

5.19 No other habitat for Protected Species was identified during the survey. Consequently there are no ecological objections to this proposal.

5.20 Landscape:

*“The Kingswood landscape character area is a heavily built up area of residential, commercial and industrial uses and roads, interspersed with pockets of open space”.*  
LCA 14

5.21 The site itself is maintained grass bounded by a high native roadside hedge on the northern boundary and trees and other native shrub planting following the water course on the southern side. Initial investigations using the South Gloucestershire Council Map information system suggested the site was listed as part of Open Space Sport and Recreation / Amenity Green Space. It also forms part of a strategic green corridor, including a water course, linking the Bristol and Bath Railway Path and The Dramway corridor with the open Green Belt countryside to the east.

5.22 Discussions and further investigations were made to confirm the status of this piece of land. Although it was originally included in the public open space for the first phase of the housing development in Francis Way and beyond, this was never confirmed within the signed legal agreement (Section 106 agreement). It appears that the site was enclosed by planting from around 2006 with the hedge-line well established by 2008. The site was however, identified as being within the Green Infrastructure corridor under Policy CS2. This policy indicates that should development be allowed in this area then a good level of landscape infrastructure is required to allow the retention of as much green space and landscape features as possible. It is noted that the area has not been identified as a local green space as part of the recent emerging PSP DPD.

5.23 It is recognised that development on this currently undeveloped piece of land would result in harm over the existing situation. However, it was considered that this piece of land does not contribute so highly to the area in terms of its open space value that all development should be resisted in principle. Largely based on the fact that a wildlife corridor adjacent to the river would be retained, Officers conclude that further mitigation measures could offset the potential harm to a certain degree. Revised plans have offered additional planting as compensation/mitigation and this is considered acceptable provided the planting would not infill any gaps in the southern boundary which currently allow access to the river by the EA. Given the above where the perceived harm from the physical changes can be mitigated to a reasonable extent by additional planting there are no objections landscape terms subject to an appropriately worded condition.

5.24 **Sustainable Transport**

This application is for extra car parking on the applicant's land, located away from the main building on the opposite side of Francis Way. Parking requirement for business use is generally assessed against the South Gloucestershire Council [Maximum] parking standards under Policy T8.

5.25 It is noted that the site presently benefits from having some 81 parking spaces all set down adjoining the factory building on the main site. With the proposed 45 additional spaces, there would be a total of 126 parking for the site and this exceeds the total number of staff in the busiest shift of the factory which happens between 07.30am to 18.00pm (day shift) as confirmed in the applicant's 'Design and Access' Statement. On the face of it, this is an over-provision of parking, which is considered to be against the local and national policies and aspirations to promote alternative means of travelling other than private cars. Text to Policy T8 – para 6.117 states "*The car parking standards in Policy T8 will be applied as maximum standards, unless the applicant can satisfactorily demonstrate (where appropriate through a Transport Assessment) that a higher level of parking is needed. In such cases the applicant should show the measures they are taking (for example in the design, location and implementation of the scheme) to minimise the need for parking*".

5.26 It is noted that in the recent Examination in Public of the PSP DPD, the Inspector specifically mentioned the policy for parking standards and has advised the removal of the maximum parking standards from the document to ensure compliance with the 2015 Written Ministerial Statement. This statement declared that *The imposition of maximum parking standards under the last administration lead to blocked and congested streets and pavement parking. Arbitrarily restricting new off-street parking spaces does not reduce car use, it just leads to parking misery. Following a consultation, we are now amending national planning policy to further support the provision of car parking spaces.*

5.27 This national guidance is given weight in favour of this scheme but additional information provided by the applicant has helped explain and clarify among other things the 'need' for additional car parking; the floor area of the existing building and whether there is a travel plan in operation for this site.

- 5.28 Using this additional information showing the existing floor area of the building is 2,879 m<sup>2</sup>, and employing the Council's maximum parking standards for office/light industrial (i.e. B1 Class Use) as a guide, 1 space per 30 m<sup>2</sup> is recommended. Consequently, a total of 95 parking spaces are required. There are currently 81 spaces on site. The proposal would extend the parking facilities to a total of 126 spaces. This exceeds the local maximum parking standards, however, footnotes to the policy allow for the provision of more spaces but seeks justification. The applicant has provided details of the number of staff and shift patterns. Information supplied suggests the number of staff working varies a great deal during the working date. Between 8:00 and 13:45 there are about 139 staff on site and this increases to about 161 between the hours of 13:45 and 14:20. Between the hours of 14:20 and 17:00 there are some 138 staff on site. Based on the number of staff and the fluctuation over a relatively short period of time, it is concluded that some of the parking for this site will spill over onto the public highway, particularly during the daytime shift (change over). On-street parking can therefore be reduced if extra car parking is provided on site. This matches the national thinking regarding car parking provision and this is given weight in support of the scheme.
- 5.29 With the proposed additional 45 parking spaces on site there would be some increased traffic movements from this location. However, Officers are satisfied that this would not necessarily conflict with road safety, particularly given that extra off-street parking will reduce congestion on the road during business hours and would reduce obstructions. Visibility splays near the site access would further help with HGV traffic onto and off the main site.
- 5.30 Comments from concerned local residents are noted with regard to the existing situation of parking on Francis Way and the large number of parking spaces for the factory. Additional information provided by the applicant has justified the increase in number and the off road parking provision would improve any congestions or current parking problems experienced on Francis Way. On balance the proposal is considered appropriate and can be recommended for approval with conditions attached to indicate the parking would be as per the approved plans. An informative would also direct the applicant to ensure all necessary provisions are in place so that the site operates in a safe, controlled manner during and outside of business hours. The applicant has also agreed to implement a 'green travel plan' for the factory which is welcome and this would be conditioned as part of the decision. Given that the justification of this level of parking is to support the commercial planning unit, a further planning condition is recommended to ensure that the parking must operate in an ancillary manner to that unit.
- 5.31 **Residential impact**  
The application site and the associated main factory unit flank the entrance to Francis Way which leads to a large modern residential estate. On the opposite side of the River Frome are residential properties off Haweswater Close and the closest property here would be over 20 metres away. Local residents have expressed concern regarding the potential noise from the vehicles using the car park; that it would be visible when the trees are not in full leaf and that proposed lighting would disturb them.



- 5.32 With regard to the potential for noise, it is acknowledged that there would be changes for the local residents. The car park will be used by all workers and not just one particular shift, in this way it is likely that the vehicles using the site would be spread throughout the day given that the site operates a shift pattern of working.
- 5.33 It is acknowledged that there would be differences in the amount of screening when trees are in full leaf and when they are not. Opportunities for inter-visibility from the site into residential properties would be quite limited given the presence of the river in between, the distance and planting on both sides of the river. It must also be recognised that there is no right to a view. In this case the land would be used as a car park to serve the existing factory and the changes would be at ground level rather than a solid built form of, for example, one or two storeys.
- 5.34 A series of shrouded lamp posts will be positioned along the perimeter of the car park to provide lighting and security/safety for users. A CCTV pole mounted camera is also proposed facing the entrance of the site. Shrouded lamps will direct light towards the ground, but given that possible disturbance from lighting has been raised as concern, a condition will be attached to the decision notice to limit the timing of the solar powered lamps to minimise their effect. The hours of operation are to be agreed.
- 5.35 The potential impact on amenity of nearby residents has been assessed and changes acknowledged. Mitigation measures in terms of limiting the hours of lighting would result in an acceptable form of development not out of keeping with the immediate area.
- 5.36 **Character of the area:**  
The application site is currently owned by McBraida and is positioned on the opposite side of the road to the main factory. It is surrounded by a well established hedge and effectively screened from view. Although it is noted that that area to the south and west are residential it must also be recognised that the site to the east on the other side of the roundabout is Bendrey Brothers Ltd, Sawmills. Given the presence of these other established light industrial/commercial sites along with the main McBraida factory to the north, the proposed car park would not be out of keeping with the character of the area.
- 5.37 **Design:**  
The proposed car park would be to accommodate 45no. car parking spaces each measuring 4.08x2.4 metres. The spaces would be arranged roughly around the perimeter of the site with white marker blocks to delineate the spaces. Shrouded lamp posts of about 4 metres in height would be spaced around the car park to provide light and security for the workers using the car park. The whole area would be gravel filled with a soft membrane cellular grid sustainable drainage system. Existing planting would be unaffected. A CCTV camera would be positioned close to the access. This would have a pair of manually operated gates so that the car park can be secured when not in use and a tarmac apron would lead from the site onto the main highway.

The proposed materials have been sympathetic to the location and are appropriate in drainage terms too. Overall the design and materials used are considered acceptable.

5.38 Other matters:

Concern has been expressed that this would be a precursor to developing the site for housing and that other applications on the site have been unsuccessful due to flooding issues. The application being considered here is for a new car park and the issue of housing has not been raised. This would be covered by different policy considerations which have not been relevant to this assessment. Every planning application is assessed under its own merits and with regard to the most appropriate planning policies.

The reference to the football pitch on the factory side was merely indicative of the land's recreational use and was removed from subsequent plans as it was not a true reflection of the site.

The location of the site has given rise to security concerns, but this would primarily be a matter for the business. It is noted that CCTV is proposed and there is no reason to suppose there would be a significant concern for the safety to users of the car park or that it would facilitate anti-social behaviour more than the present situation.

5.39 Overall planning balance

The proposal is for the introduction of 45no. new parking spaces to serve the existing factory. The car park would be situated on land belonging to the McBraida site, on the opposite side of the road to the main factory. Both sites are close to other businesses such as Bendrey Brothers Ltd Sawmills. The land was not part of the open space allocated when the nearby housing estate was built but a corridor of land has been left adjacent to the river to allow/assist wildlife access over to Siston Common and planting on the main site has been agreed as mitigation for the scheme. The site is next to the River Frome in Flood Zone 2 and negotiations with the EA have resulted in initial objections being removed. Justification for the increase in the car parking for the factory to assist an important local and existing business has been accepted and furthermore, is in line with the recent Written Ministerial Statement guiding parking standards. Issues of design and impact on residential amenity have been assessed and are considered acceptable. Overall the scheme is considered to represent a sustainable form of development and is 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 number and type of the sparrow terrace must be installed in the location recommended in Section 6.2 and Appendix D Mitigation and Enhancements of the Habitat Survey report (Abricon Ltd, September 2016) prior to the commencement of development.

Reason

This is a prior to commencement of development to avoid any unnecessary remedial action in future and to accord with Policy L9 of the South Gloucestershire Local Plan (Adopted) 2006, Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) 2013 and the NPPF.

3. Work shall be undertaken in accordance with the Drainage Strategy Project Number 12560 dated 26 January 2017.

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, the National Planning Policy Framework and details agreed by the Environment Agency.

4. The car park for 45no spaces shall be constructed according to the approved plan Proposed car park 16040-14 Rev A.

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 policy T8 of the South Gloucestershire Local Plan (Adopted) 2006.

5. 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. For the avoidance of doubt the planting to the south of the site must not infill any existing gaps which could interfere with access to the river by the Environment Agency and for the same reason no fencing must be erected along this boundary.

Reason

This is required prior to commencement of development 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 and the National Planning Policy Framework and to follow stipulations given by the Environment Agency.

6. Prior to the first use of the approved car park a commuter plan shall be submitted to the Local Planning Authority for approval. The agreed scheme shall be implemented as approved before the development hereby permitted is brought into use; or otherwise as agreed in the commuter plan.

Reason

To encourage means of transportation other than the private car, to accord with Policy CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013.

7. Works to the trees on site shall be in accordance with the BoskyTrees arboricultural impact assessment and tree protection plan dated 3.9.16

Reason

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

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

Reason

This is required prior to commencement of development to avoid any unnecessary remedial action in future and to ensure that a satisfactory means of drainage is provided, and to accord with policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

9. Prior to the first use of the car park details of the timings of operation of the proposed solar lighting shall be submitted to the Local Planning Authority for written approval and shall thereafter be implemented according to these approved details.

Reason

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policy CS1 of the South Gloucestershire Local Plan (Adopted) January 2006; and the provisions of the National Planning Policy Framework.

10. The car park hereby permitted shall not be used at any time other than for purposes ancillary to the use of the planning unit currently occupied by McBraid PLC, 40 Bath Road, Bridgeyate, Bristol, BS30 5JW (use class B1).

Reason

To preserve the character of the area, to minimise disturbance to local residents, in the interests of highway safety and to accord with Policy CS1, CS8, CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) 2013; Policy L1 of the South Gloucestershire Local Plan (Adopted) 2006 and the provisions of the National Planning Policy Framework.

## CIRCULATED SCHEDULE NO. 20/17 – 19 MAY 2017

<b>App No.:</b>	PK16/6507/F	<b>Applicant:</b>	Mr Inam Raza
<b>Site:</b>	39A Blackhorse Road Kingswood South Gloucestershire BS15 8EF	<b>Date Reg:</b>	15th December 2016
<b>Proposal:</b>	Change of use from industrial (Class B2) to hand car wash (sui generis) (retrospective) as defined in Town and Country Planning (Use Classes) Order 1987 (as amended)	<b>Parish:</b>	None
<b>Map Ref:</b>	364539 173642	<b>Ward:</b>	Woodstock
<b>Application Category:</b>	Minor	<b>Target Date:</b>	7th February 2017



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

This application has been submitted onto the Circulated Schedule as a result of receiving an objection.

### **1. THE PROPOSAL**

- 1.1. This application seeks to regularise a material change in use of land from B2 general industrial (PK04/0557/F) to a sui generis hand car wash as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended).
- 1.2. The application site is located on Blackhorse Road, Kingswood and is situated within the communities of the East Fringe of Bristol urban area.
- 1.3. The application is retrospective in nature and has been the subject of planning enforcement investigation COM/16/0427/OD.
- 1.4. Whilst considering this application, the proposal underwent 3 separate consultations in order to ensure that all relevant departments were consulted and had the opportunity to comment on the scheme. By the end of the third and final consultation, Community Enterprise, Sustainable Transport – Transportation DC, the Lead Local Flood Authority and the Environmental Protection Team had all been consulted and made aware of the application. We received comments from three out of the four departments; Community Enterprise being the only one to withhold any commentary.

### **2. POLICY CONTEXT**

2.1 National Guidance  
National Planning Policy Framework March 2012

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy adopted December 2013  
CS1 High Quality Design  
CS29 Communities of the East Fringe of Bristol Urban Area

South Gloucestershire Local Plan Adopted January 2006 (Saved Policies)  
E3 Criteria for Assessing Proposals for Employment Development within the Urban Area and Defined Settlement Boundaries and / or Permitted by Policies E4/E6/E7  
T12 Transportation Development Control Policy for New Development  
T8 Parking Standards

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

- 3.1 PK03/0028/F – Change of use from MOT Centre (B2) to car lot for the sale of cars (sui generis) as defined in the Town & Country Planning Use Classes Order 1987. Erection of 2.4m high railings. APPROVED WITH CONDITIONS.

- 3.2 PK04/0557/F – Change of use of garage building from car lot (sui generis) to general industrial (Class B2) as defined in the Town & Country Planning Use Classes Order 1987. APPROVED WITH CONDITION

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

##### 4.1 Parish/Town Council

- No comment received

##### 4.2 Other Consultees

###### Transportation Development Control Team

- No objection.

###### Lead Local Flood Authority

- It was initially queried what method of surface water disposal was being utilised at the site and so further clarity was requested.
- Further to discussing the development with a SG drainage officer, the applicant produced further information which satisfied the concerns of the Drainage Team.
- As a result of the resolution of the initial query, the Lead Local Flood Authority have no objection to the proposal.

#### **Other Representations**

##### 4.3 Local Residents

Two objections were received in relation to the proposal. The comments received included:

- That the use of the site for the washing of cars creates a noise nuisance especially considering its close proximity to residential properties;
- Noise nuisance is particularly problematic on the weekends;
- If approved, the permission should seek to condition and restrict the operating hours of the site;
- Noise levels should also be restricted in order to limit the impact on neighbouring gardens;
- On-site facilities should include toilets;
- The aesthetics of the site leaves much to be desired;
- Concerns in relation to the health and safety aspect of the site (filth, mess and rotten exterior);
- There are plenty of hand car wash facilities already in existence in the area;
- Car wash facilities should be investigated, regulated and inspected more thoroughly.

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

##### 5.1. Principle of Development

Considering policy E3 of the South Gloucestershire Local Plan Adopted January 2006 (Saved Policies), proposals must meet many criteria before they can be deemed acceptable in planning terms and given permission.



The policy states that proposals for employment uses within existing urban areas (as defined on the proposals map and/or permitted by policies E4/E6/E7) will be permitted provided that development would not have unacceptable environmental effects. It also requires that development would not give rise to unacceptable levels of vehicular traffic or on-street parking to the detriment of the amenities of the surrounding areas and highway safety. Furthermore, policy E3 requires that development would not prejudice existing residential amenities or that the character of the area is not adversely affected.

In addition to policy E3, within the chapter 'Building a Strong, Competitive Economy' of the National Planning Policy Framework (March 2012), it is stated that the Government is committed to securing economic growth in order to create jobs and encourage prosperity. In order to achieve this, the Government is therefore also committed to ensuring that the planning system does everything within its power to support economic growth. It asserts that the planning system should encourage and not impede on sustainable growth and therefore significant weight should be placed on the need to support it. It is therefore evident that there is a strong thrust in support of economic growth which local planning authorities should follow.

Giving consideration to the above local and national policy, the proposal is acceptable in principle, however this shall be assessed in further detail within the body of the report.

## 5.2. Unacceptable Environmental Effects

In relation to any possible unacceptable environmental effects, although the Lead Local Flood Authority expressed initial concern regarding the method in which surface water was being disposed of, after discussing the proposal with the applicant, the Drainage Team were satisfied with the provisions which were already in place. The applicant assured the Team that water from the wash down area was being disposed of into a foul sewer within which a pollutant interceptor had been installed. This therefore addressed their concerns. The Lead Local Flood Authority submitted a final comment of 'no objection' further to receiving this information.

In addition to the comments received from the Lead Local Flood Authority, the Environmental Protection Team also raised initial concerns in relation to the site's close proximity to residential dwellinghouses and the possible noise nuisance which could be caused as a result of the activities taking place on site i.e. washing cars with jet washes in the open air. However, they conceded that the department had received no complaint in relation to any noise nuisance prior to the submission of the application, and that both the previous B2 use (PK03/0028/F - MOT testing centre) and existing B2 use (PK04/0557/F – sui generis) would have permitted the carrying out of loud activities in any case given that both permissions were granted without the attachment of a general noise condition. While a condition restricting noise would ordinarily be appropriate on a site where the previous lawful use would not have been expected to generate noise of a comparable level, in this case the lawful B2 general industrial uses would be considered likely to generate noise of an equal or greater level than car washing.

As no noise restriction was placed upon those industrial permissions it would not be reasonable to attach such a restriction to a car wash use. Although noise nuisance will not be addressed under planning legislation, in the event that a noise nuisance is reported to SGC in relation to this site, it will be dealt with as a statutory nuisance by the Environmental Protection Team.

They also voiced concerns in relation to the operating hours of the site and suggested that if approved, the hours of operation should be restricted in line with the existing B2 permission.

Considering policy E3, the proposal meets the criteria in relation to not having unacceptable environmental effects. The precedent was set when the existing B2 (sui generis) use was granted without the specification of what the exact use of the land would be (therefore permitting any B2 use to occupy the land) and furthermore with the omission of a general noise condition to restrict any noise nuisance.

### 5.3. Traffic and Transport

Assessing the proposal against policy T12 of the South Gloucestershire Local Plan Adopted January 2006 (Saved Policies), again it must meet certain criteria. The policy states that new development will be permitted provided that in terms of transportation, the proposal: Provides safe access capable of accommodating the motorised traffic generated by the proposal; would not create or unacceptably exacerbate traffic congestion or have an unacceptable effect on the road; would not generate traffic which would unacceptably affect residential amenity; and finally does not obstruct existing emergency vehicle access.

The proposal does not look to change the existing access arrangements and so the existing entrance and exit to the site will remain the same. There is no evidence that the existing arrangements have caused issues or concerns in the past and so it is deemed that they are suitable for the scheme.

Having consulted Sustainable Transport – Transportation DC, they have commented that they have no concerns or objections in relation to the proposal and so it is deemed that the scheme meets the above criteria.

### 5.4. Parking Standards

No, or certainly very little parking is required in order to accommodate this proposal. Due to the nature of the scheme, any vehicles visiting the application site in order to benefit from the services offered will not require parking. Vehicles will utilise a one-way system, whereby they will enter the site through the entrance located at the north-east end of the site, manoeuvre around the site in order to position themselves near the rear of the existing garage-style building for the car washing service, manoeuvre through the building where vacuuming and the polishing of vehicles takes place, and exit through the front end of the building back onto Blackhorse Road. Furthermore, it is believed that the parking requirements for staff operating the facility is likely to be very limited. The business employs only 2-4 employees who are unlikely to drive to the site. To date, no issues have been recorded in relation to parking.

Again, to re-iterate, no objection was received from Sustainable Transport - Transportation DC in relation to the parking provisions of the proposal.

5.5. Residential Amenity

According to policy E3, proposals will be permitted where development would not prejudice existing residential amenities. It must be noted once again that the application site has an existing B2 (sui generis) use. As a result, it is deemed that the site has had the potential to be utilised for activities far more intrusive than those seeking regularisation within this application. As such, the current proposed activities (if restricted by a condition addressing the operating hours as well as a condition restricting washing adjacent to the rear boundary) would have no greater an effect on the residential amenities of the surrounding neighbours in comparison to what may have occurred under the existing B2 permission. Consequently, it is believe that the proposal meets the criteria set out in policy E3.

5.6. Character of Area

Policy E3 also requires that in order for a proposal to be permitted, the character of the area must not be adversely affected. This is also a criterion of policy CS1 of the South Gloucestershire Local Plan Core Strategy adopted December 2013. Policy CS1 requires proposals to achieve the highest possible standards of design and site planning before development is permitted. It's necessary for proposals to demonstrate that their siting, form and scale (amongst other elements) are informed by, respect and enhance the character, distinctiveness and amenity of both the site and its context.

Considering this proposal and its location, other B2 uses exist in the near vicinity. Businesses such as 'The Car Clinic' and 'Williams Autotech' are also located on Blackhorse Road, with 'The Car Clinic' occupying the adjacent site to the proposed car wash.

Moreover, the character of the site itself will not change if this application is approved. The activities of a car wash are considered in a similar light to those which have been previously undertaken on the site under both the previous and existing B2 uses. Therefore, although residential properties surround the applicant site, the area is certainly one of a mixed use and permitting the application would not result in the alteration of the character of the locale.

5.7. Site Planning and Design

As previously explained, the site will operate a one-way system to ensure a smooth flow of vehicular traffic both in and out of the site. In order to ensure the least amount of nuisance to residential amenity, it shall be conditioned that the operation of any jet washes shall be restricted to the area immediately to the rear of the garage-style building and shall prohibit the use of jet washes within approximately 3m of the rear boundary. With the addition of this condition, it is deemed that the proposal meets the criteria of policy CS1.

5.8. Location of Development

Policy CS29 of the South Gloucestershire Local Plan Core Strategy adopted December 2013 asserts that development proposals will take account of the vision for the communities of the East Fringe of Bristol urban area.

They should improve the viability and vitality of town centres, in this case Kingswood, and enhance their role as service centres for the urban and surrounding rural areas. Moreover, the policy requires proposals to manage change on economic development sites in order to maximise job opportunities within the local area.

Further to assessing the proposal in line with policy CS29, it is apparent that the applicant is attempting to create a viable business opportunity within the area through providing a service to the residents of Kingswood and the surrounding locale. The proposal is utilising an existing economic development site and has created job opportunities for local residents. The proposal is therefore deemed as meeting the criteria of policy CS29.

## **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 attached to the decision notice.

**Contact Officer: Lisa Evans**  
**Tel. No. 01454 863162**

## **CONDITIONS**

1. The use hereby permitted shall not be open to customers outside the following times: 09.00 - 18.30 Monday to Saturday and not at all on Sundays and Public Holidays.

Reason

In order to accord with Policy E3 of the South Gloucestershire Local Plan (Adopted) January 2006 in ensuring that the development does not prejudice existing residential amenities, as well as addressing the comments received from the Environmental Protection Team.

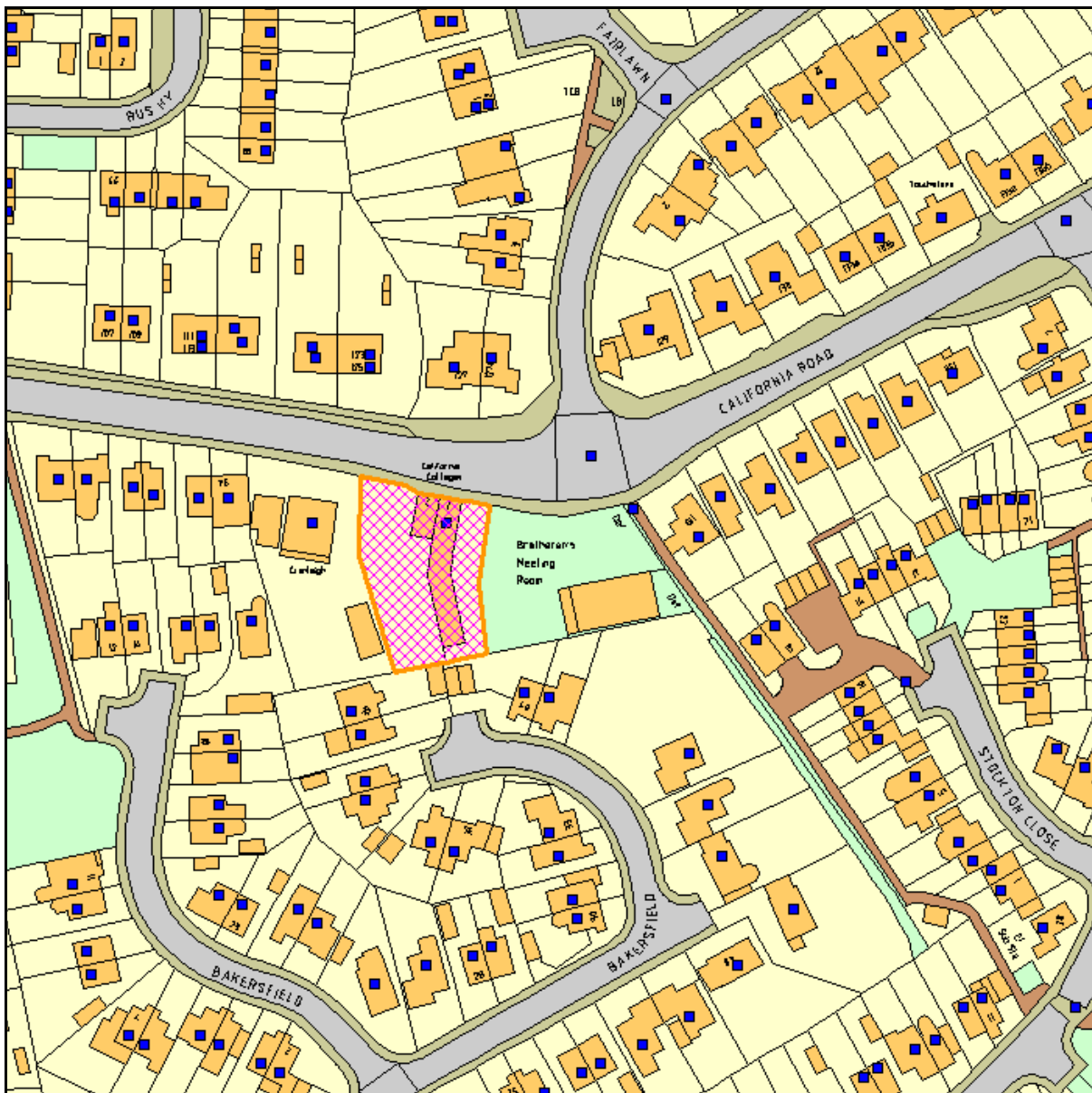
2. No jet washing shall take place within a 3m exclusion zone of the rear boundary wall (east boundary wall). It is required that the exclusion zone is clearly and permanently marked on the ground and thereafter retained.

Reason

In order to protect the amenity enjoyed by those living directly behind the car wash facility and to accord with Policy E3 of the South Gloucestershire Local Plan (Adopted) January 2006.

**CIRCULATED SCHEDULE NO. 20/17 – 19 MAY 2017**

<b>App No.:</b>	PK17/0530/F	<b>Applicant:</b>	Mr J Smith
<b>Site:</b>	California Cottages California Road Oldland Common Bristol South Gloucestershire BS30 9PR	<b>Date Reg:</b>	3rd March 2017
<b>Proposal:</b>	Sub-division of existing dwelling to form 2no separate dwellings with new access and associated works. Erection of 1no additional dwelling.	<b>Parish:</b>	Oldland Parish Council
<b>Map Ref:</b>	366489 171438	<b>Ward:</b>	Longwell Green
<b>Application Category:</b>	Minor	<b>Target Date:</b>	26th April 2017



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

This application appears on the Council's Circulated Schedule procedure following an objection from the Parish Council which is contrary to the officer recommendation detailed in this report.

### **1. THE PROPOSAL**

- 1.1 This application seeks planning permission for the subdivision of the existing dwelling to form 2 no. separate dwellings, and the erection of 1 no. new dwelling, with access and associated works at California Cottages, California Road, Oldland Common.
- 1.2 The site is located within the urban area of the East Bristol Fringe.
- 1.3 During the course of the application amended plans were received to show alterations to the parking layout. A period of re-consultation was not deemed necessary.

### **2. POLICY CONTEXT**

#### 2.1 National Guidance

National Planning Policy Framework March 2012  
National Planning Practice Guidance

#### 2.2 Development Plans

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

CS1 High Quality Design  
CS5 Location of Development  
CS8 Improving Accessibility  
CS9 Environment and Heritage  
CS15 Distribution of Housing  
CS16 Housing Density  
CS17 Housing Diversity

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

H4 Development within Existing Residential Curtilages  
T12 Transportation  
T7 Cycle Parking

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

PSP1 Local Distinctiveness  
PSP5 Undesignated Open Areas within Urban Areas  
PSP8 Residential Amenity  
PSP16 Parking Standards  
PSP20 Drainage  
PSP38 Development within Existing Residential Curtilages  
PSP43 Private Amenity Standards

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

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

- 3.1 There is no recent or relevant planning permission.

### 4. **CONSULTATION RESPONSES**

4.1 Oldland Parish Council

Objection, due to over-development and inadequate provision for off-street car parking.

4.2 Other Consultees

Sustainable Transport

Amendments to parking layout recommended. Two covered and secure cycle parking spaces are required for each dwelling.

Tree Officer

No comment received.

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.

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.

Lead Local Flood Authority

SUDS condition recommended.

The Coal Authority

Informative recommended.

Environmental Services

The historic use of the site as unknown filled ground may have caused contamination.

### **Other Representations**

4.3 Local Residents

None received.



## 5. ANALYSIS OF PROPOSAL

### 5.1 Principle of Development

Development within the existing settlement boundaries is generally supported by the Local Planning Authority as it is a sustainable form of development which makes the most efficient use of land. Policy CS5 allows for development within the existing urban area subject to meeting other criteria such as design considerations, amenity and transport.

5.2 Paragraph 14 of the NPPF states that applications for sustainable development which accord with the development plan should be approved without delay. As indicated above, the principle of sustainable residential development within the urban area is considered to accord with the development plan, the policies of which can be given full weight. It is noted that currently South Gloucestershire Council cannot identify a 5 year housing land supply, and this proposal will make a modest contribution towards the supply of housing. This also weighs in favour of the development.

### 5.3 Design and Visual Amenity

The area exhibits a mix of architectural styles and is primarily two-storey residential properties, although there is a single storey meeting hall and car park immediately to the east of the site. Render and brickwork are the main material palette in the vicinity however the host dwelling itself stands out as it is finished in stone, with red brick detailing and quoins. The side elevation is flush to the footpath and the principal elevation faces east across the existing access towards the meeting hall car park. A single storey rear gable structure extends south within the site, part of which is proposed to be converted into plot 2, facilitated by an extension and partial demolition. The extension will not be visible from the public realm as it is single storey height, with a first floor bedroom facilitated by dormer windows and roof lights. Whilst ordinarily, tandem development to the rear of the plot would not be considered to represent high quality design, the existing dwelling would also face east and would create a street scene when approaching along California Road from the east. The Parish Council's comment regarding overdevelopment is noted, however the density of the plots are consistent with the urban area the site is located within.

5.4 Plot 3, the dwelling proposed to the west of the host property is to have a gable roofline with a pitched roof feature on the principle elevation, finished in stone. The style, materials and proportions of the proposed new dwelling mirror the existing dwelling and are therefore considered to be acceptable, and in the event the application is approved a condition on the decision notice will ensure that the materials do match the existing buildings on site.

5.5 It is noted that a number of conifer trees will be removed from the rear of the site, however as they are not particularly visible from the public realm their loss will not be harmful to the visual amenity of the locality. Three trees within the site are proposed to be retained and will enable the new development to blend sympathetically with its surroundings. Overall, the development is considered to accord with policy CS1 of the Core Strategy.

5.6 Residential Amenity

There are windows on the western elevation of the existing dwelling which will directly face onto the gable end of the proposed plot 3, resulting in poor outlook. At ground floor level, these windows serve the kitchen however the kitchen also benefits from a larger, south facing window on the rear elevation with an open outlook. At first floor level, one of these windows serves a bathroom and is obscure glazed, and the other serves 'bedroom 4' of California Cottage. This will be the smallest bedroom within the property following development, and whilst an open outlook from all windows would be preferable, the amenities of future occupiers are unlikely to be harmed as a result. There are no facing windows proposed on plot 3 so there will not be any inter-visibility between openings.

5.7 It is not proposed to introduce any first floor level west facing windows which would overlook the garden at Cranleigh, and plot 3 will not overbear onto Cranleigh, which is set back from the boundary and does not have any facing windows. To the east is the meeting hall car park which will not be affected. Dormer windows are proposed looking south on plot 2, however only views across the front gardens of properties on Bakersfield will be possible. The amenities of the surrounding occupiers are considered to be safeguarded by development.

5.8 With regards to private amenity space, each property will benefit from a large private garden, the smallest of which is approximately 85 square metres. This is in excess of the guidance within the emerging policy PSP43, which states that a four bedroom property should have at least 70 square metres of useable, private amenity space. The development is considered to accord with policy H4 of the Local Plan.

5.9 Highway Safety and Parking

The application as originally submitted showed the parking for plot 2 to the rear of the site to be rather cramped, and so amendments were received on 6<sup>th</sup> April 2017 to demonstrate that tandem parking could be accommodated for this plot instead. The existing and proposed access are acceptable and have adequate visibility, and a condition on the decision notice will ensure that the parking and turning areas are implemented prior to first occupation of the development. It is also recommended that a condition requiring details of cycle parking for each dwelling is attached to any planning permission granted. Subject to this, there is no transportation objection to the development.

5.10 Environmental Issues

The application site is within an area known to have been used for coal mining in the past. A Coal Mining Risk Assessment has been submitted and the Coal Authority have advised that they have no objection to the development, subject to an informative on the decision notice.

5.11 The Council's Environmental Health officer has indicated that historically the site may have been used for land fill or a type of unknown filled ground, and this may have given rise to contamination. In the event the application is approved, a condition on the decision notice will ensure that the risks are investigated prior to the commencement of development.

## 6. CONCLUSION

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

## 7. RECOMMENDATION

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

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

## CONDITIONS

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

Reason

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

2. Prior to 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, setting out the findings and what mitigation measures are proposed to address unacceptable risks.

Prior to occupation, where works have been required to mitigate contaminants above, a report verifying that all necessary works have been completed satisfactorily shall be submitted to and agreed in writing by the Local Planning Authority.

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

Reason

To prevent risk from contamination to the development, in accordance with policy CS9 of the South Gloucestershire Core Strategy (Adopted) December 2013 and the National Planning Policy Framework. This information is required prior to commencement in order to prevent remedial works later on.

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

Reason

To prevent pollution and flooding, and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework. This information is required prior to commencement to prevent remedial works later on.

4. Prior to first occupation of the development, details of 2 no. covered and secure cycle parking spaces for each dwelling (both existing and proposed plots) shall be submitted to the Local Planning Authority for written approval. Development shall then proceed in accordance with the agreed details, with the cycle parking implemented prior to first occupation of any of the approved units.

Reason

To encourage sustainable transport choices in accordance with policy T7 of the Local Plan (Adopted) January 2006, CS8 of the Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

5. The materials to be used in the construction of the external surfaces of the dwellings hereby permitted shall match those used in the existing buildings on site.

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.

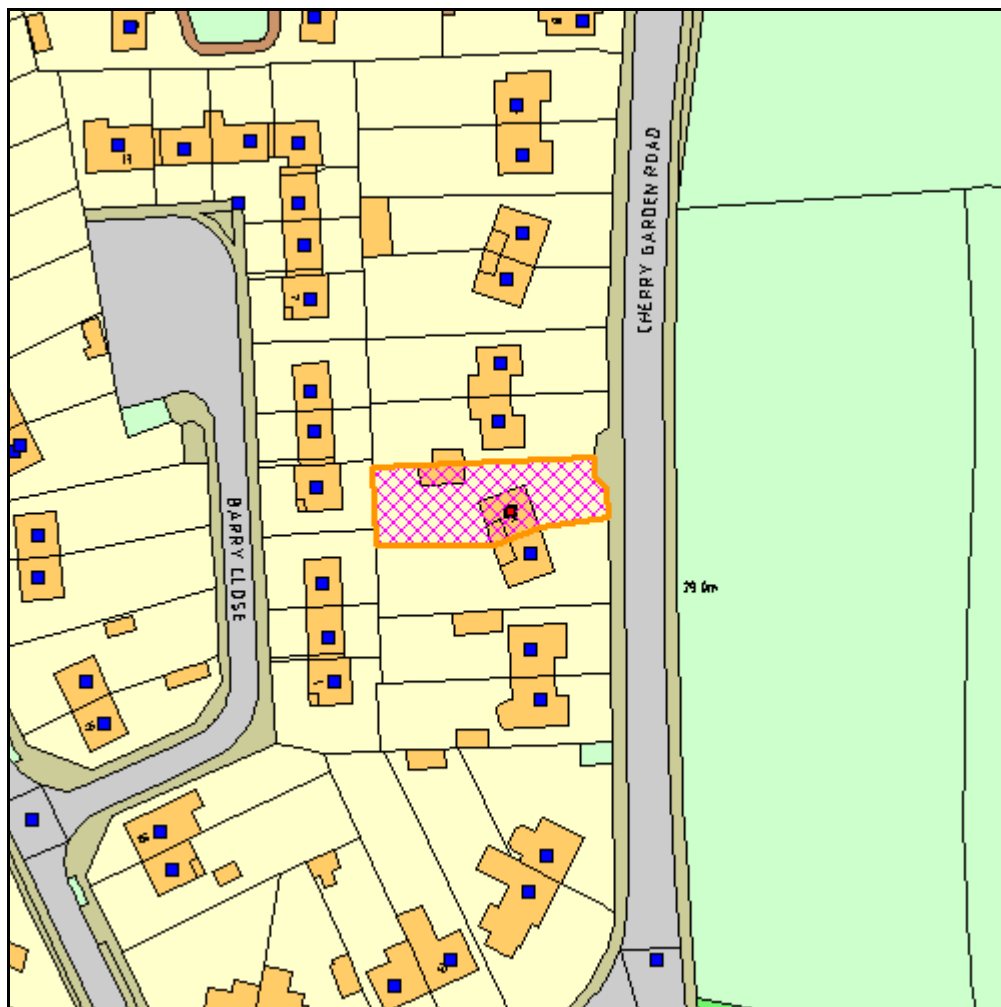
6. Prior to first occupation of the development hereby approved, the access, parking spaces and turning head shown on plan reference 888-15/20B (received on 6th April 2017) shall be implemented and thereafter maintained and kept clear for that purpose.

Reason

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

**CIRCULATED SCHEDULE NO. 20/17 – 19 MAY 2017**

<b>App No.:</b>	PK17/0546/F	<b>Applicant:</b>	Mr Darren Horler
<b>Site:</b>	7 Cherry Gardens Bitton Bristol South Gloucestershire BS30 6JD	<b>Date Reg:</b>	10th February 2017
<b>Proposal:</b>	Erection of two storey and first floor rear extension to form additional living accommodation.	<b>Parish:</b>	Bitton Parish Council
<b>Map Ref:</b>	367225 170273	<b>Ward:</b>	Bitton
<b>Application Category:</b>	Householder	<b>Target Date:</b>	5th April 2017



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

Comments of objection have been received from Bitton Parish Council and a neighbouring occupier, contrary to the Officer's recommendation.

### **1. THE PROPOSAL**

- 1.1 This application seeks planning permission for erection of two storey and first floor rear extension to form additional living accommodation. The proposal would create three larger bedrooms on the first floor and a bathroom, with a master bedroom and en suite in the second floor extension.
- 1.2 The application site relates to a large semi-detached property, of red brick construction, with a hipped roof. The property benefits from a large curtilage and is set back from the road. Neighbouring properties are similar in style, with two styles of houses interspersed along Cherry Gardens in pairs. The property is angled facing further to the north-east. To the rear on Barry Close there are terraced and pairs of bungalows.
- 1.3 During the course of the application, the proposed plans have been revised following the feedback of the Officer to the agent. The bulky side and rear dormer on the second floor has been removed and is replaced by a more in keeping extension to the roof.

### **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  
CS8 Improving Accessibility  
CS9 Managing the environment and heritage

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

H4 Development within Existing Residential Curtilages  
T12 Transportation Development Control

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

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

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

South Gloucestershire Design Checklist (Adopted) August 2007

**3. RELEVANT PLANNING HISTORY**

A number of applications relate to neighbouring properties on Cherry Gardens:

- |     |                                   |   |
|-----|-----------------------------------|---|
| 3.1 | 9 Cherry Gardens<br>PK15/3240/PDR | Conversion of detached garage to residential annexe ancillary to main dwelling<br>Approved 21.09.15   |
| 3.2 | 4 Cherry Gardens<br>PK08/1375/F   | Erection of two storey and first floor rear extension to form additional living accommodation.<br>Approved 30.06.08   |
| 3.3 | 3 Cherry Gardens<br>PK08/1282/F   | Erection of two storey and first floor rear extension to form additional living accommodation<br><br>Approved 30.06.08  |
| 3.4 | 19 Cherry Gardens<br>PK06/0754/F  | Installation of rear dormer to facilitate loft conversion. Erection of single storey rear and two storey side extension to form garage and additional living accommodation.<br>Refused 21.04.06   |
| 3.5 | 18 Cherry Gardens<br>PK05/2410/F  | Erection of first floor and 2 no. single storey rear extensions to form additional living accommodation for dependant relative. Installation of 1no. side and 1 no. rear dormer to facilitate the loft conversion.<br>Approved 06.10.05 |
| 3.6 | 12 Cherry Gardens<br>PK05/0971/F  | Erection of two storey and single storey side extension and single storey rear extension to form garage and additional living accommodation. (Amendment to previously approved scheme PK04/3624/F).<br>Approved 20.05.05                |
| 3.7 | 12 Cherry Gardens<br>PK04/3624/F  | Erection of two storey and single storey side extension and single storey rear extension to form garage and additional living accommodation. (Resubmission of PK04/2088/F).<br>Approved 06.12.04  |

- 3.8 12 Cherry Gardens  
PK03/3798/F  
Alterations to roof with installation of 1no. front and 1no. rear dormer windows to facilitate loft conversion.  
Refused 28.01.04
- 3.9 19 Cherry Gardens  
PK03/2244/F  
Erection of two storey side and single storey rear extension to form garage and additional living accommodation (Resubmission)  
Approved 23.10.03
- 3.10 19 Cherry Gardens  
PK03/1516/F 19  
Erection of two storey side and single storey rear extension to form garage and additional living accommodation.  
Refused 01.07.03

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

- 4.1 Bitton Parish Council  
While having no objections to the rear extension, Councillors objected to the roof shape proposed for the loft conversion which they felt was poorly designed and out of keeping with the street scene.

#### **Other Representations**

- 4.2 Local Residents  
One neighbouring resident has objected to the proposal:
- Dormer at side of the extension is far too large and would have an effect on the sunlight/light at the side of our house and would make rooms facing No. 7 much darker, especially the side bedroom (only one window) and landing;
  - The proposed windows at the side of the house, although opaque, they would allow the owner to look into the ground floor living area and upstairs side windows (bedrooms) of our house, and patio and garden area (when opened). Could the windows be non-opening and opaque?;
  - Agree with Bitton Parish Council that the roof shape proposed for the loft conversion is poorly designed and out of keeping with the street scene;
  - Refer to previous extension at No. 3 Cherry Gardens, which was extended into the loft;
  - Concerns about overlooking/loss of privacy;
  - Loss of significant level of sunlight and daylight, and possible overshadowing;
  - The second floor dormer would give us a feeling of being hemmed  
In due to its close proximity and change of height of the roofline and shape of the extensions, causing our outlook to be unacceptable closed-in.



## 5. **ANALYSIS OF PROPOSAL**

### 5.1 **Principle of Development**

Policy H4 of the adopted Local Plan is supportive in principle of proposals for alterations and extensions to existing dwellings within their curtilage, providing that design is acceptable and there are no unacceptable impacts on residential amenity. CS1 promotes high quality design. Development proposals will be required to demonstrate that siting, form, scale, height, massing, detailing, colour and materials, as informed by, respect and enhance the character, distinctiveness and amenity of both the site and its context.

### 5.2 **Design and Visual Amenity**

The proposal involves the erection of a two storey and first floor rear extensions to form additional living accommodation. The property currently has three bedrooms and the family bathroom is on the ground floor. The proposal seeks to create a bathroom on the first floor and an additional master bedroom and en suite in the second floor. The previous proposal sought to erect a bulky side and rear dormer that would be out of keeping with the host and neighbouring dwellings.

5.3 The proposed design would be similar to No's 3 and 4 Cherry Gardens which were granted planning permission in 2008. The proposal would extend the ground, first and second floors living accommodation, whilst remaining suitably in keeping in terms of design, scale and massing. The roof of the host dwelling would remain hipped from the front elevation, extending to a gable end on the rear elevation. Roof lights would be inserted in the side and rear elevations to provide the master bedroom with natural daylight. Overall, the proposed extension is considered to remain in keeping with the host and neighbouring dwellings, providing a suitably designed alternative to the previous dormer extensions, that achieves a the design objections of policy CS1.

### 5.4 **Residential Amenity**

The proposed extension is not considered to prejudice the amenity of the occupiers of neighbouring properties given its siting and scale. There is considered to be sufficient distance between neighbouring properties to the side and rear and the proposed windows (mainly rooflights) are not considered to increase overlooking or negatively impact on privacy. Initial objections from a neighbouring occupier and Bitton Parish Council are based on the first proposed plan for dormer windows. The revised proposal is not considered to cause overlooking, loss of privacy, reduce sunlight or appear oppressive to neighbouring occupiers. The resulting revised proposal is much-improved and would be similar to No's 3 and 4 Cherry Gardens. The proposal is considered to preserve the existing levels of residential amenity afforded to the neighbouring occupiers.

## 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 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 **APPROVED**, subject to the attached conditions.

**Contact Officer:** Katie Warrington  
**Tel. No.** 01454 864712

### **CONDITIONS**

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

Reason

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

2. The development shall be implemented strictly in accordance with the following plans: Site Plan (01); Existing Plans (02); received by the Council on 8th February 2017. Proposed Plans (03A); received by the Council on 4th May 2017.

Reason

To ensure that the development is carried out in accordance with the plans and drawings as assessed in the application and in the interests of the visual amenity of the site and the surrounding locality; and the residential amenity of the surrounding locality and to accord with Policy CS1 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013.

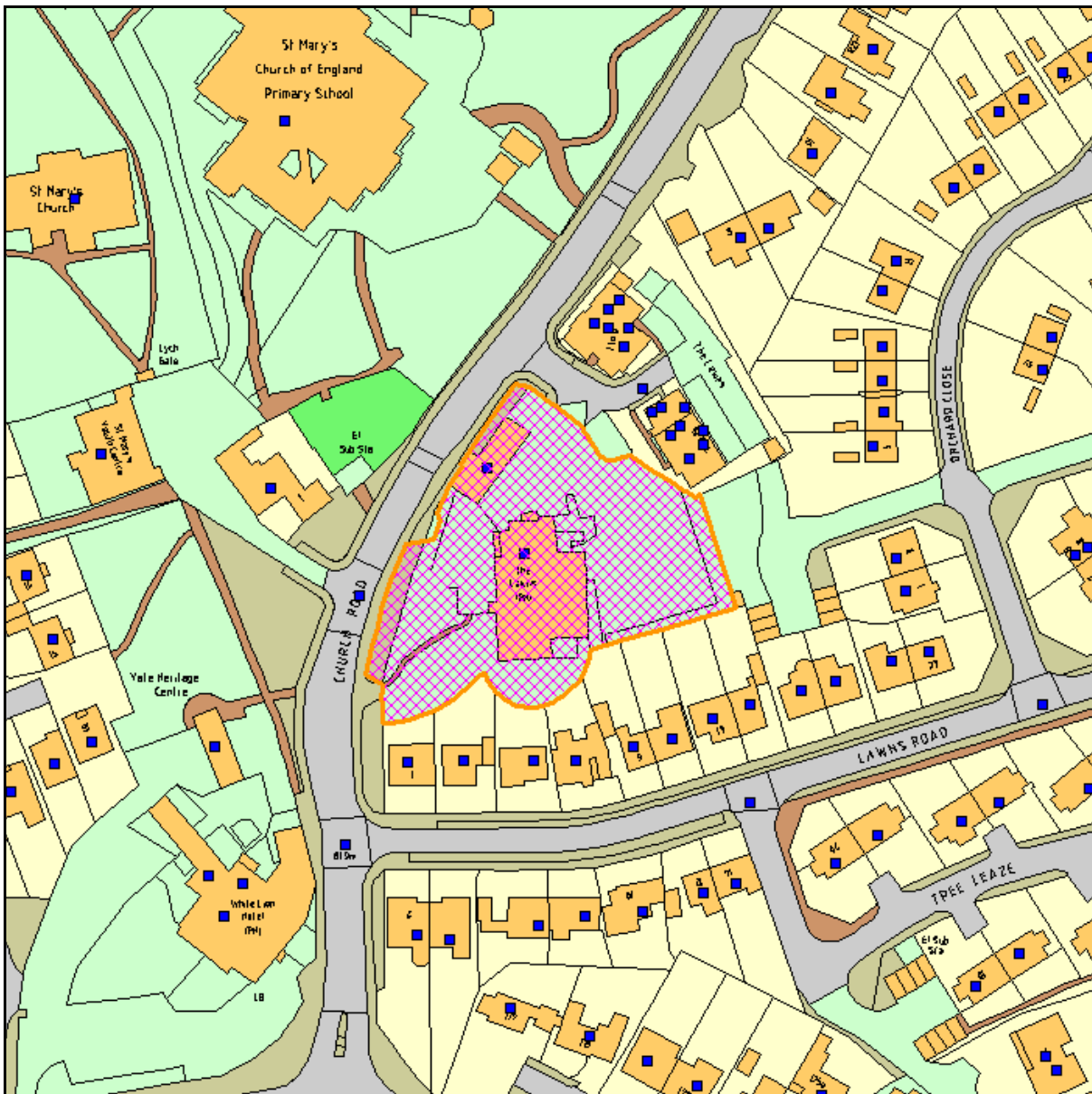
3. The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.

Reason

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

**CIRCULATED SCHEDULE NO. 20/17 – 19 MAY 2017**

<b>App No.:</b>	PK17/0824/F	<b>Applicant:</b>	Marstons
<b>Site:</b>	Lawns Inn Church Road Yate Bristol South Gloucestershire BS37 5BG	<b>Date Reg:</b>	22nd March 2017
<b>Proposal:</b>	Development of existing garden area to include new subscape path, external bar, screen with drinks shelf, resiting of 2no. existing booths, sharing table with seating and 2no. feature screens	<b>Parish:</b>	Yate Town Council
<b>Map Ref:</b>	371471 182740	<b>Ward:</b>	Yate Central
<b>Application Category:</b>	Minor	<b>Target Date:</b>	12th May 2017



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

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

### **1. THE PROPOSAL**

- 1.1 This application seeks planning permission for the installation of a number of structures in the front garden of the Lawns Inn public house on Church Road in Yate. This includes the provision of a screen with drinks shelf, seated table booths, a large 'sharing table', and two timber screens. Plans also indicate the provision of new paving and astro turf.
- 1.2 The Lawns Inn and outbuilding are both locally listed buildings. On the opposite of Church Road are a number of statutory listed building. The trees along the boundary of the site are subject to preservation orders although the proposed development is some distance from the nearest trees. The site is within the existing urban area of Yate. Residential dwellings are adjacent to the site to the north, east, and south.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
National Planning Policy Framework March 2012

- 2.2 Development Plans

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

CS1 High Quality Design  
CS9 Managing the Environment and Heritage  
CS30 Yate and Chipping Sodbury

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

L1 Landscape  
L13 Listed Buildings  
L15 Locally Listed Buildings  
T12 Transportation

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

- 3.1 PK14/1997/F Refusal 22/09/2014  
Erection of 2no. pergolas, 1no. external bar and 1no. poseur bar, 1no. gazebo, 2no. fixed seating booths and 1no. suspended bench (part retrospective)

### **4. CONSULTATION RESPONSES**

- 4.1 Yate Town Council  
Objection: development enables an external bar (located within the stables); site fronts onto the village green and cluster of historic buildings including the church; would impact on the amenities of nearby occupiers; lack of screening; time restriction should be applied.

- 4.2 Conservation Officer  
No objection – development would not detract from the importance of nearby heritage assets.
- 4.3 Economic Development  
No objection
- 4.4 Highway Structures  
No objection – informative notes to be attached to any permission granted
- 4.5 Lead Local Flood Authority  
No objection
- 4.6 Sustainable Transport  
No objection
- 4.7 Tree Officer  
Arboricultural method statement required for any works within the root protection areas of the trees

### **Other Representations**

- 4.8 Local Residents  
3 comments of objection from local residents have been received which raise the following matters:
- adverse impact on appearance of area
  - adverse impact on privacy of neighbours
  - crude language can be heard from nearby homes
  - increase in parking demand associated with the pub
  - increased noise disturbance
  - lead to increased smoking near to residential properties and fire risk
  - littering of gardens and public space
  - opening hours of the external bar should be restricted
  - proposal includes significant amount of lighting
  - proposed works are unnecessary
  - pub is too close to neighbouring residential properties

## **5. ANALYSIS OF PROPOSAL**

- 5.1 This application seeks planning permission for the installation of a number of external features at a public house in Yate.
- 5.2 Prior to assessing this application in detail, it is worth providing clarity at this stage as to what does and what does not require planning permission. There are two questions to be asked: these consider whether the proposed works constitute development as defined by the planning Act and, if it is development, whether or not the proposal benefits from a deemed consent as 'permitted development'.

- 5.3 The siting of tables and chairs (where these are not attached to the ground) in a pub's garden would not constitute development and therefore is not subject to consent under the planning regime. As these structures are fixed to the ground, they would constitute operational development. In certain cases, operational development can be 'permitted' development. Whilst a public house has no specific permitted development rights of its own, it does benefit from the generic permitted development. Only development which was not permitted development would require express planning permission.
- 5.4 Planning permission is required for a change of use of a building or land but not for internal works. The barn which will house the 'outdoor' bar is part of the existing planning unit of the pub and therefore it does not require a change of use to operate as a bar; any associated internal works do not require planning permission.
- 5.5 Therefore, the items subject to this application are:
- installation of 2 booths
  - installation of a sharing table
- 5.6 Principle of Development  
The proposed development is limited, to the reasons set out above, to the operational development associated with the items listed above. Therefore, the principle consideration is whether: the proposal meets an acceptable standard of site planning and design, including landscape impacts and heritage considerations; whether the proposal would provide for a good standard of residential amenity; whether the proposal would result in a severe impact to highway safety; and, whether there would be any other environmental impacts.
- 5.7 Design  
An application in 2014 for the installation of garden furniture was refused on the grounds that it would have an adverse impact on the appearance of the area and the locally listed building. The proposed scheme is significantly different from that previously proposed. The items are of a scale that is appropriate to the building and the garden. The building remains the prominent feature of the site and the number of new structures is reduced. Overall, the proposed booths and sharing table area acceptable.
- 5.8 Around the site are a number of locally listed and statutory listed buildings. The proposed seating areas are not highly visible within the street scene and reflect the use of the building as a pub. It is therefore considered that the impact on heritage assets is minimal.
- 5.9 A number of large mature trees surround the site which are subject to tree preservation orders. Whilst the proposed development would not directly lead to works to the trees, it is feasible that some development would occur within the root protection area of the trees. In order to ensure that this is undertaken in an appropriate manner, a condition will be used to agree such works through an arboricultural method statement.

- 5.10 Residential Amenity  
Development should not be permitted that has a prejudicial impact on the amenities of nearby occupiers. It must be noted that the application does not include any change of use of land or an extension to the existing planning unit.
- 5.11 The items which require planning permission are generally away from residential buildings. The 'outdoor' bar does not require planning permission as it is not development. However, the sale of alcohol is subject to a licence and the outdoor bar would be subject to the conditions of the licence under which the premises operate. Whilst planning conditions could be used to restrict the opening of the bar, this would only be possible when the bar itself required planning permission. Furthermore, planning conditions could be used to restrict the hours that the garden may be open to patrons. The issue with this is that it would not be commensurate with the scale of the development itself and would be troublesome to monitor and enforce. As the site has not been subject to conditions previously to restrict operating hours, the reasonableness of doing so now is also questionable.
- 5.12 Given the limited scale of development, it is not considered that the proposal would in themselves lead to an unacceptable impact on residential amenity and therefore this is not a reason to resist granting planning permission.
- 5.13 Environmental Impacts  
The development itself would not lead to any direct environmental impacts. Noise and cigarette smoke have been raised as issues by local residents. The development itself is not considered to be a significant noise generator. Noise can be a nuisance under environmental protection legislation which establishes a statutory level where the relevant authority can intervene. As such, sufficient control is provided through an alternative statutory regime to the planning system. Noxious emissions would also be subject to management under environmental protection legislation. Whilst cigarette smoke can be unpleasant, it is unlikely to be significant to the level where it became a statutory nuisance although any such concerns should be reported to environmental health.
- 5.14 Transport and Highways  
The development would not lead to the loss of parking provided on site nor would it alter the existing parking and access arrangements. As the development would not lead to an extension to the pub itself, it cannot be considered to lead to a material increase in traffic generation.
- 5.15 Whilst the comments of local residents are noted, the development is not considered to have a severe highway impact. Given the sustainable location of the site close to the town centre, officers would generally seek to achieve lower levels of parking than the maximum permitted under policy T8 in order to promote higher levels of more sustainable means of transport such as walking or cycling.
- 5.16 Other Matters  
Most of the issues raised have been addressed in the above analysis, however, a few matters are outstanding.

- 5.17 Lighting would only require planning permission where it involved development. Plans submitted with the application to not refer to any lighting and therefore it is assumed that no lighting which requires planning permission is proposed as part of this application.
- 5.18 Planning permission can only consider development against planning policy. The 'need' for such development in case such as this is not a material planning consideration.
- 5.19 The planning authority cannot control littering; this is a matter for the operator of the establishment.

## **6. CONCLUSION**

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

## **7. RECOMMENDATION**

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

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

## **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 works shall take place in the root protection area of any tree until details of the works, accompanied by an arboricultural method statement, have been submitted to and approved in writing by the local planning authority. Any such works shall be carried out in accordance with the approved details.

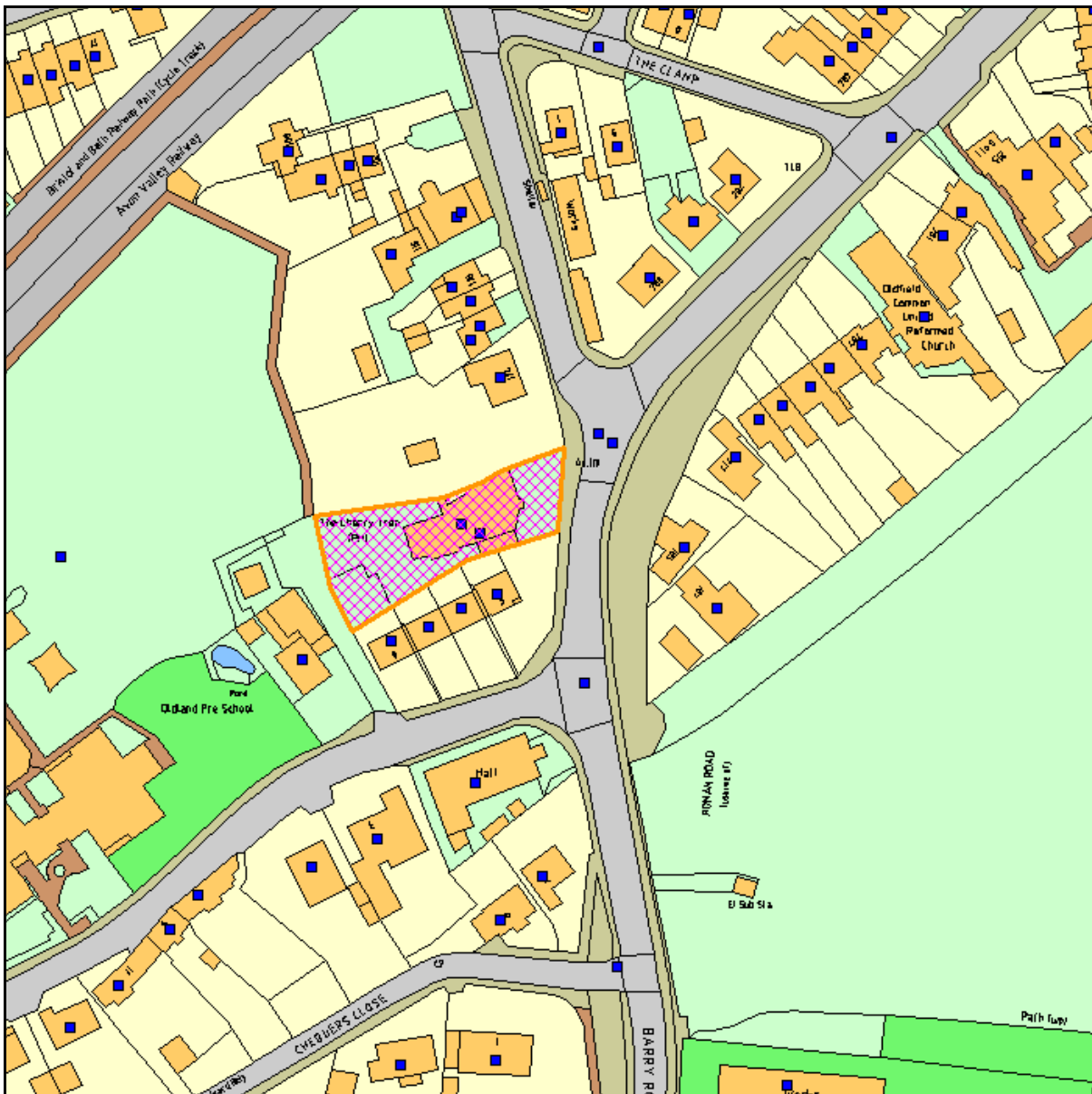
Reason

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.



## CIRCULATED SCHEDULE NO. 20/17 – 19 MAY 2017

<b>App No.:</b>	PK17/0953/F	<b>Applicant:</b>	Tradex Developments Ltd
<b>Site:</b>	The Cherry Tree 128 West Street Oldland Common Bristol South Gloucestershire BS30 9QR	<b>Date Reg:</b>	20th March 2017
<b>Proposal:</b>	Erection of 2 storey rear extension to facilitate conversion of existing public house to 8no apartments with associated works (amendment to previously approved scheme PK16/0173/F)	<b>Parish:</b>	Bitton Parish Council
<b>Map Ref:</b>	367298 171240	<b>Ward:</b>	Oldland Common
<b>Application Category:</b>	Minor	<b>Target Date:</b>	10th May 2017



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PK17/0953/F

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

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

### **1. THE PROPOSAL**

- 1.1 The application seeks permission for the erection of a 2 storey rear extension to facilitate conversion of existing public house to 8no apartments with associated works and is an amendment to a previously approved scheme, ref. PK16/0173/F. That permission was for the erection of a 2 storey rear extension to facilitate conversion of existing public house to 7no apartments with associated works. As before, the two storey extension would be to the rear of the property. There would also be some changes to the façade of the building, mainly through addition and relocation of windows and doors. The main difference to this application is the use of space in the roof area for one additional apartment with the inclusion of rooflights. There are also some changes to windows on the south elevation.
- 1.2 The site itself consists of a property known as the Cherry Tree, a public house, and associated curtilage, including garden to the rear and parking to the front. It is stated that the pub closed around September 2015. The pub is located off West Street, Oldland Common, within the settlement boundary. The nearest residential properties are located immediately to south, the site borders curtilage area to the north within which is a further property, a lane exists to the rear (east) of the site beyond which are school grounds associated with St Annes School and Oldland Pre School.

### **2. POLICY CONTEXT**

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

2.2 Development Plans

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

RT11 Retention of Local Shops, Parades, Village Shops and Public Houses

H5 Conversion of Non- Residential Properties for Residential Use

L1 Landscape Protection and Enhancement

T12 Transportation Development Control Policy for New Development

T7 Cycle Parking

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design

CS8 Improving Accessibility

CS15 Distribution of Housing

CS16 Housing Density  
CS17 Housing Diversity  
CS18 Affordable Housing  
CS23 Community Infrastructure and Cultural Activity

Emerging Plans:

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

PSP8 – Residential Amenity

PSP11 – Development Related Transport Impact Management

PSP16 – Parking Standards

PSP34 – Public Houses

- 2.3 Supplementary Planning Guidance  
South Gloucestershire Residential Parking Standards

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

- 3.1 Various consents associated with the premises use as a Public House, including signage and advertisements and refurbishments.
- 3.2 PK16/0173/F - Erection of 2 storey rear extension to facilitate conversion of existing public house to 7no apartments with associated works. Approved on appeal, 21/11/16.

### **4. CONSULTATION RESPONSES**

#### **4.1 Bitton Parish Council**

Councillors objected to the new proposals for this site. As before, they felt that the proposals represent an over-intensification of use of the site, appeared to provide no green or amenity space and were concerned that new windows on the first floor would overlook the St Annes School playing fields and Oldland Pre-School. Additionally it was felt that the increase of 1 dwelling would increase the amount of traffic on site and the incidence of traffic manoeuvring on site, sp reducing amenity. Many of the traffic movements to and from the site would be during the morning rush hour when many school children are walking through the area and traffic is already heavy. Any development would lead to increased noise for the occupants of the elderly peoples bungalows on School Road.

#### **4.2 Other Consultees**

##### Sustainable Transportation

We note this proposal is to add an additional one bedroom apartment to the consented through appeal PK16/0173 planning application, now totaling eight dwellings: two 1 bedroom and six 2 bedroom dwellings. We understand that the on-site / off street car parking provision remains at 10 spaces which for the consented seven dwellings was one space less than the minimum recommended in the South Gloucestershire Councils Residential Parking Standards SPD (adopted December 2013).

This lesser than the minimum SPD provision was based on assessing the census information which shows a slightly lower car ownership for this area and for flats, and making a judgement on the potential harm caused by the potential additional parking space off-site should the occupants not reflect the census information / or the parking shared / allocated differently. The minimum parking using the SPD for the proposal would be 12 off road car parking spaces, and taking a favourable view of census information may reduce this to 11 spaces. However this depends on a number of factors including how the car parking is allocated, and the numbers of occupants of driving age per dwelling and their likelihood of car ownership. As the provision of 10 rather than 12 parking spaces is a reduction of 2 spaces or 17% of the prescribed minimum provision, we have concerns regarding potential over-spill parking. The surrounding streets do not offer good on-street parking provision: there is limited parking availability with extensive yellow lining and noticeable use of footway straddling parking. We note the location has local amenities within walking distance, and sustainable transport links including the nearby Bristol / Bath off-road cycleway on the former railway line, and nearby bus stops with a good frequency of stops, and welcome the 20 space secure parking facility for bicycles. The car parking issue relates to car ownership rather than car use. We therefore request a holding objection be placed to allow the applicant to explain how the parking provision will work and avoid over-spill. We note no mention of parking in the application.

Further information was subsequently received by the applicants highlighting provision of one space per dwelling, with two visitor spaces available and confirming the management company would allow one car per apartment. It was considered that the public house would have had overspill, creating more movements than the proposed 8 apartments, as noted by the inspector. For the promotion of green travel a large bike store has been provided for up to 20 bikes, if necessary this could be reverted to the approved smaller bike store to facilitate provision of a further car parking space if 11 no spaces were still required.

Following reconsultation, further highways comments were received as follows:

The additional information is noted. The application proposes ten car parking spaces which is two spaces short of our minimum standards. We pragmatically reviewed census information for the previous application and chose not to object on parking and manoeuvring, though these issues were discussed during the application process. I remain concerned that this provision may lead to some overspill parking on occasions, as car ownership is high within the authority area, and if parking is not available within the development, future residents and visitors would look to park on-street, adding to the existing parking problems.

However, numerically, based on more localised census information, the shortfall could be argued to be one car parking space, with the additional space effectively converted for the use of additional cycle parking as set out below. Therefore, on the basis that cycle use will be encouraged through the provision of the substantial secure and undercover provision, and car ownership will be limited by the on-site parking allocation, we remove our objection.

#### Public Rights of Way

This development is unlikely to affect the nearest recorded public right of way, footpath ref. PBN15/10 which runs adjacent to the western boundary of the property. I therefore have no objection. However, the applicant should be aware of the standard limitations regarding rights of way and development.

#### Highways 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.

#### Lead Local Flood Authority

No objections

#### Housing Enabling Officer

This application seeks planning permission for the erection of a 2 storey rear extension to facilitate conversion of existing public house to 8no apartments with associated works (amendment to previously approved scheme PK16/0173/F).

As the proposal relates to 8 units on land measuring less than 0.33 hectares there is no requirement for on-site affordable housing.

### **Other Representations**

#### 4.3 Local Residents

Two letters of objection have been received, summarised as follows:  
*-The bungalows, on No.6 School Road, backs onto the development so therefore I will be directly overlooked from the windows in the roof space which will become the additional apartment.*

*-As my bungalow is of a significant lower level to the build I will lose my privacy to the rear of my bungalow, including my garden*

*-the apartments will be very close to the bungalows*

- *the site is too small for all the people and cars*
- *cars would be coming out onto a very dangerous road*
- *parking on pavements*
- *children crossing car park to get to various schools*
- *there is a bus stop nearby which will cause traffic to build up*
- *windows overlook a primary and play school*

## **5. ANALYSIS OF PROPOSAL**

### **5.1 Principle of Development**

The proposals seek the conversion of an existing public house to apartments, including extensions to facilitate the conversion and associated works, including provision of car parking. A key material consideration of considerable weight is the existing consent, at appeal, which has effectively established the principle of the conversion and extension of the building, to create apartments. Consideration of the proposals and resulting loss of a public house facility was assessed against the highlighted policy requirements, considerations and criteria that address whether the loss of the pub is in principle, acceptable. These criteria and considerations are further discussed in the relevant sections below. Policy H5 of the SGLP permits the conversion of non-residential properties for residential use, provided the building is within existing urban areas or defined settlement boundaries, and provided that it would not have any unacceptable impact upon local amenity, character or transportation. This was found to be the case for the previous scheme when tested at appeal. The main difference with this application is the proposed use of space in the roof area for one additional apartment with the inclusion of rooflights. It remains the case (as was the case at the appeal) that the Council is currently unable to demonstrate a 5 year housing land supply. Accordingly the provision of an additional such unit weighs in favour of the proposal. However the impact of this additional unit is assessed below. There are also some changes to windows on the south elevation. The main additional issues to consider are any additional impacts upon local amenity and transportation that the changes may give rise to compared to the approved scheme.

### **5.2 Loss of a Local Pub**

The site is an existing local Public House. The issue for consideration was whether the loss of this pub facility was acceptable within the context of the surrounding community and policy, whether it should be retained or whether the proposals represent an appropriate and acceptable proposal for the re-use of the site.

5.3 The criteria of policies RT11 and CS23 were considered to have been acceptably addressed, and on balance, whilst taking into account the provisions and considerations of the NPPF which are consistent with the existing Development Plan, promotes positive consideration of sustainable economic development where in accordance with the Plan, the conversion of the pub was considered acceptable in principle.

- 5.4 The changes to the scheme proposed do not alter this in principle consideration.
- 5.5 Local/Residential Amenity  
The proposals would alter the use of the site from public house to residential apartments with associated works, including the proposed extensions and additions of windows. The principle of doing so has already been established. The issue for consideration will be the level of amenity impact arising from any changes to the approved scheme upon the nearest properties and the school and pre-school, whether this impact is significant and material and whether any impact can be mitigated. Vehicle movements are referred to in the section below.
- 5.6 It should be noted that revised plans have been received, slightly amending the window layout and providing clarity on heights of windows, particularly at first floor on the south elevation. In order to reduce and prevent potential for overlooking of the properties to the south, this includes removing and relocating windows, providing relatively high level windows and rooflights, the angle and orientation of which would help prevent direct views, and overlooking and the provision of further angled windows. It should be noted that the principle of the development is established, the issue for consideration being any additional impact subject to these revised proposals. It is considered that, taking into account these amendments that the potential for additional overlooking associated with the application is addressed to a satisfactory degree.
- 5.7 In assessing any potential for overlooking towards the west, in the general direction of the nursery and school grounds, the proposed rear extension would bring rear the building line a further 7 metres in this direction, around 17 metres from the very corner of the large playing field to the north and west and 20 metres from the eastern edge of land associated with the nursery. It should be noted that between the proposal site and the school/nursery would be a car parking area and beyond the boundary of the site is a public footpath as well as a small lane/cul-de-sac providing access to the fields and nursery. There would be three first floor windows in this direction, two of which would be of angled window design so as not directly facing towards the west and the other one would be an obscure glazed bathroom window. It is not considered that given the current scenario, the public access between the sites, the amendments to the design, the distances involved and the amount of additional windows being provided that the proposals would give rise to what could be considered a significant or material level of overlooking such as to sustain an objection and warrant refusal of the application and that adequate privacy, in both directions, would be afforded.
- 5.8 The proposed extension on the rear of the existing building would protrude approximately 7 metres from the existing rear building line. It would be slightly inset from the existing southern wall of the proposal.

The existing southern wall of the pub building runs from approximately 8 metres away from the rear building walls of a row of properties to the south, gradually increasing up to a distance of 10 metres as it progresses west. The extension at this elevation of the building would remain a minimum of 10 metres away from the rear of the row of properties, extending gradually to a maximum of approximately 12 metres as it progresses west. The rear gardens of the row of properties are relatively shallow and are set lower down than the land associated with the pub, they are also protected by a high fence (3-4 metres) which would reduce any existing or likely material impact by way of overlooking, intervisibility or overbearing impact. In terms of any impact associated with the extent of the extension to the rear, it is not considered that the extension would significantly or materially add to any impact over and above the existing scenario such as to sustain an objection and warrant refusal of the application on these grounds.

- 5.9 In terms of external amenity space small courtyards would exist to serve two of the ground floor apartments. Other than this external open space within the site is limited to a shared area towards the rear of the site, further to this it is restricted by that providing the required levels of off-street parking in line with the adopted parking standards and small areas of peripheral 'green' space for planting and borders. The area to the front would be utilised as a mix of parking, planting area and bin storage. Again, the principle of the site and associated amenity provision have been considered acceptable. It is not considered that these alterations significantly alter or impact upon this consideration.
- 5.10 Policy H5 states that proposals should provide 'adequate' amenity space and suggests in this respect that private amenity space may be provided either communally or on an allocated basis in accordance with planning guidance (concept statements, masterplans and development briefs) which would explain the factors to take into consideration in each case. Policy PSP44 of the PSP does seek to prescribe specific calculations in respect of allocating set provision of amenity space dependent upon the type and nature of accommodation provided. As discussed elsewhere in this report, whilst a material consideration of policies of the PSP can at this stage only be afforded limited weight in weighing up proposals. It is considered that there are a number of factors to take into account when assessing the amenity space or lack thereof, in the context of this application. This is the maximum level of open space that can be provided on-site, given the number of parking spaces that are required on-site. Fewer parking spaces could equate to greater amenity provision. Furthermore the site is limited to and constrained by the plot available and the existing building within it, which is being converted rather than rebuilt. The site is, however, in a sustainable location and in close proximity to a number of publically accessible open space areas that provide alternative amenity.



#### 5.11 Design

The proposals incorporate a change of use, as well as new extensions, fenestration changes and associated car parking and landscaping. The issue for consideration is whether it is successfully integrated within the context of the existing building, the site and surrounding area, and whether any additional measures can mitigate any visual amenity issues or whether the proposals represent an unacceptable form of development at this location. The principle of the design has been established and it falls to be considered whether any of the proposed changes alter this consideration.

5.12 The main extension is the two storey addition to the rear of the property. This is considered acceptably in keeping with the existing building in terms of form scale and materials used. Other extensions involve small 'infill' additions at first floor level. These are also considered acceptable in form scale and design. Materials used would match those of the existing building except where timber window frames are proposed to be replaced with brown Upvc. This is considered acceptable.

5.13 The primary frontage of the building is that facing West Street, the main changes to this elevation would be small changes to the front door area, there would also be some changes to the shape of the roofline, although not immediately to the front of the site. Some parking and bin stores would also be accommodated on the frontage, which is already currently a car park to the pub. Other additions to the fenestration of the building are similarly considered acceptable in design terms. The proposed changes are considered acceptable.

#### 5.14 Landscape

Some trees from within the confines of the site would be lost under the proposals. Trees around the periphery of the site would be retained. The trees are not protected, and their loss would not warrant an objection or refusal of the application on this basis. It is not considered that there would be any significant landscape implications associated with the extension and conversion of the pub, the principle of which has been established, the proposed amendments to the scheme do not materially alter landscape considerations. Conditions are however recommended for tree protection methods for the remaining trees, as well as some landscaping requirements in the areas available around the periphery of the site.

#### 5.15 Transportation

It is acknowledged that there has been local concern with regards to the proposed access/increased vehicle movements and parking arrangements. The issue for consideration is therefore the level of additional use of the local highway network associated with the proposed apartments; whether this could be accommodated and/or mitigated to an acceptable degree, as well as whether parking arrangements can satisfy the sites requirements. It should also be acknowledged that the site has existing access directly from the existing front car park onto the public highway for its current use as a pub.

Further to this the proposed use of the site for apartments is established in principle, the main matter for consideration being any impact upon transport assessment that the changes give rise to.

5.16 As per the detailed highways comments above, it is considered that the proposals can be considered acceptable in access, off-street parking spaces and cycle store provision provided within the plans which are acceptable to the Council's Highways Officer, taking into account the factors outlined. It has also been considered that the impact on safe routes to school would be positive because the existing vehicle crossover to the pub covers the whole frontage of the site whereas the proposed redevelopment would reduce the access to a single point reducing the potential for conflict between vehicles and pedestrians.

5.17 Public Rights of Way

The nearest public right of way would be located off-site, immediately to the west of the boundary to the site in this direction. No works are proposed over the footpath and the proposals would not affect it. There are no objections subject to the informatives to avoid additional impact to rights of way.

## 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. In cases where they are unable to demonstrate a five year supply of housing land then there is a presumption in favour of such residential development. This should prevail unless there are significant and demonstrable harms that outweigh the benefits of the scheme.

6.2 The proposals are of an appropriate standard in design and are not out of keeping with the existing building. Furthermore the proposal would not materially harm the amenities of the neighbouring properties by reason of loss of privacy or overbearing impact. Adequate parking can be provided on the site. The conversion and subsequent loss of the pub is not contrary to policy which seeks to ensure their loss is not unacceptable in each individual instance. As such the proposal accords with Policies H4 and T12 of the South Gloucestershire Local Plan (Adopted) 2006 and CS1 of the South Gloucestershire Local Plan Core Strategy Adopted December 2013.

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

## **7. RECOMMENDATION**

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

**Contact Officer: Simon Ford**  
**Tel. No. 01454 863714**

### **CONDITIONS**

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

Reason

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

2. The apartments shall not be occupied until the access, car parking and cycle parking arrangements have been completed in accordance with the approved drawings (Ref 909/300 Rev A) and that space shall thereafter be kept available for the parking of vehicles.

Reason

In the interests of highway safety and to accord with Policy T12 of the South Gloucestershire Local Plan and the South Gloucestershire Residential Car Parking SPD.

3. The apartments hereby permitted shall not be occupied until the existing vehicle crossover has been adjusted to provide a dropped kerb only at the point of access to the development.

Reason

In the interests of highway safety and to accord with Policy T12 of the South Gloucestershire Local Plan.

4. 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 hard surfacing shall be submitted to the Local Planning Authority for approval. Development shall be carried out in accordance with the agreed details.

Reason

To protect the character and appearance of the area to accord with Policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework. These details are required prior to commencement as the details for the protection of the trees needs to be agreed and in place before ground works commence.

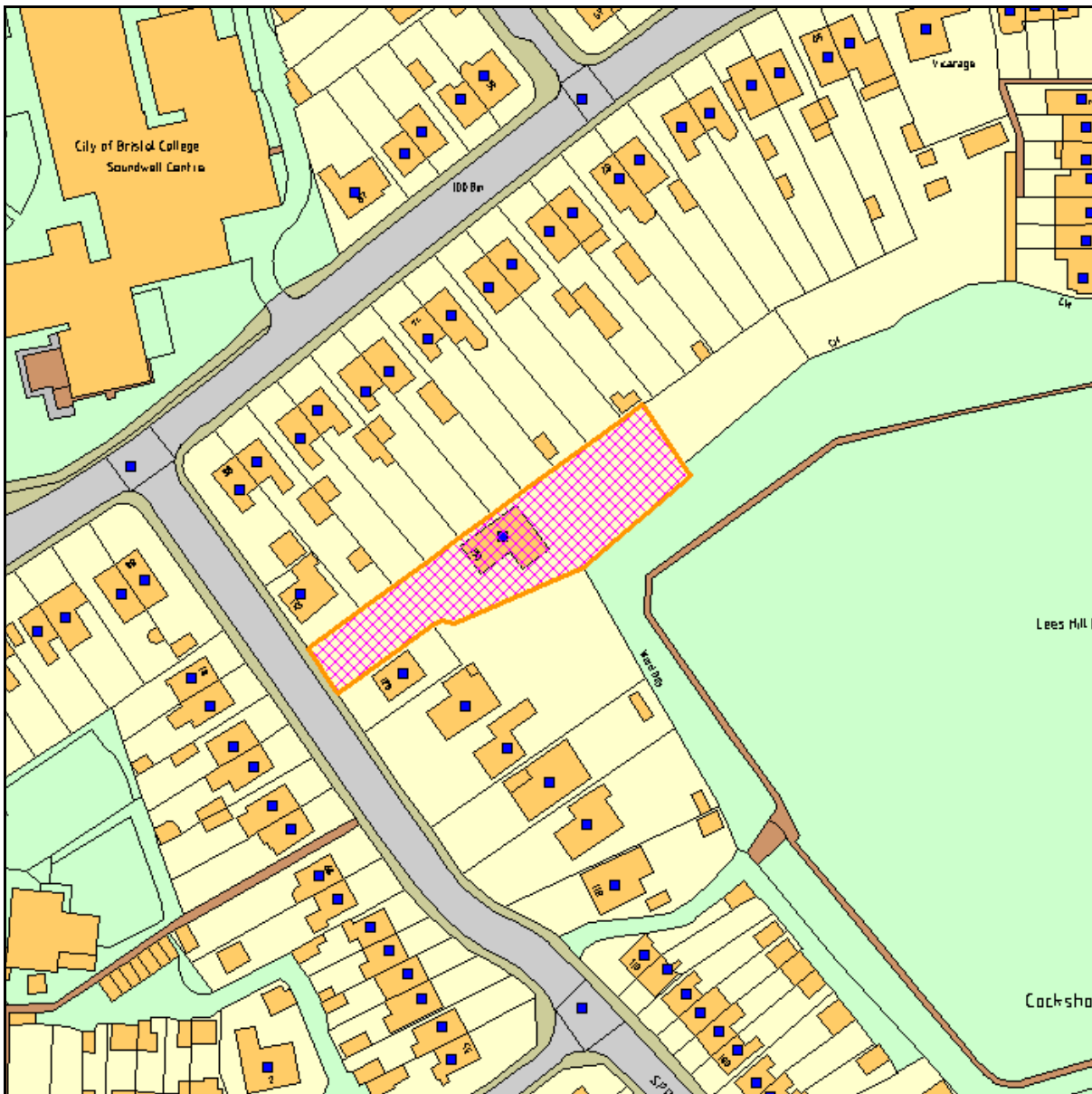
5. Demolition or construction works shall take place only between 08.00 - 18.00 hours on Mondays to Fridays and 08.00 - 13.00 hours Saturdays, and shall not take place at any time on Sundays or on Bank or Public Holidays. Demolition or construction works shall, for the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the curtilage of site.

Reason

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policy CS1 of the South Gloucestershire Local Plan Core Strategy.

**CIRCULATED SCHEDULE NO. 20/17 – 19 MAY 2017**

<b>App No.:</b>	PK17/1038/F	<b>Applicant:</b>	Riggs Properties
<b>Site:</b>	130 Spring Hill Kingswood Bristol South Gloucestershire BS15 1XW	<b>Date Reg:</b>	14th March 2017
<b>Proposal:</b>	Erection of a side extension to existing bungalow and erection of a detached double garage. Erection of 1no detached bungalow with detached garage. (re-submission of PK16/5168/F).	<b>Parish:</b>	None
<b>Map Ref:</b>	365142 174813	<b>Ward:</b>	Kings Chase
<b>Application Category:</b>	Minor	<b>Target Date:</b>	4th May 2017



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## 1. THE PROPOSAL

- 1.1 The applicant seeks full planning permission for the erection of a side extension to an existing bungalow and the erection of a detached double garage, plus the erection of 1no detached bungalow with detached garage. This is a resubmission of PK16/5168/F.
- 1.2 The above referenced planning permission was for the Erection of 3no. dormer bungalows and one garage block with access and associated works and was refused for the following reasons:

### Reason 1:

The proposed scheme represents poor design. In particular proposed Plot 1 would result in a cramped form of development, not in-keeping with the character of the area. Proposed plots 3 and 4 would also have a negative impact on the amenity of the existing bungalow due to the proximity of the proposed new driveway required to access these properties. Plots 1 and 3 would provide insufficient useable amenity space to the detriment of the living conditions of future occupants and this is particularly true of Plot 3 which as a three bed property is likely to be a family home where some of the occupants are likely to be children. This is contrary to Policy CS 1 of the South Gloucestershire Local Plan : Core Strategy (Adopted) 2013 which requires the highest quality design and furthermore contrary to the core planning principle in paragraph 17 of the NPPF which also seeks to secure high quality design and a good standard of amenity and contrary to saved Policy H4 of the South Gloucestershire Local Plan (Adopted) 2006 which seeks to protect residential amenity. It is considered this amount to significant and demonstrable harm that outweighs the modest contribution made to the overall housing supply by three dwellings.

### Reason 2:

The proposal does not provide safe access to the development, nor does it ensure that the safe and efficient operation of the existing highway network for all users including pedestrians is not adversely affected. Consequently, it does not conform to the requirements of Policy T12 of the South Gloucestershire Local Plan (adopted) January 2006 and Policy CS8 of the South Gloucestershire Local Plan Core Strategy (December 2013) which highlight these aspects of user safety.

- 1.3 The application site is No. 30 Spring Hill, Kingswood. The plot measures approximately 90 metres in length whilst the majority of the site is between about 15 and 20 metres, the plot narrow to around 12 metres where it meets Spring Hill.
- 1.4 The site currently comprises a single bungalow set centrally within this long plot and some distance away from the highway. It has a long front garden laid to lawn with a driveway to one side. The house is close to the north west boundary and access to the slightly smaller rear garden is to the south side of the dwelling.

Under this proposal the existing bungalow would be extended and a new garage erected in front and one new dwelling would be erected to the rear of the site, facing the rear of the existing detached bungalow with its garage in between the two dwellings.

- 1.5 During the course of the application revised plans were submitted to address the concerns raised by the Transport Officer and additional information to confirm the position of existing drains was also submitted to the satisfaction of Drainage Engineers.

## **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 (Adopted) January 2006 (saved policies)

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

T7 Cycle parking

T12 Transportation Development Control Policy for New Development

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

CS1 High Quality Design

CS4a Presumption in favour of Sustainable Development

CS5 Location of Development

CS8 Accessibility

CS17 Housing Diversity

CS18 Affordable Housing

CS25 Communities of the North Fringe of Bristol Urban Area

### 2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist

South Gloucestershire Residential Parking Standards

South Gloucestershire Waste Collection Guidance for new Developments (Adopted) 2015

### 2.4 Emerging Plan

#### Proposed Submission: Policies, Sites & Places Development Plan March 2015

PSP1 Local Distinctiveness

PSP2 Landscape

PSP5 Undesignated Open Spaces within Urban Areas and Settlements

PSP8 Settlement Boundaries

PSP9 Residential Amenity

PSP12 Development Related Transport Impact Management

PSP17 Parking Standards

PSP43 Private Amenity Standards





#### 4.5 Coal Authority

No objection subject to a condition should the application be approved.

### **Other Representations**

#### 4.6 Local Residents

Eight letters of objection have been received from local residents. One letter has been received from a local resident who was not originally consulted as from the site visit it was not clear that a strip of land following on from the rear of the site and running along the rear of properties on Sweets Road was garden belonged to that particular neighbour. Officers are content that the neighbour has had the opportunity to comment and those comments are included in the list below. The points raised by local residents include:

Consultation:

- Ordnance survey map shows my garden extending to the boundary with the application site

Other matters:

- A similar 1988 application rejected for access problems – why has this not been referenced
- During a fire to hedge between the application site and Lees Hill playing fields the fire brigade had to use extended hoses to tackle the fire – a new bungalow would be dangerous here
- Query regarding boundary line between the application site and Lees Hill playing fields. Implications that some land has been taken
- Previous refusal reasons for PK16/5168/F still apply to this application
- Increase noise and pollution
- What has changed since last application? Similar amount of concrete causing a larger amount of rainwater to be diverted through gardens
- Who will be responsible for wall/fence between 130 and 126 Spring Hill

Design and impact on amenity:

- Out of character - Layout and density not in-keeping. Demonstrates garden grabbing and goes against NPPF and paragraph 53 which states Councils should resist inappropriate development of residential gardens
- No other property has a bungalow in their back garden
- Plot 2 will be overbearing as it is on a higher elevation and looking directly into my garden resulting in loss of privacy
- New plot will cause shadows affecting the vegetables and flowers and sunbathing
- Due to land being higher than my property it will restrict light from the south
- Peaceful rear gardens will be spoilt
- Majority of existing garden will be tarmacked over
- Erection of double garage will have detrimental impact on our house – previous permissions for the extension to Soundwell Technical College to the front and new dwelling in garden of No 84 Sweets Road looms over our garden and blocks out most sunlight especially in winter. New garage here will have boxed in effect

Wildlife:

- Will lose their habitat

Transport:

- Spring Hill is a very busy road especially around school run times – more housing could have a negative impact on highway safety for vehicles and pedestrians
- Plans do not address emergency access concerns in previous objection
- Access road to multiple dwellings will run past existing residential properties

Flooding:

- Lees Hill playing field approximately 4 feet higher than my garden causing rain water to seep through and flood my garden – more built form will make the situation worse

Coal mining:

- Absence of coal mining report – comment made on previous report: potential for hazardous gases to escape, pollution and contamination of the ground and subsidence from disturbing unknown mine shafts during borehole drilling and digging for foundations – could affect my wall

## 5. **ANALYSIS OF PROPOSAL**

### 5.1 Principle of Development

The application stands to be assessed against the above listed policies and all material considerations. The application is within the settlement boundary identified for this urban area, and as such the principle of further residential development would be supported by development plan policies for the supply of housing.

5.2 It is acknowledged that South Gloucestershire Council does not have five year land supply of housing. As such paragraph 14 of the NPPF is engaged which states that decision takers should approve development proposals that accord with the development plan without delay; where the development plan is absent, silent or relevant policies are out-of-date, permission should be granted unless:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or
- specific policies in the Framework indicate development should be restricted.

5.3 Notwithstanding the above, the starting point for the assessment is the adopted development plan with which any new proposal must accord. Saved Policy H4 of the South Gloucestershire Local Plan and Policies CS1, CS5 and CS25 are relevant to this application. Policy T12 deals with highway impact and parking issues. The NPPF promotes sustainable transport and states that development should only be prevented on transport grounds where the residual cumulative impacts of development are 'severe'.

- 5.4 Policies indicate that the development of new housing within the Bristol East Fringe Urban Area is acceptable in principle. Policies – CS1 and T12 do not directly relate to the supply of housing, rather the standard of design and highway issues to be achieved. These policies are considered to attract full weight.
- 5.5 The proposal can be divided into its component parts of an extension to the existing bungalow and a new dwelling within its residential curtilage.
- 5.6 Design and Layout  
Policy CS1 of the South Gloucestershire Local Plan Core Strategy (Adopted) 11<sup>th</sup> Dec. 2013 only permits new development where the “highest standards” of site planning and design are achieved. This policy requires that siting, overall layout, density, form, scale, height, massing, detailing, colour and materials, are informed by, respect and enhance the character, distinctiveness and amenity of both the site and the locality.
- 5.7 The area is not characterised by any established architectural vernacular, being predominantly an area of mixed development of varying styles and ages. The application site is accessed off Spring Hill and the existing property is a single storey dwelling positioned centrally within the plot and set well back off this road. The plot itself is strip of land running alongside the rear gardens of Nos. 68 to 86 Sweets Road. These properties are typically 1930s type semi-detached dwellings. The end house No. 86 Sweets Road has benefitted from a two-storey dwelling being erected in its rear garden. This dwelling, No 132 Spring Hill, is therefore to one side of the access driveway into No. 130 Spring Hill. To the other side is a modest single storey detached bungalow, No. 128 Spring Hill. Beyond No. 128 to the southeast is a row of two-storey detached gable fronted dwellings. Planning history is not clear, but from the pattern of gardens it implies that No. 128 Spring Hill was added to the row, as it sits to the front of the building line of these houses on a much smaller plot. Directly opposite the entrance to the application site properties are again two-storey, hipped roof semi-detached 1930 type.
- 5.8 Alterations to the bungalow:  
Planning policy is supportive of extensions to existing buildings within settlement boundaries and particularly in built up urban areas. The proposed extension would facilitate the creation of additional living accommodation to the front of the property. The proposed extension would have a footprint of about 3.7 metres by 7 metres, with eaves to match the main house and a hipped roof again to match the design and height of the existing roof. Internal reconfigurations would mean three main bedrooms would be positioned to the rear. It is noted that a fourth bedroom/study is present. Given that the internal measurements are around 7.68 m sq then this could be large enough to function as a bedroom. This has implications for parking and the property will be assessed a four bed dwelling.
- 5.9 In addition a garage is proposed to serve this dwelling. The garage would be positioned to the front of the existing bungalow, closer to the main road. This garage would measure about 6 metres by 6.5 metres have eaves of 2.2 metres and its hipped roof would achieve an overall height of about 4.9 metres.

- It is noted that concerns have been raised by local residents regarding the potential for being boxed in. The garage is considered to be of an appropriate design and scale, typical for such a structure. Given its single storey nature, there can be no objection to the introduction of a garage here. It must further be recognised that the bungalow has its permitted development rights and a garage in a very similar location of a very similar massing would not require planning permission. Impact on amenity is discussed further below.
- 5.10 Details indicate that the materials used for the garage and for the extension would be to complement the existing bungalow and would include both red brick and painted render. In terms of the overall appearance, scale and massing these proposals are considered appropriate for this residential property and therefore acceptable.
- 5.11 Proposed new dwelling:  
Concern has been expressed by local residents that the erection of a bungalow in the rear garden is not in-keeping with the area and constitutes garden grabbing. Paragraph 53 of the NPPF is cited. This section of the NPPF encourages Councils to *resist inappropriate development if residential gardens, for example where development would cause harm to the local area*. It is noted that careful consideration of development within residential gardens is always needed and the previous proposal for 3no new dwellings would clearly have resulted in overdevelopment of the site and was therefore regarded as being inappropriate and was resisted. The introduction of new dwellings within residential gardens is not unusual and is supported by Policy H4. Other examples of such development can be found in Kingswood. The principle of this type of development is therefore agreed but the degree of impact on for example, residential amenity, highways and design all need to be thoroughly examined. Should any of these be inappropriate then this would be reason for rejecting the proposal. These elements are therefore considered in other sections below.
- 5.12 This new dwelling would be located to the rear of the site and would have its own garage positioned in between the new property and the existing bungalow. The new dwelling would be single storey. It would have an overall footprint of about 150 sq metres and by comparison the existing bungalow has a footprint of about 136 sq metres which would increase to around 162 sq metres following the proposed extension. Eaves and ridge heights of the proposed new dwelling would be to match that of the existing bungalow and the proposed garage would be the same in style and appearance for this new dwelling as that proposed for No. 130 (discussed in the above section).
- 5.13 With regards to appearance, the proposed new bungalow would be of a similar scale to the proposed extended bungalow and in these terms is acceptable. In terms of materials used these would be to match and to complement the existing bungalow and other nearby properties which again is acceptable. On the basis of scale, massing and design the new bungalow would be appropriate and there can therefore be no objection to the scheme for this reason.

*Residential amenity*

- 5.14 This must be considered from both the neighbours' points of view and that of prospective occupants.
- 5.15 Alterations to the bungalow:  
The proposed extension would be to the front of the existing dwelling, be single storey and of a modest size having a footprint of about 26 square metres. The rear of the dwelling of closest neighbours to the northwest at 80 Sweets Road would be about 30 metres away from the new extension whilst neighbours to the southeast at 128 Spring Hill would be about 149 metres away. Openings would be to the front elevation only. Given the combination of respective distances, orientation and existing boundary treatments it is considered there would be no unacceptable adverse impacts on neighbours resulting from this small addition to the existing house.
- 5.16 With regards to the proposed new garage, a neighbour has commented on the potential for the proposed garage to further 'box in' his property. However, it must be noted that properties along Sweets Road benefit from long rear gardens and the proposed garage would be over 30 metres away from the rear of this house at No. 84 Sweets Hill. Existing structures in the form of a dwelling in the rear garden of No. 86 and existing structures within the garden of No. 84 are noted, Furthermore, it is acknowledged that the boundary treatment running along the north, northwest of the site is a low block wall of around 1.5 metres and the garage would be visible above this structure. However, a balanced view regarding the introduction of a single storey garage in this urban location must be taken. Overall, it is considered that a garage would not have a significant adverse impact on residential amenity and is therefore acceptable.
- 5.17 With regards to the amount of amenity space remaining to serve the existing dwelling, there would be two separate garden areas: one to the front amounting to around 84 square metres and one to the rear achieving about 78 square metres. This is considered sufficient to comply with emerging planning policy garden space standards. These gardens would be enclosed by checkboard fencing to the front and by a brick wall to the side/rear. Existing boundary walls and hedges would be retained and repaired. One neighbour has raised the question of maintenance of existing walls and this would be a civil matter to be discussed between the relevant parties.
- 5.18 Proposed new build:  
The new dwelling would be located to the rear of the site. Its rear elevation would face a strip of garden running along the rear of Nos. 68 to 60 Sweets Road but is within the ownership of No .68 Sweets Road. This strip of land is separated from the application site by a wall of around 1.5-1.8 metres in height. The new bungalow would be to the southwest of this land. A number of neighbours have objected to the new bungalow on the basis of it affected the light entering their gardens and affecting flowers and vegetables and sunbathing. The position of the new dwelling is noted and it is acknowledged that there would be some changes to the gardens of neighbours, but given that these properties all benefit from good sized rear gardens it is considered that the proposed new bungalow would not result in an adverse impact sufficient to warrant the refusal of the scheme.

- 5.19 Concern has been expressed that the new bungalow would result in overlooking and loss of privacy. The single storey bungalow would be about 8 metres from the rear boundary. This is a wall of about 1.5 metres in height. During the Officer's site visit gardens to the northwest were screened from the application site by a wall of similar height with conifers running along that boundary situated in the gardens of Sweets Road. Given that the eaves height of the new property would be around 2.3 metres and with openings of standard height doors and windows in this rear elevation, it is considered that the majority of the gardens would not be affected by overlooking from the new house. It is acknowledged that the strip of garden following on to the rear and running along gardens of Sweets Road would be the most affected by potential overlooking but the existing situation must be taken into consideration. As occupants of and users of the garden of No. 130 Spring Hill already have the opportunity for some degree of inter-visibility there would be no change over and above the existing situation. The impact on residential amenity would therefore not be significant and the scheme is considered acceptable.
- 5.20 With regards to the amount of amenity space for the new dwelling this would be located to the rear and would equate to about 128 square metres of private residential garden. This would be an acceptable level.
- 5.21 The garage proposed to serve the new dwelling would be positioned in between the existing house and the new bungalow. It would have openings in the south elevation only and would present a blank elevation to the bedrooms at the rear of the existing house. It would be at a distance of about 6 metres. It is acknowledged that this would be quite close and would affect the bedroom to the north more than the others. Given the function of the rooms, the presence of amenity space, the location of the site within a built up area, on balance this is considered acceptable.
- 5.22 Sustainable Transport  
The proposal would be for a new 4bed bungalow dwelling and an extension to the existing 3bed to create a 4bed bungalow and two detached garages. Parking provision is proposed to increase from three existing to eight proposed spaces, though six are shown on the plan, and the application form suggests no current cycle parking provision, with a proposed increase of two.
- 5.23 It is noted that the proposed access is a minimum of 3.7m wide and is more than 5m at the footway, and is therefore wide enough for emergency vehicles provided the access is not blocked.
- 5.24 The proposed double garages are above the minimum internal dimensions in the South Gloucestershire Council Residential Parking Standards SPD (adopted Dec 2013) of 6m x 5.6m and therefore are large enough to be considered parking spaces, as well as incorporate secure cycle parking. The minimum parking provision for a four bed bungalow is 2 spaces so the proposal accords with the policy.

- 5.25 It is noted that this proposal is a significantly scaled down version of the previous proposal (PK16/5168/F) which was for four [smaller] dwellings. This proposal is likely to increase by more than double the traffic movements to and from the site access, but is significantly reduced from the previous proposal which was not supported on safety grounds. The traffic generated by a dwelling can vary considerably, but as a guide where there are reasonable local facilities and modal options (buses, cycle network, and reasonable pedestrian infrastructure), 7 movements a day is reasonable, so the increase may be an additional 7 movements.
- 5.26 The main concern with this development in transport terms is safety and the crossing of the footway and interaction with pedestrians, and given its proximity to the school, with school children. There are many driveways accessing Spring Hill, and on balance it is considered that an additional dwelling from the same access will not cause a significant enough concern to maintain an objection.
- 5.27 Good visibility from the site is essential to allow vehicles exiting the driveway to see pedestrians. It was therefore requested that the relocated access is located away from the higher neighbouring wall, and is of a suitably reduced height to allow this. South Gloucestershire Council guidance is up to 1m for fences/walls next to footways and highways. It was also requested that the driveway and footway kerbs and white lining are amended to relocate the dropped kerbs/re-instate the previous dropped kerbs as needed. These works to be in accordance with our design guidance and agreement with our development implementation engineers.
- 5.28 A revised location plan was submitted to the Council and the above two requests were indicated on the drawing. As such the proposal is considered to comply with highway safety and can be supported.
- 5.29 Coal mining:  
The Coal Authority has assessed the proposal and have confirmed that the site falls within the defined development high risk area and therefore coal mining features and hazards need to be considered. Records indicate that the area is likely to have unrecorded underground coal mine workings at shallow depth. The presence of a mine entry within 20 metres of the site boundary is also noted. The Coal Authority notes that this current application has not included a Coal Mining Risk Assessment but has been content to use the conclusions and recommendations associated with the previous and recent planning application PK16/5168/F determined in February 2016 in respect of this application. Intrusive site investigations are required in order to establish the exact situation in respect of coal mining legacy issues and these works should include investigations for the shallow coal mine workings and a shallow scrape or trench to confirm that the recorded min entry is not present within the site perimeter. Gas monitoring should also be carried out as part of these works.
- 5.30 The nature and extent of the intrusive site investigations should be agreed with the Permitting Section of the Coal Authority as part of the permissions process. The findings of the intrusive site investigations should inform any remedial/mitigation measures which may be required.

In the event that intrusive site investigation works establish mine workings/broken ground within influencing distance of the surface, The Coal Authority would expect the scheme of remedial works to address the limitations posed by the constrained nature of the site to the undertaking of drilling and grouting stabilisation works. As some of the proposed building footprints extend close to the application site boundary, the scheme of remedial works should identify what, if any, further measures are required to address potential instability at the application site as a result of ground movement derived from any shallow mine workings immediately adjacent to, but beyond, the site boundary. Subject to a suitably worded condition there are no objections to the scheme.

5.31 It is noted that concern has been expressed regarding potential damage to for example neighbouring walls as a result of investigative works. This is however, not a planning matter and would need to be discussed between the relevant parties.

5.32 Drainage Matters:

Comments and photographic evidence has been submitted to the Council to demonstrate an existing flooding situation. It is claimed that additional built form will exacerbate the problem. Details submitted with the application were limited and additional information to indicate the type of drains connection was requested. Following receipt of the additional details a SUDS condition is considered appropriate.

5.33 The existing flooding/water surface situation has been highlighted by neighbours. Drainage problems in the area are accepted given that the site lies on what has been described as seasonally wet, loamy, clay soil. This is an existing situation and the developer is aware of the issues. It is therefore stated that the drainage of the site would be improved and if judged necessary during the construction phase mitigation measures such as on-site tanks to tackle surface water may be used. Drainage officers have accepted the submitted details and have no objections to the scheme subject to a SUDS condition.

5.34 Other matters

Previous refusal reason:

One comment has asked why the refusal reason for the 1988 application has not been referenced. Officers have checked that decision notice and concerns regarding access did not form part of the refusal reason. The full reason has been copied above in the planning history section.

Fire tender:

An objection has cited the difficulties experienced by fire officers when dealing with a recent hedge fire close to the application site. It is not unusual for extended fire hoses to be used when properties are some distance from main roads and furthermore, this matter would be picked up by Building Regulations which if necessary may require the use of a sprinkler system inside the new house.



Adverse impact on wildlife and flowers and vegetables:

Given that the application site is an existing residential garden the opportunity for wildlife is limited. Shade of flowers and vegetable plots and the impact on peace and quiet have been given as objection reasons. Although there would be changes for neighbouring properties the adverse impact are not considered to be substantial and a refusal reason on this basis could not be upheld in an appeal situation.

Query regarding boundary lines:

One neighbour has stated the boundary lines shown on the submitted plans is incorrect. It is noted that plans can differ from what is shown on the ground and a standard informative is attached to planning approvals stating that land belonging to another cannot be built on without express permission.

#### 5.35 Planning Balance

The proposal is for the erection of one new single storey dwelling and an extension to the existing bungalow. Planning policy is supportive of new dwellings within existing residential curtilages and in the established settlement of Kingswood. This attracts weight in favour of the scheme. The new unit would also contribute to the housing shortage, albeit acknowledged, that one unit would only make a small difference. Matters such as residential amenity and impact on transportation have also been assessed and these have been found to be acceptable. This too is given weight in favour of the proposal. On balance the proposal is considered to represent a sustainable form of development and is 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 off-street parking facilities (for all vehicles, including cycles) shown on the plan Site Plan drawing 1938- 10 Rev A 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. Coal investigation  
Prior to the commencement of development, intrusive site investigation works to establish the coal mining legacy on the site shall be carried. A scheme of intrusive site investigations shall be prepared and submitted and approved in writing by the local planning authority. The approved scheme of investigation shall then be carried out in full.

Reason

This is a prior to commencement condition to avoid any unnecessary remedial action in the future and to ensure that the risk posed by the past coal mining activity in the area is adequately identified and where necessary mitigated and to accord with Policy CS9 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 and the provisions of the National Planning Policy Framework. This is required prior to commencement to fully engage with the coal mining legacy.

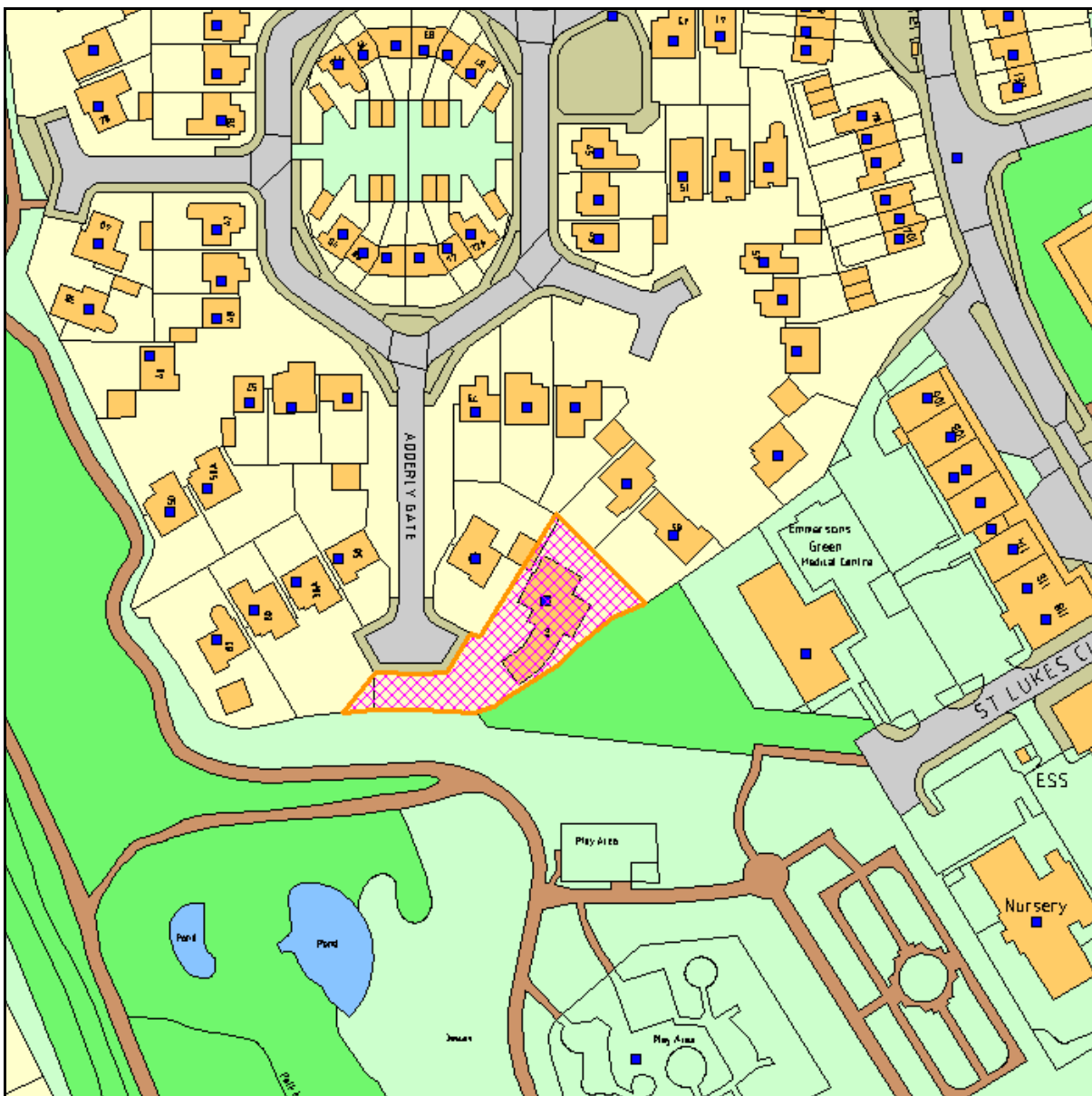
4. The hours of working on site during the period of construction shall be restricted to 7:30 to 18:00 Monday to Friday and 8:00 to 13:00 on Saturdays and no working shall take place on Sundays or Public Holidays. The term 'working' shall, for the purpose of clarification of this condition include: the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

Reason

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

**CIRCULATED SCHEDULE NO. 20/17 – 19 MAY 2017**

<b>App No.:</b>	PK17/1094/F	<b>Applicant:</b>	Mr And Mrs G Firth
<b>Site:</b>	77 Adderly Gate Emersons Green South Gloucestershire BS16 7DR	<b>Date Reg:</b>	14th March 2017
<b>Proposal:</b>	Erection of detached garage with storage over. (Re-submission of PK16/6915/F).	<b>Parish:</b>	Emersons Green Town Council
<b>Map Ref:</b>	366926 177206	<b>Ward:</b>	Emersons Green
<b>Application Category:</b>	Householder	<b>Target Date:</b>	4th May 2017



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 100023410, 2008. N.T.S. PK17/1094/F

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

This application appears on the Circulated Schedule due to consultation responses received which are contrary to the Officers recommendation.

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

- 1.1 The application seeks full planning permission for the erection of a single storey double garage with storage over at 77 Adderley Gate, Emersons Green.
- 1.2 The application site relates to a two storey, detached property which is located in part of the East of the Bristol Urban Area and within the residential area of Emersons Green. The host is modern and has brick elevations, with UPVC windows and a concrete tiled roof. The property benefits from 1no. single detached garage and 1no detached single garage as well as parking on hardstanding for up to 3 cars. Surrounding properties are also modern, but design and style vary.
- 1.3 This application is a re-submission of application ref. PK16/6915/F which was previously withdrawn following concerns from Officers. The previous application would have been adjoined to an existing front 'wing' of the property. This application proposes to site the garage to an area of current amenity space to the south west of the main property.

### **2. POLICY CONTEXT**

#### 2.1 National Guidance

National Planning Policy Framework March 2012  
National Planning Policy Guidance 2014

#### 2.2 Adopted Development Plans

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

CS1 High Quality Design  
CS4a Sustainable Development  
CS5 Location of Development  
CS8 Improving Accessibility  
CS29 Communities of the East Fringe of Bristol Urban Area

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

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

#### 2.3 Emerging Development Plan

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

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

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

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

- 3.1 PK01/2125/F Approve with Conditions 03.09.2001  
Erection of two storey side extension. Conversion of garage to form living accommodation (Granny Annex). Erection of detached double garage and single storey rear extension.
- 3.2 PK02/2099/F Approve with Conditions 30.09.2002  
Erection of two storey side extension. Conversion of garage to form living accommodation for dependant relative. Erection of detached double garage and single storey rear extension (Amendment to planning permission ref.PK01/2125/F).
- 3.3 PK05/1992/F Approve with Conditions 04.08.2005  
Erection of single storey rear extension to provide additional living accommodation.
- 3.4 PK07/3156/F Approve with Conditions 22.11.2007  
Erection of single storey link extension to detached garage to form additional living accommodation.

### 4. **CONSULTATION RESPONSES**

- 4.1 Emersons Green Town Council  
No objection. However, would like raise concerns with amenity space.
- 4.2 Sustainable Transport  
No objection subject to conditions.

#### **Other Representations**

- 4.3 Local Residents  
1no. objection from a local resident was received. Comments as follows:
- Overbearing and out of scale with the surrounding double garages. It will have an adverse visual impact
  - It will overlook our property
  - Previous garage at the site has been turned into accommodation
  - It will become ancillary accommodation
  - Amenity space
  - Will set a precedent
- 2no. neutral comments from local residents were received. Comments as follows:
- Detrimental to open aspect of Adderley Gate
  - The map showing the land this is going to be built on is wrong. They appear to have included my front garden into land.

## 5. ANALYSIS OF PROPOSAL

### 5.1 Principle of Development

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

### 5.2 Design and Visual amenity

The property has previously seen extensions to the front which form a single storey wing. To the front of this there is an area of hardstanding for parking and turning. To the south west there is an area of fenced amenity space. The proposed double garage would be located off the hardstanding area and on part of the amenity space. It would have a pitched roof with a maximum height of 5.3 to the ridge and 2.5 metres to the eaves. It would have a depth of 8.3 metres and a width of 7 metres. Local residents have raised objections that the garage would appear out of scale with existing detached double garages on the housing estate. This is acknowledged, and it is noted that the garage would be slightly taller than equivalent garages within the cul-de-sac. However, it is not thought that it would be to a degree that it would appear out of place.

5.3 Plans show that it would introduce 2no. garage doors to the west elevation as well as 1no. circular window. As well as 1no window and 1no. door to the northern elevation. All materials would match those found in the existing property, but for the avoidance of doubt; a condition is recommended to ensure this is the case.

5.4 Local residents expressed concerns that the development would have an adverse impact on this part of the cul-de-sac. It is noted that the garage would result in the introduction of built form to an area currently used as amenity space. At this time no specific details have been provided in relation to landscaping following the development. It is considered that the introduction of soft landscaping to the front of the garage would help mitigate its introduction. It is therefore felt necessary in the interests of visual amenity that a condition is recommended to ensure a landscaping scheme is received and approved prior to use of the garage.

5.5 Given the above, it is thought that the development is acceptable with regard to design and visual amenity. Accordingly, the proposal is deemed to comply with Policy CS1 of the Core Strategy (Adopted) December 2013 and the emerging Policy PSP1 of the PSP Plan (June 2016).

### 5.6 Residential Amenity

The property is detached and the proposed garage would be located a minimum of approximately 20 metres from the nearest property.

It is noted that the garage would be visible to occupiers within the cul-de-sac, however, it is not felt that it would be detrimental to their residential amenity. A nearby local resident raised concerns to privacy matters, and that the garage would overlook their property. Whilst this is understood the garage would not be used as a habitable room and would be located some 20 metres away. As such, it is not thought to raise privacy concerns.

5.7 The Town Council and local residents raised concerns to the lack of amenity space at the property following construction of the development. Officers note that the host has previously been extended to a significant degree. It is estimated using plans from previous permissions that the house has in excess of 4 bedrooms. The emerging PSP43 sets out amenity space standards for dwellings, this policy states that for a dwelling of 4+ bedrooms a minimum of 70m<sup>2</sup> of amenity space should be provided. The case officer estimates that following the development the property would still have in excess of 100m<sup>2</sup> of amenity space. As such, it is thought that the amount of amenity space at the property is acceptable in this instance.

5.8 Overall, and considering all of the above, it is considered the proposed development would be acceptable with regard to residential amenity and is therefore deemed to comply with saved Policy H4 of the Local Plan (2006) and the emerging Policy PSP8 of the PSP Plan (June 2016).

5.9 Incidental Use

The proposal has been assessed on the basis that the garage provides parking or other uses incidental to the main house, rather than primary accommodation in its own right. The case officer is mindful that if this changes then the implications in terms of residential amenity and off street parking provision would need to be reassessed. As such, a condition is recommended to ensure that the garage remains incidental to the main house.

5.10 Highways

The Case Officer notes that the proposal would increase parking at the site. Transportation colleagues have been consulted and have raised no concerns, as such no objection is raised to highway matters.

5.11 Other Matters

One comment from a local resident stated that part of the land where the garage is situated is in their ownership. Officers queried this, and the agent has subsequently supplied a title plan and other correspondence which shows that all land shown within the red edge as shown on the Site Location Plan (received by the Council 10<sup>th</sup> March 2017) is in the ownership of the applicant.

## 6. CONCLUSION

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

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

## **7. RECOMMENDATION**

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

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

## **CONDITIONS**

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

Reason

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

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

Reason

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

3. Prior to occupation of the garage hereby permitted full details of soft landscaping works shall be submitted in writing to the Local Planning Authority for approval and these works shall be carried out as approved. For avoidance of doubt works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; implementation programme.

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.

4. The detached garage hereby permitted shall not be occupied at any time other than for purposes incidental to the residential use of the dwelling known as 77 Adderly Gate, Emersons Green.



## Reason

The proposal has been assessed on the basis that the garage provides parking or other uses incidental to the main house, rather than primary accommodation in its own right. If this changes then the implications in terms of residential amenity and off street parking provision would need to be reassessed to accord with Policy CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; and the adopted Residential Parking Standards SPD.

**CIRCULATED SCHEDULE NO. 20/17 – 19 MAY 2017**

<b>App No.:</b>	PK17/1198/F	<b>Applicant:</b>	Mr Nick Lowton Oakstone Conservation Ltd
<b>Site:</b>	Rogers Orchard Upper Street Dyrham Chippenham South Gloucestershire SN14 8HN	<b>Date Reg:</b>	20th March 2017
<b>Proposal:</b>	Erection of single storey garden studio to include installation of flue.	<b>Parish:</b>	Dyrham And Hinton Parish Council
<b>Map Ref:</b>	373874 175897	<b>Ward:</b>	Boyd Valley
<b>Application Category:</b>	Householder	<b>Target Date:</b>	10th May 2017



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

Due to a number of objections from local residents and Dyrham and Hinton Parish Council, contrary to the Officer's opinion, the application is due to appear on the Circulated Schedule:

### **1. THE PROPOSAL**

- 1.1 This application seeks planning permission for the erection of a single storey garden studio, and to include installation of flue.
- 1.2 The application site is a grade II listed early 19<sup>th</sup> century building situated within the Dyrham Conservation area and the Bristol/Bath Green Belt. The dwelling has recently been the subject of planning and listed building applications relating to the renovation of the property.
- 1.3 The property has been recently extended and a large parking/turning area has been created at the rear of the property, which is accessed through the adjacent public bridleway LDH/29/20 that forms part of the Cotswold Way National Trail.
- 1.4 The application site has been the subject of several recent applications. The proposed garden studio has been revised following the comments of the Conservation and Landscape Officer, with the removal of the bedroom element, reduction of the depth of the building and additional planting proposed around the curtilage of the garden nearest the Cotswold Way.

### **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
- CS34 Rural Areas

South Gloucestershire Local Plan Adopted January 2006 (Saved Policies)

- H4 Development within Existing Residential Curtilages
- L1 Landscape Protection and Enhancement
- L2 Cotswold Area of Outstanding Natural Beauty
- L9 Species Protection
- L12 Conservation Areas
- L13 Listed building
- LC12 Recreational Routes
- T7 Cycle Parking

## T12 Transportation Development Control Policy for New Development

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

- PSP1 Local Distinctiveness
- PSP2 Landscape
- PSP3 Trees and Woodland
- PSP7 Development in the Green Belt
- PSP8 Residential Amenity
- PSP11 Development Related Transport Impact Management
- PSP16 Parking Standards
- PSP17 Heritage Assets and the Historic Environment
- PSP19 Wider Biodiversity
- PSP37 Internal Space and Accessibility Standards for Dwellings
- PSP38 Development Within Existing Residential Curtilages, Including Extensions and New Dwellings
- 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 SPD: Dyrham Conservation Area
- South Gloucestershire Landscape Character Assessment (adopted Nov 2014)
- Area 4 Cotswold Scarp

### 3. RELEVANT PLANNING HISTORY

- |     |               |   |
|-----|---------------|---|
| 3.1 | PK17/1107/TCA | Works to fell 1no. Yew tree, remove epicormics growth of 2no. Lime trees and clear away from power lines, crown lift to 3.5 metres 1 no. Cherry tree all situated within the Dyrham Conservation Area   |
| 3.2 | PK16/2597/LB  | Erection of single storey link extension and conversion of outbuilding to form additional living accommodation, as well as internal alterations and works to the dwelling. Erection of a gazebo within rear garden<br>Approved 12.08.16   |
| 3.3 | PK16/2596/F   | Erection of single storey link extension and conversion of outbuilding to form additional living accommodation. Engineering works required to facilitate landscaping scheme and parking; as well as associated works. Erection of a gazebo within rear garden.<br>Approved 12.08.16 |
| 3.4 | PK15/1353/TCA | Works to fell 3no. Conifers, 2no. Yew trees and 2no. Apple trees, remove lower limb of 1no. Holm Oak, remove epicormics growth  |

of 2no. Lime trees and works to 1no. Yew tree to reduce height to 5m and reduce radial spread to 2.5m. All situated within Dyrham Conservation Area.  
No objection 13.05.15

3.5 PK08/2584/LB Replacement of roof. Internal and external repairs to make good the effects of water ingress  
Approved 20.10.08

3.6 PK06/1971/TCA Works to remove 1 no. Cypress tree, reduce 1 no Pear tree, crown clean and reduce 2 no Common Lime trees, reduce 1 no. Cypress tree and crown lift and reduce 1 no. Holm Oak tree within the Dyrham Conservation Area.  
No objection 01.08.06

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

4.1 Dyrham and Hinton Parish Council

The Parish Council supports this application but it must only be used as an office and cannot be used as a separate residency. They asked that this be put in the conditions of build please.

4.2 Conservation

No objection.

4.3 Landscape

Objection.

At the time of the site visit it appeared that the proposed development would be visible from the Cotswold Way that drops down from higher ground to the north and runs down the lane to the east of the property. On the rise, north of the site, and adjacent to the Cotswold Way, is a public seat and the proposed development is likely to be visible from this location.

It is appreciated that the applicant has shown landscape mitigation but it is felt that this could be beefed up on the eastern / northeast elevation on the embankment, behind the proposed building, to help to screen it. It is recommended that evergreens be a significant component of this landscape buffer and that larger sized specimens could be used. Evergreen laurels may also be used but the applicant should first verify this with an SGC landscape architect.

4.4 Open Spaces Society

No comments received.

4.5 Public Rights of Way

No objection.

The reduced footprint of the proposed outbuilding would reduce the effect on the Cotswold Way National Trail/Bridleway LDH/29 that runs to the immediate east of the garden. The advisory notes previously submitted must be taken into

account during and after the development is complete, particularly no storage of materials, no parked vehicles and no diminution of the width of the Bridleway. The surface of the PROW must not be changed unless prior agreement of the Highways Authority and the landowner has been obtained.

## **Other Representations**

### **4.6 Local Residents**

Comments from four local residents objecting to the proposal have been received:

- Sensitive setting – curtilage of grade II listed building, in Dyrham Conservation Area, adjacent to the Cotswold Way and National Trust property, in the Green Belt and AONB;
- Property has been extensively developed during the last year;
- Proposed new building is essentially a self-sufficient residential dwelling with double bedroom, ensuite and kitchen/living room (area of 45 sqm);
- Earlier mid-20<sup>th</sup> century building was a timber stable with overhanging roof and original enclosed area was much smaller;
- Whether intended to be ancillary, it may in the future be used independently or as a holiday let;
- Main house has already been extended to provide an attached guest bedroom annex totalling 5 bedrooms;
- Consented works have transformed and diminished the rural character of the setting;
- Inevitably pressure for further development and structures, e.g. storage of garden tools/equipment, bicycles, fuel, etc;
- Proposed building is large and sited at the highest point within the curtilage of the listed building and will harm the setting;
- Building will overlook neighbouring garden (Gardeners Cottage) and harm the enjoyment of a relatively secluded area of property;
- Will have a significant impact on the Cotswold Way and views from the NT terrace walks;
- Village Plan states “ maintaining the look and feel of the parish will require preservation – the natural rural environment and the peace and tranquillity of the parish are valued very highly”;
- SGC and Village plan have declared opposition to infilling with additional residential properties on gardens;
- Informed by SGC at the planning stages of the garages development in Lower Street that infill would not be allowed in Dyrham due to conservation and AONB status;
- If this application is approved, it would be difficult to resist other similar applications which would lead to a drastic change in Dyrham’s character;
- Proposed building is not linked to the existing property;
- Object to inclusion of a bedroom and bathroom which elevates structure to residential;

One mixed comment has been received from a National Trust employee:

- NT owns land adjacent to Rogers Orchard, including the adjacent bridleway which is part of the Cotswold Way;

- Council should consider any impacts of the proposed building on the character and appearance of the Dyrham Conservation Area, as well as on the setting of the listed building itself;
- A key issue is the vehicular access, and that the proposed building could lead to an increased use of the bridleway from occupation of the building (by an additional family member or as a B&B);
- Could the building be restricted for incidental or ancillary purposes only to avoid increase in vehicular movements to and from the property.

## 5. **ANALYSIS OF PROPOSAL**

### 5.1 Principle of Development

Paragraph 89 within the NPPF regards the construction of new buildings as inappropriate in the Green Belt. Exceptions to this include the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces. Development which is judged to be disproportionate with regard to the original building will be viewed as inappropriate development, harmful to the Green Belt and will not be permitted. Policy CS5 of the adopted Core Strategy is supportive of the NPPF and relevant local plan policies in the protection of the Green Belt.

- 5.2 Development within existing residential curtilages is broadly supported by saved policy H4 of the Local Plan subject to an assessment of design, residential amenity and transport. In addition, as the site is subject to heritage designations it must preserve the setting, architectural and historic interest of the property and the character and appearance of the conservation area to accord with saved policies L12 and L13 of the adopted Local Plan. Policy CS9 expects new development to ensure that heritage assets are conserved, respected and enhanced in a manner appropriate to their significance. The proposal is considered to comply with the principle of development.

### 5.3 Green Belt Assessment

As stated in the principle of development section, development which involves the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces. Accordingly, a building of the same size and footprint would be considered appropriate development within the application site. It is important to point out that the proposal does not represent infill development because it is replacing a previous outbuilding in the same location, to be used as ancillary to the main dwellinghouse. These are two very different assessments.

- 5.4 The proposal represents a replacement building, which would be of the same size and footprint, but in a more modern design (the previous building was a timber stable that was rotten and dilapidated). The building would be a garden studio, which includes a toilet and a garden store area. The footprint of the building has been recently reduced, in order to more accurately reflect the original footprint of the building. It would remain ancillary to the main dwellinghouse, and in order to address a number of concerns about the potential future use of the building as a separate dwelling or holiday let, a condition would be attached in order to restrict its use to ancillary.

The proposed replacement building is considered to comply with Green Belt policy and would therefore not harm the openness of the Green Belt.

5.5 Design and Impact on the Listed Building and Conservation Area

The application site is sensitively located within the Dyrham Conservation Area, nearby Cotswold Way bridleway, National Trust terrace walk, AONB, grade II listed building and Green Belt. Therefore careful consideration to the proposed impact of the replacement building must be given.

5.6 Rogers Orchard is a grade II listed, early 19<sup>th</sup> century building constructed in rubble stone (originally rendered) with freestone dressings and three prominent first floor gables on the front elevation. To the rear is a two storey rear wing which appears contemporary with the main building and a later infill creating a sweeping catslide roof. The dwellinghouse is set back from the road in an elevated position, making it a prominent and attractive building in the Conservation Area. It sits alongside the Cotswold Way. The gardens are to the rear of the dwellinghouse and sit in an elevated position above the main dwellinghouse. Stone walls provide a retaining edge to the higher garden areas, giving the impression of the house being cut into the landscape. The replacement outbuilding would be located on an elevated position in the rear garden, on the north-eastern edge, alongside the National Trust bridleway and Cotswold Way.

5.7 The proposed outbuilding will have a modern, but simple appearance. There will be a corner window on the southern elevation, a bi-fold door and vertical glazed screening on the western elevation. The entrance door to the garden store will be on the north elevation, near to the existing hedge. The roof will be pitched and constructed in grey 'vico' seamed steel roof, with vertical cedar cladding for the walls.

5.8 Following feedback from the Conservation Officer, the depth of the building has been reduced and now presents a much narrower gable to the main house, which reduces its perceived scale and massing. The Conservation Officer has suggested that the door could be brought round to the front elevation to provide easier access to the store from the garden and would help the building read more like a garden store than a studio, but the applicant and agent prefer to keep the revised proposed design as the door is more discreetly located. Overall, the proposed outbuilding now reads as more of an ancillary building that is subordinate to the main dwellinghouse. Whilst it would be located in an elevated position, the proposal is simply replacing a previous building in the same location. Additional planting around the northern and eastern boundaries have been proposed to provide additional screening and views from the bridleway and Cotswold Way National Trail.

5.9 Use of the Outbuilding

A number of concerns have been raised by local residents that the proposed replacement outbuilding would be capable of forming a separate, new dwelling and is tantamount to infill. Given the Green Belt designation of the site (as well as various other heritage and landscape designations), the proposed building would represent a replacement outbuilding. The proposed size, scale and footprint are very similar to the previous outbuilding.



The original proposed block plan included a bedroom with en suite shower room and a large studio/office area. The proposed block plan has been revised to allay concerns from local residents that the proposed outbuilding is intended to form a separate residential unit.

5.10 Given the above concerns, Officers consider the proposed outbuilding remains suitably subservient. Due to its location, it is unlikely to be reasonably or subversively separated from the main dwellinghouse. Whilst the proposed floor plan appears generous, in reality the outbuilding is of a modest scale. In order to restrict the use of the outbuilding as separate living accommodation, a condition will be attached to ensure it remains ancillary to the main dwellinghouse.

5.11 Landscape and Trees

At the time of the Landscape Officer's initial visit it would appear that the proposed development would be visible from the Cotswold Way which drops down from higher ground to the north and runs down the bridleway to the east of the property. On the rise (north of the site) and adjacent to the Cotswold Way, is a public seat and the proposed development is likely to be visible from this location. The current northern and eastern boundaries were sparse with vegetation, with only a post and wire fence marking the boundary.

5.12 The proposal does include landscape mitigation, although this was not considered sufficient on the original plans, which proposed a minor amount of planting. Further to the feedback from the Landscape and Conservation Officers the revised plans now include additional screening in the form of new hedging, including Cherry, Laurel, Holly and Yew along the eastern embankment/elevation of the building, new beech hedging to the south elevation and a Holm Oak tree, and a new Holm Oak tree in the north-eastern corner. The proposed landscaping scheme is considered to be an improvement and will help assimilate the outbuilding within the garden and wide rural landscape. There will be little impact on the nearby National Trust terrace walk, given the increased level of proposed planting around the building and within the garden itself.

5.13 Residential Amenity

Policy H4 of the adopted Local Plan aims to ensure that residential development within established residential curtilages does not prejudice the residential amenity of any neighbouring occupiers.

5.14 The proposal will introduce new windows in the south and west elevations of the outbuilding. The garden is established and has traditionally been varied in terms of height, rising from the south up to the north, with a platform where the previous and proposed outbuilding are sited. The western boundary with Gardeners Cottage is an established hedgerow. The proposed outbuilding is located on the outer edge of the garden and views from the outbuilding into the neighbouring garden are limited and certainly not increased by the proposal. It is also important to point out that the neighbouring property also has a similar outbuilding located on the northern boundary of the garden. There will be no inter-visibility between the two outbuildings or properties given the distance and established hedgerows surrounding them.

- 5.15 Overall, the proposal is considered to be acceptable in terms of residential amenity and will not prejudice the existing levels of residential amenity afforded to the future occupiers of the dwellinghouse or nearest neighbouring occupiers.
- 5.16 Transportation, Parking, Access and the Public Right of Way  
Following the previous recent applications, the parking and turning area has been amended and increased, to the benefit of the future occupiers of the dwellinghouse. There is ample parking for at least 3-4 within the curtilage of the site, as well as turning space, ensuring vehicles do not need to reverse out of the drive onto the bridleway. There are steps leading up from the parking area to the proposed outbuilding. The proposed outbuilding would remain ancillary to the main dwellinghouse and does not require any additional parking within the site.
- 5.17 As previously addressed, the proposed development will affect the Cotswold Way National Trail that runs to the immediate east of the property. It is well-used by local and international visitors alike and the bridleway forms part of a strategic off-road network for cyclists, horse riders and pedestrians. Following the previous application, the vehicular access to the property has been greatly improved as part of the renovation of the main dwellinghouse. This includes the re-surfacing of the lane with stone. The bridleway runs around the western perimeter of Dyrham Park. The original proposed plans caused concern for the PROW Officer in respect of the topography of the garden and the nearby bridleway/National Trail/lane. As the proposed outbuilding has been revised, with a reduction in the size of the building and increased landscaping, this will have a lesser impact on the nearby Cotswold Way.
- 5.18 Overall, the proposal is considered to be acceptable in highway safety terms and also in maintaining the level of amenity that users of the public right of way currently enjoy.
- 5.19 Other Matters  
Concern has been raised that further to the renovation of the dwellinghouse and grounds, and the proposed replacement outbuilding, this will lead to further applications for additional outbuildings within the application site. Each proposal and application is assessed on its own merits and in accordance with relevant local and national planning policies.

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

## 7. **RECOMMENDATION**

7.1 That the application is **APPROVED**, subject to the attached conditions.

**Contact Officer: Katie Warrington**  
**Tel. No. 01454 864712**

### **CONDITIONS**

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

Reason

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

2. The development shall be implemented strictly in accordance with the following plans: Site Plan; Survey Block Plan (1602 20); Proposed Block Plan; received by the Council on 15th March 2017.

Revised Proposed Site Sections/Elevations 2 (1602 25 Rev B); Revised Garden Studio (1602 26 Rev B); Revised Site Plan (1602 23 Rev B); Revised Proposed Site Sections/Elevations 1 (1602 24 Rev B); received by the Council on 9th May 2017.

Reason

To ensure that the development is carried out in accordance with the plans and drawings as assessed in the application and in the interests of the visual amenity of the site and the surrounding locality; and the residential amenity of the surrounding locality and to accord with Policy CS1 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013.

3. Prior to the commencement of the relevant part of the development, samples of the proposed roofing and external materials (cladding) to be used in the construction of the outbuilding 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 of the outbuilding which is located in a sensitive location within the curtilage of a grade II listed building Rogers Orchard, Dyrham Conservation Area, in close proximity of the Cotswold Way, and in an Area of Outstanding Natural Beauty. To accord with Policies L2, L12 and L13 of the South Gloucestershire Local Plan (Adopted) January 2006 (Saved Policies); Policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; South Gloucestershire SPD: Dyrham Conservation Area; and the National Planning Policy Framework.

4. Prior to their construction or installation, the detailed design including materials, finishes and locations of the following items shall be approved in writing by the local planning authority:

- a. Doors
- b. Windows
- c. Eaves
- d. Verge

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

Reason

In ensure a satisfactory standard of external appearance and in order that the development serves to preserve the architectural and historic interest and setting of the grade II listed building and Dyrham Conservation Area. To accord with Policies L12 and L13 of the South Gloucestershire Local Plan (Adopted) January 2006 (Saved Policies) and Policy CS9 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013.

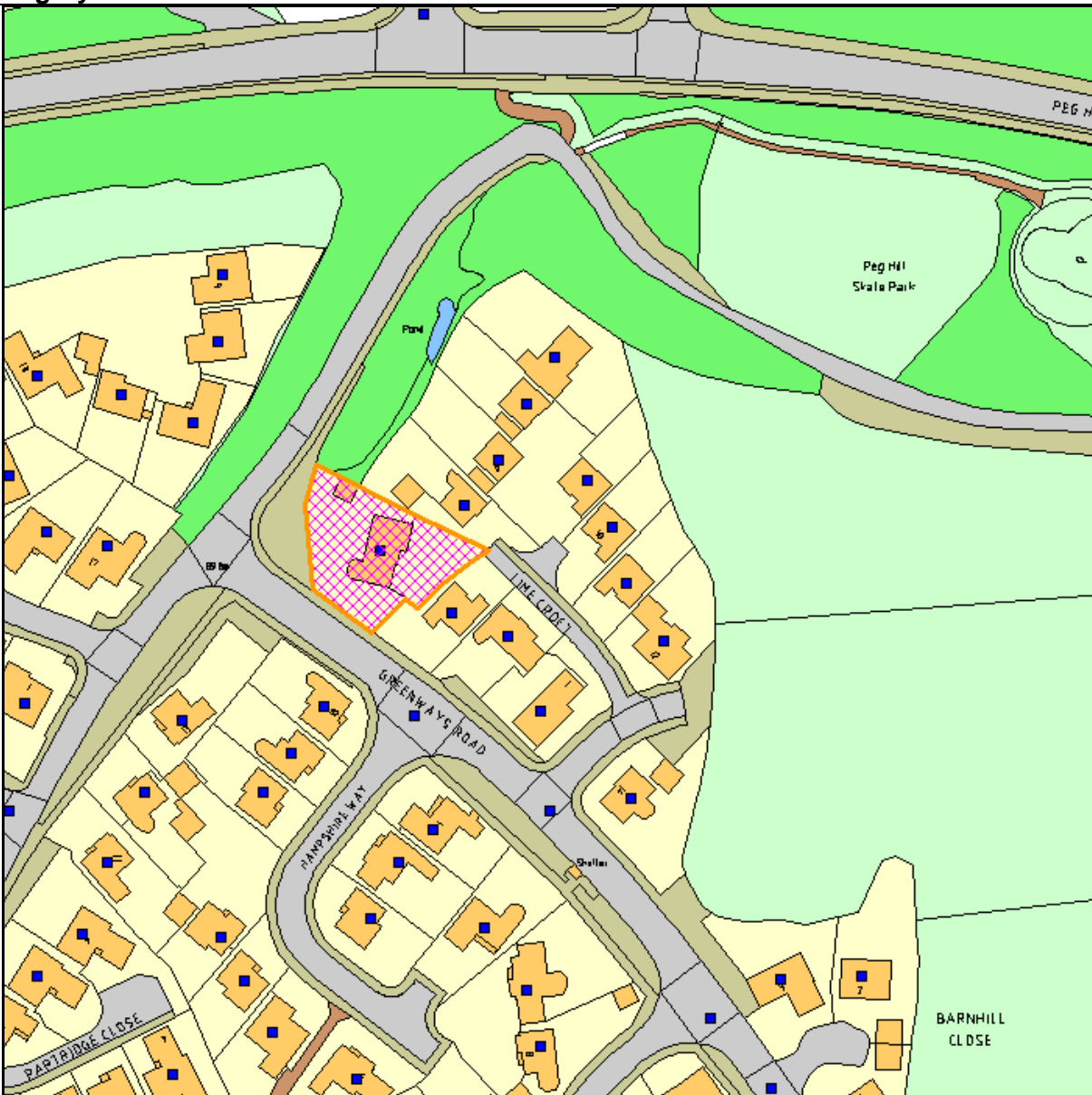
- 5. The outbuilding hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as Rogers Orchard.

Reason

To ensure the satisfactory external appearance of the development in the interests of visual amenity, to prevent the subdivision of the site, and to protect the residential amenity of the neighbouring occupiers. To accord with Policies CS1, CS8 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; Policy H4 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006 (Saved Policies); and the National Planning Policy Framework (2012).

**CIRCULATED SCHEDULE NO. 20/17 – 19 MAY 2017**

<b>App No.:</b>	PK17/1278/F	<b>Applicant:</b>	Mr And Mrs Totterdell
<b>Site:</b>	Beechwood House 4 Lime Croft Yate South Gloucestershire BS37 7HG	<b>Date Reg:</b>	24th March 2017
<b>Proposal:</b>	Demolition of existing conservatory and cellar. Erection of a single storey rear extension to form additional living accommodation. Erection of a single storey lower ground floor extension to form a basement room with a terraced roof and balustrade.	<b>Parish:</b>	Yate Town Council
<b>Map Ref:</b>	371947 183780	<b>Ward:</b>	Yate North
<b>Application Category:</b>	Householder	<b>Target Date:</b>	16th May 2017



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

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

### **1. THE PROPOSAL**

- 1.1 The application seeks permission to demolish an existing rear conservatory and erect single storey rear extensions at both basement and ground floor level. The application also proposes the installation of a roof terrace and balustrade above the basement addition.
- 1.2 The application relates to a detached dwelling situated on an established residential cul de sac in Yate.
- 1.3 Permission has recently been granted for a residential curtilage extension to the rear of the property under application ref. PK16/1517/F.

### **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 the Environment and Heritage  
CS29 Communities of the East Fringe of Bristol

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

H4 Development within Existing Residential Curtilages  
T12 Transportation

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

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

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

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

- 3.1 PK16/1517/F

Change of use of land to residential curtilage. Erection of 1.8m high boundary wall. – approved with conditions.  
01.08.2016

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

##### **4.1 Yate Town Council**

Objection:

- Overlooking rear gardens in the Dingles. Have they been consulted?

##### **Other Representations**

##### **4.2 Local Residents**

None received.

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

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

The application seeks permission for extensions to an existing dwelling. Saved policy H4 of the SGLP (Adopted 2006) permits this type of development in principle subject to criteria relating to residential amenity, highway safety and design.

##### **5.2 Residential Amenity**

The application seeks permission for the erection of a single storey rear extension with a terrace and another extension above. The application relates to a detached dwelling situated on an established residential cul de sac in Yate. As existing the nearest neighbouring properties to the site are 3 and 5 Lime Croft (either side) and 13 and 16 Hampshire Way (to the southwest). Beyond Love Lane (to the west), 11 and 17 The Dingle are heavily screened by thick hedge and mature trees. Whilst the comments of the Town Council are noted, both properties are considered to be an adequate distance from the development to remain unaffected. Consultation has taken place in line with the normal adopted procedure set out in the Council's Statement of Community Involvement.

5.3 It is considered that none of the extensions proposed would have a significant overbearing impact or result in a loss of outlook or light to the neighbouring occupiers due to the layout of the properties surrounding the development site.

5.4 Although the proposed roof terrace would be in the location of an existing conservatory, it would extend a further 2m. It is calculated that the closest edge of the proposed terrace would be 18m away from the rear garden of 16 Hampshire Way. Given the elevated position of the main property, there could be a greater element of inter-visibility than already exists with the conservatory. However, the plans indicate that users of this area for the most part would be sitting. As such and to limit the opportunity for overlooking, it is considered reasonable that a condition be attached to the decision notice stating the glass in the southern side of the terrace is of obscure glazing. The dwelling would continue to be served by a garden area at the rear which is considered adequate to serve a family property.

### 5.5 Design

The application site is one of the largest within a small cul de sac in Yate. Elevated, the site is particularly prominent to the rear from the public realm. A single storey lean-to would be situated centrally on the rear elevation at ground floor level. The rear basement extension would have a simple form with a flat roof with enclosing balustrade above. Stairs would be sited at either end. Materials would match the original. In terms of the design, scale, massing and appearance, the proposal is considered appropriate to the host dwelling and the area in general.

### 5.6 Highway Safety

The application would not affect the existing parking provision and would not result in an increase in parking provision. There are therefore no concerns in terms of highway safety.

Given the existing land levels and cellar, although the construction process will result in some movement of earth this is unlikely to be significant or prolonged given the domestic scale of the proposal.

## 6. CONCLUSION

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

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

## 7. RECOMMENDATION

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

**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).

2. Prior to the first use of the roof terrace hereby permitted, and at all times thereafter, the south side elevation of the proposed balustrade shall be fitted with obscure glass to level 3 standard or above.



Reason

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

**CIRCULATED SCHEDULE NO. 20/17 – 19 MAY 2017**

<b>App No.:</b>	PK17/1289/ADV	<b>Applicant:</b>	Mr Ben French HSBC Bank PLC
<b>Site:</b>	HSBC 20 Badminton Road Downend South Gloucestershire BS16 6BN	<b>Date Reg:</b>	28th March 2017
<b>Proposal:</b>	Display of 1no. replacement internally illuminated fascia sign, 1no. replacement internally illuminated hanging sign and 1no. non-illuminated nameplate sign.	<b>Parish:</b>	Downend And Bromley Heath Parish Council
<b>Map Ref:</b>	365200 176821	<b>Ward:</b>	Downend
<b>Application Category:</b>	Minor	<b>Target Date:</b>	16th May 2017



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 100023410, 2008. N.T.S. PK17/1289/ADV

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

This application for advertisement consent appears on the Circulated Schedule due to consultations replies received which are contrary to the Officers recommendation.

### **1. THE PROPOSAL**

- 1.1 The proposal seeks advertisement consent to display 1no. internally illuminated fascia sign, 1no. internally illuminated hanging sign and 1no. non-illuminated nameplate sign at an existing HSBC Bank in Downend.
- 1.2 The bank is located off A432 (Badminton Road) within Downend town centre and part of the East Fringe of Bristol Urban Area. The adverts would replace existing signs at the site with updated branding.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
National Planning Policy Framework March 2012  
The Town and Country Planning (Control of Advertisements) (England) (Amendment) Regulations 2007
- 2.2 Development Plans  
  
South Gloucestershire Local Plan (Adopted) January 2006 (saved policies)  
RT1 Development in Town Centres  
T12 Transportation  
  
South Gloucestershire Local Plan Core Strategy Adopted December 2013  
CS1 High Quality Design  
CS5 Location of Development  
CS8 Improving Accessibility  
CS14 Town Centres and Retail  
CS29 Communities of the East Fringe of Bristol Urban Area
- 2.3 Supplementary Planning Guidance  
Design Checklist SPD (Adopted) August 2007  
Shopfronts and Advertisements SPD (Adopted) April 2012

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

- 3.1 P97/4506/A Approval 15.10.1997  
Display of 1 No. internally illuminated fascia sign and 1 No. projecting sign
- 3.2 PK11/0380/ADV Approve 28.03.2011  
Display of 1no. internally illuminated fascia sign, 1no. internally illuminated hanging sign, 1 no. non-illuminated nameplate and 6no. non-illuminated vinyl signs on glazing.
- 3.3 PK15/0461/F Approve with Conditions 22.04.2015  
Installation of replacement ATM.

## 4. CONSULTATION RESPONSES

4.1 Downend and Bromley Heath Parish Council  
No objection

4.2 Sustainable Transport

We have now reviewed this planning application and note that it seeks to change the signage displayed on the front of the HSBC bank located at 20 Badminton Road, Downend to replace the current provision with new signs. As these signs are to be placed in the normal location for this type of building and do not encroach upon the public highway, we do not believe that it will create any highways or transportation issues. Therefore, we have no comments about this application.

### Other Representations

4.3 Local Residents

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

- It denies the unique high street identity of this area and risks turning this into a retail parking type outlet.

## 5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

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

5.2 Design and Visual Amenity

The advertisements would replace existing signs at the site, with updated branding. The internally illuminated fascia would be located to the front elevation of the building and would be a similar scale to the existing fascia sign. It would have a width of 2.06 metres and a height of 0.25 metres. Similarly, the proposed hanging sign would largely not be indifferent to the existing. The advert would be a modest structure, it have a height of 0.65 metres and a width of 0.15 metres. The third sign proposed would be a replacement nameplate sign which would sit just east of the main entrance. This advert would have a height of 0.40 metres and a width of 0.30 metres.

5.3 Local residents have raised concerns that the development would have a detrimental impact on the streetscene of the high street. Whilst these comments are understood, Officers are mindful of the large number of advertisements in the vicinity, and that the signs would replace existing signs. Furthermore, given their similar appearance, it is thought unlikely that they would have an impact on the streetscene over and above that at present.

5.4 Overall, the design, size and scale of the signs is not considered inappropriate for the building or streetscene. Particularly as it would replace existing adverts at the site. Accordingly, the proposal is thought to be acceptable.

5.5 Public Safety and Residential Amenity

The signage is not considered to have an impact on the safety of pedestrians using the associated pavement, and would not be considered detrimental to the safety of motorists using the adjacent highway (Badminton Road). The case officer also notes that transportation colleagues have no objection to the advertisements.

5.6 The proposal is located on Badminton Road, which has a large number of retail units with associated signage. The signs would have an illuminance level of 150 cd/m<sup>2</sup>. Guidance indicates that this brightness is appropriate in urban locations. It was noted on a site visit that some residential properties are located above shops, however, given the scale of the sign, it is unlikely to introduce a detrimental impact to residential amenity.

6. CONCLUSION

6.1 In accordance with Section 220 of the Town and Country Planning Act 1990 and Regulation 4 of the Advertisement Regulations 1992, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.

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

7. RECOMMENDATION

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

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

**CIRCULATED SCHEDULE NO. 20/17 – 19 MAY 2017**

<b>App No.:</b>	PK17/1383/CLP	<b>Applicant:</b>	Victoria Wilmot
<b>Site:</b>	55 Cranleigh Court Road Yate Bristol South Gloucestershire BS37 5DQ	<b>Date Reg:</b>	6th April 2017
<b>Proposal:</b>	Application for Certificate of Lawfulness for the proposed erection of a single storey rear extension and 3no side dormer windows, 2no second floor windows and 2no velux windows.	<b>Parish:</b>	Yate Town Council
<b>Map Ref:</b>	370664 182709	<b>Ward:</b>	Yate North
<b>Application Category:</b>	Certificate of Lawfulness	<b>Target Date:</b>	25th May 2017



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 100023410, 2008. **N.T.S.** **PK17/1383/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 it is required to be taken forward under the Circulated Schedule procedure. In addition comments have been lodged contrary to the recommendations of the report.

### **1. THE PROPOSAL**

- 1.1 The applicant is seeking a formal decision as to whether the proposed erection of 3 no. side dormer windows and a rear extension at 55 Cranleigh Court Road, Yate would be lawful development. This is based on the assertion that the proposal falls within the permitted development rights normally afforded to householders under the Town and Country Planning (General Permitted Development) (England) Order 2015.
- 1.2 The application is formal way of establishing whether the proposal requires planning permission or not. Accordingly there is no consideration of planning merit, the decision is based on the facts presented.

### **2. POLICY CONTEXT**

#### 2.1 National Guidance

Town and Country Planning Act 1990 (As Amended) 1990 section 192  
Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO)

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

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

No Recent Planning History

### **4. CONSULTATION RESPONSES**

#### 4.1 Yate Town Council

Objection – condition required to secure obscured glazing, lack of parking and out of keeping with area due to third floor.

#### 4.2 Other Consultees

None Received

## **Other Representations**

### 4.3 Local Residents

One objection was received noting the description is inaccurate, the loft conversion would adversely impact the roof line and street scene and is out of character, scale and overbearing and if approved would set a precedent.

- 4.4 This application is an application for a certificate of lawfulness. This is an evidential test to establish whether on the balance of probabilities the proposed development is lawful according to the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and there is no consideration of planning merit. If the facts presented indicate the proposal accords with the aforementioned Order, the Local Planning Authority must grant a certificate confirming the proposed development is lawful and could be built without the requirement for any express planning consent. On this basis any objection comments lodged should not carry weight in the consideration of the lawfulness of the development and will not factor into the following deliberations. Objections comments would carry weight in a full planning application and had it been assessed against local policy, would likely be found to have an unacceptable standard of design. However the application is being considered in the context of permitted development and the GPDO and specific consideration cannot be given to residential amenity, transport or design concerns, only that it accords with the provisions of Schedule 2 Part 1 Classes A and B of the GPDO.

## **5. ANALYSIS OF PROPOSAL**

### 5.1 Principle of Development

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

- 5.2 The key issue in this instance is to determine whether the proposal falls within the permitted development rights afforded to the householders under Schedule 2, Part 1 Classes A and B of the GPDO (2015).

- 5.3 For the purposes of this assessment the principal elevation has been taken as that which faces the highway as this elevation is in parallel with the rear elevation and to the south-west and side elevation, the host property adjoins the neighbouring dwelling, these mid terrace properties are all facing the road with their principal elevation. The General Permitted Development Order Householder Technical Guidance states that the principal elevation will normally be that which fronts a highway.



5.4 The proposed development consists of the introduction of 3 no. side dormer windows to facilitate a loft conversion, the introduction of 2no velux rooflights, 2no. second floor windows and the erection of a single storey rear extension. This development would be within Schedule 2, Part 1 Classes A and B of the GPDO (2015). Class A allows for enlargement, improvement or other alteration to a dwellinghouse and Class B provides for additions etc. to the roof of a dwellinghouse provided it meets the criteria 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 proposal would not occupy in excess of 50% of the remainder 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 extension would not exceed the height 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 to 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 project beyond a wall which forms the principle elevation nor does it form a side elevation of the original dwellinghouse which fronts 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 development would extend beyond the rear wall of the original dwellinghouse and does not exceed 3 metres in depth or 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 proposal is a single storey structure.

- (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, and the height of the eaves is below 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;**

The proposal would not extend beyond the side elevation.

- (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 proposed plans indicate that the proposal will be finished with materials 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**

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.

**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 proposal would not exceed the height of the highest part of the existing roof.

- (c) Any part of the dwellinghouse 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 proposal will be situated to the side elevations and would not extend beyond a principal elevation fronting a highway.

- (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**  
**(ii) 50 cubic metres in any other case**

The proposal would result in an additional volume of approximately 39.85 m<sup>3</sup>

- (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, flu or soil and vent pipe;**

Not applicable.

- (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;**

The materials used will be of a 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, measure along the roof slope from the outside edge of the eaves; and**
  - (ii) **other than in the case of an enlargement which joins the original roof to the roof of a side or rear extension, no part of the enlargement extends beyond the outside face of any external wall of the original dwellinghouse; and**

The proposal would be greater than 0.2 metres from the outside edge of the eaves of the original roof and 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 to be installed.**

The window to the side elevation will be obscured glazed and non-opening below 1.7 metres from the room in which it is situated.

## **6. RECOMMENDATION**

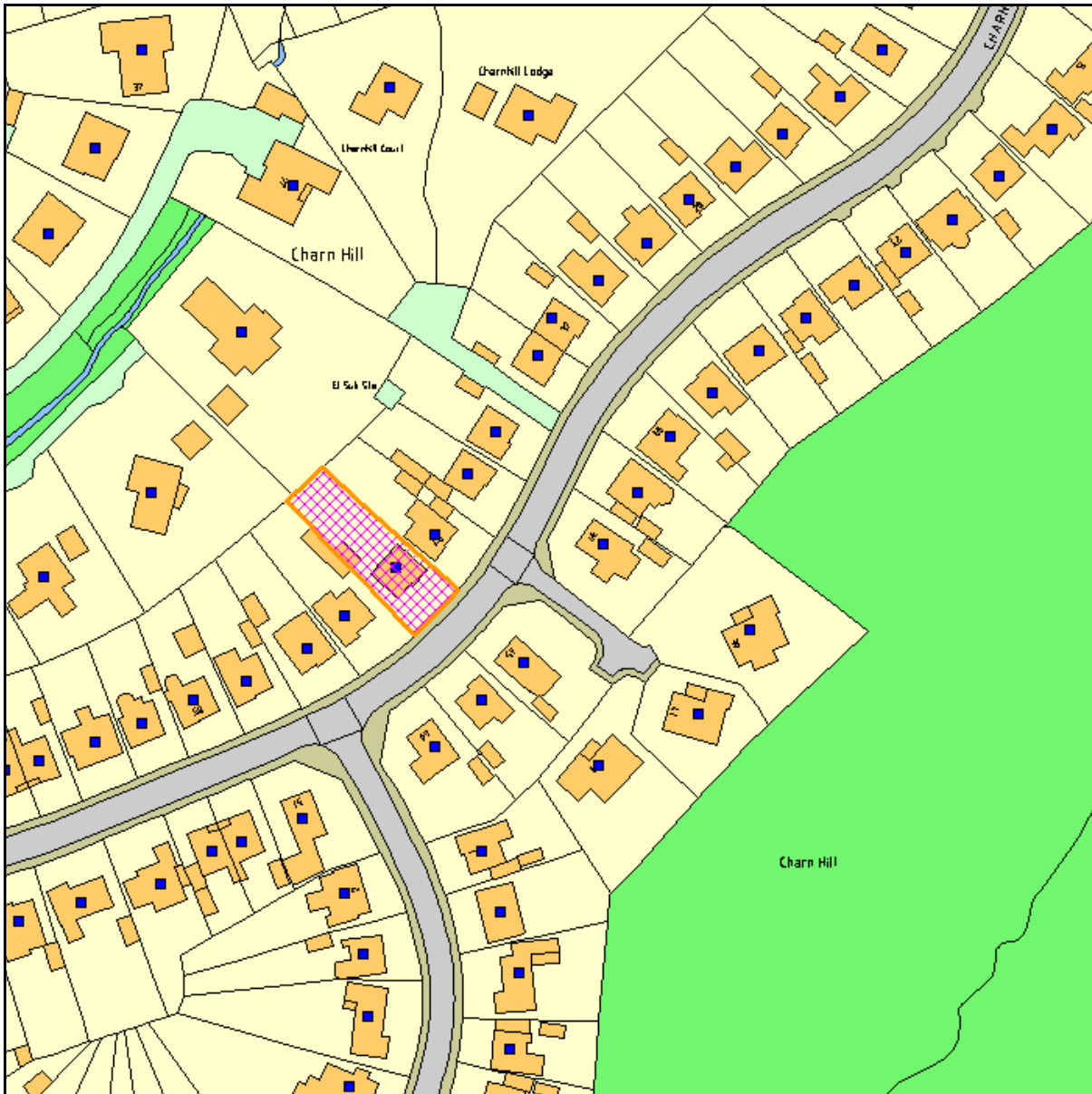
- 6.1 That a certificate of Lawfulness for Proposed Development is granted for the following reason:

Evidence has been provided to demonstrate that on the balance of probabilities, the proposed extension and roof alterations would be allowed as they have been considered to fall within the permitted rights afforded to householders under Schedule 2; Part 1, Classes A and B of the Town and Country Planning General Permitted Development Order 2015.

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

**CIRCULATED SCHEDULE NO. 20/17 – 19 MAY 2017**

<b>App No.:</b>	PK17/1545/CLP	<b>Applicant:</b>	Mr Steve Sutton
<b>Site:</b>	42 Charnhill Drive Mangotsfield Bristol South Gloucestershire BS16 9JR	<b>Date Reg:</b>	19th April 2017
<b>Proposal:</b>	The proposed installation of a rear and side dormer to facilitate loft conversion.	<b>Parish:</b>	None
<b>Map Ref:</b>	365953 175744	<b>Ward:</b>	Rodway
<b>Application Category:</b>	Certificate of Lawfulness	<b>Target Date:</b>	30th May 2017



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

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

### **1. THE PROPOSAL**

- 1.1 The applicant is seeking a formal decision as to whether the proposed installation of 1no rear and 2no side dormers at no. 42 Charnhill Drive, Mangotsfield, would be lawful.
- 1.2 The application is a formal way of establishing whether the proposal requires planning permission or not. Accordingly there is no consideration of planning merit, the decision is based solely on the facts presented.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
Town and Country Planning (General Permitted Development) (England) Order 2015, Schedule 2, Part 1, Class B.

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

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

#### **3.1 PK16/5537/F**

Erection of a single storey rear extension to provide additional living accommodation. Alterations to existing front dormer. Installation of rear dormer to facilitate loft conversion.

Approved: 30.11.2016

### **4. CONSULTATION RESPONSES**

- 4.1 Ward Councillors  
No comments received
- 4.2 Town/Parish Council  
The area is un-parished.

#### **Other Representations**

- 4.3 Local Residents  
No comments received

## 5. SUMMARY OF EVIDENCE IN SUPPORT OF APPLICATION

- 5.1 Site Location Plan  
Existing Elevations  
Proposed Elevations  
(Received by Local Authority 4<sup>th</sup> April 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 1no rear and 2no side dormers. 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 proposal involves the installation of four roof lights to the front elevation of the dwelling. However the roof lights would not extend beyond the plane of the existing roof slope which forms a principal elevation of the dwellinghouse and fronts the highway. Furthermore, the proposed dormer windows would be located to the rear and side 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 detached house and the proposal would result in an additional volume of no more than 50 cubic meters (Approximately 19 cubic meters).

- (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 indicate that the proposed dormers will incorporate a concrete tile finish to match the external finish of the existing dwelling. Furthermore, a submitted planning statement outlines that the materials used in any exterior work shall be of a similar appearance to those used in the construction of the existing dwelling.

- (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 and side dormers would be approximately 0.4 metres and 0.6 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.

The proposal does not involve the insertion of any windows to the side elevation of the dwellinghouse.

#### Roof lights to front elevation

The proposal also involves the installation of four roof lights to the front elevation of the property. The roof lights meet the criteria set out in Schedule 2, Part 1, Classes B and C of the Town and Country Planning (General Permitted Development) (England) Order 2015, and as such constitute permitted development.

## **7. RECOMMENDATION**

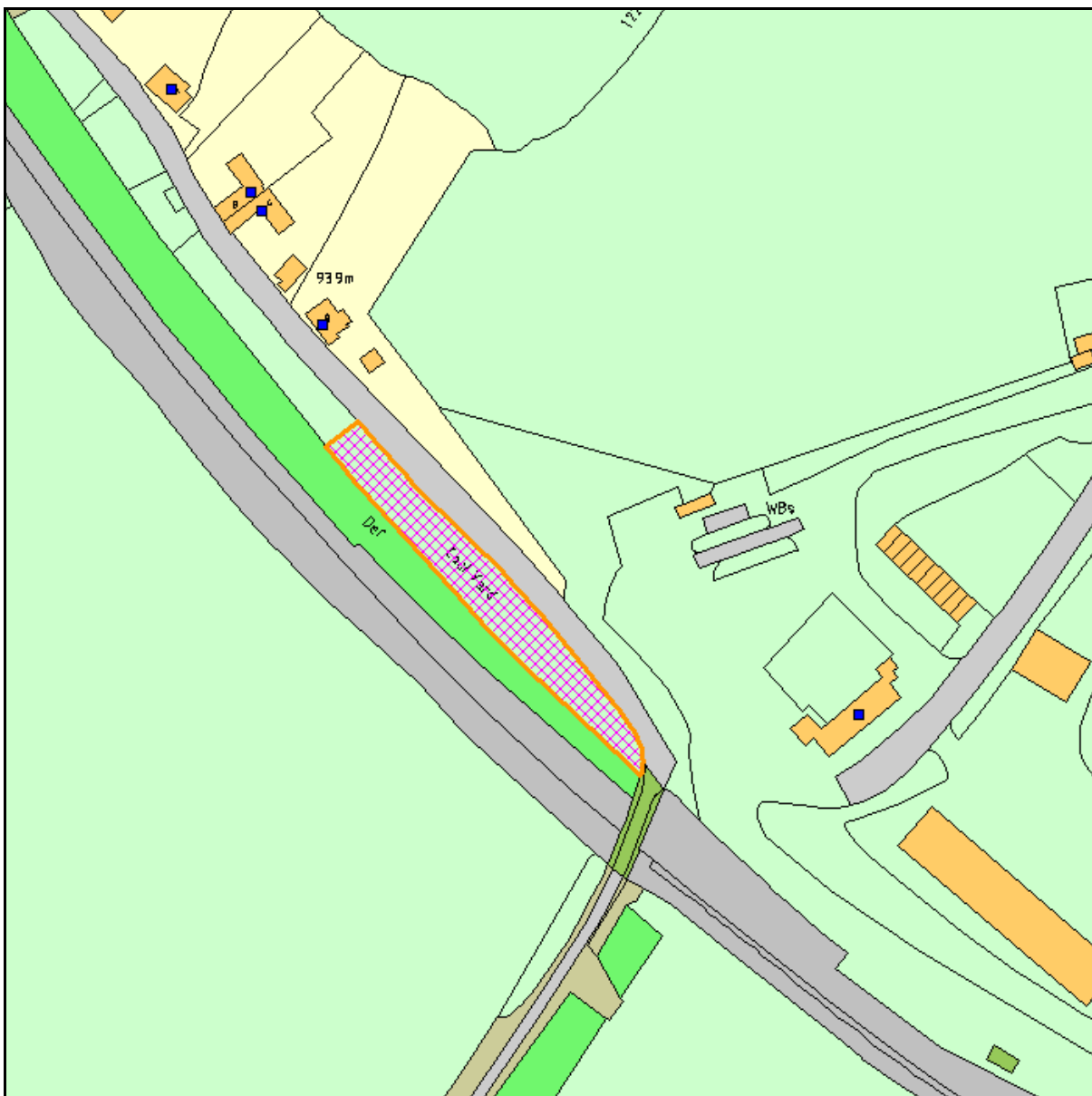
- 7.1 That a certificate of Lawfulness for Proposed Development is **granted** for the reasons listed below:

Evidence has been provided to demonstrate that on the balance of probabilities the proposed installation of rear and side dormers 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: Patrick Jackson**  
**Tel. No. 01454 863034**

**CIRCULATED SCHEDULE NO. 20/17 – 19 MAY 2017**

<b>App No.:</b>	PT16/6725/F	<b>Applicant:</b>	Mr And Mrs M Clifford
<b>Site:</b>	The Slad Grovesend Thornbury South Gloucestershire BS35 3TW	<b>Date Reg:</b>	21st December 2016
<b>Proposal:</b>	Erection of 3no detached dwellings and associated works.	<b>Parish:</b>	Thornbury Town Council
<b>Map Ref:</b>	365386 189003	<b>Ward:</b>	Thornbury South And Alveston
<b>Application Category:</b>	Minor	<b>Target Date:</b>	10th February 2017



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

This application appears on the Council's Circulated Schedule procedure following letters of support received from local residents which are contrary to the officer recommendation detailed within this report.

### **1. THE PROPOSAL**

- 1.1 This application seeks planning permission for the erection of 3 no. detached dwellings on land known as the Coal Yard, The Slad, Itchington Road, Grovesend.
- 1.2 The site is outside of any established settlement boundary and is considered to be within the open countryside, although it is not within the Bristol/Bath Green Belt. The site was last used as a coal storage yard by Network Rail until the land was sold to the applicant. The site has now been completely cleared and is bordered by a tall hedgerow.
- 1.3 The applicant submitted amendments to the scheme on 11<sup>th</sup> April 2017 to address comments from National Rail, who own the former railway line to the south. The amendments were subject to further public consultation.

### **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 Adopted January 2006 (Saved Policies)

L1 Landscape  
L9 Species Protection  
EP2 Flood Risk and Development  
EP4 Noise Sensitive Development  
EP6 Contaminated Land  
T7 Cycle Parking  
T12 Transportation  
H3 Residential Development in the Countryside

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

PSP1 Local Distinctiveness

PSP2 Landscape

PSP3 Trees and Woodland

PSP8 Residential Amenity

PSP16 Parking Standards

PSP17 Wider Biodiversity

PSP28 Rural Economy

PSP40 Residential Development in the Countryside

PSP43 Private Amenity Standards

2.3 Supplementary Planning Guidance

Design Checklist (Adopted) August 2007

Residential Parking Standard (Adopted) December 2013

Affordable Housing and Extra Care Housing (Adopted) May 2014

Waste Collection Guidance for New Development (Adopted) January 2015

CIL Charging Schedule and the CIL and S106 SPD (Adopted) March 2015

**3. RELEVANT PLANNING HISTORY**

- 3.1 PT16/6724/F Pending Consideration  
Erection of 1 no detached dwelling, access and associated works.  
*Relates to land opposite 8 The Slad*
- 3.2 PT16/6723/F Pending Consideration  
Erection of 1 no. detached dwelling with access and associated works.  
*Relates to land opposite Rose Cottage, 6 The Slad*
- 3.3 P92/1910 Approval 12/08/1992  
Use of land for storage of horticultural products  
*Relates to easternmost part of application site.*
- 3.4 P89/2333 Approval 28/09/1989  
Use of land for storage of landscape materials and nursery stock. Siting of portacabin to provide 192 sq feet of office accommodation (in accordance with applicants letter and plans received by the council on the 1ST september 1989)  
*This does not appear to have been implemented.*
- 3.5 N6572 Approve with conditions 05/10/1981  
Use of existing allotment land as coal stacking yard. Erection of a coal hopper and construction of new vehicular access.

**4. CONSULTATION RESPONSES**

- 4.1 Thornbury Town Council  
Object on the grounds that it is outside the development boundary and there are highway access concerns.
- 4.2 Tytherington Parish Council  
No comment received.

### 4.3 Other Consultees

#### Highway Structures

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

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.

#### Lead Local Flood Authority

No objection subject to SUDS condition.

#### Sustainable Transport

Subject to revised plans indicating the visibility splays from the proposed access points in accordance with Manual for Streets then there is no transportation objection to this planning application.

#### Archaeology

No objection.

#### Ecology

No objection subject to conditions.

#### Tree Officer

The site has hedgerow boundaries however there are no significant trees within the boundaries and therefore there are no objections to the application.

#### Network Rail

Objection.

#### Waste and Minerals Officer

Information regarding noise and dust pollution from quarry required.

#### Environmental Protection

Quarry 'mothballed' however coating plant starting up. Noise statement required and contaminated land investigation required.

### **Other Representations**

#### 4.4 Local Residents

Six letters of support have been received raising the following points:

- Development is in keeping with existing community
- Will support small hamlet
- Significant improvement on former use as a coal yard
- Will improve appearance of lane

- Redevelopment of brownfield land
- Would provide self-build plots for first time buyers
- Would be a type of affordable housing enabling young people to own their own home

## 5. **ANALYSIS OF PROPOSAL**

### 5.1 Principle of Development

This application proposes 3 no. detached dwellings within the application site. Whilst nursery/horticultural uses have been permitted in the past, aerial photographs show that the yard was used for storing coal (sui generis) by Network Rail until at least 2014, however the use has now ceased and Network Rail have sold the site to the applicant. The Local Planning Authority would consider the site to be previously developed land. Policies CS5 and CS34 of the South Gloucestershire Core Strategy state that new build housing should be limited to urban areas and established settlement boundaries. In that regard, this proposal is contrary to the adopted development plan as it proposes a new dwelling outside of any established settlement boundaries shown on the Proposals Map and is located within the open countryside.

### 5.2 *Five Year Housing 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. The Authority's Monitoring Report 2016 demonstrates that the Council cannot demonstrate a five year housing land supply, meaning paragraph 49 of the NPPF is engaged. With reference to the NPPF advice policies CS5 and CS34 of the adopted Core Strategy and policy H3 of the Local Plan are therefore considered not to be up-to-date, as they do relate to the supply of housing. Paragraph 14 of the NPPF states a presumption in favour of sustainable development, and states that proposal 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, or where specific policies in the NPPF indicate that development should be restricted.

5.3 The starting point remains the development plan policy which would resist housing in principle. The question is what weight to attribute to the NPPF, as an important material consideration in light of the current housing supply shortfall. The thrust of paragraph 14 is that sustainable development should only be resisted if specific and demonstrable harm can be shown as a result of the development. In light of this, simply being located outside of the designated settlement boundary alone is unlikely to justify a refusal. The site should be demonstrably unsustainable. Accordingly, a balancing exercise is required, and in this case considerable weight is given to the advice in the NPPF as an important material consideration.

#### 5.4 *Sustainable Development*

The planning system aims to achieve sustainable development. The counter position to this is that the planning system should resist development that is unsustainable in nature. For planning there are three strands to sustainable development - economic, social, and environmental. The site is situated outside of the settlement boundary of Thornbury, and in a cluster of houses without any services. Despite its close proximity to the A38, with transport links to Thornbury, Bristol and beyond, it involves walking along a single track highway without a pavement. It is also a thirty minute walk to the centre of Thornbury, a walk which ordinarily would be considered too far for many people to walk daily to commute or access shops, schools or other services. Paragraph 55 of the NPPF states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities, and that isolated new homes in the countryside should be avoided. As the site is not well related to any existing settlements, the Local Planning Authority would not consider it to represent sustainable development from a social, environmental or economic perspective, and therefore the presumption in favour of sustainable development in paragraph 14 of the NPPF is not applicable to this site. Whilst officers acknowledge the site relates to previously developed land, it was a coal storage yard associated with Network Rail which did not have any staff on site, and would have resulted in very infrequent vehicular movements to deposit material to the site.

#### 5.5 Self-Build

The consultation process has indicated that the dwellings are proposed to be self-build properties, and this has been confirmed by the agent within the Design and Access Statement. It is acknowledged that there have been a number of announcements from central government recently with regards to increasing the number of new homes being built, including self/custom build properties. The Housing and Planning Act 2016 has received royal assent as of 12th May 2016, although some parts, including the part relating to self-build, has not yet become implementable. Furthermore, policy PSP42 of the June submission draft of the Policies Sites and Places document indicates the Council supports self-build dwellings, however this draft plan still going through examination in public and carries limited weight in planning decisions. Both policy PSP42 and the Housing and Planning Act 2016 are material considerations which weigh in favour of a self-build proposal, but carry limited weight compared to the National Planning Policy Framework and the policies within the adopted Development Plan. Moreover, whilst some weight would count in favour of a residential proposal, it does as of yet override the need to provide housing in a sustainable location irrespective of the method of construction. The emerging policies are not suggesting that self build housing is justified where otherwise housing would be resisted.

#### 5.6 Design and Visual Amenity

The only dwellings that will be visually associated with the proposed development are those on the other side of the Slad and, if approved, the dwellings applied for under PT16/6724/F and PT16/6723/F. No. 8 and no. 7 are the closest, both dwellings are in a cottage style and are situated flush to the highway. No. 8 is a two storey property with a double gable roofline, and is predominantly finished in render with some natural stone detailing.



- The dwelling also benefits from a large double garage with a pitched roof, which is visible from the application site. No. 7, Primrose Cottage and Rose Cottage are the next closest buildings and together form a 'U' shape and 'L' shape, with all three dwellings exhibiting low eaves height with first floor accommodation facilitated by pitched dormer windows. Once again, render, natural stone and double roman tiles are the most common material palette, with a mix of gables extending in different directions and at different heights.
- 5.7 Three dwellings are proposed, plot 1 and 2 will share an access and turning area by utilising the existing access into the Coal Yard, and a new access is proposed for plot 3. Design cues have been taken from the adjacent properties, promoting a linear development with a mix of stone and rendered elevations under tiled roofs and of cottage proportions with regards to height, although it is noted that the depth of the dwellings extends further meaning that the roof pitch is shallower than the nearby cottages. A canopy is proposed of the porch of each dwelling and stone cills and lintels around the openings create interest. Plot 1 is larger with four bedrooms, and plots 2 and 3 have three bedrooms each. The dwellings proposed to the west, the applications for which are still pending consideration by the Local Planning Authority, are proposed in a similar style with the dwelling opposite no. 6 the Slad to have the same design as plot 2 and 3 of this proposal. Overall the design of the dwellings is considered acceptable and in accordance with policy CS1 of the Core Strategy.
- 5.8 Landscape and Vegetation  
A large hedgerow surrounds the site, and this enables the new development to easily blend in sympathetically with the existing street scene. It is proposed that the hedgerow will be significantly reduced in size in order to allow for better visibility egressing from the existing and proposed access, and to prevent it overbearing on the proposed dwellings. The Council's Tree Officer has no objection to this.
- 5.9 Residential Amenity  
Amenity must be considered both in the context of the surrounding occupiers and the amenities of the future users of the proposed dwellings. The closest existing dwelling is no. 8 The Slad to the north-west and it is located on the opposite side of the highway, and is unlikely to be affected. Should application reference PT16/6724/F be approved by the Local Planning Authority, then it is the dwelling proposed there that would become the closest neighbouring property. At a window to window distance of over 25 metres, officers do not consider there will be any inter-visibility or overlooking.
- 5.10 Turning to the amenities of the application site, officers consider that the distance of 28 metres between the windows on plot 1 and plot 2 is acceptable and will not have a negative impact on amenity. Plot 2 and 3 are much closer together, approximately 8 metres between the two dwellings and just 4 metres between the side elevation of one and the boundary to private amenity space for the other. Notwithstanding this, the facing first floor windows proposed are to be obscure glazed, which can be reasonably expected considering they serve a bathroom, hallway and second windows to bedrooms which already benefit from a larger front or rear facing window.

- 5.11 With regards to private amenity space, plot 1 benefits from a large, private side garden to the east. Although the information submitted to support the application indicates that plot 2 and 3 have large gardens, the only section of private usable space (to the west of plot 2 and the east of plot 3) totals approximately 50 square metres. Emerging policy PSP43 in the Policies Sites and Places SPD (Submission Draft) June 2016 states that three bedroom dwellings would require a minimum of 60 square metres of useable private amenity space, and this falls short of this requirement. It is acknowledged however that this policy is not yet adopted and so carries limited weight in planning decisions and so a refusal reason could not be sustained on this basis. Overall, it is considered that the amenities of the application site and surrounding occupiers would be protected.
- 5.12 Environmental Issues  
Tytherington Quarry, to the north-east of the site, is not currently blasting and has been taken over by a coating plant. Notwithstanding this fact, it does have extant permission to return to a quarry use in the future. The 3 no. dwellings hereby proposed would position residential units closer to the quarry than any existing residential properties. An acoustic report and an assessment on how dust from the quarry could affect the proposed units was requested from the applicant, however this has not been forthcoming. It is not considered appropriate to condition this information, as it goes to the acceptability of establishing residential development at the site (another strand of sustainable development) and therefore there is insufficient information to determine whether the development would be in accordance with policy EP4 of the Local Plan, policy CS9 of the Core Strategy or the National Planning Policy Framework.
- 5.13 The previous use of the site as a coal storage yard may have given rise to contamination. In the event that planning permission is granted, it is recommended that a condition is attached to the decision notice to ensure that an investigation into the contamination risks on site is carried out, and any necessary mitigation takes place.
- 5.14 The application site is at a low risk of flooding and the Lead Local Flood Authority has no objection to the development, subject to a condition ensuring that a Sustainable Urban Drainage System is agreed prior to commencement.
- 5.15 A former railway line under the ownership of Network Rail runs along the southern boundary of the site. This railway line has been dismantled in several locations and therefore unlikely to re-open in the future, however they have objected to any works within 2 metres of the boundary, as it may restrict access to carry out works in the future. This is a civil issue regarding ownership and furthermore, the applicant has submitted amended plans to show that all structures including the foundations of the dwellings will be at least 2 metres from the southern boundary of the site.

5.16 Ecology

An Ecological Impact Assessment has been submitted in support of the proposed application by Burrows Ecological (November, 2016). The report recommends the provision of a Construction Management Plan to negate any negative impacts during construction, as well as other mitigating and enhancement measures for individual groups and species, such as the planting of additional hedgerows, boundary fencing allowing for hedgehog access and the agreement of a lighting design strategy. These go some way to providing ecological net gain through the development. The Council's Ecology officer has no objection to the development subject to a condition to ensure the above mitigating measures are implemented.

5.17 Highway Safety and Parking

Although the intensification of The Slad is not ideal due to its single track status in some places, the erection of 3 no. dwellings would not generate high levels of traffic and the impact on highway safety would not be severe, and so a refusal reason on this basis cannot be sustained in accordance with paragraph 32 of the NPPF. The alterations to the existing access and proposed access are acceptable and a condition will ensure that the vegetation is reduced in size to allow for adequate visibility.

5.18 Each dwelling has been provided with 2 no. off-street parking spaces and adequate turning space to access and egress the site in a forward gear. The development is acceptable in transportation terms.

5.19 Planning Balance

It is considered that the development would further consolidate isolated residential development within the countryside, to the contrary of paragraph 55 of the NPPF, and therefore the development does not constitute sustainable development. Furthermore, insufficient information has been received to demonstrate that the nearby quarry would not cause unacceptable levels of dust and noise pollution. This is notwithstanding the fact that South Gloucestershire Council does not have a five year housing land supply, as the small contribution of three units to this deficit does not outweigh the significant and demonstrable harm identified by officers, and therefore it is recommended that the application is refused.

6. CONCLUSION

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

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

## **7. RECOMMENDATION**

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

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

### **REFUSAL REASONS**

1. Paragraph 55 of the National Planning Policy Framework seeks to promote sustainable development in rural areas, with housing located where it will enhance or maintain the vitality of rural communities. The proposed dwellings, if approved, would represent isolated dwellings in an unsustainable location within the open countryside, lacking any reasonable pedestrian or public transport access to services in nearby towns and villages. This would be contrary to paragraphs 14 and 55 of the National Planning Policy Framework.
2. Insufficient information has been received to demonstrate that the future occupiers of the proposed development would not experience unacceptable dust and noise levels from the nearby Tytherington Quarry, and this is would be the detriment of the amenities of the occupiers to the contrary of policy CS1 and CS9 of the South Gloucestershire Core Strategy (Adopted) December 2013, policy H3 and EP4 of the South Gloucestershire Local Plan (adopted) January 2006, and the National Planning Policy Framework.

**CIRCULATED SCHEDULE NO. 20/17 – 19 MAY 2017**

<b>App No.:</b>	PT16/6951/F	<b>Applicant:</b>	Mr M Jones
<b>Site:</b>	14 Catbrain Hill Cribbs Causeway South Gloucestershire BS10 7TH	<b>Date Reg:</b>	11th January 2017
<b>Proposal:</b>	Demolition of outbuilding and erection of 1no. bungalow with parking and associated works.	<b>Parish:</b>	Almondsbury Parish Council
<b>Map Ref:</b>	357567 180556	<b>Ward:</b>	Patchway
<b>Application Category:</b>	Minor	<b>Target Date:</b>	6th March 2017



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

The application is referred to the Circulated Schedule as representations have been received which are 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 14 Catbrain Hill in Cribbs Causeway. Catbrain Lane, off Lysander Road, turns into Catbrain Hill.
- 1.2 Along the street stands a mix of historic semi-detached dwellings and later infill. The site is not located within the Medlar Close development opposite.
- 1.3 The proposed development consists of the demolition of an existing detached outbuilding to facilitate the erection of a small 1-bed bungalow with hipped roof. Located towards the very rear of the site, access would be gained via a new opening off a lane in between 14 Catbrain Hill and 1 Catbrain Lane. In order to provide sufficient room for people to access the front door, amended plans have been received increasing the area to the front which allows for unshared vehicle and pedestrian access.
- 1.4 The site is located within the existing urban area of the north Bristol fringe. No other statutory or non-statutory designations cover the site.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
National Planning Policy Framework March 2012

- 2.2 Development Plans

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

CS1 High Quality Design  
CS4a 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  
CS25 Communities of the North Fringe of Bristol

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

H4 Development within Existing Residential Curtilages  
T7 Cycle Parking  
T12 Transportation

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

PSP1 Local Distinctiveness  
PSP8 Residential Amenity

PSP16	Parking Standards
PSP38	Development within Existing Residential Curtilages
PSP43	Amenity Space

- 2.3 Supplementary Planning Guidance  
 Design Checklist SPD (Adopted) 2007  
 Residential Parking Standards (Adopted) 2013  
 Waste Collection SPD (Adopted) 2015

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

- 3.1 P89/1253  
 Erection of detached dwelling. Construction of new vehicular and pedestrian access (in accordance with the plans received by the council on the 7TH february 1989) – approved.  
 26.04.1989
- 3.2 P88/2251  
 Erection of detached dwelling. Construction of new vehicular and pedestrian access (outline) – outline approved.  
 03.08.1988
- 3.3 P85/1483  
 Erection of single detached dwelling and garage. Construction of new vehicular and pedestrian access (outline) – outline approved.  
 08.05.1985

### 4. **CONSULTATION RESPONSES**

- 4.1 Almondsbury Parish Council  
 No comment.

- 4.2 Other Consultees

Tree Officer  
 No comment.

Highway Structures  
 No comment.

Lead Local Flood Authority  
*Update:*  
*No objection.*

Archaeology Officer  
 No objection.

Sustainable Transport  
*Update:*  
*No objection.*

## **Other Representations**

### 4.3 Local Residents

3 letters of objection have been received which raise the following:

- Overdevelopment of plot
- Lack of outside space
- Impacts on neighbouring occupiers amenity
- Sets precedent for 1 Catbrain Lane to apply again for development
- Lane unsuitable for further development

## **5. ANALYSIS OF PROPOSAL**

### 5.1 Principle of Development

This is an application to erect a bungalow within the curtilage of 14 Catbrain Hill in Cribbs Causeway. Residential development within the existing urban area of north Bristol is acceptable in principle as it accords with the location of development strategy set by policy CS5. NPPF paragraph 14 sets out the presumption in favour of sustainable development and suggests that where such proposals accord with up to date policy they should be approved without delay notwithstanding the lack of a 5 year supply of housing land. Therefore, the development is acceptable in principle but should be determined against the analysis set out below. However the fact that the Council is unable to show such a housing land supply gives added weight in favour. Furthermore the provision of a smaller scale, 1 bedroom bungalow will add to the mix of dwelling types.

### 5.2 Residential Amenity

Development should not be permitted that has a prejudicial impact on residential amenity. This should be considered in terms of the application site itself and the impact of the proposal on all nearby occupiers.

5.3 Although small the proposed garden is considered to be acceptable and future occupiers would benefit from sufficient outlook. It is proportionate to the nature of the development (1 bedroomed bungalow) where a smaller garden may be sought. It is not considered that the impact on or from 14 would be prejudicial. Sufficient private amenity space is provided for 14, but it is considered that there is further scope to introduce additional planting within the site boundary to assist in screening the proposed development. Boundary treatments and landscaped areas are matters not finalised on plan and as such a condition is recommended to this effect.

5.4 Regarding the impact on nearby occupiers, the small scale of the development means the proposal is unlikely to be overbearing.

### 5.5 Design

Development is required to meet high standards of design to accord with policy CS1. The proposed bungalow sits towards the rear of the site on a similar alignment to the adjacent garage in front of New House. The form of the building consists of a general rectangle shape with projecting hip on the front elevation.



Externally the property will be finished with render and double roman roof tiles. White UPVC windows will be installed. Boundaries will be defined by 19.5m timber fencing.

5.6 Turning to layout, it is noted that the site is small and the development is tight. The layout succeeds in providing sufficient parking and a small but private garden. Policy CS17 seeks to ensure that there is a diverse range of properties to meet the needs of the population. The property is not so small as to fail to provide amenity space to the occupiers or that there would be a lack of outlook. It is therefore considered, on balance, that the tight layout of the site is acceptable, but also reasonable to remove permitted development rights to prevent any further expansion of the property without the express consent of the Local Planning Authority.

5.7 Transport and Parking

The site is not located on a classified road and therefore the most significant consideration is the impact of additional vehicle movements and the provision of sufficient off-street parking.

5.8 The proposal includes sufficient parking spaces to meet the requirements of the Residential Parking Standards, but there is not space for vehicles to turn round to leave the application site in forward gear. Although less than optimal, this arrangement is reluctantly accepted because the bungalow will not be accessed from Catbrain Hill, but a side lane which is lightly trafficked and serves a very small number of properties. Consequently, this is not considered to be sufficient grounds for objection.

5.9 Other Matters

Comments raised in the public consultation which have not been addressed above are covered below.

5.10 Every planning application is assessed on its own merits and therefore it cannot be considered that if the planning application was granted this would necessarily set a precedent for other developments to also gain planning permission. However, it is acknowledged that should the application be approved, it would be a material consideration for other applications for development nearby.

## 6. CONCLUSION

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

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

## **7. RECOMMENDATION**

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

**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).

2. Landscaping  
Prior to first occupation of the bungalow hereby approved, a scheme of landscaping, which shall include 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. For the avoidance of doubt details shall include the curtilages of both the proposed dwelling and 14 Catbrain Hill.

Reason

In the interests of visual amenity and the residential amenity of the future occupiers and the occupiers of 14 Catbrain Hill, and to accord with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted); saved policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006; and the National Planning Policy Framework.

3. Permitted development rights  
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, C, D and E) 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 the satisfactory external appearance of the development in the interests of visual amenity and to ensure adequate residential amenity, and to accord with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; and the National Planning Policy Framework.

**CIRCULATED SCHEDULE NO. 20/17 – 19 MAY 2017**

<b>App No.:</b>	PT17/0264/F	<b>Applicant:</b>	A F Drew
<b>Site:</b>	38 Mill Lane Frampton Cotterell Bristol South Gloucestershire BS36 2AA	<b>Date Reg:</b>	2nd March 2017
<b>Proposal:</b>	Demolition of workshop and stores (Class use B2) and erection of replacement single storey workshop, office and garage (sui generis Class use).	<b>Parish:</b>	Frampton Cotterell Parish Council
<b>Map Ref:</b>	366711 182195	<b>Ward:</b>	Frampton Cotterell
<b>Application Category:</b>	Minor	<b>Target Date:</b>	6th April 2017



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PT17/0264/F

## **REASON FOR REPORTING TO CIRCULATE SCHEDULE**

This report appears on the Circulated Schedule following objections received from local residents contrary to Officer recommendation. A number of letters of support have also been received.

### **1. THE PROPOSAL**

- 1.1 The applicant seeks full planning permission for the demolition of existing stores and workshop and the erection of a single storey building to serve as a workshop/garage and office with small kitchen (sui generis Class Use).
- 1.2 The application site relates to 38 Mill Lane, Frampton Cotterell. The site is occupied by an existing metal company specialising in fabricated steel products and services (Class Use B2) and has been run by the same family for a number of years at this location. The intention is to improve the on-site facilities by creating a better office and workshop area, by removing some existing storage structures and these alterations in turn will improve the parking and the on-site area for the turning of vehicles associated with the business and its users.
- 1.3 The site is located outside the settlement boundary of Frampton Cotterell, in the open countryside and also within the Bristol and Bath Green Belt. A public right of way runs directly through the centre of the driveway access to link up to the Frome Valley Walkway to the north of the site. The site lies in Flood Risk 1 which has a low probability of flooding – a flood risk assessment is not required.
- 1.4 During the course of the application revised plans were submitted to better illustrate the proposal in terms of what structures would be removed, the on-site parking and the public right of way.

### **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) 11 Dec. 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  
CS34 Rural Areas

South Gloucestershire Local Plan (Adopted) 6th January 2006.

E6 Employment Development in the Countryside  
L1 Landscape Protection and Enhancement  
L4 Forest of Avon

- L9 Species Protection
- LC12 Recreational Routes
- T7 Cycle Parking
- T12 Transportation Development Control Policy for New Development

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

- PSP1 Local Distinctiveness
- PSP2 Landscape
- PSP7 Green Belt
- PSP16 Parking Standards
- PSP17 Heritage Assets and the Historic Environment
- PSP28 Rural Economy

- 2.3 Supplementary Planning Guidance  
 South Gloucestershire Design Checklist (SPD) Adopted 23<sup>rd</sup> Aug 2007  
 South Gloucestershire Landscape Character Assessment (adopted Nov 2014)  
 Waste Collection : guidance for new developments (SPD) Adopted Jan. 2015  
 South Gloucestershire Landscape Character Assessment (adopted Nov 2014)  
 LCA 8 Yate Vale

**3. RELEVANT PLANNING HISTORY**

- 3.1 PT13/0630/O Erection of two storey industrial unit (Class B2) (Outline) with access, layout and scale to be determined. All other matters reserved.  
 Withdrawn 16.4.13

**4. CONSULTATION RESPONSES**

- 4.1 Frampton Parish Council  
 No objection subject to adequate flood prevention measures and sustainable drainage arrangements. In the interests of highway safety an assurance that this proposal will not cause any significant increase in traffic movements would be helpful. The materials and colour of the new workshop should be chosen to that its impact on the surrounding area is minimised.

4.2 Other Consultees

Archaeology  
 No objection

Highway Structures  
 No objection subject to an informative

Landscape Architect  
 Objection: - impact on character and visual amenity of Green Belt

### Sustainable Transport

Holding objection: Mill Lane is narrow – need to be satisfied that there will be no dis-benefit to other users in terms of road safety and convenience. More information is required to enable a considered response.

#### *Updated comments:*

Following revised plans the objection is removed subject to a condition that the turning area is formalised

### Economic Development:

No objection

### Public Rights of Way

Objection: proposed new building could impact on legal footpath to the south

#### *Updated comments:*

*Revised plans have addressed concerns – objection removed*

### Drainage comments

The method of drainage is queried and therefore more information is required.

#### *Updated comments:*

*No objection subject to a SUDS condition*

## **Other Representations**

### 4.3 Local Residents

Four letters of support have been received and the points raised are summarised as:

- Local business established for many years and offered employment to local people should be encouraged to remain in the village
- Improvements will enhance the look of the area and its surroundings
- Proposal is sympathetic to the area
- Important to stand by local businesses
- Very convenient to and for the local area and always respected the people around them. Have never heard a bad word said against anything to do with the company
- Have had pleasure of using AF Drew for last 15 years for all our structural steel work and believe in supporting local industry – would be a shame if this company was not given the opportunity to bring this family run business into the 21<sup>st</sup>
- New structure is set well back from my property boundary to avoid boxing in
- Place where there is sufficient woodland screening so it does not adversely impact the enjoyment of the Centenary Field
- The business site will be visually and functionally improved

Seven letters of objection have been received. The points raised are as follows:

*Appearance:*

- Negative impact on Green Belt and the quiet residential track/cul-de-sac of Mill Lane and the Centenary Fields – danger of becoming urbanised
- Out of character and reduce the attractiveness of the area
- Overlooks and overshadows adjacent properties and may have an over-bearing effect on existing utility services
- The building will greatly impact on the view from the Centenary Field
- The building may be small by industrial standards but this is not an industrial estate

*Residential impact:*

- Disruption to residents from noise, air pollution, traffic, dust etc
- Will block evening sunlight into the house and garden, block views and generally be an eyesore – the front garden is our main outdoor space
- House will be only feet away from manoeuvring steel wagons

*Transportation issues:*

- Road safety issues
- Existing poor access onto Church Road – requires deliveries to turn in Church Road and reverse along Mill Lane causing disturbance and delays to local residents. The increase in size of the site likely to generate corresponding increase to industrial traffic
- Large articulated lorries and heavy steel wagons daily reverse up Mill Lane to unload – they cannot enter the site in forward gear and no amount of rejigging can change this the site is too narrow
- Plans show no dimensions of car parking spaces
- Number of articulated lorries using the single track lane has increased in recent years

*Public right of way:*

- Frome Valley Walkway passes along Mill Lane and through the site – currently facility is not conducive to a country walk providing numerous hazards and development of site likely to increase risk to users
- A large numbers of users of the footpath through the site

*Other:*

- Business should consider renovating existing workshops
- Empty purpose built engineering facilities within designated industrial estates are in the area
- The unused land may be more suited to low density housing
- Existing industrial activity conducted next to us at the far end of the site is mainly obscured – this will change with the new development
- Disposal of surface water is undisclosed and this is of concern as houses nearby have rooms below ground level
- Description of development is mis-leading – no intention of demolishing existing workshop and site will eventually have two workshops with manufacturing capability
- Concern for damage to our property and damage to dry stone walls along Mill Lane – tyre prints in the verge prove the proximity of lorries and the grass verge is gradually being diminished

- Existing poor sewage services are likely to get worse – have been told that the water pipes under the lane were not designed for weight of heavy commercial vehicles and more cracks may appear
- Site is visually untidy and this new building will not improve the situation
- Residents have stated they had no prior notification of this proposed development and were therefore unable to attend the Parish Council meeting

## 5. ANALYSIS OF PROPOSAL

### 5.1 Principle of Development

The application for the erection of a new building and the removal of existing structures stands to be assessed against the above listed policies and all other material considerations. The proposal relates to an existing business operating under a B2 Class Use and so economic policies are relevant in the assessment but it is also located within the countryside and in the Green Belt so other specialist policies will also apply.

5.2 With regard to the economic factor, adopted policy E6 has a narrow interpretation of where employment development in the countryside is appropriate and if considered under this policy alone the scheme would fail to meet the set criteria. However, the NPPF is a more recent planning guidance document which encourages sustainable development, a component of which is its economic role. The role of planning is therefore to support growth which in turn contributes to a strong, responsive and competitive economy. The NPPF furthermore supports the growth and expansion of all type of business and enterprise in rural areas; this can be through the conversion of existing buildings or through well designed new buildings. In economic terms the proposal complies with the ethos set out in the NPPF. Similarly, emerging policy under PSP 28 follows the spirit of the NPPF encouraging sustainable new development in rural areas. This can include new buildings where no existing suitable building exists; where the building is reasonably necessary and clearly designed for that purpose; where the building is well related to existing groups of buildings; where it makes efficient use of the land; would not impact on local shops and is of a scale consistent with its function, use and rural location. Although this policy has not yet been fully adopted, it attracts some weight and the proposal is considered to meet the stipulated criteria. This counts in its favour in this assessment.

5.3 The next consideration is the location of the development situated in the Green Belt, outside an established settlement boundary and in open countryside. Both local and national planning policy aim to protect the countryside from inappropriate development. Planning law requires that planning applications must be determined in accordance with the adopted Development Plan, unless material considerations indicate otherwise. The NPPF is an important material consideration.

5.4 It is recognised that the NPPF has a presumption in favour of sustainable development and due consideration is given to this in any assessment. The guidance states that for the decision taker this means:



- approving development that accords with the development plan without delay; and
  - where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
    - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
    - specific policies in this Framework indicate development should be restricted
- 5.5 Development in the Green Belt is cited in footnote 9 of the NPPF as being specifically restricted. Green Belt guidance begins at paragraph 79 giving the overall aims of Green Belts. Paragraph 87 is clear when it states *Inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances*. Substantial weight is given to any harm to the Green Belt and *very special circumstances will not exist unless the potential harm ... by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations*.
- 5.6 Paragraph 89 and 90 list the exceptions to inappropriate development in the Green Belt. The most appropriate to be considered under this application 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.
- 5.7 It is acknowledged that the application site has some non-typical features which have evolved over time and use of the site. This includes two residential dwellings sharing access over the business site. It is understood that originally both of these properties belonged to or were associated with owners of the yard. Time has moved on and the business is run by a new generation although there may be some familial ties to one of the properties the other is in separate ownership but still reliant on access over the land associated with the business use of AF Drew (Construction) Ltd.
- 5.8 Mill Lane is a single track road with dwellings along the east side and Mill Lane allotments to the west. The Globe public house and St. Peter's Church are positioned on either side of the entrance to Mill Lane. Two storey cottages run along the east side culminating with AF Drew at the head of the lane. The site occupies an 'L' shaped plot with the Centenary Gardens to the west. No.45 Mill Lane, a bungalow, is at the top of the site and 38a, Mill Lane the second dwelling within the site follows on from the line of other cottages. The main buildings associated with the business are parallel to the River Frome to the east site of the site, beyond this cottage. Other smaller buildings are along the western boundary in the top north corner.
- 5.9 The entrance to the site is a metal barrier and stile allowing access for walkers to enjoy the Frome Valley Walkway. At this entrance point is an area of rough grass where the proposed new building is to be located.

Beyond this and almost centrally positioned is the parking / turning area. Some of these areas are used for the outside storage of materials such as steel girders and other steel and equipment associated with the business.

- 5.10 Claims have been made by local objectors that the land has never been used for the business. At the time of the Officer's site visit it was partially cleared and had been left to grass over but metal girders were close by. Photographic evidence has been provided by the applicant to demonstrate that the application site area has been used for the business. In addition Officers have used historic mapping photographs and Google maps of just a few years ago which also clearly show that storage for the business was undertaken at this location, as well as the rest of the site. The proposed site therefore meets the first part of the test in being previously developed land.
- 5.11 The next part of the test is more subjective and requires a judgement. The main buildings on the site comprise the main workshop and an off shoot to the side/rear which was the original office. The main workshop is flanked on either side by modular structures. Opposite the main buildings are two storage buildings. It is clear that these additions have been piecemeal and evolved over the years to accommodate the business and its needs. The proposed new building would be positioned at the southern end of the site close to the entrance gate. It is acknowledged that the new building would occupy a part of the site where currently there is no built form. In this respect it could have a greater impact on the openness of the Green Belt. However, other structures, would be removed and in this way counter the impact. It is recognised that some could fall into the category of being 'temporary' but they have been in place for a good number of years and given their piecemeal additions to the existing business, their removal and the overall reconfiguration and tidying up of the site would be a positive contribution to the appearance of the site. Planting is also proposed to ensure the building is well screened and to provide mitigating measures for its introduction at this location.
- 5.12 The proposal is considered to meet the tests of Green Belt policy and is therefore appropriate development.
- 5.13 Design and Visual Amenity  
The proposed new building would be to accommodate a new office for the existing business close to the entrance of the site. This has the benefit of promoting the business in terms of having better quality and more up-to-date offices, away from the machinery/manufacturing building and vehicular movements on the site thereby making it a safer environment for visitors. It is acknowledged that the building would measure about 15 metres by 9 metres with eaves to 2.8 metres and an overall height of around 5.4 metres. Internally it would accommodate a new office area, a small kitchen and WCs with the rest proposed as garage/small workshop area. The structure would have a dual pitched roof with openings in three sides only. The main entrance door would be to the north, a door and window serving the new office area in the front (east) elevation and three small high level windows in the south elevation serving the kitchen and two WCS. Proposed materials include rendered blockwork walls, green plastic coated steel roofing, a main steel sliding door painted green.

However, it is also noted that as part of this application a number of existing structures on site would be removed. These would include the single storey structures either side of the main building and part of the storage building alongside the western boundary. It is also noted that an existing metal storage container would be removed. A condition would be attached to the decision notice to ensure their removal.

5.14 The proposed new building would occupy a slightly larger footprint than all these structures that are to be removed but the rationalising of the buildings on site will be an overall improvement to the appearance of the business area, modernising this existing and successful local business. In terms of its appearance the new building would be in-keeping with the existing main structure which is of a roughly similar size. Given the above, in terms of the design, scale and massing the proposed building is considered appropriate and can be supported.

5.15 Residential Amenity

The location of the new building would be to the south of the site close to its entrance. Neighbours have expressed concern regarding the potential for impact on light and overlooking. Closest neighbours would be at No. 36 Mill Lane. This property is side on to the application site. Two windows one in the ground floor and one in the first floor are noted in this side elevation. The proposed new building would not however be directly opposite these windows but set back from them by about 12 metres with an existing single storey lean-to addition partially obscuring the line of sight. Neighbours at No. 36a would be even further away to the north. Openings to the office element of the new structure would be opposite the hedge of No. 36 which would screen the building and given the orientation of this house which faces south, there would be no issues of inter-visibility between the two. These neighbours have stated the proposed building would impact on the amount of light entering their garden area to the front. It is acknowledged that there would be changes for this neighbour with the introduction of a new structure to the west. However, regard must be had to the distance between the two of about 11 metres the presence of the boundary hedge and the orientation which means the greatest impact would be in the evening when the sun is setting while the rest of the day the property sunlight into the garden would be unchanged. On balance, taking into account the above assessment these changes are considered acceptable.

5.16 Other neighbours have objected on the grounds that the area for manoeuvring the vehicles would be close to their wall and that damage has already been made to the dry stone wall to the side of Mill Lane. The existing situation must be noted with vehicles already in close proximity to the house located within the site. Given that delivery vehicles will have the opportunity to enter and leave the site and Mill Lane itself in forward gear it is considered that the situation will be improved rather than worsened. In a similar vein it is considered that there will be no increase in terms of noise, dust and other pollution emanating from the site over and above the existing situation. It is understood that the main production element will remain in the existing building situated to the far north of the site with the new building housing a small workshop, garage and office area.

- 5.17 At the moment the time of openings is unfettered. In the interests of promoting good neighbour relations the applicant has agreed to set hours with the earliest start being 7am with a 6pm latest finish. These are welcomed given the close proximity of residential dwellings and will be set by condition.
- 5.18 Issues of drainage and the ability of the existing system to cope has been raised. Neighbours have stated that fractured pipes along the lane have been caused by heavy lorries and the new development with the potential for increasing the size of the business will exacerbate this problem. This is not a planning matter and something that will need to be discussed between the relevant parties. The site has been identified as falling within flood zone 1: a SUDS condition will be attached to the decision notice and furthermore any issues of site drainage will be covered by building regulations. The impact on residential amenity has been discussed above. Although some changes will occur, it is not considered this would justify a refusal.
- 5.19 Sustainable Transport  
The proposal would be to support an existing business wishing to improve its set up and facilities and on this basis there are no objections to the principle of this proportionally small increase in gross floor area in highway terms. However, given that the Mill Lane access is narrow and far from ideal for HGV movements, further clarity was required to ensure there would be no net dis-benefit to other users in terms of safety and convenience, including other vehicle users, pedestrians and cyclists and users of the Frome Valley Walkway. Revised plans and additional information was requested. These details illustrated how manoeuvring within the site would be improved and showed the amount of on-site parking for employees and visitors.
- 5.20 Although traditional tracking movement diagrams have not been provided, visually it appears likely that the 8 metre rigid vehicle shown on the plans could enter and exit the site in a forward gear. Officers are satisfied that the proposals will improve the transport operations of the site as they will enable rigid HGVs to access and depart in forward gear. It is understood that approximately  $\frac{3}{4}$  of the deliveries are by rigid HGVs with the remainder articulated. Currently all the HGVs reverse down Mill Lane to the site, and although there have been no recorded collisions, there are obvious safety benefits of reducing the numbers of reversing vehicles. It would not be possible to provide a turning area for articulated lorries within the area of the site.
- 5.21 In terms of HGV deliveries, the numbers of vehicles are relatively small, and it is understood attempts are made to ensure deliveries are outside of school runs and commuting times to minimise disruption to the surrounding properties, appreciating that there is not full control of those delivering materials. On site parking for 11 vehicles, to include employees and visitors, is proposed and this is considered appropriate.
- 5.22 Given the above, the proposal is considered acceptable subject to a condition that the turning area and is formalised on the ground so that its benefits remain.

### 5.23 Public Right of Way

Two footpaths have been identified, one adjacent to the proposed building and one running through the site. One footpath, LFC20 runs along the southern edge of the site but this is not currently used because the Parish Council set out an alternative one on the other side of the boundary for easier access to the Centenary fields. Nonetheless this remains the legal line and could be easily opened at any time. The second footpath runs directly through the site connecting the Frome Valley Walkway to Mill Lane.

5.24 Revised plans show the proposed building being moved slightly away from this southern footpath. This means that it would not interfere with the path if its use was to be reinstated. This is therefore acceptable. In addition the revised plans show the second footpath that runs through the site as being to one side, close to the existing buildings. This is not strictly the case in reality the footpath runs through the centre of the driveway. Clearly this may not be practical for users but it is important that the applicant is aware of the correct line and does not obstruct the footpath. An informative will be attached to the decision notice with this information.

5.25 Currently the public right of way through the site is accessed via a metal stile when the barrier is down. As a betterment, and improving the access to the pathway the applicant has agreed that this stile should be replaced with a kissing gate. This is in accordance with responsibilities under the Equalities Act and is therefore welcomed and supported.

### 5.26 Landscape matters

*The Yate Vale landscape character area comprises a gently sloping, largely agricultural often well treed area of medium sized fields, with large settlements to the south”.*

5.27 The arrangement of church, pub, houses, cottages and open space forms a charming arrangement which is of a special landscape character and particular to Frampton Cotterell. The site for the proposed workshop is on a remnant, green, undeveloped patch of land which is separate to the other workshop buildings, which are clustered to the north of the Drew site and largely removed and separate to Mill Lane dwellings and open space. To the west is the parish Centenary Field recreational space. To the south are parish allotments and running up Mill Lane and directly adjacent to the site is the Frome Valley Walkway.

5.28 It was noted that in landscape terms the new building would be better located close to the existing buildings to the north of the site. However, it is recognised that to accommodate the on-site turning for large vehicles and the knock-on benefit this would bring, locations within the site are limited. Some planting to screen the building from views across the Centenary Fields would further mitigate its impact and as such the proposed location is therefore acceptable.

### 5.29 Other Matters

A suggestion has been made that the owner either repairs existing buildings, moves the business elsewhere or the site should be for residential use rather than commercial.

This is not something that can be considered here and is a matter for the owner rather than part of a planning assessment which has been deemed to comply with policy positions.

It has been stated that local residents were not notified and therefore did not attend the Parish meeting to discuss the application. Officers have checked the Council's records and letters were sent out to all relevant neighbours but it is not the responsibility of the Local Planning Authority to notify neighbours of Parish meetings.

### 5.30 Conclusion

The proposed development is for a new building to accommodate an office, kitchen area and garage/workshop area for an existing and successful local business in Mill Lane, Frampton Cotterell. The scheme is to assist an existing business and this is given weight in favour in terms of both local and national planning policy. The site is located in the Green Belt but has been identified as previously developed land. The intention is to tidy up the existing yard and to consolidate existing buildings and thereby assist in modernising the business premises. Therefore as part of the application some existing structures would be removed and overall it has been considered that this would not have an adverse impact on openness. The scheme thereby accords with the aims of Green Belt policy and is acceptable in these terms and weight is given its favour. The scale and design is in keeping with the other main structure on the site and furthermore, planting will help screen the site from wider views. The proposal will result in some changes for the closest neighbouring property but a balanced judgement has concluded that this would not be unacceptable. Alterations to the parking and on-site manoeuvring facilities mean that large lorries will be able to enter and leave in forward gear thus improving highway safety for all users of Mill Lane. On balance and weighing up the elements of the scheme it is considered that the positive aspects of the scheme are sufficient to outweigh any potential negative impacts. As such the proposal is therefore 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. Prior to the first occupation of the hereby approved building, the structures identified in pink on approved plan 3653/F Rev A shall be removed.

Reason

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

3. The on-site parking and turning facilities shown on the plan 3653/PP Rev B hereby approved shall be provided before the building is first occupied, and thereafter retained for that purpose.

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.

4. Prior to the first occupation of the new building hereby approved, the existing metal stile positioned at the entrance to the site shall be replaced by a kissing gate.

Reason

To ensure the satisfactory external appearance of the development in the interests of visual amenity and to protect the residential amenity of the neighbouring occupiers and to accord with Policy LC12 of the South Gloucestershire Local Plan (Adopted) 2006, Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; and the National Planning Policy Framework.

5. 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 pre-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 and the National Planning Policy Framework.

6. Prior to the commencement of relevant part of the development samples of the roofing and colour of the 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.

7. 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.

For the avoidance of doubt the following would be needed to discharge any condition:

- 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

Reason

This is a pre-commencement condition to avoid any unnecessary remedial action in the future and to ensure that a satisfactory means of drainage is provided, and to accord with policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

8. The hours of working on the site shall be within the following operating times:  
Monday to Friday 7am to 6pm  
Saturdays and Sundays 8am to 5pm

Reason

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



## CIRCULATED SCHEDULE NO. 20/17 – 19 MAY 2017

<b>App No.:</b>	PT17/0492/CLE	<b>Applicant:</b>	Mr Andrew Huby
<b>Site:</b>	The Hackett Hacket Lane Thornbury South Gloucestershire BS35 3TY	<b>Date Reg:</b>	8th February 2017
<b>Proposal:</b>	Application for a certificate of lawfulness for existing use of the Patcher House as an independent dwelling house (Class C3), as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended)	<b>Parish:</b>	Thornbury Town Council
<b>Map Ref:</b>	365501 189866	<b>Ward:</b>	Thornbury South And Alveston
<b>Application Category:</b>	Certificate of Lawfulness	<b>Target Date:</b>	31st March 2017



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 100023410, 2008. N.T.S. PT17/0492/CLE



## 5. **SUMMARY OF CONTRARY EVIDENCE**

- 5.1 No contrary evidence has been provided by third parties to the local planning authority.
- 5.2 The local planning authority holds no contrary evidence of its own.

## 6. **OTHER REPRESENTATIONS RECEIVED**

- 6.1 Thornbury Town Council  
No objection
- 6.2 Sustainable Transport  
No objection
- 6.3 Local Residents  
None received

## 7. **EVALUATION**

- 7.1 An application for a certificate of lawfulness is not a planning application: it is purely an evidential test and therefore should not be determined against planning policy or on planning merit. The test to be applied is whether the application has demonstrated, through precise and unambiguous evidence, that (in this instance) the existing use of the building as an independent residential dwelling is lawful.
- 7.2 Breach of Planning Control  
Having reviewed the application and the existing situation, the breach of planning control in this instance consists of the use of the change of use of the building to form a separate residential unit. This is a breach on two counts. Firstly, the formation of a separate residential unit within an existing residential unit requires planning permission in its own right by virtue of section 55(3)(a) of the Town and Country Planning Act 1990. Secondly, when planning permission was granted for the conversion of the stable block to residential accommodation, a condition (condition 3) was attached which restricted the use of the building to be for ancillary purposes. The use of the building as an independent dwelling would be contrary to this condition.
- 7.3 Section 171B of the Act introduces statutory time limits in which enforcement action against breaches of planning control should be taken. If the breach has occurred continuously for the period stated in this section it would become immune from enforcement action.
- 7.4 Certificates of lawfulness for existing uses are covered in section 191 of the Act. Section 191(2) states:

*For the purposes of this Act uses and operations are lawful at any time if -  
(a) no enforcement action may then be taken in respect of them (whether because they did not involve development or require planning permission or*

*because the time for enforcement action has expired or for any other reason); [...]*

- 7.5 The applicant is claiming that the use of the building as an independent dwelling has occurred more or less continuously (with the exception of a reasonable period between tenancies for redecoration and repair) since 24 July 1995. As already stated, this would constitute two breaches of planning control. The first being *the change of use of any building to use as a single dwellinghouse* and the second in relation to the condition as *any other breach of planning control*. The change of use to a dwellinghouse would be lawful after a period of 4 years in accordance with section 171B(2). The breach of condition would normally be subject to the provisions of section 171B(3) of the Act, the development would become lawful at the end of a period of 10 years beginning with the date of the breach. Notwithstanding this, the breach is the change of use of the building to a residential dwelling and therefore the 4 year rule stipulated by 171B(2) should be applied.
- 7.6 In order for this certificate of lawfulness to be granted it must be demonstrated that, on the balance of probability, the use of the building as an independent residential dwelling has occurred continuously for a period exceeding 4 years and that there has been no subsequent change of use.
- 7.7 Assessment of Lawfulness  
From the evidence submitted in the statutory declaration accompanying this application, it has been demonstrated that the property has been let as a separate residential unit since 24 July 1995 almost continuously (with a short period between July and September 2015 where the building was unoccupied for redecoration and maintenance).
- 7.8 To be found lawful, it must be demonstrated that the use as a dwelling has occurred continuously for a period in excess of 4 years; as a minimum this would be since 3 February 2003 (as that is the date on which the application for the certificate of lawfulness was validated by the local planning authority).
- 7.9 To accompany the application, the applicant has prepared a statutory declaration. When making an assessment of, on the balance of probability, the lawfulness of a particular development statutory instruments are given significant weight. This is because it is an offence to knowingly include information within it that is inaccurate.
- 7.10 Based on the above, it is considered, on the balance of probability that the building has continuously been used for residential purposes since July 1995 and that there has been no subsequent change of use.
- 7.11 Summary  
It has been found that a breach of planning control has occurred since July 1995. The local planning authority holds no evidence to counter this claim nor has any evidence to suggest that there been a subsequent change of use.

7.12 Paragraph 17c-006-20140306 of the National Planning Policy Guidance states:

*In the case of applications for existing use, if a local planning authority has no evidence itself, nor any from others, to contradict or otherwise make the applicant's version of events less than probable, there is no good reason to refuse the application, provided the applicant's evidence alone is sufficiently precise and unambiguous to justify the grant of a certificate on the balance of probability.*

7.13 It is therefore considered that the use of the building as an independent residential dwelling (Use Class C3 as defined in the Town and Country Planning (Use Classes Order) 1987 as amended) would be immune from enforcement action by virtue of section 171B(2) of the Act and under section 191(2) a certificate of lawfulness should be granted.

7.14 Other Matters

As noted in the introduction, the red edge which defines the extent of the certificate is tightly drawn around the building and does not include any land that would traditionally be considered the residential curtilage of the dwelling. Having reviewed the aerial photographs of the site held by the local planning authority it is clear that there is a defined piece of land intimately associated with the building which provides parking and a garden area. Whilst it is within the remit of the certificate process for the granting authority to amend the red edge to reflect the extent of development found to be lawful, in this instance no amendment to the red edge has been put forward. This is because doing so is not wholly necessary. Whilst a revised red edge would create a clearly defined planning unit associated with Patcher House, the land in question already has a residential (C3) use and, as such, there is no breach in terms of the use of land per se. The subdivision of the site would therefore be a matter for the owner of the property.

## **8 RECOMMENDATION**

8.1 It is recommended that a Certificate of Lawfulness is GRANTED for the reason listed below.

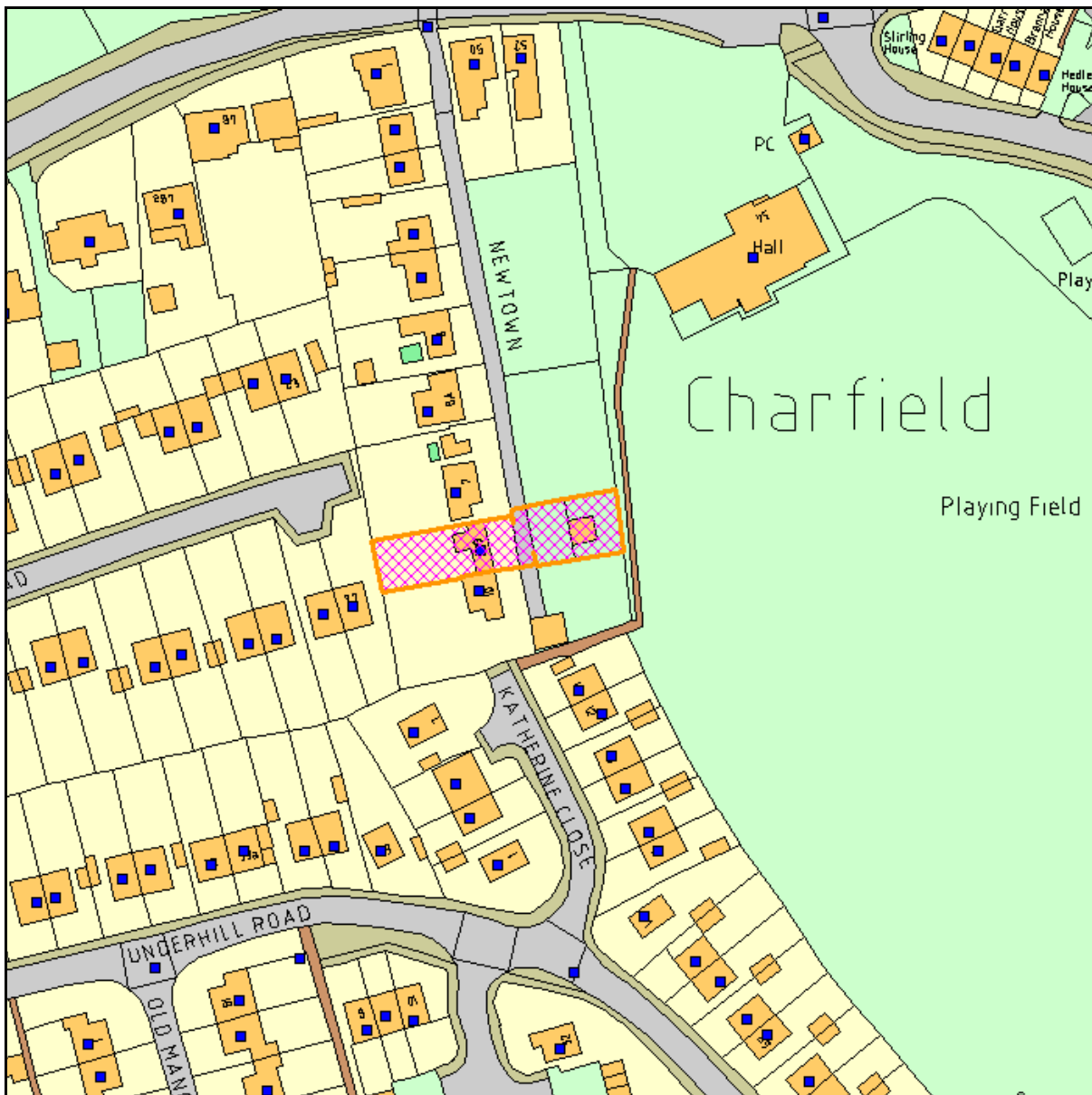
**Contact Officer: Griff Bunce**  
**Tel. No. 01454 863438**

## **REASON**

1. Evidence has been submitted that demonstrates on the balance of probabilities that the building referred to as 'Patcher House' and as depicted on the accompanying plans has been occupied as an independent dwelling continuously and uninterrupted for a period in excess of four years and there has been no subsequent change of use. The use of this building as an independent dwelling is therefore considered to be lawful by virtue of Section 191(2) of the Town and Country Planning Act 1990.

**CIRCULATED SCHEDULE NO. 20/17 – 19 MAY 2017**

<b>App No.:</b>	PT17/1065/F	<b>Applicant:</b>	Mr And Mrs P Garside
<b>Site:</b>	9 Newtown Charfield Wotton Under Edge South Gloucestershire GL12 8TF	<b>Date Reg:</b>	13th March 2017
<b>Proposal:</b>	Erection of a single storey rear and two storey rear extension to form additional living accommodation.	<b>Parish:</b>	Charfield Parish Council
<b>Map Ref:</b>	372228 192160	<b>Ward:</b>	Charfield
<b>Application Category:</b>	Householder	<b>Target Date:</b>	3rd May 2017



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

This report appears on the Circulated Schedule following comments received from local residents.

### **1. THE PROPOSAL**

- 1.1 The applicant seeks outline planning permission for the erection of a single storey rear and two storey rear extension to form additional living accommodation. The application site relates to No. 9 Newtown, a two-storey detached property situated with the village of Charfield..
- 1.2 During the course of the application additional plans to demonstrate that off street parking in line with adopted policy could be accommodate within the application site were requested and received. In addition revised plans were received which reduced the depth of the proposed two-storey element of the extension and the removal of the proposed first floor side window.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
National Planning Policy Framework March 2012

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy (Adopted December 2013)

CS1	High Quality Design
CS4a	Sustainable Development
CS5	Location of Development
CS8	Improving Accessibility
CS9	Environmental Resources and Built Heritage

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

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

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

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

- 3.1 No planning history

### **4. CONSULTATION RESPONSES**

- 4.1 Charfield Parish Council  
No objection

## 4.2 Other Consultees

### Sustainable Transport Officer

Request for plan to show 3 off street parking spaces can be within the site boundary.

*Updated comments:*

*Following further details, there are no highway objections*

## **Other Representations**

### 4.3 Local Residents

Two letters of objection has been received. The points raised are summarised as:

Residential impact:

- window on side elevation will look directly onto our property, invade privacy and give unwanted illumination
- bedroom window on side elevation will overlook and invade privacy and restrict natural light
- two-storey extension will reduce amount of light in my kitchen, sitting room and patio. Would agree to a single storey extension

Design:

- the two storey structure extends far beyond the building line of existing buildings on either side – we were advised in 1979/80 by a planning officer that we would not get permission to build beyond the building line
- we would be happy for a single storey extension to the left side and for the kitchen to be built 1.5 metres away from our party wall with the removal of the side window
- extension would be more than 5 metres beyond original house building line

Other matters:

- potential to undermine our foundations
- structure could not be maintained without coming onto our property
- plans are incorrect
- concerns regarding passageway access by builders must not be restricted by building equipment
- Party Wall Act 1996 - we have not been notified of any proposed building work near our shared property boundary
- discussion with applicant in February implied no drawings available feel this a deliberate attempt to frustrate and circumvent planning rules

## **5. ANALYSIS OF PROPOSAL**

### 5.1 Principle of Development

The application stands to be assessed against the above listed policies and all other material considerations. Adopted policy is supportive of extensions within existing residential curtilages provided the development would not have an adverse impact on residential amenity or on highway safety and parking standards (H4 and T12 and SPD: Residential Parking Standards) and



importantly, that is it of an appropriate design standard that reflects the character of the host property and area in general.

The proposal is considered to accord with the principle of development and this is discussed in more detail below.

## 5.2 Design and Visual Amenity

The application site is a two-storey extended semi-detached property situated close to the head of a small cul-de-sac in Charfield. It is understood that the property was originally two cottages which have been knocked into one. The property benefits from having been previously extended by a substantial flat roof extension which runs the entire length of the rear of the property. It must be noted however that the LPA holds no records of these alterations and it is therefore assumed that they are of some age. In addition existing single storey additions are also noted and again no planning history can be found for these structure but given they have been in place for some time and would be replaced by this proposal, no further action is needed. At present the rear of the house is stepped with single storey extensions of about 1.2 metres, 2.8 metres and 4.8 metres running along the rear from the north to the south.

5.3 Revised plans have reduced the depth of the two storey rear extension to 3.8 metres. A single storey ground floor extension would be attached to this and then stretch across the entire rear elevation – in its entirety the new addition would square up the rear elevation. It noted that this would be an extension to an existing extension. The structure would extend out from the existing building line by 5 metres. It is noted that this would be a large extension to the cottage but given the presence of a number of ad-hoc single storey additions this would consolidate the built form to the rear of the property.

5.4 At first floor level the proposed two-storey addition would provide a fifth bedroom whilst at ground floor this would create a very large study area. At ground floor level the single storey extension accompanied by other internal reconfigurations would create a large open plan dining/area plus separate utility room. Openings in the proposed ground floor element would be mostly to the rear including a bank of full-height bi-fold doors, plus high level windows to the southern elevation. At first floor level the new bedroom would have one opening to the rear - the originally proposed new window in the first floor south elevation having been removed in revised plans. With regards to the proposed materials these would be to match the existing rendered cottage.

5.5 In terms of the overall appearance, the proposal would result in a large extension to this cottage but given that the alterations would be to the rear there would be no adverse impact on the character of the area and changes to existing properties of the type proposed are not unusual. The existing situation of ad-hoc additions to the rear of this property is noted and therefore, in terms of its visual appearance the proposal would be seen as an improvement to the existing situation. Overall in terms of the design, scale and massing the proposal is considered acceptable.

## 5.6 Residential Amenity

Original objection comments with regards to the potential for overlooking from the southern first floor window have been addressed by its removal, but a condition will ensure that no new openings are inserted in the first floor elevations to preserve neighbour privacy. Other proposed high level windows in the southern elevation will remain in the ground floor addition. Given the existing boundary treatment of high fencing, the high level non-openings windows it is considered these would not have an adverse impact on the amenity of close neighbours to the south. A new small window is proposed in the north elevation close to the side of No. 7. Comments have been received objecting to this window but a site visit has confirmed that this window would be directly opposite the side wall of this neighbouring property. Views into the garden of No. 7 would be extremely limited. In addition it is considered that the first floor window of the two-storey rear extension would have no adverse impact over and above the existing situation.

5.7 Comments have been received indicating that the proposed extension would affect the amount of light entering the neighbouring property. Although it is acknowledged that there would be changes for this neighbour, it must be noted that the closest built form to the application site is a single storey addition to this neighbouring property. The proposed two-storey extension would be stepped in from the boundary by about 1.2 metres and the overall depth of this element has been reduced and as such the proposed impact on the neighbour to the north would not be unacceptable in this row of properties in a village location.

5.8 Following the development sufficient amenity space would remain to serve the property. The proposal is considered to accord with adopted policy i

## 5.9 Sustainable Transport

Off street parking provision for the dwelling is to the front of the property on the other side of the access road. Most of the houses along this lane have their curtilage bisected in this manner. The application site benefits from a large garage plus off-street parking to the front and side of this structure. As a five bedroom property 3 off-street parking spaces are required to comply with adopted policy and this provision can be achieved within the curtilage of No .9 Newtown. On this basis there are no highway objections to the scheme.

## 5.10 Other matters

A number of other matters have been raised by concerned local residents including citing historic advice given in 1978/80; the need for a party wall agreement; the use of a shared passageway; potential to undermine foundations and discussions between the parties. None of these are planning matters that can be discussed in this report. Some are civil issues which are to be discussed between the relevant parties and others may be covered under Building Regulations.

## 6. CONCLUSION

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

## 7. RECOMMENDATION

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

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

## CONDITIONS

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

Reason

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

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

Reason

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

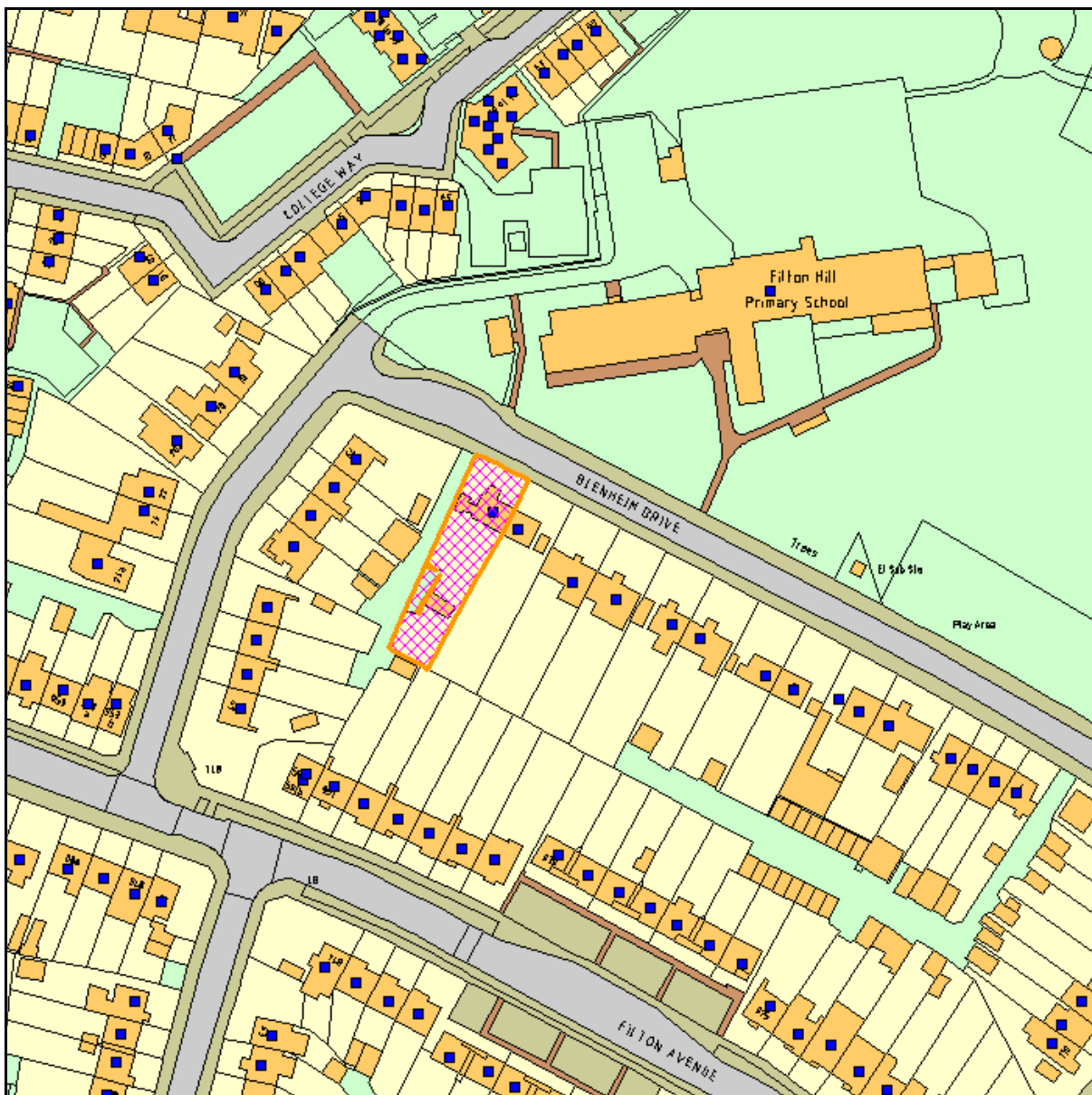
3. No windows other than those shown on the plans hereby approved shall be inserted at any time in the first floor elevations of the property.

Reason

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with saved Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006; Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) 2013 and the provisions of the National Planning Policy Framework.

**CIRCULATED SCHEDULE NO. 20/17 – 19 MAY 2017**

<b>App No.:</b>	PT17/1124/F	<b>Applicant:</b>	Mr N Bailey
<b>Site:</b>	27 Blenheim Drive Filton Bristol South Gloucestershire BS34 7AX	<b>Date Reg:</b>	22nd March 2017
<b>Proposal:</b>	Demolition of existing store. Erection of a single storey front, a two storey side and a single storey rear extension to form additional living accommodation. Erection of a detached double garage.	<b>Parish:</b>	Filton Town Council
<b>Map Ref:</b>	360600 179721	<b>Ward:</b>	Filton
<b>Application Category:</b>	Householder	<b>Target Date:</b>	15th May 2017



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lobby, W.C. and additional living accommodation (as amended by plans received by the Council on 11th September 1981).  
22.10.81

Approved

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

4.1 Filton Town Council  
No objection received

4.2 Other Consultees

Sustainable Transport  
No objection

#### **Other Representations**

4.3 Local Residents

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

- I object as I and my family have lived in no 29 since 1953 along with my family. I object to having clear windows overlooking my property as the line of vision would be direct into my living room. Currently there is a frosted window in the upstairs bathroom window, but to have a clear window would affect my lifestyle .

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

5.1 Principle of Development

The application stands to be assessed against the above listed policies and all material considerations. Of particular importance is the impact the design would have on the character of the host property and the area in general; the impact on residential amenity for both the application site and its closest neighbours and potential impact on highway safety and adopted parking standards.

The proposal is considered to accord with the principle of development and this is discussed in more detail below.

5.2 Design and Visual Amenity

The application site is a two-storey semi-detached property. It is of the Cornish style with hanging tiles to ground floor eaves height and a hipped roof. It is likely to have been an ex Council property and is located within an area of similar size and style houses. The property benefits from a side garden as well as front and rear gardens. To the west is an access lane leading to garages of nearby properties.

5.3 The proposal entails several elements which will be discussed separately:

Two storey side extension:

This would measure about 6.3 metres in length, 3.9 metres wide with eaves and ridge height to match existing. Openings would be to the front and rear only. Materials would be to match the existing house thereby helping to integrate the addition into the existing street scene. To facilitate this structure a small side store area would be demolished. This would create a fourth first floor bedroom and en-suite and living area, at ground floor level.

Single storey front extension:

This would replace a smaller front extension and would stretch across two thirds of the front elevation and house the hall and utility areas. It would measure about 7.4 metres in length, 1.9 metres wide, with a maximum height of 3.2 metres to its mono-pitched roof.

Single storey rear extension:

This would be across the rear of the property but would be stepped thereby having a depth of between 1.9 and 2.4 metres from the existing rear building line. This would be a flat roof structure achieving a height of 2.7 metres.

- 5.4 In terms of the additions to this main house, the proposed extensions would be finished in materials to match and their scale, design and massing are considered appropriate to the host property and area in general. In this way the scheme is considered acceptable.
- 5.5 Moving onto the proposed double garage. This would be accessed via the side lane serving No. 27 and other properties in the area, leading to existing garages and rear entrances. The garage would have a dual pitched roof with ridge height to 4.2 metres, eaves to 2.3 metres and a footprint of 8 metres by 7.6 metres. The vehicular entrance would be in the west elevation and a personnel door in the east elevation. Materials would be to complement those found in the immediate area including block render and powder coated profiled sheeting for the roof.
- 5.6 The garage would be acceptable in its size and design. It is recognised that it would be a large structure and a condition would be attached to the decision notice to ensure it remained garaging for vehicles and domestic purposes associated with No. 27.
- 5.7 Residential Amenity  
Comments have been received from a concerned neighbour who has objected to windows looking directly into her property. Plans confirm that no first floor windows are proposed in the two-storey side extension. There would therefore be no issues of overlooking or inter-visibility. It is furthermore noted that new openings would be to the front and rear of the new two-storey side extension and the application site is also about 18+ metres from the rear elevation of this neighbouring property, separated by the access lane.
- 5.8 Sustainable Transport  
The application site is directly opposite Filton Hill Primary School. Yellow lines and zigzag lines are present on the road outside the property. Parking on Blenheim Drive is restricted in some parts.

The proposal would create a garage that would meet the adopted standards and be suitable for two vehicles. There are no objections to the proposed scheme.

## 6. **CONCLUSION**

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

## 7. **RECOMMENDATION**

- 7.1 That the application is **APPROVED** 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 garage hereby approved is to be used for domestic vehicles and storage associated with 27 Blenheim Drive only and not for business use.

Reason

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



## CIRCULATED SCHEDULE NO. 20/17 – 19 MAY 2017

<b>App No.:</b>	PT17/1213/F	<b>Applicant:</b>	Miss Tina Brice
<b>Site:</b>	6 Willow Close Patchway Bristol South Gloucestershire BS34 5SG	<b>Date Reg:</b>	22nd March 2017
<b>Proposal:</b>	Erection of a two storey side extension to form additional living accommodation. Installation of 1no rear dormer and 2no front roof lights to facilitate loft conversion. Extension of existing porch roof and alterations to existing access.	<b>Parish:</b>	Patchway Town Council
<b>Map Ref:</b>	359302 181321	<b>Ward:</b>	Patchway
<b>Application Category:</b>	Householder	<b>Target Date:</b>	11th May 2017



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PT17/1213/F

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

This application appears on the circulated schedule due to consultation responses received, contrary to Officer recommendation.

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

- 1.1 The application seeks full planning permission for the erection of a two storey side extension to form additional living accommodation. It would also involve the erection of 1no. dormer window to facilitate a loft conversion. Extension of existing porch roof and alterations to the existing access at 6 Willow Close in Patchway.
- 1.2 The application site relates to a semi-detached property which is located on a corner plot between Willow Close and Coniston Road in the established residential area of Patchway, and in part of the North Fringe of Bristol Urban Area. The hosts elevations comprise of brick which is accompanied by UPVC windows and a tiled roof. The plot is bounded by 3 metre high hedging along Coniston Road. It benefits from parking on hardstanding to the front and side of the property. Surrounding properties mainly comprise of semi-detached pairs or small terraces of a similar design.
- 1.3 During the course of the application the agent has supplied Officers with revised plans in light of concerns raised.

### **2. POLICY CONTEXT**

#### 2.1 National Guidance

National Planning Policy Framework March 2012  
National Planning Policy Guidance 2014

#### 2.2 Adopted Development Plans

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

CS1 High Quality Design  
CS4a Sustainable Development  
CS5 Location of Development  
CS8 Improving Accessibility  
CS25 Communities of the North Fringe of Bristol

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

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

#### 2.3 Emerging Development Plan

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

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

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

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

- 3.1 No relevant planning history

### **4. CONSULTATION RESPONSES**

- 4.1 Patchway Town Council  
No comments received

- 4.2 Sustainable Transport  
*"The applicant seeks to erect a two storey side extension to form additional living accommodation and create a loft conversion. 6 Willow Close is currently a 3 bed dwelling, the proposals would increase the amount of bedrooms to 5 in total. SGC minimum parking standards state that a 5 bed dwelling requires 3 off street parking spaces. With the proposed widening of the access, 3 off street parking spaces can be provided. There are no transportation objections."*

### **Other Representations**

- 4.3 Local Residents  
1no. objection received from local resident. Comments as follows:
- Size of the extension is the same as current property and could be turned into a separate dwelling. Could devalue our property.
  - Land bought from council and understood it would never be built on.
  - Drainage issues.
  - Parking issues especially given it is a corner plot
  - Render and scale would be out of character
  - Loft extension would cause privacy issues.

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

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

- 5.2 Design and Visual amenity  
The development would involve a number of works including the erection of a two storey extension, extension to porch and installation of 1no dormer window.

5.3 *Two storey side extension*

The existing property sits within a large corner plot and it is proposed that a two storey extension would be erected to the western (side) of the property. Original plans showed that the elevations would comprise of render and it would be the same width of the existing property. As such comments from local residents are understood and Officers considered that this was unacceptable in design terms. Following correspondence with the agent revised plans have been submitted which now show that the elevations of the extension will match that on the existing property and the width reduced by 1 metre.

- 5.4 The extension would now have a width of 5 metres and a depth of 8.7 metres. Plans show that it would match the existing pitch of the existing property, whilst this is not preferable, it is noted that similar examples are evident in the vicinity and it is not thought that it would be detrimental to the visual amenity of the streetscene. The extension would have a maximum height of 7 metres to the ridge and 4.9 metres. Plans show that it would introduce 2no rooflights, 1no window and doors leading to the private amenity area, all to the rear elevation. It would also introduce 4no windows to the front elevation. No openings would be created to the western (side) elevation.

5.5 *Porch alterations*

The property has an existing small porch which has a pitched roof. This application proposes to extend this to the west and to the ground floor of the front of the proposed two storey extension. This element would have a lean to roof, it would have a maximum height of 2.9 metres. It would run along the front elevation for 5 metres and would have a depth of 1.7 metres. This would be a minimal addition and it is considered that it would aid in preventing the form of the development appearing overly bulky.

5.6 *Dormer window*

This would comprise permitted development. It would comply with criteria as set out in the Town and Country Planning (General Permitted Development) (England) Order 2015, Schedule 2, Part 1, Class B.

5.7 *Cumulative impacts*

The development would cumulatively represent a large addition to the property, by nature of the size of the plot, it cannot be considered overdevelopment. It is noted that whilst adjacent occupiers do not have similar two storey extensions, there is evidence of similar extensions in the surrounding area. Whilst it is noted that the two storey extension would be visible from Coniston Road, it is not thought that it would result in a visually intrusive structure.

- 5.8 In light of revised plans received, it is not thought that the cumulative development would appear out of place with the host or surrounding area. Accordingly, the proposal is deemed to comply with Policy CS1 of the Core Strategy (Adopted) December 2013 and the emerging Policy PSP1 of the PSP Plan (June 2016).

#### 5.9 Residential Amenity

The application site is a corner plot between Coniston Road and Willow Close. The adjacent neighbours at No. 8 Willow Close form a semi-detached pair with the host. The occupiers of this property raised concerns with regard to privacy issues as a result of the proposed dormer window. These concerns are acknowledged, however, the dormer window constitutes permitted development under the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015. It is not thought that the development would impact the residential amenity of these adjacent occupiers, especially given the two storey extension would be located the opposite side of the host.

5.10 It is noted that 2no. bungalows are located beyond the rear boundary of the application site. Whilst the two storey extension would be visible to these occupiers, it is not thought that it would result in detrimental impacts to their residential amenity.

5.11 Overall, and considering all of the above, it is considered the proposed development would be acceptable with regard to residential amenity and is therefore deemed to comply with saved Policy H4 of the Local Plan (2006) and the emerging Policy PSP8 of the PSP Plan (June 2016).

#### 5.12 Highways

Plans show that the access would be widened at the site and the dropped kerb extended. Whilst the transportation officer has not objected to this, the applicant is advised of the need to obtain consent for the dropped kerb from the Councils Streetcare Team. This will be placed as an advisory on the decision notice should the application be approved.

5.13 Local residents have raised concerns with regard to parking issues which may arise following construction of the development. Plans show that the development would increase the number of bedrooms at the property from 3 to up to 6 bedrooms. The Councils Residential Parking SPD sets out that for a property with this number of bedrooms, 3 off street parking spaces should be provided. Transportation colleagues confirm that sufficient parking can be provided at the site. Having said this, a condition is recommended to ensure the parking is in place prior to occupation of the extension. As such, whilst concerns from local residents are understood, no objection is raised to highway matters.

#### 5.14 Other Matters

Local residents expressed concerns with the drainage at the site, this would be a matter covered by building regulations and has not been considered as part of this application. Similarly, to those comments in relation to the devaluing of house prices, this is understood but does not form a material consideration in assessment of the application.

5.15 Concerns were also raised that given the size of the extension it could be used as a separate dwelling, not ancillary to the main house. Whilst this is understood, revised plans show that the extension has been reduced in scale. Furthermore, this is something that would need planning permission in its own right and the applicant is advised of such on the decision notice.

## 6. CONCLUSION

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

## 7. RECOMMENDATION

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

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

## CONDITIONS

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

Reason

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

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

Reason

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

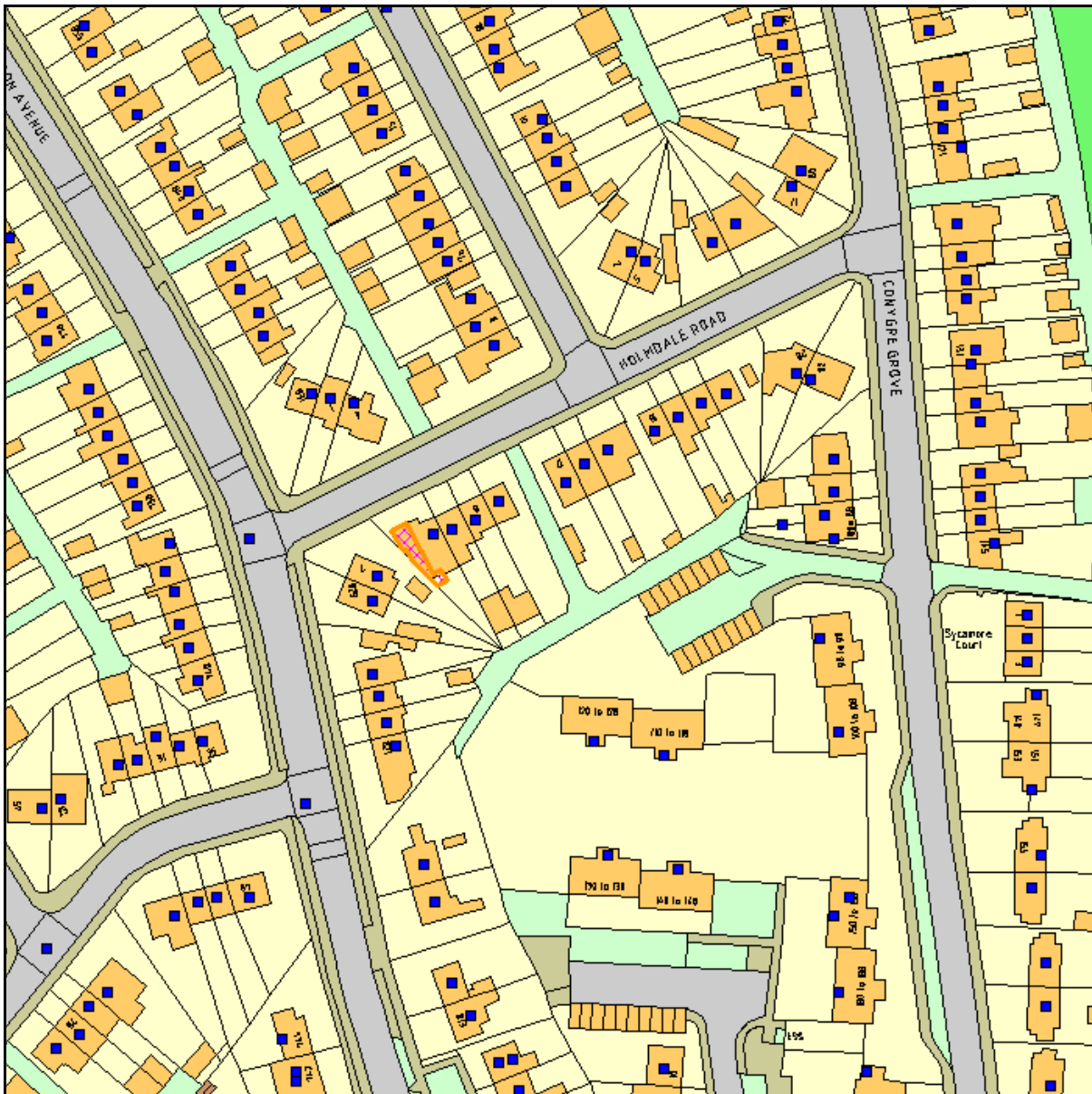
3. The off-street parking facilities shown on the Proposed Site Plan (Received by the Council 10th May 2017) hereby approved shall be provided before the extension is first occupied, and thereafter retained for that purpose.

Reason:

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

## CIRCULATED SCHEDULE NO. 20/17 – 19 MAY 2017

<b>App No.:</b>	PT17/1537/CLE	<b>Applicant:</b>	Mr David Jones
<b>Site:</b>	The Flat 4 Holmdale Road Filton South Gloucestershire BS34 7HS	<b>Date Reg:</b>	13th April 2017
<b>Proposal:</b>	Application for Certificate of Lawfulness for existing use of the building as a separate single dwelling	<b>Parish:</b>	Filton Town Council
<b>Map Ref:</b>	360985 179239	<b>Ward:</b>	Filton
<b>Application Category:</b>	Certificate of Lawfulness	<b>Target Date:</b>	30th May 2017



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100023410, 2008. N.T.S. PT17/1537/CLE

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

This application is referred to the Circulated Schedule in accordance with the Council's adopted scheme of delegation.

### **1. THE PROPOSAL**

- 1.1 This application seeks a Certificate of Lawfulness for the existing use of a building as a separate single dwelling.
- 1.2 The certificate of lawfulness is sought on the basis that the use of the annexe as a separate dwelling is immune from enforcement action under section 171B(3) of the Town and Country Planning Act 1990 ("the Act") and therefore, in accordance with section 191(2) the use is lawful.
- 1.3 The application site relates to an end of terrace, two-storey dwelling located in the urban area of Filton.
- 1.4 Planning permission was granted in 2010 (Ref. PT10/2048/F) for the "Erection of single storey rear extension to provide additional living accommodation at 6 Holmdale Road, and the erection of a single storey rear and side extension and a front porch, to provide self-contained accommodation ancillary to main dwelling at 4 Holmdale Road". This application relates solely to no. 4 Holmdale Road.

### **2. POLICY CONTEXT**

#### **2.1 National Guidance**

- i. Town and Country Planning Act 1990: S171B and S191
- ii. Town and Country Planning (Development Management Procedure) (England) Order 2015
- iii. National Planning Practice Guidance: 17C (2014)

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

- |     |             |   |
|-----|-------------|---|
| 3.1 | PT10/2048/F | Erection of single storey rear extension to provide additional living accommodation at 6 Holmdale Road, and the erection of a single storey rear and side extension and a front porch, to provide self-contained accommodation ancillary to main dwelling at 4 Holmdale Road<br>Approved 21.09.10 |
|-----|-------------|---|

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

- 4.1 The applicant has submitted the following items in support of the application:
  - Cover letter from Applicant Mr David Christopher Jones (Applicant and Owner) dated 31/03/17);
  - Location Plan (Exhibit A);
  - Sworn Affidavit from Applicant and Owner Mr David Christopher Jones (dated 30/03/17) detailing the use of The Flat and The house as two separate dwellings, list of occupants and dates of occupation of The Flat



and The House, Location Plan (Exhibit A), Proposed Plans and Elevations (Exhibit B), Copy of HCR Tenancy Agreement Letter (dated 15/03/15) (Exhibit C), copy of email from tenant Mr L Waskett-Booth to Mr Jones (dated 14/03/15) (Exhibit D);

- Sworn Declaration from Mr Mate Tibor Szoke (dated 31/03/17) who has lived in The Flat since 23<sup>rd</sup> July 2016, Location Plan (Exhibit A), Proposed Plans and Elevations of The Flat and The House (Exhibit B), Copy of 'Assured Shorthold Tenancy Agreement for Fully Furnished Flat' between landlords David and Natalie Jones and Tenants Mate Tibor Szoke and Monika Fanczal (Exhibit C);
- Sworn Statutory Declaration from Andras Lazar who is a Tenant in The House since 20<sup>th</sup> October 2016, along with his partner Rhia Lloyd and housemate Mate Kollat, Location (Exhibit A), Proposed Plans and Elevations (Exhibit B), ), Copy of 'Assured Shorthold Tenancy Agreement for Fully Furnished Flat' between landlords David and Natalie Jones and Tenants (1) Andras Lazar, (2) Mate Kollat, (3) Rhia Lloyd (Exhibit C);
- Sworn Statutory Declaration from Mate Tibor Szoke who is a Tenant of The Flat, along with his partner Monika Fanczal, since 23<sup>rd</sup> July 2016. Their second tenancy agreement started on 23<sup>rd</sup> January 2017. A Location Plan (Exhibit A), Proposed Plans and Elevations of the Flat and The House (Exhibit B), a signed Copy of 'Assured Shorthold Tenancy Agreement for Fully Furnished Flat' between landlords David and Natalie Jones and Tenants (1) mate Tibor Szoke, (2) Monika Fanczal (Exhibit C).

## 5. **SUMMARY OF CONTRARY EVIDENCE**

5.1 The LPA does not have any contrary evidence.

## 6. **OTHER REPRESENTATIONS RECEIVED**

6.1 Filton Parish Council  
No comments received.

### **Other Representations**

6.2 Local Residents  
No comments received.

## 7. **EVALUATION**

7.1 An application for a certificate of lawfulness is not a planning application. It is purely an evidential test and therefore, should not be determined against planning policy or on planning merit. The test to be applied is whether the application has demonstrated, through precise and unambiguous evidence, that (in this instance) The Flat has been sub-divided from The House (no. 4 Holmdale Road) and used as an independent dwelling.

- 7.2 The guidance contained within the National Planning Practice Guidance states that if a local planning authority has no evidence itself, nor any from others, to contradict or otherwise make the applicant's version of events less than probable, there is no good reason to refuse the application. This is however with the provision that the applicant's evidence alone is sufficiently precise and unambiguous to justify the grant of a certificate on the balance of probability.
- 7.3 In this instance, it must be proven by the applicant that the annexe in question has been used as a single independent dwelling for a period of 4 years or more, prior to the date of this application (31<sup>st</sup> March 2017). Therefore, the use of the annexe as a separate dwelling must have commenced on or before 31<sup>st</sup> March 2013.
- 7.4 Assessment of Lawfulness  
The Affidavit by the applicant and owner Mr David C Jones indicates that they resided at The House (no. 4 Holmdale Road) between August 2002 and July 2014. The House is a 3 bedroom terrace and The Flat is a 1 bedroom self-contained flat. Planning permission Ref. PT10/2048/F) was obtained by Mr Jones in September 2010 to construct a self-contained living accommodation attached to the side of the house for his mother to reside in. the applicant claims that the flat has been occupied in breach of planning permission PT10/2048/F condition 2 and is now lawful:
2. *For the avoidance of any doubt, the granny annexe hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as No. 4 Holmdale Road.*
- Reason*  
*To ensure that the development does not give rise to poor quality independent residential accommodation, and to accord to policies D1 and H4 of the South Gloucestershire Local Plan (adopted) January 2006.*
- 7.5 There is no planning enforcement history for the site to suggest that the non-compliance with condition 2 was ever investigated or formal enforcement action issued. The annexe was apparently constructed during the summer of 2011 and both properties benefit from a shared porch. Within the porch, both properties retain full separate entrance doors. The annexe was never occupied by the applicant/owners mother as she passed away in February 2013 prior to occupying the annexe.
- 7.6 Mr Jones states that the annexe was rented out separately and continuously since 13<sup>th</sup> March 2013 to present. Mr Jones has provided a list of the occupants and dates of occupation of both the flat and the house from 13<sup>th</sup> March 2013 – present day. There have been four occupants of the flat and the house (total of 8 occupants for both properties).
- 7.7 A copy of the tenancy agreement letter from HCR Company for the flat has been provided. The first tenant of the flat was Mr L Waskett-Booth who occupied the flat through the MOD Rentals firm HCR Company from 13<sup>th</sup> March 2013 – 15<sup>th</sup> October 2013.

Exhibit D of Mr Jones Affidavit is an email from Mr Waskett-Booth concerning his recent occupation of the flat. Other occupant's names are P Zaskalski from 16<sup>th</sup> October 2013 – 22<sup>nd</sup> September 2015; followed by T Wiercioch from 23<sup>rd</sup> September 2015 – 22<sup>nd</sup> July 2016; and the current tenant is T Szoke (statutory declaration provided) from 23<sup>rd</sup> July 2016 – present. Mr Szoke has provided a statutory declaration, detailing that he resides in the flat with his partner (Monika Fanczal) since 23<sup>rd</sup> July 2016 and they signed their second tenancy agreement on 23<sup>rd</sup> January 2017. The tenancy agreement states that they pay £850 per calendar month for the flat.

7.8 The names of the occupants and dates of occupation of the house have also been provided. The applicant/owner Mr Jones lived in the house from 6<sup>th</sup> August 2002 – 10<sup>th</sup> July 2014. The house has been occupied by three tenants since 11<sup>th</sup> July 2014 – present. The current tenant of the House A Lazar has submitted a statutory declaration stating that he has occupied the house since 20<sup>th</sup> October 2016 with his partner Rhia Lloyd and housemate Mate Kollat. The tenancy agreements states the occupants pay £1,360 per calendar month for the house. Mr Lazar confirms that the house is separate from the flat, except from using the porch entrance. The plans provided in Exhibit B of the statutory declaration, are the plans from the approved planning permission (Ref. PT10/2048/F), which shows the layout of the flat and the house. The flat occupies the ground floor only of the entire annexe, including a bedroom, bathroom, and open plan kitchen/living room area.

7.9 The applicant/owner has provided a comprehensive Affidavit detailing the previous and current occupiers of the flat and the house. The occupation of the flat appears to have been continuous from 13<sup>th</sup> March 2013 to present day. Signed statutory declarations have been provided for the currently occupiers of the flat and the house. There is no contrary evidence to the applicant or occupiers claims that the flat and the house have been occupied as separate dwellings since March 2013. The two properties appear to function as separate, independent dwellings, sharing a parking area at the front and a rear garden.

7.10 On this basis, the statutory declarations provided are given full weight in the determination of this application for Certificate of Lawfulness. Officers consider that, on the balance of probabilities, the dwelling has been occupied in breach of the planning permission (Ref. PT10/2048/F) for a period of over 4 years and it is considered that the occupation of the flat as a separate dwelling is now lawful and immune from planning enforcement action.

## **8. RECOMMENDATION**

8.1 On the balance of probability, the use of the flat as a separate dwelling has been established for over four years and so the use is considered to be lawful.

## **9. RECOMMENDATION**

9.1 That the Certificate of Lawfulness of **GRANTED**.

**Contact Officer: Katie Warrington**  
**Tel. No. 01454 864712**

## **CONDITION**

1. Sufficient evidence has been submitted to precisely and unambiguously demonstrate that, on the balance of probability, the building known as The Flat, No. 4 Holmdale Road, within the red line boundary on the submitted Site Location Plan has been used continuously as a separate and independent residential dwelling (C3) for no less than four years.