



**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. 43/17**

**Date to Members: 27/10/2017**

**Member's Deadline: 02/11/2017 (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.

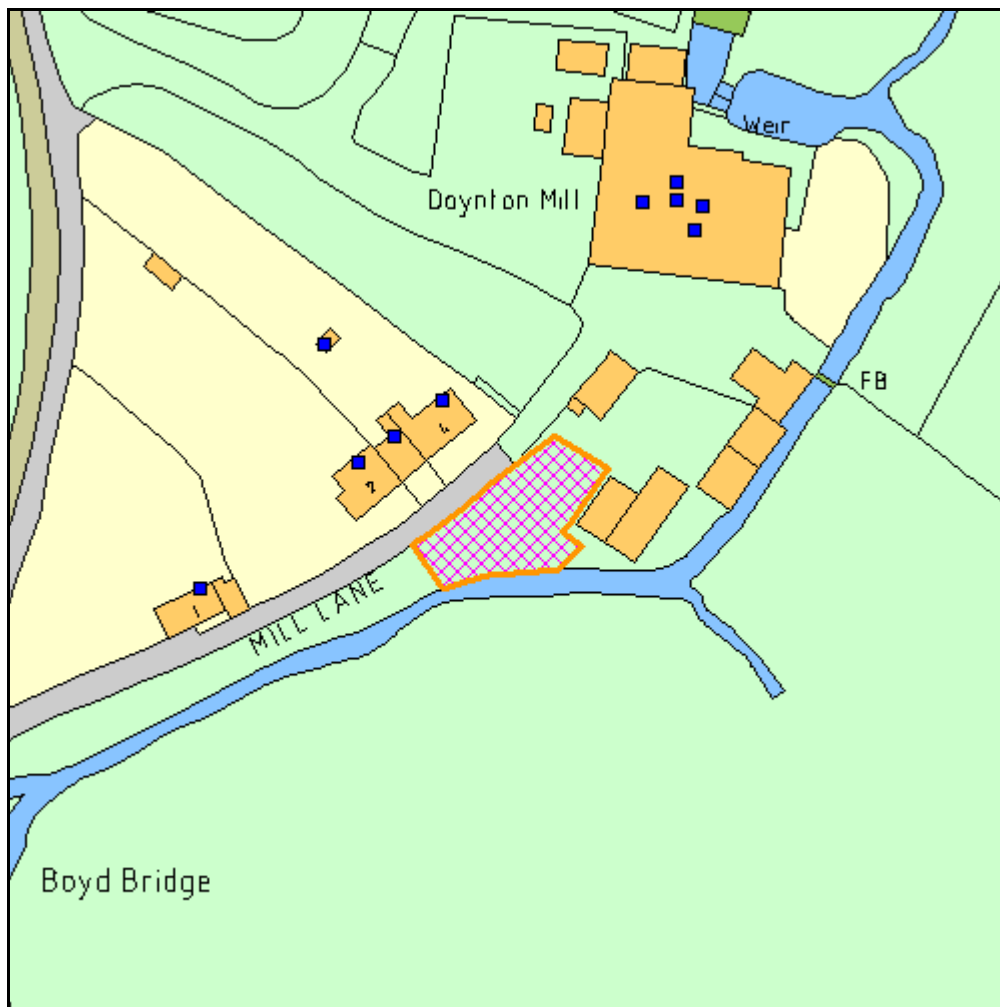
# CIRCULATED SCHEDULE - 27 October 2017

| ITEM NO. | APPLICATION NO       | RECOMMENDATION          | LOCATION  | WARD                    | PARISH                                   |
|----------|----------------------|-------------------------|---|-------------------------|--|
| 1        | <b>PK17/0736/F</b>   | Approve with Conditions | Doynton Mill Mill Lane Doynton South Gloucestershire BS30 5TQ                     | Boyd Valley             | Doynton Parish Council                   |
| 2        | <b>PK17/1476/F</b>   | Approve with Conditions | Christ Church Parish Hall 57 North Street Downend South Gloucestershire BS16 5SG  | Downend                 | Downend And Bromley Heath Parish Council |
| 3        | <b>PK17/1745/RM</b>  | Approve with Conditions | The Gateway Site (Phase 2) Emersons Green South Gloucestershire                   | Emersons                | Emersons Green Town Council              |
| 4        | <b>PK17/3220/F</b>   | Refusal                 | 36 Brook Road Mangotsfield South Gloucestershire                                  | Rodway                  | None                                     |
| 5        | <b>PK17/3363/F</b>   | Approve with Conditions | 15 Peartree Lane Kingswood South Gloucestershire                                  | Rodway                  | None                                     |
| 6        | <b>PK17/3928/F</b>   | Approve with Conditions | The Lodge Siston Court Mangotsfield South Gloucestershire BS16 9LU                | Siston                  | Siston Parish Council                    |
| 7        | <b>PK17/4056/RVC</b> | Approve with Conditions | Pipley Court Farm North Stoke Lane Upton Cheyney South Gloucestershire BS30 6NG   | Bitton                  | Bitton Parish Council                    |
| 8        | <b>PK17/4224/PDR</b> | Approve with Conditions | 54 Cheshire Close Yate South Gloucestershire BS37 5TH                             | Yate North              | Yate Town                                |
| 9        | <b>PT17/0548/F</b>   | Approve with Conditions | Former Esso Service Station Gloucester Road Rudgey South Gloucestershire          | Thornbury South And     | Alveston Parish Council                  |
| 10       | <b>PT17/2977/F</b>   | Approve with Conditions | Mount Pleasant Frenchay Hill Frenchay South Gloucestershire BS16 1LU              | Frenchay And Stoke Park | Winterbourne Parish Council              |
| 11       | <b>PT17/3449/F</b>   | Approve with Conditions | Pound House Farm Churchend Lane Charfield Wotton Under Edge South Gloucestershire | Charfield               | Charfield Parish Council                 |
| 12       | <b>PT17/3789/F</b>   | Approve with Conditions | Pool Farm Oldbury Lane Thornbury South Gloucestershire                            | Severn                  | Oldbury-on-Severn Parish Council         |

## CIRCULATED SCHEDULE NO. 43/17 – 27 OCTOBER 2017

|                                  |   |                         |                           |
|----------------------------------|---|-------------------------|---------------------------|
| <b>App No.:</b>                  | PK17/0736/F   | <b>Applicant:</b>       | Mr N Roch                 |
| <b>Site:</b>                     | Doynton Mill Mill Lane Doynton South<br>Gloucestershire BS30 5TQ                                    | <b>Date Reg:</b>        |                           |
| <b>Proposal:</b>                 | Erection of workshop. (Amendment to<br>previously approved scheme<br>PK12/2333/F). (Retrospective). | <b>Parish:</b>          | Doynton Parish<br>Council |
| <b>Map Ref:</b>                  | 371902 174384   | <b>Ward:</b>            | Boyd Valley               |
| <b>Application<br/>Category:</b> | Minor   | <b>Target<br/>Date:</b> | 15th May 2017             |

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100023410, 2008. N.T.S. PK17/0736/F

This application is referred to the Circulated Schedule due to objections received, which are contrary to the officer recommendation.

## **1. THE PROPOSAL**

- 1.1 This is an application for full retrospective planning permission for the erection of a replacement workshop. Permission was previously granted under application reference PK12/2333/F, however the replacement building constructed was materially different to the approved scheme and consequently a new application was required. The principal changes include a slight increase in footprint and a 0.5m increase in the height of the building (its position remains the same) and some design changes to the materials and finished appearance.
- 1.2 The site lies within a small complex of commercial buildings adjacent to Doynton Mill, on the northern bank of the River Boyd and to the north of the village and Conservation Area of Doynton. The building sits down below the level of Mill Lane from which it is accessed, and a terrace of cottages sits on the opposite side of the road. A public right of way runs down to the lane from the opposite side and then turns toward Doynton Mill before crossing the river.

## **2. POLICY CONTEXT**

- 2.1 National Guidance  
National Planning Policy Framework March 2012  
Planning Practice Guidance

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

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

South Gloucestershire Local Plan Adopted January 2006 (Saved Policies)

L1 Landscape Protection and Enhancement  
T8 Parking Standards  
T12 Transportation Development Control  
E6 Employment Development in the Countryside  
EP2 Flood Risk and Development

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

PSP1 Local Distinctiveness  
PSP2 Landscape  
PSP7 Development in the Green Belt  
PSP8 Residential Amenity  
PSP10 Active Travel Route  
PSP11 Transport Impact Management  
PSP16 Parking Standards

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

- 3.1 PK12/2333/F – Demolition of existing workshop to facilitate erection of replacement workshop. APPROVED

### 4. **CONSULTATION RESPONSES**

#### 4.1 Doynton Parish Council

Objection – objected to the original application due to the replacement being higher than the original, due to the impact upon the houses opposite. The building is now unscreened and has a negative impact upon those properties. This fully justifies the landscape officer's concerns on the original application. The building is now 40% larger and the impact on residential amenity by reason of being overbearing, overshadowing, loss of privacy and general disturbance. This is a deliberate attempt to circumvent the planning rules.

#### 4.2 Other Consultees

Environment Agency – no objection if LPA minded to grant approval, though some advice provided.

Lead Local Flood Authority – Flood Risk Assessment accepted, so no objection.

Economic Development – no objection

Highway Structures – no objection

Public Rights of Way – no objection

Transportation DC – no objection

Conservation Officer – no objection, though concern over some of the materials used. No harm to Conservation Area though opportunities to screen through planting should be taken. No harm to setting of the nearby listed building.

### **Other Representations**

#### 4.3 Local Residents

3 letters of objection have been received, making the following points:

- Building is larger than the one it replaces
- Previously it was screened from view by trees on the boundary
- This has affected the view from their property
- New building has changed the general appearance of the lane for the worse
- Very prominent from the houses opposite
- Proximity to the residential dwellings on Mill Lane.

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

#### 5.1 Principle of Development

The principle of development as a replacement workshop has been established under the previous permission, granted under reference PK12/2333/F. The

question for this application is whether the changes from the scheme approved under that permission are acceptable, and these are considered against the relevant policy and other considerations in the following sections.

## 5.2 Green Belt

It should be noted that since the earlier scheme under PK12/2333/F was assessed, Local Plan Green Belt policy GB1 has been replaced, and Green Belt policy (as it exists) within the Development Plan effectively defers to the National Planning Policy Framework, against which the development was previously found to be compliant. In assessing the previous application it was concluded that the proposal would not be materially larger than the building it replaced, and the increased size would not impact on the openness of the Green Belt.

5.3 While the footprint and height of the building has increased from that which was previously approved, because of its location, its position set down below the road (and adjacent houses) and semi-enclosed within an existing complex of buildings and trees, with the resultant limited points from which it can be viewed as a whole, the changes are considered to have a minimal additional impact on openness. Bearing that limited impact upon openness in mind, and that as built the building still falls below the threshold to which the original building could have been extended under Green Belt policy (in terms of both footprint and volume), it is considered that there is no conflict with Green Belt policy in this case.

## 5.4 Design and Impact on the Conservation Area

There have been a number of design changes as compared to the previously approved scheme, but in the main these lead to the building being more in tune with the other buildings within the commercial complex, though officers note that there is little uniformity of materials and detailing in the surrounding buildings. One element of the building as-built which does appear incongruous is the white upvc fascias, and these will be required by condition to be replaced with brown fascia boards to more closely accord with the other buildings. Following further discussions with the Conservation Officer this is considered acceptable from the conservation perspective, and officers consider the design and appearance of the building to be acceptable.

## 5.5 Landscape Impact

Officers met with the agent and the council Landscape Architect on site to discuss landscaping as no scheme had initially been submitted, and the laurel hedge that had been planted on the road frontage was not considered acceptable. Subsequently a landscaping scheme was submitted, showing the replacement of the laurel hedge with a mixed native hedge set within a 1.1m deep planting bed retained by sleeps, and covered in bark mulch. This was assessed by the Landscape Architect and case officer and considered to be acceptable. A condition would be used to ensure the landscaping scheme is implemented within the first planting season following approval, and for it to be maintained for a period of 5 years thereafter. The proposed landscaping will help to screen the building from the dwellings opposite and soften the impact of the building against the wider landscape, and on that basis there is no landscape objection.

5.6 Flood Risk

The previously approved scheme was assessed and no objection was raised on flood risk grounds, and the development was found to be compliant with the requirements of policy EP2. It is noted that the Environment Agency was not consulted on the earlier application.

- 5.7 The nature of the changes in the current scheme are not considered to materially alter the impact of the development in flood risk terms, but nonetheless a Flood Risk Assessment was submitted and found to be acceptable by the Lead Local Flood Authority. The Environment Agency were consulted on this application and, while expressing regret that they were not consulted on the original, did not make any objection to the present application.

5.8 Parking and Highway Safety

This was considered under the previous planning application, and it was determined then that as the access arrangements and parking for the site would remain the same, and the new building was not intended to materially intensify the existing use, but instead is effectively an upgrade of the facility, there was no objection. While the building is larger than that previously approved, officers do not consider it so much increased as to have any material impact in highway terms. Further it is noted that the building has been in situ and operational now for at least 18 months and no objections have been received on transport or parking grounds. The council's Transport engineers have made no objection to the new proposal, and it is considered acceptable in transport terms.

5.9 Employment Development and Protection

Policy CS34 seeks to protect rural employment sites in order to provide local employment, and government policy in the National Planning Policy Framework puts great emphasis on encouraging economic growth in rural areas. The improved facility helps to do this and so accords with these policy objectives.

5.10 Residential Amenity

All of the objections received have focused principally on the grounds that the building is higher than the one it replaced, that the trees that formerly screen the site have been removed and that consequently it detracts from the views from the adjacent properties.

- 5.11 While the building is higher than the original one it replaces, it is only approximately half a metre higher than the approved replacement. This of course increases its visibility to some extent, however there is no right to a view, and officers are satisfied that the half metre of additional height will not make views of the building unacceptable. Furthermore due to its position set down below those properties, with the road in between, it is not considered that such a relatively modest increase in height can be said to render the building overbearing or leading to any loss of light to the properties on the other side of the road. There are also no privacy concerns arising from the changes.



5.12 It is acknowledged that at the time of the previous permission there were a line of trees screening the site, and that their removal has made the building more prominent for those residents opposite. A replacement laurel hedge has been planted but this not considered an appropriate, and as set out in paragraph 5.5 a new landscaping scheme has been submitted which is acceptable to the council's Landscape Architect. One established this should provide ample screening for the building and improve the outlook for residents.

5.13 Equality

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

5.14 No material considerations that are considered to engage the Public Sector Equality Duty have been identified through the assessment of this planning application.

**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 following conditions.

**Contact Officer: Neil Howat**  
**Tel. No. 01454 863548**

**CONDITIONS**

1. No external lighting shall be installed on the building without the prior written approval of the Local Planning Authority.

Reason:

In order to protect the amenity of neighbouring residents and due to the rural location of the site, to accord with policies E6 of the South Gloucestershire Local Plan 2006 (adopted)(saved policies) and CS1 of the South Gloucestershire Local Plan Core Strategy 2013 (adopted).

2. Within 2 months of the date of this decision the white UPVC fascia on the building shall be replaced with wooden fascia painted brown.

Reason:

To ensure a satisfactory standard of external appearance, in accordance with policies CS1 and CS9 of the South Gloucestershire Local Plan Core Strategy 2013 (adopted).

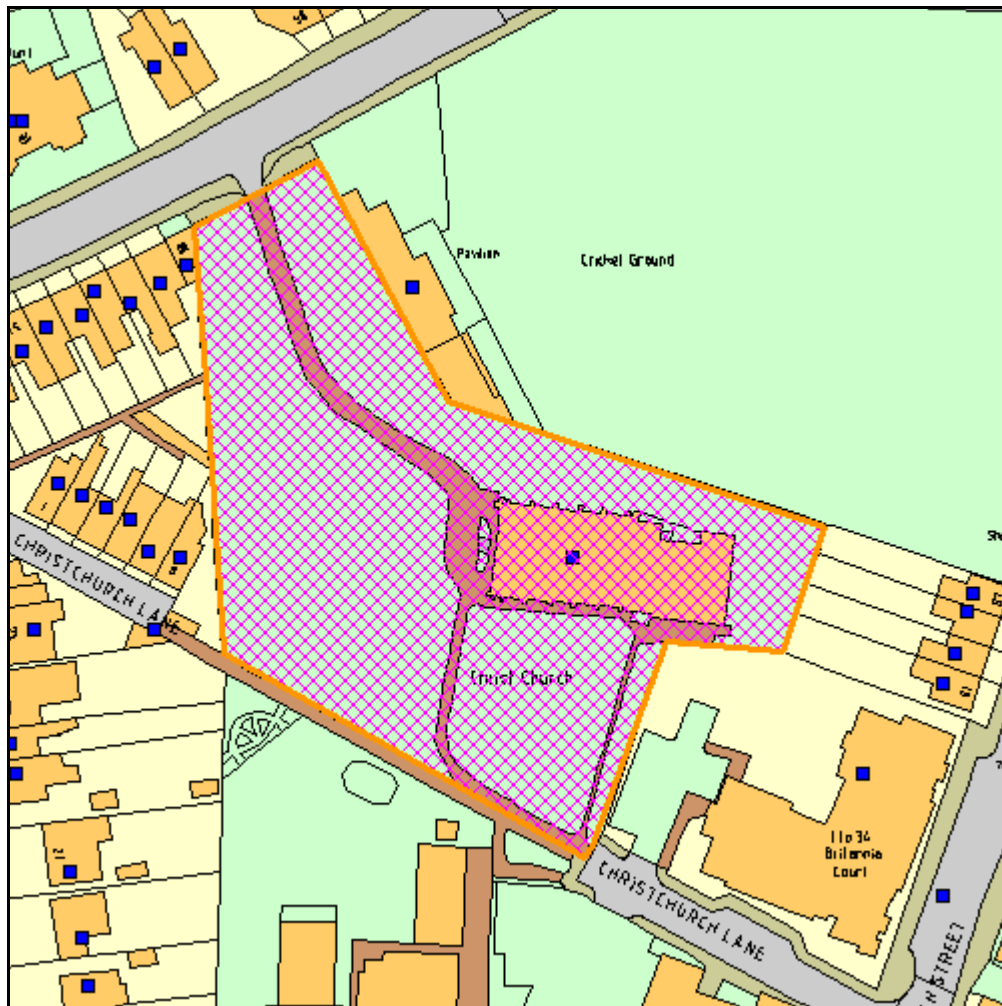
3. All hard and soft landscape works shall be carried out in full and in accordance with the scheme submitted with this application under plan reference 1213/7A dated June 2017, within the first planting season following this decision. Any planting which dies, becomes diseased/damaged or which fails to thrive within the first 5 years shall be replaced within the next planting season with plant material of the same species and size as approved under the original planting scheme.

Reason:

To protect the character and appearance of the area and provide appropriate landscape mitigation in accordance with retained policy L1 of the South Gloucestershire Local Plan(saved policies) & Policy CS1 and CS9 of the South Gloucestershire Local Plan Core Strategy 2013.

**CIRCULATED SCHEDULE NO. 43/17 – 27 OCTOBER 2017**

|                              |   |                     |  |
|------------------------------|---|---------------------|--|
| <b>App No.:</b>              | PK17/1476/F   | <b>Applicant:</b>   | Rev Jonathan Vickery<br>Parochial Church Council,<br>Christ Church |
| <b>Site:</b>                 | Christ Church Parish Hall 57 North Street<br>Downend South Gloucestershire<br>BS16 5SG  | <b>Date Reg:</b>    | 12th April 2017  |
| <b>Proposal:</b>             | Erection of single storey south entrance porch with external steps, and erection of single storey extension to north elevation. Installation of bike racks with associated works. | <b>Parish:</b>      | Downend And Bromley Heath Parish Council                           |
| <b>Map Ref:</b>              | 364979 176419   | <b>Ward:</b>        | Downend  |
| <b>Application Category:</b> | Minor   | <b>Target Date:</b> | 29th May 2017  |



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 100023410, 2008. N.T.S. PK17/1476/F

## **CIRCULATED SCHEDULE**

This report appears on the Circulated Schedule following a letter received from the Georgian Group.

### **1. THE PROPOSAL**

- 1.1 The applicant seeks full planning permission for the erection of a single storey south entrance porch with external steps and a single storey extension to the north elevation, plus the installation of bike racks with associated works.
- 1.2 The application site relates to Christ Church, a grade II listed church in Downend. There are numerous protected trees on site and a public right of way along Christchurch Lane abuts the southern boundary.
- 1.3 Just for the avoidance of doubt, listed building consent is not required due to the Ecclesiastical Exemption (Listed Buildings and Conservation Areas) (England) Order 2010.
- 1.4 During the course of the application revised plans have been submitted omitting glazed panels in the main entrance doors. A short re-consultation was run.

### **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
- CS23 Community Infrastructure and Cultural Activity
- CS29 Communities of the East Fringe

South Gloucestershire Local Plan Adopted January 2006 (Saved Policies)

- L1 Landscape
- L13 Listed Buildings
- LC4 Proposals for Education and Community Facilities
- T12 Transportation
- LC12 Recreational Routes

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

- PSP1 Local Distinctiveness
- PSP2 Landscape

|       |                             |
|-------|-----------------------------|
| PSP8  | Residential Amenity         |
| PSP10 | Active Travel Routes        |
| PSP11 | Transport Impact Management |
| PSP17 | Heritage Assets             |
| PSP21 | Environmental Pollution     |

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

### 3. RELEVANT PLANNING HISTORY

- 3.1 **PK13/2855/F**  
**Erection of single storey extension to south elevation to form new entrance, single storey extension to north elevation to form vestry and creation of new ramp access on west elevation. – approved with conditions.**  
**02.10.2013**
- 3.2 PK03/0438/F  
Alterations to west entrance to form ramp and disabled access, installation of safety lighting – approved with conditions.  
25.03.2003

### 4. CONSULTATION RESPONSES

- 4.1 Downend and Bromley Heath Parish Council  
No objection
- 4.2 Other Consultees
- Public Rights of Way  
Safe working method statement required and and informative recommended
- Open Spaces Society  
No comment
- Tree Officer  
Condition recommended
- Council for British Archaeology  
No comment
- Georgian Group  
Objection:  
- insertion of glazed panels would harm building's special architectural and historic interest
- Twentieth Century Society  
No comment

Society for the Protection of Ancient Buildings

No comment

Victorian Society

No comment

Ancient Monuments Society

No comment

Conservation Officer

Reattach conditions from 2013 approval

Highway Structures

No objection

Lead Local Flood Authority

No objection

Sustainable Transport

No objection

**Other Representations**

4.3 Local Residents

8no. letters (1no. neutral; 7no. support) have been received from local residents; comments are summarised as follows:

- glazing panels would change building's character from closed and hostile to attractive and inviting, and improve safety for users
- proposed works would enhance listed host and be in keeping

**5. ANALYSIS OF PROPOSAL**

5.1 **Principle of Development**

The application stands to be assessed against the above listed policies and all material considerations which includes a similar scheme approved in 2013. Policy LC4 of the South Gloucestershire Local Plan (Adopted) 2006 supports the proposal. The main issues to consider are the appearance/form of the proposal and the impact on the character and setting of the listed building (CS1; L13); the effect on the residential amenity of neighbouring occupiers (LC4); the environmental effects (CS9; LC4); the transportation effects in terms of whether the site is highly accessible by non-car modes of travel, whether there will be an increase in levels of on-street parking to the detriment of highway safety and the amenities of the area (T12; LC4; CS8); and, the effect on the trees and public right of way (L1; LC12; CS8; CS9).

5.2 It is considered the proposal accords with the principle of development and this is assessed below.

- 5.3 **Appearance/Form and Impact on the Character and Setting of the Listed Building**  
This application is in effect a re-submission of a previously consented scheme under PK13/2855/F (which has now lapsed), but the glazed panels to the historic entrance doors were new and the external access arrangements differ to those previously approved.
- 5.4 During the course of the application the Conservation Officer felt the glazed panels should be removed from the scheme as they were considered to detract from the aesthetic contribution the historic timber doors make to the principal west elevation, and in turn would have harmed the architectural and historic interest of the building. In response an amended scheme has been submitted omitting them.
- 5.5 Additional details of the replacement windows were also submitted and these are considered acceptable.
- 5.6 Although there are some limited changes, the scheme in Officers view is now considered to be no materially different to the previous approval in regards to the considered impact on the significance of this grade II listed building. Subject to the application of the same conditions on the 2013 permission, there is no objection.
- 5.7 **Residential Amenity**  
Given the scale of the extensions and the level of separation to neighbouring properties it is not considered that there will be a significant adverse effect on the amenities of neighbouring occupiers.
- 5.8 **Trees**  
There are a number of trees on site which make a significant contribution to the character of the area which may be affected by the proposed development. A Treework environmental practice report has been submitted in support of this application. Provided all works are carried out in accordance with this document, there is no objection.
- 5.9 **Transportation**  
It is understood that this application is a re-submission of previous permission PK13/2855/F and no objection was raised to that application. It is therefore considered that the current proposals do not alter this position.
- 5.10 **Public Right of Way MA9/10**  
The development may affect the nearest recorded public right of way, footpath MA9/10 which runs adjacent to the south western boundary of the site, linking the two sections of adopted highway Christchurch Lane.
- 5.11 Whilst there is no objection in principle, the Public Rights of Way Officer feels that further detail should be provided to show how the application will mitigate for the effects of construction and future use the development will have on path users.

5.12 The path is subject to relatively heavy use and being adjacent to the site's main access, the principle of safe access for pedestrians must be established. This is a key element under local policies, with the NPPF providing further weight to the need to protect and improve rights of way where affected by development. It has therefore been recommended that a safe working method statement is submitted prior to determination, however it is considered that the public right of way and its users can still be protected if this is secured through the use of a planning condition. The applicant will also be made aware of the standard limitations regarding rights of way and development via an informative.

## 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 conditions written 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. Notwithstanding the details indicated on the submitted elevations and prior to the commencement of the relevant part of the development, the detailed design including materials, and finishes, of the following architectural details shall be submitted to and approved in writing by the local planning authority:
  - a. verges and eaves for both extensions
  - b. rainwater goods for both extensions
  - c. all windows
  - d. details of the junction between the side walls of the extension to the south elevation and the existing building
  - e. works to the lancet window on the eastern elevation which is to be raised to accommodate the north vestry extension.



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

Reason

To safeguard the special architectural and historic character of the building, and to accord with Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

3. Prior to the commencement of the relevant part of the development, a sample panel of new dressed stonework (ashlar) of at least one metre in size to demonstrate coursing, bonding, pointing, mortar colour and where applicable, treatment of corners, shall be erected on the site and subsequently approved in writing by the Local Planning Authority. The panel shall be retained on site until the completion of the development.

Reason

To safeguard the special architectural and historic character of the building, and to accord with Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

4. A sample panel of the pennant stone walling to be used in the construction of the new northern elevation of at least one metre in size to demonstrate coursing, bonding, pointing, mortar colour and where applicable, treatment of corners, shall be erected on the site and subsequently approved in writing by the Local Planning Authority. The panel shall be retained on site until the completion of the development.

Reason

To safeguard the special architectural and historic character of the building, and to accord with Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

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

To protect the character and appearance of the area to accord with Policies L1 of the South Gloucestershire Local Plan (Adopted) January 2006 (Saved Policies). A scheme is needed prior to the start of work to ensure that appropriate protection during the construction phase for those plants to be retained is possible.

6. The development hereby approved shall be carried out in accordance with the Arboricultural Statement (prepared by Treework Environmental Practice; received 30.05.2017).

Reason

To ensure the works are carried out in an appropriate manner and in the interests of the health and visual amenity of the trees, and to accord with Policy L1 of the South Gloucestershire Local Plan (Adopted) January 2006 (Saved Policies); Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; and the National Planning Policy Framework.

7. Prior to commencement of development, a safe working method statement shall be submitted to and approved in writing by the local planning authority, which demonstrates how the proposal will mitigate for the effects of construction and future use the development will have on public right of way users. The development shall be completed in accord with the approved details as such thereafter.

Reason

To protect and improve the public right of way, and to accord with Policy LC12 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006 (Saved Policies); and the National Planning Policy Framework. A statement is needed prior to the start of work to ensure that pedestrians will have safe access.

8. Received 30.05.2017:  
Arboricultural Statement  
Conservation/Heritage Statement  
Site Location Plan (1643-100)  
Existing Site Plan (1643-101)  
Existing Ground Floor & Basement (1643-102)  
Existing First Floor & Roof Plan (1643-103)  
Existing Elevations (1643-104)  
Proposed First Floor Plan (1643/106)  
Proposed Roof Plan (1643/107)  
Proposed Site Plan (1643/109)

Received 30.05.2017:  
Design & Access Statement

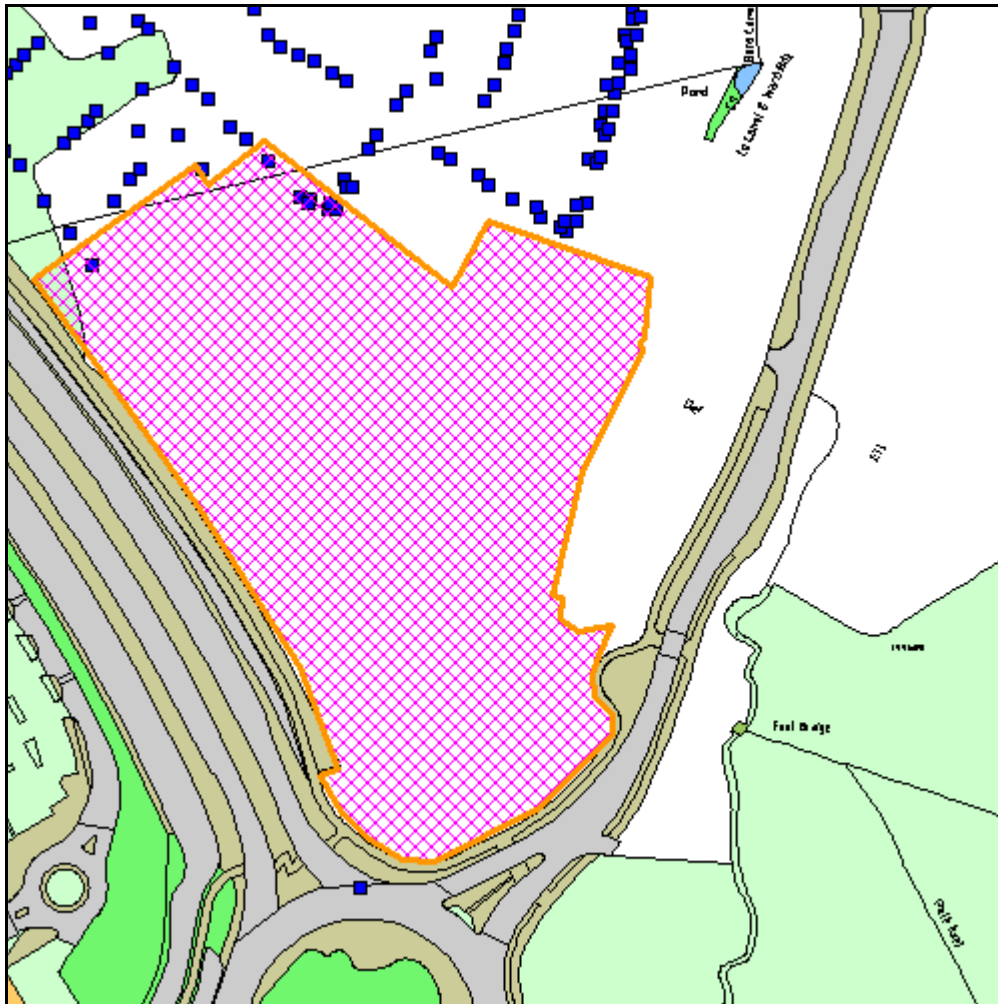
Received 11.07.2017:  
Crittall Windows NBS Specification  
Steps/Ramp Detail Drawing (1643-110)  
Proposed Ground Floor Plan A (1643-P-105-01)  
Proposed First Floor Plan B (1643-P-105-02)  
Proposed Elevations (1643/108)

Reason

For the avoidance of doubt.

**CIRCULATED SCHEDULE NO. 43/17 – 27 OCTOBER 2017**

|                                  |   |                         |   |
|----------------------------------|---|-------------------------|---|
| <b>App No.:</b>                  | PK17/1745/RM  | <b>Applicant:</b>       | Mr Ian DrewTaylor<br>Wimpey Bristol Ltd |
| <b>Site:</b>                     | The Gateway Site (Phase 2) Emersons<br>Green South Gloucestershire  | <b>Date Reg:</b>        | 12th May 2017                           |
| <b>Proposal:</b>                 | Erection of 122no. dwellings, open<br>space and all associated infrastructure<br>(approval of reserved matters<br>application to be read in conjunction<br>with Outline planning permission<br>PK05/1009/O) | <b>Parish:</b>          | Emersons Green<br>Town Council          |
| <b>Map Ref:</b>                  | 367088 177229   | <b>Ward:</b>            | Emersons Green                          |
| <b>Application<br/>Category:</b> | Major   | <b>Target<br/>Date:</b> | 19th July 2017                          |



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 100023410, 2008. **N.T.S.** **PK17/1745/RM**

## **INTRODUCTION**

This application appears on the circulated schedule because an objection has been received from Emersons Green Town Council, which is contrary to the officer recommendation.

### **1. THE PROPOSAL**

- 1.1 This application seeks reserved matters consent for the erection of 122 dwellings, open space and all associated infrastructure. The reserved matters, which comprise landscaping, appearance, layout and scale should be read in conjunction with outline planning permission PK05/1009/O for residential development of up to 400 units and small scale retail/commercial units. This outline consent included details of access to the site as a whole off the Rosary roundabout. The site has the benefit of an approved Detailed Masterplan and approved Design Code.
- 1.2 The application site comprises an area of some 2.81 hectares within the Gateway site at Lyde Green. The site adjoins the approved Linden Homes parcel (PK14/2715/RM) to the northwest, which has been substantial completed. Phase 1 of the Taylor Wimpey parcel (PK15/2918/RM) to the northeast is still under construction. The site is located adjacent to the Multi-Mode Interchange (MMI) to the east, and a public foot/cycleway along the ring road to the west. Large trees covered by a Tree Preservation Order are located at the southern end of the site, and a public right of way crosses the site in his location.
- 1.3 The 122 dwellings, including 34 affordable units, would comprise a mix of houses and flats of 1, 2, 3, 4 and 5 bedrooms, ranging between 2, 2.5, 3 and 4 storeys in height. A statement of compliance has been submitted in support of the application. An area of public open space previously approved under the phase 1 Taylor Wimpey scheme has been included under this application as amendments are proposed to the layout of the POS.
- 1.4 The main improvements made to the proposal are as follows:
- Windows added to the side elevation of 139-147;
  - Addition of noise fence along western boundary;
  - Amendments to flat blocks 215-250 to lessen the impact on trees;
  - Improvement to the quality of the western POS corridor;
  - Improvement to the surface treatment of parking areas;
  - Improvement of the treatment of levels within the site;
  - Improved treatment of the southern edge of the NEAP;
  - Railings added to frontage round the NEAP;
  - Improvements to the appearance and detailing to units within the Park Walk;
  - Improvements in respect of waste collection and storage.

### **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  
CS2 Green Infrastructure  
CS4a Presumption in Favour of Sustainable Development  
CS5 Location of Development  
CS8 Improving Accessibility  
CS9 Managing the Environment and Heritage  
CS16 Housing Density  
CS17 Housing Diversity  
CS18 Affordable Housing  
CS23 Community Infrastructure and Cultural Activity  
CS24 Green Infrastructure, Sport and Recreation Standards  
CS29 Communities of the East Fringe of Bristol Urban Area

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

L1 Landscape Protection and Enhancement  
L9 Species Protection  
L11 Archaeology  
T7 Cycle Parking  
T12 Transportation Development Control Policy for New Development  
M2 Site 5 Major Mixed use Development at Emersons Green East  
EP2 Flood Risk and Development

### 2.3 Supplementary Planning Guidance

The South Gloucestershire Design Checklist SPD (adopted)  
The South Gloucestershire Residential Parking Standards SPD (adopted)  
Waste Collection: Guidance for New Developers SPD (adopted)  
Extra Care and Affordable Housing SPD (adopted)

## 3. RELEVANT PLANNING HISTORY

- 3.1 PK05/1009/O, Residential development (up to 400 units), small scale retail/commercial units (approx 500m<sup>2</sup> gross) on 13ha of land. Construction of new access road from 'The Rosary' roundabout and associated works (Outline). Approved on 10<sup>th</sup> January 2013.
- 3.2 PK04/1965/O - Urban extension on 99 hectares of land comprising of :- Residential development of up to 2550 dwellings; up to 100,000m<sup>2</sup> of B1, B2, B8 and C1 employment floorspace. Up to 2,450 m<sup>2</sup> of small scale A1, A2, A3, A4 and A5 uses. One, 2 - form entry primary school, a land reservation for a second 2 - form entry primary school and a land reservation for a secondary school. Community facilities including a community hall and cricket pavilion (Class D1) and health centre. Transportation infrastructure comprising connections to the Folly roundabout on Westerleigh Road and the Rosary roundabout on the Ring Road and the construction of the internal road network. A network of footways and cycleways. Structural landscaping. Formal and

- informal open space. Surface water attenuation areas. (Outline) with means of access to be determined. Approved 14th June 2013.
- 3.3 Gateway Site – Illustrative Masterplan. Approved by DC East Committee February 2014.
  - 3.4 Gateway Site Design Code – Approved (under delegated powers) May 2014.
  - 3.5 PK14/2715/RM, Erection of 126 no. dwellings with landscaping, car parking and associated works (reserved matters application to be read in conjunction with outline planning permission PK05/1009/O).. Approved on 27.11.2014. (Linden Homes parcel)
  - 3.6 PK15/2918/RM, Erection of no. 128 dwellings, open space and all associated Infrastructure. (Approval of reserved matters to be read in conjunction with Outline planning permission PK05/1009/O). Approved on 04.02.2016 (Taylor Wimpey Phase 1 parcel)

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

- 4.1 Emersons Green Town Council  
Strongly Object due to the under provision of parking. Members also note the comments of the South Gloucestershire Council Waste Engineer. Members feel that these two factors constitute poor design.
- 4.2 Listed Building Officer  
No comments from a conservation perspective.
- 4.3 Affordable Housing Officer  
A number of changes are required to make the scheme acceptable have been made and are considered in the main body of the report.
- 4.4 Waste Management Officer  
With reference to the updated documents, the vehicle track is satisfactory. I note that the track is for a narrow vehicle (2.25m) and we use wide vehicles (2.5m) however on inspection there do not appear to be any pinch points where this would be an issue. The adoption layout plan shows an initial length of the road to the car parking north of 168-173 to be adopted which allows the collection vehicle to approach the bin store for 174-182. The bin store here is of sufficient size. The bin store near plot 167 is for 12 flats. The capacity is shown as three 1100 litre bins plus six 240 litre bins but the preference is for two 1100 litre bins and eleven 240 litre bins. The size of the bin store is satisfactory. The bin store remains a considerable distance from plot 183-188, the occupiers will have a long walk. The bin store at plot 232 for 11 units is satisfactory. The path from the bin store to the collection vehicle, between car park bays 229 and 230 looks to be narrow for 1100 litre bins (with the risk to parked cars) and this detail should be checked. The nearby bin store for 25 flats is ten 240 litre bins short on capacity. The requirement is for three 1100 litre bins for residual waste three for mixed paper and card plus twelve 240 litre bins for cans and plastics and six for glass. Cans and plastics have to be collected in standard wheeled bins because of

the lift mechanism on the lorry (a 1/3rd and 2/3rd split) and glass has to be in the standard sized bins due to the weight of the material.

4.5 Drainage Officer

Having reviewed the revised drainage details for the Phase 2 Gateway site I can confirm that we the LLFA have no further concerns to raise. The queries raised in the last set of comments submitted to you have been answered.

We therefore have no further comments to make. Our position is no objection to this application.

4.6 Public Art Officer

The s106 agreement for this site required a public art plan for the Gateway site to be submitted before commencement on site. This has not been supplied or agreed and there are no details of any public art proposals in this application. I would expect this matter to be resolved before the final phase is commenced so that any proposals can be integrated into the scheme in a considered and appropriate way.

4.7 Transportation Officer

Having reviewed all information/revised plans as submitted, the Transportation Development Control Team have no highway objection to this application.

4.8 Highway Structures Officer

Standard advice to be provided by an informative.

4.9 Highways England

No objection

4.11 Crime Prevention Designer

No objection subject to comments

4.12 Public Rights of Way Officer

There is no PROW objection in principle to this application. I am happy that the route is to be improved and used as a safe route to school, and without imposing an additional request for contributions, have the following recommendations:-

- 1) In the course of improving the surface, the steps on the western end of the path be re-instated and that at the eastern end, the route down to Willowherb Road is defined at grade. Design of steps to meet accessibility standards, to be approved by PROW Officers.
- 2) A 2m wide path surfaced with stone dust would be preferable, although discussions with PROW officers would be advised to ensure the proposed specifications are acceptable.
- 3) I also recommend a condition to ensure the path works are complete prior to the occupation of the first dwelling

#### 4.13 Tree Officer

Although the interior layout of the flats closest to the mature gateway trees is better than the initial layout, I maintain that future calls for pruning will be made. I accept, however, that shading is currently minimal.

I have no objection to the proposed planting. The species selection seems reasonable but, given the large planting size – 25cm to 30cm girth, post planting maintenance, particularly watering, will be essential to ensure establishment.

#### 4.14 Environmental Protection

No objection

### **Other Representations**

#### 4.15 Local Residents

No comments received

## **5. ANALYSIS OF PROPOSAL**

### 5.1 Principle of Development

The principle of development has been established through the approval of outline planning permission PK05/1009/O, which covers part of the Emersons Green East (EGE) development, allocated by Policy M2 in the South Gloucestershire 2006 Local Plan. The outline planning permission reserved all matters for future consideration, except means of access off the Rosary roundabout, which was approved in detail and has been constructed.

5.2 The DC East Committee, in February 2014, approved the site wide detailed masterplan for the Gateway site, and subsequently officers approved the design code under delegated powers for the whole of the outline application site.

5.3 The current application, in proposing residential development and a NEAP, with no other land uses, is in accordance with the outline planning permission and masterplan. It is considered therefore, that the proposal is acceptable in principle.

### 5.4 Urban Design

Condition 7 of the outline consent requires applications for the approval of reserved matters to accord with the masterplan and design code unless otherwise agreed in writing by the Local Planning Authority; and that a compliance statement is submitted with each reserved matters application. A compliance statement has been submitted with the application.

### 5.5 Parameter Plans

The parameter plans approved at outline stage require a density range of between 30 and 75 dph, with higher density within this range along the southern boundary. In this part of the Gateway site the plans stipulate up to four storeys to the southern edge reducing to a maximum of three storeys elsewhere. The proposal complies with these parameters and has a density of



some 71 dwellings per hectare. A neighbourhood area for play is required on this part of the site which is complied with.

#### 5.6 Street Hierarchy

The scheme comprises primarily tertiary streets, along with edge and informal homezone. The tertiary street provides access into the parcel and measures 6.8 metres in width with localised road narrowing to a minimum width of 4.8 metres. No footways are proposed, and occasional buildouts of tree planting and changes to surface material would serve to calm traffic. The informal homezone comprises block paving in a colour to match the adjoining parcel. Edge drives have no defined footways and comprise on street parking to the front of dwellings.

#### 5.7 Safe Route to School

The proposal links to an existing safe route to school approved under Phase 1 directly to the north. A 3 metre wide footpath of coloured tarmac would link adequately with the existing safe route to school. Accordingly, the requirements of the code are considered to be complied with.

#### 5.8 Waste Collection and Storage

The majority of bin collections will take place to the front of properties from adoptable roads, which will provide a convenient design for collection crews and occupiers. A vehicle track plan has been submitted which demonstrates that there would be adequate access for refuse vehicles within the site. The bin store near plot 127 has been reconfigured to provide two 1100 litre bins and eleven 240 litre bins in accordance with the Waste Officers comments. Although occupiers of flat block 183-188 will have to carry refuse approximately 24 metres to the bin store, this is considered to be acceptable; convenient access will be provided for collection crews. The Refuse Officer pointed out that the path from the bin store to collection vehicle between car park bays 229 and 230 looks to be narrow for 1100 litre bins with risk of damage to vehicles parked. The agent has however, clarified that the intention is for the bins to be collected from the front door of the bin store where a wider path will be provided away from parked cars. Accordingly, there are no objections on this basis. The bin store serving plots 225-250 has been extended to provide six 1100 litre bins and eighteen 240 litre bins, which accords with the Refuse Officer's comments.

#### 5.9 Layout and Appearance

The Gateway site as a whole comprises three urban form types, as defined by the approved Design Code. The Spine, which runs adjacent to the proposed multi-modal interchange and the main boulevard into Lyde Green; the Core Zone, which is medium density and is intended to provide a transition area between the spine and Park Walk; and the Park Walk Zone, which is generally lower density and forms a linear route through the heart of the Gateway site. In addition, a Neighbourhood Equipped Area for Play (NEAP) is included within the application. The approved Design Code provides for landmark buildings at key locations in the Gateway site. The density of the scheme is at the top of end of the limits permitted by the parameter plan, and there are some variances to the layout of the masterplan, which are considered below.

- 5.10 For the character area 'Spine' the Design Code requires a formal and symmetrical repetition of buildings framing the spine road, with landmark buildings to the southern edge of the site. The application addresses the requirements of the design code through the provision of a 3 and 4 storey block of flats which would provide a strong formal frontage around the NEAP and MMI. The flat block is distinctive in appearance due to the parapet style roof which projects above eaves level; it has projecting balconies; a varied palette of materials, including Ibstock Wilton Yellow brick, white coloured render, and weatherboard cladding in blue grey. Window frames and door colours are grey and roof tiles are Marley Eternit Thrutone Blue/Black. Accordingly, given the height of the flat block compared to other buildings in the parcel, and the high quality contemporary appearance, the building is considered to be consistent with the Design Code in terms of being a landmark building. The style of the building is the same as in phase 1, which will help unify the MMI/POS frontage. A divergence from the masterplan is that the southern building line is closer to the line of TPO trees; therefore, the building, which has a 'U' shaped footprint, has been orientated through 180 degrees to reduce the impact on the trees. The western wing of the apartment block has also been moved approximately 1.20 metres further to the east to increase the level of separation between the western elevation and the A4174 Ring Road to reduce the prominence of the building.
- 5.11 Another variance to the masterplan is that apartment block 168-182 fronting the NEAP has been set back behind vehicular parking spaces. This is to increase the level of separation between the apartment block and a kick-about area within the NEAP to reduce the impact of noise on occupiers.
- 5.12 In terms of the architectural codes approved in the Design Code for the Core area, there is a mixture of detached, semi-detached and short terrace type dwellings provided with generally consistent building lines, generally straight streets which gives the Gateway site its distinctive character. Materials proposed are buff brick, white render window surrounds, and slate grey roof tiles. Door colours a mix of pastel colours. Doors and windows have a contemporary appearance.
- 5.13 In the Park Walk area, the change in character will be marked through dwellings setback approximately 4.5 metres from the highway providing greener frontages. The dwellings also have more of a traditional appearance in this area due to traditional fenestration patterns, porch and front door style, as well as prominent chimneys and the use of traditional brick quoins. Materials comprise white render with occasional red brick, peat brown roof tiles, white window frames, and heritage coloured front doors. Dwellings are two-storeys in this area, with the exception of plot 139-147, which is a designated as key building fronting onto the NEAP. It is therefore, is 3 storeys in height to provide a strong, formal frontage and matches the approved building opposite in terms of style and appearance.
- 5.14 Following the submission of the proposal a number of changes have been required by officers, which have improved the design quality of the scheme. The proposal is now considered to comply with policy CS1 of the Core Strategy and is consistent with the EGE Design Code.

- 5.15 **Landscape**  
Levels in rear gardens have been improved through the use of retaining walls. This will provide far more useable and maintainable rear garden areas. The design to the sides of plots 212 and 211, which previously included retaining walls to deal with the levels change, has been improved significantly which retains levels to the sides of the roads and incorporates planting to improve the character of the road.
- 5.16 The proposal deviates from the approved masterplan, as development is closer to the western boundary, which significantly reduces the width of the public open space buffer. After considering this matter carefully, there are no objections on this basis. It is considered that the reduced buffer would still provide an acceptable setting to the footpath providing access to the A4174 foot/cycleway. There would still be adequate separation between the development and the western boundary to ensure that it would not be adversely prominent from views from the foot/cycleway. In addition, the setting of the POS has been improved through the relocation of visitor spaces which previously encroached into the corridor, and the provision of planting, including a mixed native hedge, to improve the setting and ecological interests of the area.
- 5.17 Residential Amenity  
During pre-application discussions, the Local Planning Authority raised issues regarding the proximity of the kick-about area within the NEAP to flat block - 168-182, which may have affected the amenity of occupiers through noise and as a consequence, affect the viability and use of the NEAP. This issue has been addressed by increasing the separation distance between the flat block and the kick-about area. Topography, with the kick-about area being at a lower level to the flat block would also help to attenuate noise.
- 5.18 The private amenity space to units would be functional and provide an adequate level of amenity for future occupiers. There are instances of rear gardens being quite small, such as 194, 195, 211, and 210. However, these plots would serve smaller units of accommodation and are therefore, considered acceptable. Some of the apartment blocks would have projecting balconies to provide outdoor amenity space to serve occupiers.
- 5.19 Where dwellings share a back to back relationship, the oblique orientation of dwellings would ensure that there would be no adverse privacy issues. Although there would be some overlooking from the 3-story part of flat block 215-250 into the rear garden of properties 194 and 195 it is not considered that this would have a significant adverse effect on the residential amenity of occupiers. The separation distance with an intervening road would mitigate the overlooking to some extent. A more substantial boundary is required to the rear of the courtyard serving apartment block 215-250 to secure the area and provide better sound attenuation from the ring road. A condition is attached on this basis.

5.20 Noise

The plans originally submitted did not include a noise fence along the ring road frontage as required by the masterplan and design code, and no justification was provided to support this.

5.21 Following concerns raised by the Council's Environmental Health Officer, revised plans which include a noise fence along the western boundary have been submitted along with a supporting acoustic report. Officers consider that the noise model within the acoustic report provides an accurate representation of noise levels at the site, and illustrates that noise levels decrease as cars slow on the approach to the Rosary roundabout. The noise fence would extend just past the extent of the red area shown on the noise model indicating very loud noise, which would provide a material improvement to noise levels and provide a quieter environment to the front of the properties on the western edge of the site. This would enable ground floor windows to be opened to provide natural ventilation; however, mechanical ventilation would still be required at first floor level to comply with condition 26 on the outline consent.

5.22 The Council's Environmental Health Officer has raised no objections to the proposal, and a condition is attached to ensure that the noise fence is provided prior to the first occupation of the relevant units fronting the ring road.

5.23 Transportation

There are two vehicular accesses into the site, which are via neighbouring residential parcels to the north. Pedestrian/cycle links have been provided to cycle/footway along the Ring Road through the southern boundary; and to the MMI via the NEAP. A safe route to school is provided on coloured tarmac which connects to an existing safe route to school in the adjoining parcel to the north.

5.24 A tracking plan has now been submitted based on the largest refuse vehicle that is used in South Gloucestershire for collections, which demonstrates that refuse vehicles would be able to manoeuvre adequately within the site.

5.25 The objections raised by the Town Council regarding insufficient parking area noted; however, every residential unit would have a dedicated off-street parking space. The proposal would provide 18 visitor spaces, which falls short of the requirement set by the Residential Parking Standards SPD. However, the layout would provide many unidentified on street visitor parking spaces along the secondary routes and Park Walk. Moreover, the proposed parcel is located adjacent to a MMI and has exceptionally good access to public transport services to Bristol City Centre and the surrounding area. Therefore, there is no objection to the parking provision proposed.

5.26 PROW

The Council's Public Rights of Way Officer has raised no objections to the proposal but has requested that the existing public footpath to the south of the site be upgraded to a stone dust path to link to Willowherb Road at grade, and steps to the ring road to the west re-instated. Given the proximity of the public right of way to TPO trees, a method statement is required for any footpath works within the root protection area of the trees. A condition is attached accordingly.

#### 5.27 NEAP/POS

A NEAP area previously approved in Phase 1 has been included in the application. The size of the NEAP, LAP and equipment included within is the same as that previously approved. The reason for including the NEAP within the application is to increase the level of separation between flat block 168-182 and a kick-about area in the interests of the amenity of occupiers. The proposal does not however, achieve a 30 metre separation distance; therefore, careful management of the area would be required to avoid noise complaint issues. Appropriate measures can be incorporated into the POS Management and Maintenance Plan, which is a requirement of the agreed S.106; a condition is also attached in respect of a Landscape Management and Maintenance plan. A mound approximately 1.5 metres high was originally proposed along the southern boundary of the NEAP to contain noise. Concerns were raised by officers that the mound with steep sides would reduce the amount of useable public open space and would be difficult to maintain. In response the amended plans propose a Permacrib retaining wall with 1.2 metre high guardrails, which would allow levels to be graded to a gentler 1.5 slope such that it could be used as a viewing terrace to the kick-about area.

5.28 The POS would be managed and maintained by a private management company; however, a pathway through the POS to link with the MMI would be adopted by the Council to ensure adequate linkage is provided through the site. The open area at the southern end of the site has now been included within public open space plans to ensure that it is retained and maintained as informal open space to ensure that an open and pleasant frontage is provided at the entrance to Lyde Green off the Rosary Roundabout.

5.29 Given that the NEAP is the same size as the previously approved application, and includes the same equipment, it is considered to be acceptable and will provide an exciting and high quality amenity space for future residents.

#### 5.30 Affordable Housing

##### Proposed Housing Mix and Tenure

The provision of affordable housing on this parcel must be provided in accordance with Affordable Housing S106 agreement of Outline Planning Permission PK05/1009/O and agreed Affordable Housing Schedule Rev.C 08.01.16 and Affordable Housing Distribution Plan Rev. B.

5.31 The Section 106 requires all RM applications to be in substantial accordance with the details contained in the approved Affordable Housing plan and schedule unless otherwise agreed in writing with the Council.

5.32 The proposed affordable housing for phase 1b complies with the S106 requirements and is considered acceptable in terms of numbers, tenure split and unit type breakdown. Moreover, a revised AH schedule has been submitted reflecting the current scheme.

#### 5.33 Clustering, Design and Unit Layout

Proposed clustering must comply with S106 as summarised below.

- 5.34 *No more than twelve (12) affordable dwellings in each cluster*  
The proposed scheme complies with S106 clustering obligation. Further amendments to the scheme have also resulted in an improved layout regarding the substitution of plots 166 & 167 with plots 153 & 154.
- 5.35 *No more than four (4) than of any house type (excluding flats) in each cluster*  
The revised plans have addressed previous concerns raised regarding 5 x 2 bed houses in one cluster. Plots 166-167 have now been substituted for plots 153-154, breaking up this cluster and addressing this objection.  
The proposed scheme complies with the S106 clustering obligations.
- 5.36 *No more than six (6) flats may be accessed off the same communal entrance*  
Concerns were raised by the Council's Affordable Housing Officer regarding seven flats within the apartment block block 174-182 having access off the same communal entrance. The agent has sought to address the concerns by providing a separate entrance to the ground floor via the living room. Enabling is of the opinion that whilst this technically addresses the issue, this arrangement would result in an inferior design and poorer standard of residential amenity. Retaining the entrance to the flat from the communal entrance, whilst technically contrary to the agreed S106, is preferable in this instance as it would provide far better accommodation for future occupiers than the alternative contrived solution.
- 5.37 *All flats sharing a communal entrance shall be of a single tenure*  
The proposal complies with this requirement. The proposed block of flats on plots 174-182 proposes a mix of social rent and shared ownership tenure with the social rent flats ground floor flats having separate entrances to the remaining shared ownership flats.
- 5.38 *Wheelchair Accommodation*  
One wheelchair unit is required on this parcel and must be built in accordance with the council's wheelchair specification Wheelchair specification. Submitted plans for a 2 bed wheelchair unit on plot 191 have been submitted to the Council's Occupational for comments. The proposed dwelling is considered acceptable although concern has been raised regarding a tree that is directly above the proposed parking area and the slip hazard it may cause. The proposed parking area will be covered for the wheelchair unit, and the proposed Carpinus betulas Frans Fontaine tree proposed is considered to be entirely appropriate for a residential area/property. Accordingly, there are no objections on this basis.
- 5.39 *The affordable housing unit types proposed in this application are required to meet or exceed the minimum sizes as set out in the S106 agreement and the approved Affordable Housing Schedule. Based on the details submitted the proposed sizes of the general needs affordable homes comply with the sizes as set out in the S106.*
- 5.40 *The development standards of the affordable housing as a minimum are required to be built in line with the same standards as the open market units, as*

well as the standards required in s.106, Code for Sustainable Homes Level 3, Lifetime Homes (LTH) and Secured by Design.

Confirmation is required that the proposed affordable homes will comply with LTH standards in terms of all internal and external areas associated with the affordable homes. The Local Authority will not grant any waivers regarding non LTH compliance therefore the onus is on the developer to ensure that the units will fully comply. A condition is attached for a LTH compliance audit to be submitted to and approved by the Local Planning Authority prior to the construction of any of the affordable housing on the site.

#### 5.41 Drainage

The details submitted are in accordance with the agreed Drainage Strategy and Flood Risk Statement for Emersons Green East Development approved as part of the outline consent. MicroDrainage calculations confirm that no flooding of the system will occur during the 30 year storm event but do show some flooding during the 100 year + 30% for climate change storm event (at manholes MH124, MH135 and MH102). However, the Phase 2 Flood Exceedance Plan shows that these flood flows will be contained on site and will be directed away from any dwellings. The proposal would not therefore, increase or create a flood risk which is acceptable. The latest MicroDrainage calculations have been amended to include the correct manhole numbering. The agent has also confirmed that the adoptable sewer network will be managed and maintained by the Local Drainage Authority under a Section 104 agreement. Private drainage will be the responsibility of either individual house owners or the housing association in the case of affordable housing.

#### 5.42 Ecology

In terms of ecology, the ecological issues are dealt with through conditions that are attached to the outline consent. These conditions were discharged by the Council on March 2014. As part of the discharge of condition 35 (Nesting Birds) on the outline consent, it was agreed that bird nest boxes will be erected in mitigation for the removal of a hedgerow from the site. Details submitted with the application indicate that a number of bird boxes will be included within the development. Accordingly, there are no ecological objections to the proposal.

#### 5.43 Trees

The apartment block 215-250 is closer to TPO trees at the south of the site than the approved masterplan. Careful consideration has been given to the impact of the development on the health and viability of the trees. The Council's Tree Officer has raised no objections to the proposal – the internal layout of the southernmost apartments is such that shading would not materially affect occupiers of the flats. An Arboricultural Method Statement has been submitted to ensure that the retained trees are protected during the course of the development. A condition is attached for the development to comply with the Arboricultural Method Statement.

## 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 Reserved Matters Consent is GRANTED subject to the following conditions.

**Contact Officer: Jonathan Ryan**  
**Tel. No. 01454 863538**

### **CONDITIONS**

1. The off-street parking facilities (for all vehicles, including cycles) shown on the plan hereby approved shall be provided before the corresponding buildings are 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 Policies T7 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006; policy CS8 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013; and the South Gloucestershire Residential Parking Standards SPD (adopted).

2. The bin storage shown on the drawings hereby approved shall be provided before the corresponding buildings are first occupied, and thereafter retained for that purpose.

Reason

To ensure appropriate bin storage for the proposed dwellings in the interests of the amenity of the area and to accord with Policy CS1 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013.

3. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out in the first available planting season following the first occupation of any part of the development or in accordance with the programme agreed with the Local Planning Authority.

Reason:

In the interests of the character and appearance of the area, and to accord with Policy L1 of the South Gloucestershire Local Plan (adopted) January 2006 and policy CS1 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013.

4. Prior to the first occupation of the 100th dwelling hereby approved, the NEAP and teenage shelter shall be provided ready and available for use and equipped in accordance with the drawings hereby approved, and the footpath link up to the



boundary with the MMI site shall be provided in accordance with the plans hereby approved.

Reason

To ensure the satisfactory provision of the play area and teenage shelter in a timely manner and a satisfactory footpath link, and in accordance with Policy T12 of the South Gloucestershire Local Plan (adopted) January 2006 and Policy CS24 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013.

5. Sample panels of all proposed brickwork types shall be erected on site and approved in writing by the Local Planning Authority prior to construction above slab level of any of the dwellings hereby approved. The approved sample panel shall be kept on site for reference until the brickwork is complete. Development shall be carried out in accordance with the agreed sample.

Reason

To ensure a good quality of external appearance and to accord with Policy CS1 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013.

6. Prior to commencement of the development a public art plan 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.

Reason

To ensure that adequate public art is incorporated into the scheme to provide a high quality public realm and to accord with policy CS1 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013.

This is a pre-commencement condition to ensure that public art can be adequately embedded into the development.

7. Prior to the occupation of any dwellings on plots 197 to 214 inclusive, a 2 metre high acoustic fence shall be erected in its entirety in the location shown on drawing PL-03.2 B and in accordance with the details hereby approved.

Reason

In the interests of the residential amenity of future occupants and to accord with Policies CS1 and CS9 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013.

8. A 2 metre wide stone dust path shall be provided on the line of the existing public footpath PMR11/100 to link to Willowherb Road at grade prior to the first occupation of plots 215-250. As part of these works, the steps on the western end of the path shall be reinstated. An arboricultural method statement for path works within the RPZ of trees, and details of any steps required shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of any works to the footpath PMR11/100. Development shall be carried out in accordance with the agreed details.

Reason

In the interests of the quality and amenity of the route and to accord with policy LC12 of the South Gloucestershire Local Plan (adopted) January 2006.

9. No development shall take place on the parcel until a schedule of landscape maintenance for a minimum period of 5 years has been submitted to and approved in writing by the Local Planning Authority. The schedule shall include details of the arrangements for its implementation. Development shall be carried out in accordance with the approved scheme, unless otherwise agreed in writing by the Local Planning Authority.

Reason:

In the interests of the character and appearance of the area, and to accord with Policy L1 of the South Gloucestershire Local Plan (adopted) January 2006 and policy CS1 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013.

10. Prior to the commencement of the development hereby approved tree protective fencing shall be erected around trees and hedgerows to be retained in accordance with the Arboricultural Impact Assessment Plan no. D6 56 P3 by JP Associates. Development at all times should adhere to the Arboricultural Method Statement by JP Associates received by the Council on 6th September 2017.

Reason

To protect the health of trees in the interests of the visual amenity of the area and to accord with policy L1 of the South Gloucestershire Local Plan (adopted) January 2006; and policies CS1 and CS9 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013.

11. Prior to the first occupation of the 100th dwelling hereby approved a link through to the A4174 footway/cycle path shall be provided in accordance with plan no. PL-03.2 B.

Reason

To ensure a satisfactory foot/cycle path link, and in accordance with Policy T12 of the South Gloucestershire Local Plan (adopted) January 2006.

12. Prior to the commencement of the development, details of street lighting 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 the lighting scheme does not adversely impact on the landscaping scheme, and to ensure the health and appearance of vegetation in the interest of the character and appearance of the area and to accord with policies CS1 and CS9 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013; and policy L1 of the South Gloucestershire Local Plan (adopted) January 2006.

This is a pre-commencement condition to ensure that street lighting positions are compatible with the landscaping scheme to avoid any unnecessary remedial works.

13. Prior to the construction of any affordable housing at the site (for the avoidance of doubt units 204-214, 194-200, 151-154, 189-191, and 174-182 inclusive) a Life Time Homes compliance audit for all internal and external areas associated with the affordable homes shall be submitted to and agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the agreed details.

Reason

To provide appropriate affordable housing provision and to accord with policies CS1 and CS18 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013; and the South Gloucestershire Affordable Housing and Extra Care Housing SPD (adopted) May 2014.

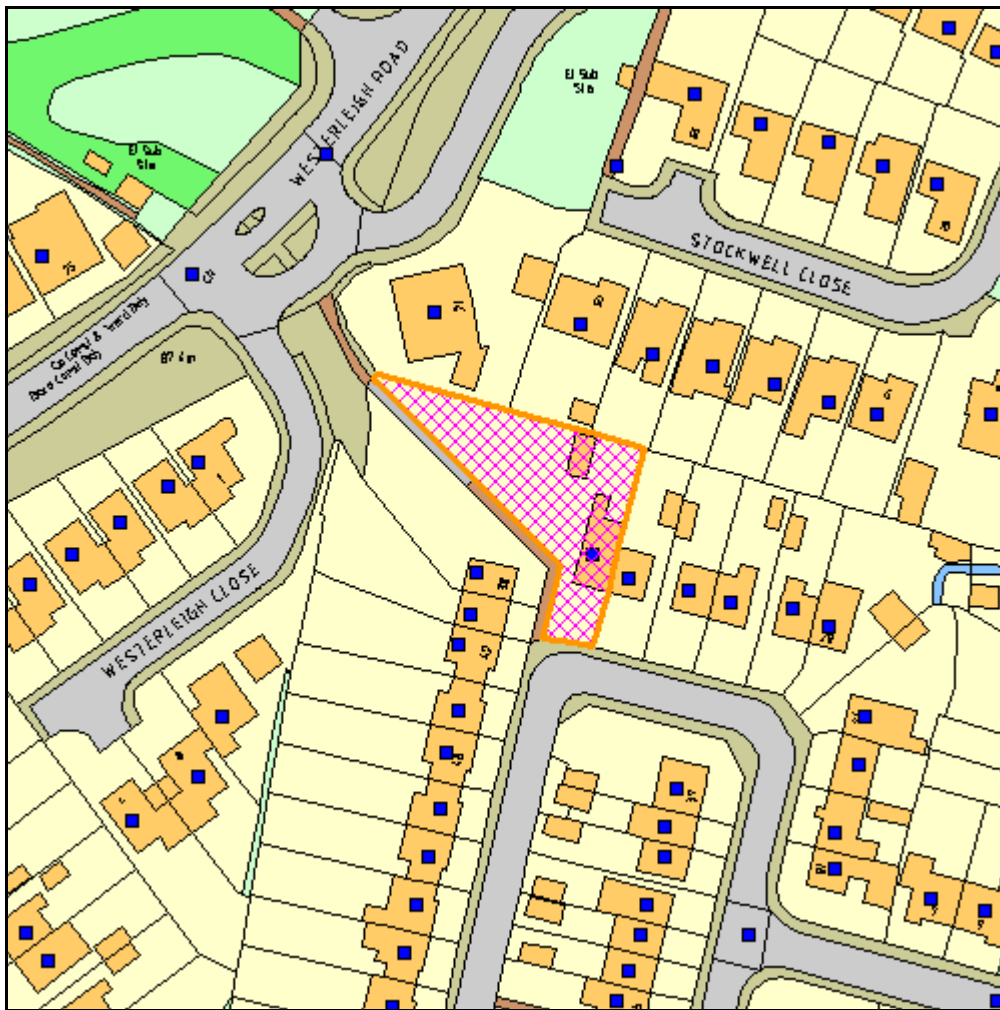
14. Notwithstanding the details submitted, prior to the construction of development above damp proof course level detailed plans showing appropriate boundary treatment for apartment blocks 215-250 shall be submitted to and agreed in writing by the Local Planning Authority. For the avoidance of doubt, the boundary treatment should provide a more substantial barrier along the southern courtyard boundary in the interests of security and noise attenuation, and provide clearer definition between POS and private curtilage associated with the flats. The agreed boundary treatments shall be provided prior to the first occupation of apartment blocks 215-250.

Reason

To provide an adequate standard of design in the interests of visual amenity, security and the residential amenity of future occupiers and to accord with policy CS1 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013.

## CIRCULATED SCHEDULE NO. 43/17 – 27 OCTOBER 2017

|                                  |   |                         |                  |
|----------------------------------|---|-------------------------|------------------|
| <b>App No.:</b>                  | PK17/3220/F   | <b>Applicant:</b>       | Ms Jill Bundy    |
| <b>Site:</b>                     | 36 Brook Road Mangotsfield Bristol<br>South Gloucestershire BS16 9DY  | <b>Date Reg:</b>        | 9th August 2017  |
| <b>Proposal:</b>                 | Demolition of existing garage. Erection<br>of 1no new dwelling with replacement<br>garage and associated works. | <b>Parish:</b>          | None             |
| <b>Map Ref:</b>                  | 365919 177022   | <b>Ward:</b>            | Rodway           |
| <b>Application<br/>Category:</b> | Minor   | <b>Target<br/>Date:</b> | 4th October 2017 |



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

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

### **1. THE PROPOSAL**

- 1.1 The proposal seeks permission for the demolition of the existing garage in order to facilitate the erection of a new detached dwelling with associated works and replacement garage.
- 1.2 The subject site forms the curtilage of 36 Brook Road, Mangotsfield. This land is situated on a steep gradient and the rear garden would be in an elevated position to the rear of the property. To the side of the property is a public right of way in the form of a staircase leading up to Westerleigh Road/Stockwell Close.
- 1.3 The host property made up of a 2 single storey mid to late 20th century semi-detached property with a 'dormer bungalow' type arrangement. The property has a gabled roof and rendered elevations. To the rear is a single storey brick built extension. At the time of the site visit a boundary fence had been introduced along the proposed border.
- 1.4 The site is located within the built up residential area of Mangotsfield within an area occupied predominately by mid-20th Century dwellings. The site is currently in a relatively poor state as fly tipping and rubbish dumping has occurred due to the proximity of the public right of way and its relatively discreet location.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
National Planning Policy Framework March 2012  
National Planning Policy Guidance

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

- CS1 High Quality Design
- CS4a Sustainable Development
- CS5 Location of Development
- CS8 Improving Accessibility
- CS9 Managing the Environment and Heritage
- CS15 Distribution of Housing
- CS16 Housing Density
- CS17 Housing Diversity
- CS18 Affordable Housing
- CS23 Community Infrastructure
- CS24 Open Space Standards

South Gloucestershire Local Plan 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 |
| PSP39 | Residential Conversions                            |
| PSP42 | Custom Build Dwellings                             |
| PSP43 | Private Amenity Standards                          |

- 2.3 Supplementary Planning Guidance  
Design Checklist SPD (adopted) August 2006  
Residential Parking Standards SPD (adopted) December 2013

**3. RELEVANT PLANNING HISTORY**

- 3.1 PK01/3058/F – Approval – 01/03/2002 – Erection of single storey rear extension.

**4. CONSULTATION RESPONSES**

- 4.1 Unparished Area  
No Comment Available

- 4.2 Other Consultees

Public Rights of Way  
No Objection in Principle

Highway Structures

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

Transport Officer

Suggests that sweep path analysis is submitted. This is discussed in the transport section of the report.

Drainage and Flood Risk

Drainage and Flood Risk Management Team (Engineering Group - Street Care) has no objection in principle to this application subject to the following condition.

SUDS: 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.

## **Other Representations**

### 4.3 Local Residents

Nine comments have been received, two of which are largely repeat entries. Around half of the comments are in support and around half are objecting to the proposal. In addition some comments have been received neither objecting nor supporting the application. The main concerns and supporting comments raised are as follows:

#### Objections:

- Parking in the area is an issue and the proposal would compound this problem
- Loss of property value
- The proposal would result in overlooking of residential properties
- The proposal would restrict the views from other dwellings
- Additional noise and fumes as a result of parking of vehicles within the site
- Loss of light
- Safety of the walkway
- Construction may disrupt occupiers of nearby properties and lorries could obstruct roadways during construction

#### Support:

- Youths congregate on the stairs and other users of the walkway are being intimidated
- Members of the public are using drugs on the stairs due to no-one looking on to it and the proposal would remedy this issue
- The state of the existing site is poor due to rubbish dumping and fly tipping. The proposal would reduce the likelihood of this occurring.
- Groups of youths are causing noise disturbance.
- The proposal would improve the views from other nearby properties

## 5. **ANALYSIS OF PROPOSAL**

### 5.1 Principle of Development

Saved Policy H4 of the South Gloucestershire Local Plan (adopted 2006) is supportive in principle of development within existing residential curtilages. This support is subject to the proposal respecting the existing design of the property and that it does not prejudice the residential and visual amenity; adequate parking provision; and has no negative effects on transportation.

5.2 In this case the site has not been specifically identified within the Development Plan, however the housing land supply has been found insufficient; in this situation there is a presumption in favour of sustainable development unless the adverse impacts significantly and demonstrably outweigh the benefits. The proposal would represent a modest contribution to this housing land supply and this is therefore a material consideration in the determination of this planning application. The location of the site would be considered a suitable location for development and would be acceptable in principle. Consequently the main issues to deliberate are the design and appearance of the dwelling and the impact on the character of the area; the impact development may have on the

amenities of neighbouring occupiers and the resultant dwelling; and the proposals impact on transport and parking provision. The proposal is subject to the consideration below.

5.3 Design and Visual Amenity

The proposal seeks to demolish an existing garage on site and to erect a two storey detached dwelling with a new garage. The proposal site is discreetly located to the side and rear of 36 Brook Road, Mangotsfield. The proposed dwelling will not be fully visible from the streetscene due to this discreet location. The proposed dwelling would be comprised of two portions one slightly taller section with rendered elevations and brick quoins, with a second smaller portion with timber upper elevations and rendered lower elevations linked by a glazed area and entrance.

5.4 The general character of the area is post war housing but there is a proportion of more modern as well as some earlier examples of housing. These all tend to utilise a rendered material but there are brick facades along Brook Road. The more modern properties on Brook Road are semi-detached with the earlier inter-war properties being terraced. There are also a significant number of detached properties on Westerleigh Road.

5.5 The proposal would be detached, however given its discreet location away from the Streetscene and the fact there are nearby detached properties, the proposal is not considered to result in harm to the general character of the area due to its detached nature. Furthermore whilst the proposal would be detached it could be considered to have been informed by the scale and form of the nearby terraced inter-war housing and would have quite an attractive and interesting design that has been clearly influenced by traditional 20th century design. Additionally whilst the proposal would be of 2 storeys, due to the topography of the site, to the rear only a single storey would be visible above ground with the ground floor being largely subterranean. This scale would be similar to that of 36 Brook Road. On this basis the proposal is not considered to have a harmful impact on the area and is seen to have an acceptable standard of design.

5.6 Officer note that the site is in a relatively untidy condition and there is evidence of fly tipping apparent on the site. Officers would acknowledge that the redevelopment of the site may help to discourage fly tipping from occurring on it and modest weight is afforded to this benefit. Comments have been received supporting the change due to this potential impact.

5.7 Overall, it is considered that the proposed detached dwelling would not harm the character or appearance of the area and as such is considered acceptable in terms of visual amenity. Therefore, it is judged that the proposal has an acceptable standard of design and is considered to accord with policies CS1 and H4 and conforms to the criteria in the adopted Local Plan. Neutral weight would be given to the design impact of the proposal.

5.8 Residential Amenity

Policy H4 of the adopted Local Plan gives the Council's view on development within existing residential curtilages. Proposals should not prejudice the



- residential amenity (through overbearing, loss of light and loss of privacy) of neighbouring occupiers as well as the private amenity space of the host dwelling.
- 5.9 The proposed dwelling would be two storeys and oriented with north-easterly and south-westerly aspects. There are dwellings situated to the east of the proposal, however these are largely screened by existing extensions to no.36 Brook Road and the dwelling itself. In addition a garage is proposed along the boundary with no.36 preventing direct overlooking of their private amenity space. Nevertheless given the location of the proposal in relation to the host dwelling, it is considered to be situated a sufficient distance from window to window and would not be viewed to have an unacceptable impact on the amenity of this closest property as a result of loss of privacy.
- 5.10 The proposal would subdivide the existing plot leaving the host property with a similar level of outdoor amenity space to the surrounding properties and the proposed dwelling will be served by a rear garden. This provision is considered sufficient for the size of the property proposed and no objection is raised with regard to this.
- 5.11 Comments have been received concerned with the noise created by youths congregating on the footpath. Were a property to be situated in this location it is thought it would reduce its attractiveness to youths as it would be less discreet, particularly with the proposed opening oriented in this direction. Therefore the proposal would potentially reduce this source of noise pollution.
- 5.12 Comments have also been received concerned with the potential for additional noise and pollution being generated in close proximity to other dwellings and building and delivery vehicles during construction having a harmful impact on the amenity of neighbours. The existing site provides hardstanding and garaging for the existing property and whilst it may not be in use for this purpose there is no restriction preventing this from occurring. Were parking only to occur in this location it would have the same material impact on neighbours. That said the introduction of an additional dwelling unit with an access passing by the flank elevation of the host property is considered to result in a significant negative impact to the host dwelling as a result of noise. This issue is compounded by the enclosed nature of this access between the boundary of the site and the side elevation of the host dwelling. Additionally the proposed access arrangements are likely to cause conflict between the host dwelling and the proposed new dwelling as a result of manoeuvring vehicles and obstruction of either properties access. This would lead to an undesirable situation and again negative weight would be attached to this issue.
- 5.13 With regard to construction noise, the proposal site is within a residential area where development is expected to occur from time to time. Were permission granted it is suggested that a condition is attached restricting the time in which construction can take place.
- 5.14 One objecting party has also noted that proposal would result in a loss of light. Given the orientation and scale of the proposal in relation to the path of the sun this is not considered to be the case.

- 5.15 Objection comments note that the proposal would restrict views. Guidance suggests that where there is a blank elevation a minimum distance of 12 metres from primary living accommodation is retained. While it may reduce the outlook of one property to a degree. The proposal would be around 16 metres from the nearest property to the rear, this would be well within acceptable parameters and therefore no objection is raised by officers with regard to this.
- 5.16 The subject property is located within a built up residential area and given the scale and location of the proposed development and the proposed access arrangements would result in an unacceptable detrimental impact on the residential amenity of the host property, meaning the proposal is not in accordance with saved policy H4 of the adopted Local Plan. Significant negative weight has been attached to amenity considerations.
- 5.17 Sustainable Transport and Parking Provision  
The proposal would create an additional dwelling with 3 bedrooms. The existing property is also served by 3no bedrooms. 2 parking spaces have been identified to the front of the existing property which satisfies the requirement for this property and at least 2 parking spaces will be provided on the hardstanding and proposed garage to serve the proposed dwelling. This is considered to be sufficient for the size of the host dwelling and the proposed detached dwelling. In respect of this there are no objections in relation to highway safety or parking provision; meaning the proposal is in accordance with saved policy T12 of the Local Plan (2006) and the provisions of the Residential Parking Standards SPD. Comments from the transport officer requested that additional information was submitted with regard to turning areas. From the site inspection it was clear to the case officer that there would be sufficient room for turning with the site boundary therefore this information was not requested.
- 5.18 Comments have been received concerned with the impact on the safety of the public right of way. This is thought to be in regular use, particularly for school students. That said there is an existing access in the location. The proposal would likely result in additional vehicle movements, however this is unlikely to result in a significant reduction of the safety of the right of way. The proposal would not be considered to have a severe cumulative highway impact and would therefore be in accordance with paragraph 32 of the NPPF.
- 5.19 Comments have been received concerned that the proposal would have an adverse impact on the parking situation. The proposal has provided parking in line with the parking standard therefore no objection could be sustained with regard to this. It should however be noted that due to the narrowness of the access and its enclosed nature between the boundary and the side elevation of the host property the proposal would result in a negative impact as a result of noise pollution.
- 5.20 Public Safety  
The proposal site is adjacent to a public right of way, which according to comments provides a meeting space for groups of youths and antisocial behaviour is taking place here. Comments have been received suggesting that these groups can be intimidating as well as causing a noise concern. Were a

dwelling to be introduced the right of way would be better surveyed and would improve general security on the foot path.

#### 5.21 Other Matters

Objecting parties also noted that the proposal may result in a drop in nearby property values. The planning department do not seek to regulate property prices but to control and mediate the impact on the built and natural environment. On this basis the objections are not considered to be related to planning and are therefore not relevant to the determination of this planning application.

#### 5.22 Planning Balance

Policy CS5 indicates new residential development should be directed towards established settlements with a range of services. The proposal site is located within a built up residential area and could be considered a suitable location for further development. The proposal would be providing an additional housing unit and consequently paragraph 14 and 49 of the NPPF are invoked. In this situation permission should be granted unless the adverse impact of doing so significantly and demonstrably outweigh this modest contribution to housing land supply, which is a material consideration in this application. The proposal is for one additional dwelling, which is a very modest contribution when the deficit is in the multiples of hundreds.

5.23 The proposal would have a reasonable standard of design and neutral weight would be applied to this consideration. The proposal has been found to have some impact on neighbouring properties residential amenity, however this has been found to be within acceptable parameters and again neutral weight would be applied to this impact. The dwelling would however have a significant negative impact on the host dwelling as a result of the access and likely vehicular movements along the side elevation of the property. Some weight could be given to the positive impact on the security of the right of way but given the significant weight attached to the amenity consideration and the modest positive weight given to the housing land contribution, the balance is leans towards refusal and in this case the modest contribution to housing would not outweigh the significant and demonstrable harm caused by allowing the 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 **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 the application be **REFUSED** for the reasons outlined above and attached to the decision notice.

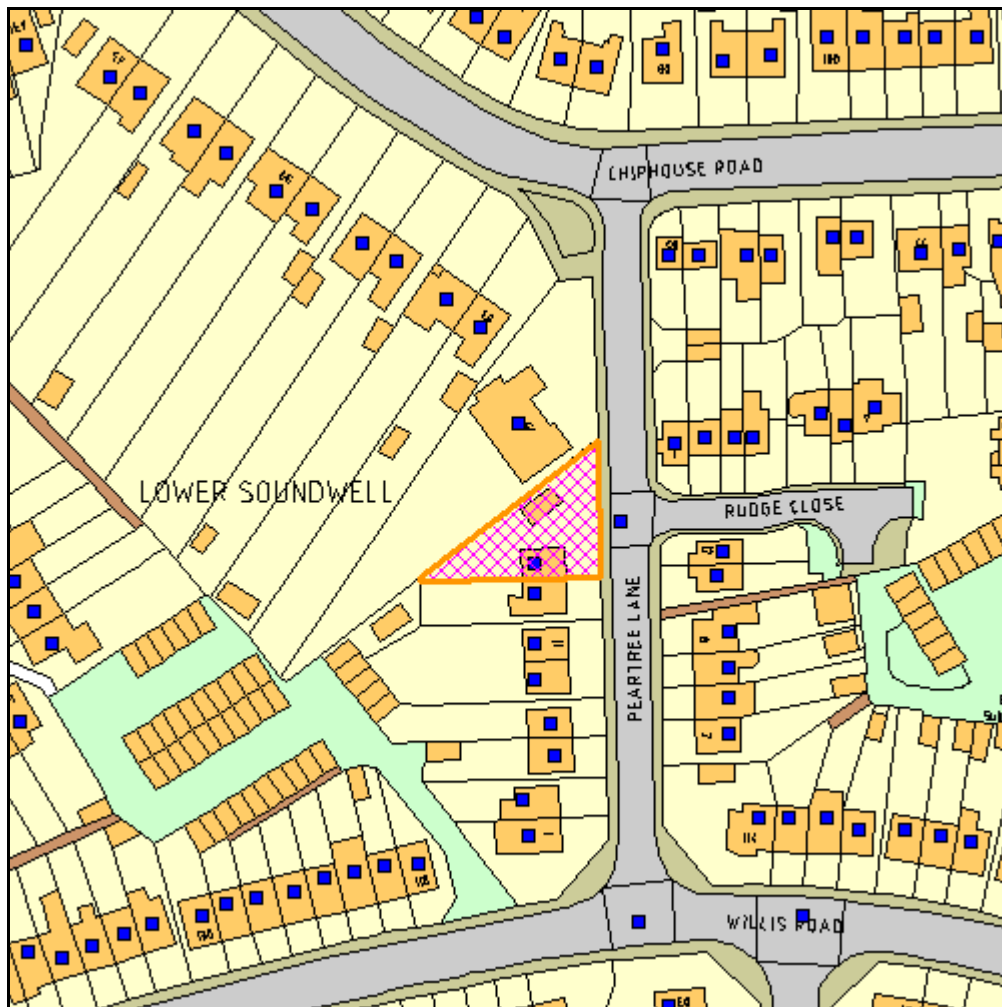
**Contact Officer: Hanni Osman**  
**Tel. No. 01454 863787**

### **REASONS FOR REFUSAL**

1. The site is unsuitable for further residential development by virtue of the enclosed and narrow access. As a result the proposal would have a significant negative impact on the residential amenity of the host dwelling due to its proximity to the side elevation of the property and likely vehicular movements. Furthermore the proposal would potentially cause conflict between occupiers of the host dwelling and the proposed dwelling due to the narrowness of the access and the movement of vehicles to the front of the host dwelling which would be an undesirable situation. Consequently the proposal has been found to fail Policy CS1 of the Core Strategy (2013), Saved Policy H4 of the Local Plan (2006) and the provisions of the NPPF (2012).

## CIRCULATED SCHEDULE NO. 43/17 – 27 OCTOBER 2017

|                              |  |                     |                  |
|------------------------------|--|---------------------|------------------|
| <b>App No.:</b>              | PK17/3363/F  | <b>Applicant:</b>   | Mr Arthur Baylis |
| <b>Site:</b>                 | 15 Peartree Lane Kingswood Bristol<br>South Gloucestershire BS15 4SG       | <b>Date Reg:</b>    | 9th August 2017  |
| <b>Proposal:</b>             | Erection of 1no attached new dwelling<br>with access and associated works. | <b>Parish:</b>      | None             |
| <b>Map Ref:</b>              | 365748 174970  | <b>Ward:</b>        | Rodway           |
| <b>Application Category:</b> | Minor  | <b>Target Date:</b> | 4th October 2017 |



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## 1. THE PROPOSAL

- 1.1 The application seeks full planning permission for the erection of 1no. 2 bedroom attached dwelling with access and associated works within part of the existing residential curtilage of 15 Peartree Lane, Kingswood.
- 1.2 The application site comprises a semi-detached 3-bedroom dwelling which occupies a large, triangular plot in the built up area of Kingswood and part of the East Fringe of Bristol Urban Area. The existing dwelling has brick and pebble dash elevations with UPVC windows and a tiled roof. It has a large garden to the rear and side as well as a detached garage which would be demolished as part of the proposal. The surrounding area is of a mixed character.
- 1.3 Throughout the course of the application revised plans were submitted as a result of Officer concerns. Re-consultation was undertaken for a period of 10 days.

## 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 Presumption in favour of Sustainable Development  
CS5 Location of Development  
CS8 Improving Accessibility  
CS15 Distribution of Housing  
CS16 Housing Density  
CS29 Communities of the East Fringe of Bristol Urban Area

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

T12 Transportation  
H4 Development within Existing Residential Curtilages, Including Extensions and New Dwellings  
T7 Cycle Parking

### 2.3 Emerging Development Plan

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

PSP1 Local Distinctiveness  
PSP8 Residential Amenity  
PSP16 Parking Standards  
PSP37 Internal Space and Accessibility Standards for Dwellings  
PSP38 Development within Existing Residential Curtilages, Including Extensions and New Dwellings

- 2.4 Supplementary Planning Guidance  
South Gloucestershire Design Checklist (Adopted) August 2007  
Residential Parking Standard SPD (Adopted) December 2013  
Waste Collection: Guidance for New Development SPD (Adopted) January 2015

3. **RELEVANT PLANNING HISTORY**

- 3.1 No relevant planning history

4. **CONSULTATION RESPONSES**

- 4.1 Lead Local Flood Authority  
No objection

*Revised Plans*  
No objection

- 4.2 Sustainable Transport  
*The main transportation issue regarding this development is parking. Plan submitted with this application shows that the scheme includes provision of parking spaces for both the existing and the new dwelling. The design of the scheme includes two parking spaces for the existing house and two for the new building. This level of car parking meets the Council's parking standard SPD and as such, the development is considered acceptable from highway's point view.*

*If the Council is minded to approve this development, then the following condition is recommended.*

- *Prior to occupation of the new building on the site, provide off street parking in accordance with the submitted plan and consequently maintain these satisfactory thereafter.*

*Revised Plans*  
No comments received

- 4.3 Highway Structures  
No comment

*Revised Plans*  
No comments received

- 4.4 The Coal Authority  
No objection subject to recommended conditions.

*Revised Plans*  
Comments as previous

## **Other Representations**

### 4.5 Local Residents

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

- Overbearing
- Overshadowing
- Loss of light
- Overlooking to garden
- Matters relating to damage of boundary wall/associated drainage/will not allow any materials or scaffolding on their land.
- Loss of property value
- Loss of view
- Overdevelopment of garden site
- Number of amendments suggested
- Parking will result in safety issues particularly around nearby junction
- Issues relating to water pressure
- Fence height/type
- Loss of productivity of solar panels

#### *Revised Plans*

- Still concern over damage of boundary wall
- Fence will obstruct window
- Objection remains in relation to overbearing
- Single storey would be preferred

## **5. ANALYSIS OF PROPOSAL**

### 5.1 Principle of Development

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

- 5.2 In general, the development plan supports residential development within the existing urban areas and established settlement boundaries. This can include the erection of new dwellings in existing residential curtilages. However, whilst there is general support for such developments, each proposal is assessed on its own merits and should meet the policy requirements. Policy H4 and the emerging PSP38 set out that new dwellings are acceptable in principle, but should respect the overall design and character of existing property and street scene, would not prejudice the residential amenity of neighbours, would not prejudice highway safety, would have acceptable parking provisions and would provide adequate private amenity space.



- 5.3 Policy CS16 explains that housing development is required to make efficient use of land, to conserve resources and maximise the amount of housing supplied. The density of new development should be informed by the character of the local area and contribute to the high quality design set out in CS1, improving the mix of housing types and providing adequate levels of semi-private communal open space and private outdoor space.
- 5.4 The proposed erection of an attached, two storey property is considered to be acceptable in principle subject to considerations involving design, impact on the character of the area, residential amenity and highway safety. This will be discussed below.
- 5.5 Design and Visual Amenity  
The immediate area surrounding the application site is largely of a mixed character, albeit it is noted that there are a number of semi-detached pairs and a terrace built to a similar style to the host. The proposed dwelling would be constructed adjacent to the northern elevation of a property which forms an existing semi-detached pair. Following the development it a small terrace of three houses would be created. The form, scale, height, massing, detailing and materials of the proposed dwelling would match the existing dwelling.
- 5.6 Throughout the course of the application the agent has made a number of amendments to overcome Officer and local residents concerns. These include narrowing the width of the property to match adjacent dwellings. This is considered to be a design improvement.
- 5.7 The existing property is set back by approximately 7.5 metres from the highway (Peartree Lane), and has an existing front and side garden as well as a detached garage which is accessed by a private drive. The proposed dwelling would be set back in line with the existing, the garage would be demolished and parking areas installed immediately to the front of both properties. A similar arrangement was noted directly opposite the property, and it is not thought that it would have an unacceptable impact on the visual amenity of the area.
- 5.8 Local residents commented that the proposal would represent overdevelopment of a garden plot. While this is noted, the density would match surrounding development. It is thought that both existing and proposed dwellings would have sufficient sized plots following the development.
- 5.9 Plans submitted do not show details of any landscaping proposed at the site, and it considered that to ensure a high quality of design, a condition is recommended to request a landscaping scheme is submitted prior to occupation.
- 5.10 Overall, and in light of the above, it is thought that the development represents an acceptable standard of design. The property would reflect the existing property with regard to scale, form, detailing and materials and would remain in keeping with the surrounding area. Accordingly, it would comply with policies CS1 and CS16, as well as policy H4, and the emerging policies PSP1 and PSP38.

#### 5.11 Residential Amenity

The proposed dwelling would comprise a similar form and building lines to those existing properties to which it would be attached. Plans also show that a 1.8 metre timber fence would be introduced to separate the rear gardens of the existing and proposed dwelling. As such, while the introduction of a further household may be noticeable to these occupiers it is not thought that it would result in a detrimental impact to their residential amenity.

5.12 To the opposite side of the proposed dwelling (north) is No.17 Peartree Lane, which is a detached 1.5 storey dwelling. One of the gable ends of this property faces the application site at an angle and the development would be adjacent to part of the rear garden. A number of concerns were raised to original plans in relation to overshadowing, overbearing, loss of light and overlooking.

5.13 Officers requested that the property was reduced in width to lessen the impact on these neighbouring occupiers. Revised plans were received which show the property reduced in width by 1 metre. It is noted that there would be a degree of impact on this adjacent property. However, given these alterations it is not felt that the relationship between them would be unacceptable or unusual. Concerns are noted that a window proposed to the side elevation would result in inter-visibility issues. The agent has now confirmed that this would be obscure glazed and a condition is recommended to ensure this.

5.14 The development would result in the division of the existing properties garden. The emerging policy PSP43 sets out that for a 2-bedroom dwelling 50m<sup>2</sup> should be provided, and for a 3-bedroom dwelling 60m<sup>2</sup> should be provided. Following the development the properties would have sufficient private amenity space in line with these standards.

5.14 With regard to this assessment, it is not considered that the proposal would materially prejudice the residential amenity of the eventual occupiers or those of surrounding properties. Therefore, it is deemed to comply with saved Policy H4 of the Local Plan (2006) and the emerging Policy PSP8 of the PSP Plan (June 2016).

#### 5.15 Highway Safety

The existing property has a driveway which leads to a detached garage. This would be demolished and parking areas installed directly to the front of either property. The proposed dwelling would have 2no. bedrooms and the existing property has 3no. bedrooms. Plans show that 2no. parking spaces would be provided per dwelling. This is in excess of the Councils Residential Parking SPD. Plans also show that a bike and bin store would be introduced. As such, the development is considered acceptable in this regard. However, it is recommended that all these details are conditioned to be provided prior to occupation of the dwelling. The applicant will also be made aware of the need to contact the Councils StreetCare Team prior to installing a dropped kerb.

#### 5.16 Other matters

Concerns were raised in relation to the location of building materials and scaffolding to be located on neighbours land, and the concerns that the removal of a wall would result in damage to property. These are considered to be civil

matters and the applicant is reminded of their statutory duty as part of the Party Wall Act 1996.

5.17 Other concerns in relation to loss of property value, loss of private view, and decrease in water pressure are understood. However, these matters do not form a material consideration in the assessment of a planning application. It is not considered that the proposal is likely to have a material impact upon the productivity of solar panels in the vicinity.

5.18 Equalities

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

## 6. CONCLUSION

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

6.2 The recommendation to grant permission has been taken having regard to the policies and proposals in the South Gloucestershire 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 the consent be **GRANTED** 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 dwelling hereby permitted shall match those used in the existing dwelling known as 15 Peartree Lane, Kingswood.

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 the use or occupation of the dwelling hereby permitted, and at all times thereafter, the proposed first floor window on the northern (side) elevation shall be glazed with obscure glass to level 3 standard or above with any opening part of the window being above 1.7m above the floor of the room in which it is installed.

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.

4. Prior to the first occupation of the development hereby approved, the construction of the vehicular parking must be completed in accordance with the submitted Proposed Site Plan (dwg no. 451.200 C), and retained as such thereafter. For the avoidance of doubt: the car parking area must be formed of a permeable and bound material.

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.

5. Prior to the first occupation of the development hereby approved, the cycle parking and waste storage facilities (as shown in the Proposed Site Plan, dwg no. 451.200 C) must be installed, and retained as such thereafter.

Reason

To ensure the satisfactory provision of parking facilities and in the interest of highway safety and the amenity of the area, to encourage sustainable transport choices and to accord with Policy CS8 and CS1 of the South Gloucestershire Local Plan; Core Strategy (Adopted) December 2013; the South Gloucestershire Residential Parking Standards SPD (Adopted) December 2013; and the South Gloucestershire Council Waste Collection: Guidance for new developments SPD (Adopted) January 2015.

6. Prior to the relevant stage of development a scheme of landscaping, which shall include details of proposed planting; boundary treatments and areas of hardsurfacing shall be submitted to the Local Planning Authority for approval. Development shall be carried out in accordance with the agreed details.

Reason

To 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. Prior to the commencement of development, intrusive site investigation works to establish the coal mining legacy on the site shall be carried out. A scheme of intrusive site investigations shall be prepared, submitted and approved in writing by the local planning authority. The approved scheme of investigation shall then be carried out in full.

Reason

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.

8. Following the site investigations required by Condition 7, and prior to the commencement of development, a report of the findings of the investigations shall be submitted to and approved in writing by the local planning authority. Should the report identify that remedial works are required, details of the proposed remediation shall be included within the submission to the local planning authority for approval in writing. The approved remedial works shall be carried out in full.

Reason

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.

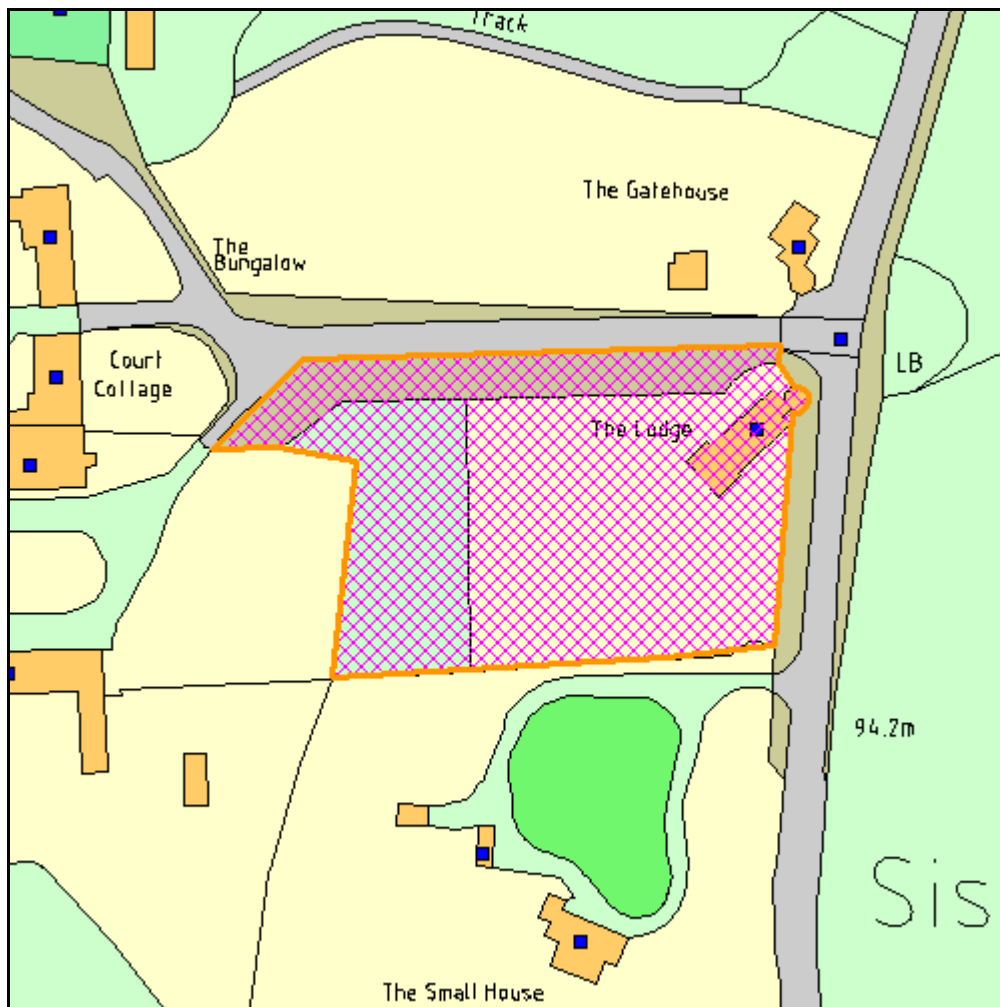
9. The hours of working on site during the period of construction shall be restricted to 7:30 to 18:00 Monday to Friday and 8:00 to 13:00 on Saturdays; and no working shall take place on Sundays or Public Holidays. The term 'working' shall, for the purpose of clarification of this condition include: 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. 43/17 – 27 OCTOBER 2017**

|                                  |   |                         |                          |
|----------------------------------|---|-------------------------|--------------------------|
| <b>App No.:</b>                  | PK17/3928/F   | <b>Applicant:</b>       | Mr Sean Hallard          |
| <b>Site:</b>                     | The Lodge Siston Court Mangotsfield<br>Bristol South Gloucestershire<br>BS16 9LU  | <b>Date Reg:</b>        | 21st September<br>2017   |
| <b>Proposal:</b>                 | Change of use from residential dwelling<br>(Class C3) to registered nursery (Class<br>D1) as defined in the Town and<br>Country Planning (Use Classes) Order<br>1987 (as amended) | <b>Parish:</b>          | Siston Parish<br>Council |
| <b>Map Ref:</b>                  | 368808 175386   | <b>Ward:</b>            | Siston                   |
| <b>Application<br/>Category:</b> | Minor   | <b>Target<br/>Date:</b> | 15th November<br>2017    |



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 100023410, 2008. N.T.S. PK17/3928/F

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

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

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

- 1.1 The applicant seeks full planning permission for the change of use from residential dwelling (Class C3) to registered nursery (Class D1) for The Lodge, Siston Court and its associated curtilage. The building itself is a Grade II\* Listed Building, located outside of the settlement boundary and within the green belt and conservation area. There are numerous trees with protection orders on site, and the house is set within a historic park/ garden.
- 1.2 A nursery operation for 17 children is currently run on the site; it is not clear whether Puddleducks has obtained planning permission for this. As a result of this application, the applicant hopes that around 33 children would be cared for on the premises.

### **2. POLICY CONTEXT**

#### 2.1 National Guidance

National Planning Policy Framework March 2012  
National Planning Policy Guidance 2014

#### 2.2 Development Plans

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

CS1 High Quality Design  
CS4a Sustainable Development  
CS5 Location of Development  
CS8 Improving Accessibility  
CS9 Managing the Environment and Heritage

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

H4 Development within Existing Residential Curtilages  
T12 Transportation  
LC4 Proposals for Educational and Community Facilities Within the Existing Urban Area and Defined Settlement Boundaries  
L12 Listed Buildings  
L13 Conservation Areas

##### 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) August 2006  
Residential Parking Standards SPD (adopted) December 2013

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

3.1 No relevant planning history

### 4. **CONSULTATION RESPONSES**

#### 4.1 Siston Parish Council

As car parking provision will need to be made for the 5 full time and 5 part time staff required, members question whether the remaining five spaces available will be sufficient for those dropping off and picking up children at peak times of every day.

#### 4.2 Other Consultees Transportation DC

##### *Original Parking Plans*

Insufficient information has been submitted for me to properly assess the impact of the proposal on the adjacent highway.

##### *Updated Plans*

The site is not highly accessible by foot and bicycle and as such conflicts with Local Plan policy LC4.

Comments based on a combined 33 place Nursery.

The number of vehicle trips generated by the 33 place nursery amounts to around 26 two way vehicle movements in the busiest 08:00 - 09:00 peak hour. This would be spread across the whole hour. The existing access has adequate visibility splays and is of sufficient width to accommodate this level of traffic.

Approximately 4 car parking spaces would be required to meet the Councils parking standard. These are shown on the submitted block plan. There are sufficient additional off road parking areas to provide space for parent / carer drop off and pick up.

If there is a planning exception reason for providing a nursery in this location there would be no transport objection on grounds of highway safety subject to a condition to provide and retain the parking areas as shown on the submitted block plan.

##### Ofsted, Early Years

No comments received

##### Community Enterprise

No comments received

##### Children and Young People

No comments received

##### Listed Building and Conservation Officer



There is no indication of any works to the listed building associated with this change of use. Assuming this is the case, I have no comments to make but would make the observation that any new or additional signage required to support the business will need to be judged against the need to protect the setting and significance of this II\* listed building and the entrance to the grade I listed Siston Court. Parking arrangements for staff and visitors is unclear and again, the impact of such provision on the general character and appearance of the main drive to the Court will need to be taken into account.

### Early Years & Schools

The Local Authority has a statutory duty under the Childcare Act 2006 to secure sufficient early years education places to allow eligible children to access their entitlement to 15 hours per week of free provision. An extended entitlement of 30 hours per week for eligible children of working parents has been introduced from September 2017, which has led to a requirement for additional places.

Our assessment of the current position is that additional early years places are required in the wards of Siston and Oldland Common. This application relates to a property in Siston Ward, near the border with Boyd Valley Ward. The position in Boyd Valley is that there is slightly below the average number of places required for the number of local children, but there does not appear to be an immediate need for additional places in that ward.

Consequently, we would welcome additional early year's places in Siston to meet the needs of local residents. However, we recognise that some of the children attending this proposed nursery may use some form of transport to travel from a neighbouring area.

## **Other Representations**

### 4.3 Local Residents

Three Comments received objecting to proposals

Comment One:

Objections due to:

- Driveway is a private drive and is maintained by residents; the nursery would place a lot of stress on the driveway and the adjoining road.
- Driveway is used by road resurfacing company, and other businesses. This would make the road busy at peak times.
- The location is difficult to access via sustainable transport and walking along Siston Lane is dangerous.
- Small private sewage plant serves Siston Court; this would not be compatible with the demands of a 33 Place Nursery and associated washing, lavatories, cleaning and food preparation.
- Building not suitable for change of use; little light, no wheelchair access.
- Need for publicity and information (signage etc) is not compatible with the Grade II listed building.

Comment Two:

Objections due to:

- Destruction of historical and architectural heritage.
- Application for a large car park in addition to existing car park would destroy rural landscape of the Conservation Area
- Pollution from cars would be harmful to local residents health and fabric of Siston Court
- Noise pollution from additional car and van traffic, and children playing in the day
- Smell pollution from cooking food on a commercial scale
- The owners of the lodge do not own the private driveway, increased use would lead to increased wear and tear and increase maintenance costs.
- Lives of children would be endangered were they to run into the road.
- Users of the road may hit deer and peacocks
- Concerns with overlooking.
- Small private sewage plant serves Siston Court; this would not be compatible with the demands of a 33 Place Nursery and associated washing, lavatories, cleaning and food preparation.
- Use of site as a nursery would change the nature and character of the area
- Drivers waiting to turn into private lane would create blockages and potential accidents on Siston Lane.

Comment Three

Objections due to:

- Detraction from character and significance of Siston Court
- Would set a precedent for other properties to become commercial
- Special character of Siston Conservation Area would be lost over time.
- Parking areas would sit atop original 16<sup>th</sup> Century shallow drainage pipes; parking would damage these pipes.
- The nursery cannot have formal signage due to possible detraction from the character and setting of the Siston CA.
- Change of use would not respect the architectural and historic character of the listed building.

## 5. **ANALYSIS OF PROPOSAL**

### 5.1 Principle of Development

Saved policy H4 of the South Gloucestershire Local Plan (Adopted) 2006 allows 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.

Policies L12 and L13 are supportive of development to Listed Buildings and within the conservation area, as long as they do not harm the historic significance of the designated heritage assets.

Policy LC4 refers proposals for Educational and Community Facilities. Although this covers facilities within settlement boundaries, it will be used as a guideline for this application.

The site is located within the green belt. As there are no exterior works proposed, it is not considered that there would be any negative effects in greenbelt terms.

## 5.2 Visual Amenity and Conservation

The proposal would not result in any changes to the outside of the building, and would not result in any visual differences to the site overall.

Public comments were received in relation to the compatibility of the building with the signage needed; however, no signage has been proposed within this application; this would be determined within its own application for advertisement consent.

Numerous objections were also received stating that the change of use, and the building of a large car park would detract from the character of the Grade II\* listed building, and the Siston Conservation Area. However, as there are no works proposed to the outside of the building, nor would there be any other development of the site.

Comments stated that the pollution from cars using the site would damage trees and buildings, damaging the historic fabric of Siston Court. It is not considered that the small increase of cars using the site would have a materially damaging effect on conservation.

Overall, it is considered that the proposed change of use would not harm the character or appearance of the area and as such, is considered acceptable in terms of visual amenity.

## 5.4 Residential Amenity

Numerous comments were received in reference to the impact that the proposed development would have on residential amenity. These will be discussed within this section:

### *Sound Pollution*

The Lodge is located a significant distance away from neighbouring properties, and any nursery operations would be carried out during the daytime, between 08:00 and 18:00. It is not considered that the increased sound would result in a materially significant impact on the residential amenity of any neighbouring occupier.

### *Car Pollution*

One comment discussed the effect that the increased car pollution would have on the residents of Siston Court. The increase in cars using the lane is not considered sufficient to refuse this application on these grounds.

### *Smell Pollution*

A local resident commented that the smell pollution caused by the cooking of meals for 33 children would have a negative effect on residential amenity. The applicant has stated that meals will be ordered from a catering company; however, if the meals were cooked onsite, the separation distance from any neighbours means that it is considered unlikely that a materially significant reduction of residential amenity would occur.

### *Overlooking*

One neighbour objected due to overlooking. There are no changes to the site which would increase any degree of overlooking.

## 5.5 Sustainable Transport

Originally, insufficient information had been provided. Updated information regarding number of children, staff members, and floor plans and onsite turning areas were provided on 11 October 2017.

Numerous comments were received from neighbours in regards to transport including high use of the roadway during peak times and blockages to Siston Lane.

The number of vehicle trips generated by the 33 place nursery amounts to around 26 two way vehicle movements in the busiest 08:00 - 09:00 peak hour. This would be spread across the whole hour. The existing access has adequate visibility splays and is of sufficient width to accommodate this level of traffic.

Approximately 4 car parking spaces would be required to meet the Councils parking standard. These are shown on the submitted block plan. There are sufficient additional off road parking areas to provide space for parent / carer drop off and pick up.

Therefore, the development is considered acceptable in terms of highway safety.

The transport officer and local residents state that the site is located off of a country road and is not highly accessible by foot and bicycle. Policy LC4 states that education and community facilities should be permitted if proposals are located on sites which are, or will be, highly accessible on foot and by bicycle. and as such conflicts with Local Plan policy LC4. However, in this instance, it is considered that there are mitigating factors due to the need for additional early years places in the wards of Siston and Oldland Common. This will be discussed further within the next section.

To ensure highway safety, a condition will be added to provide and retain the parking areas as shown on the submitted block plan.

## 5.6 Early Years

The early years and schools planning officer was consulted in the course of this application; it was stated that the Local Authority has a statutory duty under the Childcare Act 2006 to secure sufficient early years education places to allow eligible children to access their entitlement to 15 hours per week of free provision. An extended entitlement of 30 hours per week for eligible children of working parents has been introduced from September 2017, which has led to a requirement for additional places.

The early years and schools planning officer also stated that additional early years places are required in the wards of Siston and Oldland Common. The application site sits within Siston Ward, near the border of Boyd Valley Ward. The position in Boyd Valley is that there is slightly below the average number of places required for the number of local children, but there does not appear to be an immediate need for additional places in that ward.

Consequently, early years places in Siston to meet the needs of local residents would be welcomed.

## 5.7 Other Matters

Comments from neighbouring occupiers mentioned a range of issues; will be discussed within the following section.

Comments state that the private driveway was maintained by residents and that the cars using the nursery would place stress on the driveway, incurring more costs to local residents. However, it is not considered that the small increase in cars using the road would cause any considerable damage; especially considering that numerous large vehicles in connection with a nearby road resurfacing company.

Numerous comments stated that the properties within Siston Court are served by a small private sewage plant, and that the increase in use would incur extra costs, and could overload the system. This would be controlled by building regulations, and is not a planning matter. Additionally, a comment states that the parking area would sit atop original 16<sup>th</sup> Century shallow drainage pipes, and that the car parking would damage these pipes. However, having visited the site, it is clear that some of these parking areas are currently being used; it is not considered that the small increase in cars parking atop these pipes would damage them.

Similarly, the need for wheelchair accessibility would be examined through the building regulations process.

One comment states that the building receives little natural sunlight; having visited the house, it is considered that the amount of light is acceptable.

One comment objects, as increased users of the road may hit deer, peacocks and children that may run into the road from the nursery. This is not considered a material consideration, and cannot be considered within this report.

One comment objects as the development would set a precedent for other properties to become commercial. This is not a material consideration, and cannot be considered within this report.

This application has been determined using the information that 33 children would be attending the nursery; this occupancy will be controlled by a condition on the decision notice.

#### 5.8 Equalities

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

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

### 6. CONCLUSION

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 The recommendation to **grant** permission has been taken having regard to the policies and proposals in the South Gloucestershire 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: Owen Hoare**  
**Tel. No. 01454 864245**

### CONDITIONS

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

Reason

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

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

Reason

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

3. The number of children at the site at any one time shall be limited to 33

In the interests of the amenity of the area and highway safety and to accord with Policy LC4 and T12 of the South Gloucestershire Local Plan (Adopted)

4. The hours of operation shall be between 0800 hours and 1800 hours Mondays to Fridays, with no operation on Saturdays, Sundays and Bank Holidays.

Reason:

To protect the amenities of the occupiers of nearby dwelling houses and to accord with Policy LC4 of the South Gloucestershire Local Plan (Adopted)

## CIRCULATED SCHEDULE NO. 43/17 – 27 OCTOBER 2017

|                                  |   |                         |                          |
|----------------------------------|---|-------------------------|--------------------------|
| <b>App No.:</b>                  | PK17/4056/RVC   | <b>Applicant:</b>       | Mr Roger Jefferies       |
| <b>Site:</b>                     | Pipley Court Farm North Stoke Lane<br>Upton Cheyney South Gloucestershire<br>BS30 6NG   | <b>Date Reg:</b>        | 31st August 2017         |
| <b>Proposal:</b>                 | Variation of condition no. 6 attached to<br>planning permission PK10/1614/O to<br>allow the occupation of the dwelling to<br>not be solely or mainly for the breeding<br>of alpacas on the site (re-submission of<br>PK16/6689/RVC) | <b>Parish:</b>          | Bitton Parish<br>Council |
| <b>Map Ref:</b>                  | 369592 169484   | <b>Ward:</b>            | Bitton                   |
| <b>Application<br/>Category:</b> | Minor   | <b>Target<br/>Date:</b> | 20th October 2017        |



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PK17/4056/RVC



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

This application has been referred to the circulated schedule due to objections from the parish council and local residents contrary to Officer recommendation.

### **1. THE PROPOSAL**

- 1.1 This application seeks planning permission for the variation of condition no. 6 attached to planning permission PK10/1614/O to allow the occupation of the dwelling to not be solely or mainly for the breeding of alpacas on the site. The application site relates to an existing agricultural workers dwelling with associated agricultural land. It is located within the open countryside, Bristol/Bath Green Belt and the Cotswolds AONB.
- 1.2 Planning permission was initially granted in 2007 for the stationing of a mobile home on the land for a temporary three year period to provide residential accommodation for an agricultural worker. The temporary consent expired in 2010/11 and subsequently planning permission was granted in 2010 for outline consent for the erection of a permanent agricultural workers dwelling on the site (Ref. PK10/1614/O). Planning permission was subsequently approved for PK11/0079/RM.
- 1.3 The applications were to provide accommodation for the applicant and his then wife on their holding of approximately 39 acres to develop and expand their alpaca business. Over the following years the applicant expanded the business and increased the herd to approximately 90 alpacas. However, following the separation of the applicant and his wife, the herd was reduced and approximately 31 acres and a building was 'required' to be sold. The herd of alpacas was also substantially reduced, as well as the available grazing land. For these reasons the applicant had to sell the holding.
- 1.4 The current application now seeks to alter condition 6 which was imposed on the previous application (Ref. PK10/1614/O). The condition reads as follows:
- The occupation of the dwelling hereby permitted is limited to a person solely or mainly breeding alpacas on the site, or a widow or widower or partner of such a person, and to any resident dependants.*
- Reason*  
*The site is not in an area intended for development and the development has only been permitted because it is required to accommodate a person working in agriculture or forestry and to accord with the requirements of PPS7.*
- 1.5 The applicant wants to remain on the application site and therefore is seeking to alter the wording of the condition to not be solely or mainly for the breeding of alpacas on site. The agent proposes that the variation of the wording of the condition allows the occupation of the dwelling by calf, pig and poultry rearers or pedigree livestock breeders (including horses), to ensure that the property is retained for occupation by a viable rural-based enterprise, which requires on-site accommodation but without having substantial grazing land requirements.

## **2. POLICY CONTEXT**

### **2.1 National Guidance**

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

### **2.2 Adopted Development Plans**

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

CS1 High Quality Design  
CS4A Presumption in Favour of Sustainable Development  
CS5 Location of Development  
CS8 Improving Accessibility  
CS9 Managing Environment and Heritage  
CS34 Rural Areas

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

L1 Landscape Protection and Enhancement  
T7 Cycle Parking  
T8 Parking Standards  
T12 Transportation  
H3 Residential Development in the Countryside

### **2.3 Emerging Development Plan**

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

PSP1 Local Distinctiveness  
PSP2 Landscape  
PSP8 Residential Amenity  
PSP16 Parking Standards  
PSP40 Residential Development in the Countryside  
PSP41 Rural Workers Dwellings  
PSP43 Residential Amenity Space Standards

### **2.4 Supplementary Planning Guidance**

South Gloucestershire Design Checklist SPD (Adopted) 2007  
Residential Parking Standards SPD (Adopted) 2013  
Waste Collection: Guidance for New Development SPD (Adopted) January 2015

## **3. RELEVANT PLANNING HISTORY**

- 3.1 PK16/6689/RVC Variation of condition no. 6 attached to planning permission PK10/1614/O to allow the occupation of the dwelling to not be solely or mainly for the breeding of alpacas on the site.  
Withdrawn  
Appeal against non-determination - withdrawn

- |     |               |   |
|-----|---------------|---|
| 3.2 | PK11/0079/RM  | Erection of 1no. agricultural workers dwelling (Approval of Reserved Matters to be read in conjunction with Outline Planning Permission PK10/1614/O)<br>Approved          |
| 3.3 | PK10/1614/O   | Erection of 1no. agricultural workers detached dwelling (Outline) with access and scale to be determined. All other matters to be reserved.<br>Approved November 2010     |
| 3.4 | PK07/2718/TMP | Change of use of agricultural land for the stationing of a mobile home for occupation by an agricultural worker (Temporary consent for 3 years)<br>Approved December 2007 |
| 3.5 | PK02/0049/PNA | Erection of agricultural store<br>No objection January 2002   |
| 3.6 | PK02/1138/PNA | Prior notification to construct access track for agricultural use<br>No objection September 2002  |

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

- 4.1 Bitton Parish Council  
*"If South Gloucestershire Council is minded to relax the condition then Councillors feel very strongly that its replacement should reflect the reason that the condition was applied in the first place. That is that the unit must be used for agricultural purposes (not restricted to the breeding of alpacas but a definition would be required) where the presence of owners/workers is absolutely required at all times. Without such a condition it is the view of Councillors that planning permission would not have been granted for this exceptionally sensitive site, which lies in the Green Belt and the Cotswolds Area of Outstanding Natural Beauty."*
- 4.2 Sustainable Transport  
*We note that this planning applications seeks to vary of a condition placed on the permission granted (ref PK10/1614/O) for development of land at Pipleay Court Farm, North Stoke Lane, Upton Cheyney. We understand that the proposed variation of condition No. 6 will change the type of livestock involved but will not make any material change to the development itself. We also note that it is resubmission of a previous application (ref PK16/6689/RVC) for the same variation. We made no comment in response to either of these applications as we considered this matter irrelevant to the travel patterns associated with the site. As our position has not changed, we have no highways or transportation comments about this application either.*
- 4.3 Landscape Officer  
 No comment

- 4.4 Open Spaces Society  
No comments received
- 4.5 Public Rights Of Way  
No comment
- 4.6 Environmental Protection  
No objection. Standard advisories.

### **Other Representations**

- 4.7 Local Residents  
5no. objections from local residents were received. These can be summarised as follows:
- Concerns relating to condition being removed and impact on Green Belt and AONB.
  - If building is not to be used for alpacas it should be removed
  - The proposal could lead to noise, odour and light pollution
  - If condition is removed it will set a precedent.

## **5. ANALYSIS OF PROPOSAL**

- Principle of Development
- 5.1 The acceptance in principle of the development was previously established with the grant of planning permission ref. PK10/1614/O. It is noted that since this decision the NPPF has been introduced, and locally the PSP Plan has gone through examination and is soon to be adopted. However, both indicate that the development of residential accommodation where there is an essential need for a rural worker to live permanently at or near to their place of work in the countryside could be acceptable.
- 5.2 The application is submitted under Section 73 of the Town and Country Planning Act 1990. In accordance with Section 73 (2) in determining such an application the Local Planning Authority shall consider only the question of the conditions subject to which planning permission has been granted. The Planning Practice Guidance advises that every condition must always be justified by the Local Planning Authority on its own planning merits on a case by case basis. Furthermore, it advises that any proposed condition that fails to meet any of the six tests should not be used. The NPPF introduces in Paragraph 206 that planning conditions should only be imposed where they are:
1. Necessary
  2. Relevant to planning.
  3. Relevant to the development to be permitted.
  4. Enforceable.
  5. Precise.
  6. Reasonable in all other respects.

5.3 It is proposed to vary condition 6 of the extant planning permission ref. PK10/1614/O to not be solely or mainly for the breeding of alpacas on site. In every other aspect the scheme would be the same as that approved under refs. PK10/1614/O and PK11/0079/RM. In assessing the proposal, officers must consider the original condition and reason for its imposition and whether it would meet the six tests as set out in 5.1.

5.4 Assessment

The current condition restricts the occupation of the dwelling to a person who is solely or mainly breeding alpacas on the site. While comments from local residents in relation to this are acknowledged. The condition is considered overly restrictive and does not reflect paragraph 55 of the NPPF or Policy PSP41 of the PSP Plan which uses the term '*rural worker*'. This largely relates to a person working in agriculture or forestry. It is thought that this would be akin to a person who is solely or mainly breeding alpacas. It is therefore thought that to impose such a restriction would be unreasonable and would not meet test 6 of the NPPF.

5.5 As local residents have indicated, the site is located in a sensitive location within the Cotswolds AONB, the open countryside and the Bristol/Bath Green Belt. The dwelling was only given permission due to the exception that it was required connection with the alpaca business. This exceptions remain in place and residential development is generally not supported in these sensitive locations. It would therefore be inappropriate to remove this condition entirely.

5.6 It is instead recommended that the condition is varied to ensure it is less restrictive and reasonable. It is proposed that it is worded as follows:

*The occupation of the dwelling shall be limited to a person solely or mainly working, or last working, in the locality in agriculture or in forestry, or a widow or widower of such a person, and to any resident dependents.*

5.7 Other conditions attached to PK10/1614/O

Planning permission PK10/1614/O was approved subject to 8 other conditions in addition to condition 6. The effect of an application under Section 73 of the Act is to grant a wholly new planning permission. Therefore, the conditions attached to the original consent should be replicated on the new permission, reviewed or removed. This section will assess the conditions attached to PK10/1614/O for relevance on this decision.

5.8 Conditions 1, 2, 3, 4 and 5

These conditions relate to the submission of a reserved matters application and time limit to which development shall be begun. The reserved matters application was submitted and has been granted. The application has been fully built out. Therefore these conditions will not be carried over.

5.9 Condition 7

Condition 7 removes the householder permitted development rights of the dwelling, this is to ensure that the accommodation is limited to that commensurate with the established need. Given the nature of the application and the location in open countryside, Brisol/Bath Green Belt and the Cotswold

AONB, it is felt appropriate that this condition is also recommended to be carried forward.

5.10 Condition 8

This condition relates to the submission of drainage details prior to the commencement of development. This condition was discharged 8<sup>th</sup> September 2011, and therefore is not required to be carried over.

5.11 Condition 9

Condition 9 relates to the removal of the temporary dwelling (permitted as part of PK07/2718/TMP). It is understood that this has been removed from the site and this condition is not required to be carried over.

5.12 Other Matters

Comments from local residents are noted in relation to the variation of condition resulting in noise, odour and light pollution. However, there is no certainty of this and if this was the case it would be investigated by Environmental Health and enforcement would take place under different legislation.

## 6. CONCLUSION

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

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

## 7. RECOMMENDATION

7.1 It is recommended that the condition be amended to read:

*The occupation of the dwelling shall be limited to a person solely or mainly working, or last working, in the locality in agriculture or in forestry, or a widow or widower of such a person, and to any resident dependents.*

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

## CONDITIONS

1. The occupation of the dwelling shall be limited to a person solely or mainly working, or last working, in the locality in agriculture or in forestry, or a widow or widower of such a person, and to any resident dependents.

Reason

The site is not in an area intended for development and the development has been permitted solely because it is required to accommodate a person working in agriculture or forestry, and to accord with the criteria set out in policy H3 of the South Gloucestershire Local Plan (Adopted) January 2006 and the NPPF.

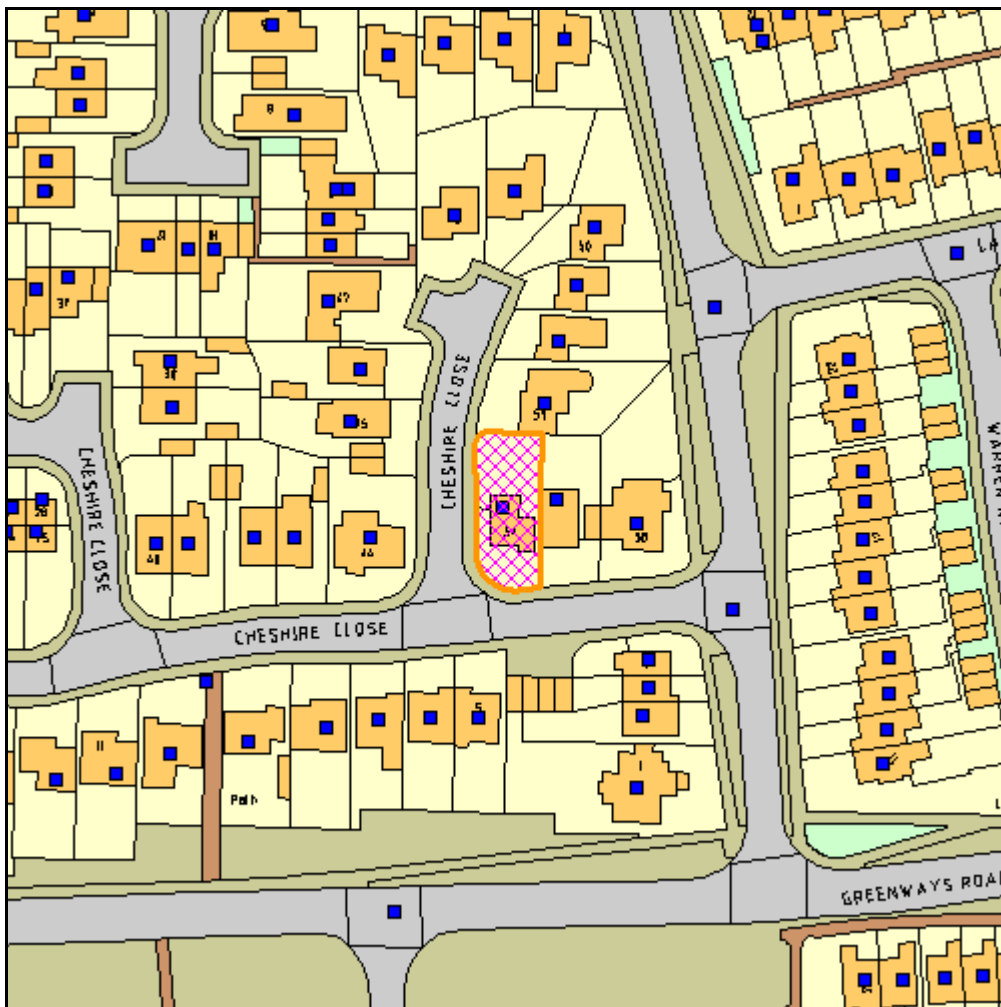
2. Notwithstanding the provisions of Schedule 2 of the Town & Country Planning (General Permitted Development) Order 1995 (as amended) (or any Order revoking and re-enacting that Order with or without modification) no development as specified in Part 1 (Classes A, B, D, E, F, G and H), or any minor operations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

Reason:

To ensure that the accommodation is limited to that commensurate with the established need and in the interests of the visual amenity of the area and to accord with policy CS1 of the South Gloucestershire Core Strategy (Adopted) December 2013 and saved policy L1 of the South Gloucestershire Local Plan (Adopted) January 2006.

**CIRCULATED SCHEDULE NO. 43/17 – 27 OCTOBER 2017**

|                              |   |                     |                     |
|------------------------------|---|---------------------|---------------------|
| <b>App No.:</b>              | PK17/4224/PDR   | <b>Applicant:</b>   | Mr And Mrs P Hardy  |
| <b>Site:</b>                 | 54 Cheshire Close Yate Bristol South Gloucestershire BS37 5TH | <b>Date Reg:</b>    | 22nd September 2017 |
| <b>Proposal:</b>             | Conversion of garage to form additional living accommodation  | <b>Parish:</b>      | Yate Town Council   |
| <b>Map Ref:</b>              | 371184 183175   | <b>Ward:</b>        | Yate North          |
| <b>Application Category:</b> | Householder   | <b>Target Date:</b> | 2nd November 2017   |



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

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

### **1. THE PROPOSAL**

- 1.1 Planning permission is sought for the conversion of a garage to form additional living accommodation at no. 54 Cheshire Close, Yate.
- 1.2 The application site consists of relatively modern, detached property set towards the front of a moderately sized plot. The property is situated within the defined settlement boundary of Yate.
- 1.3 The proposed works meet permitted development criteria, and could therefore, ordinarily be carried out as permitted development. However the permitted development rights at the property were restricted by condition D attached to planning application ref. N593/16. As such, the works cannot be undertaken as permitted development and the express permission of the Local Planning Authority is required.

### **2. POLICY CONTEXT**

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

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

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

South Gloucestershire Local Plan 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

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

The Proposed Submission Draft Policies Sites and Places Plan (PSP plan) is a further document that will form part of the South Gloucestershire Local Plan. The PSP plan will set out new planning policies for South Gloucestershire. Submission and Examination of this took place in February of 2017, and

adoption is expected in November 2017. Accordingly, with regard to the assessment of this planning application limited weight is attached to the PSP plan as a whole at this time – although weight can be attributed to those policies which are not expected to be subject to modification.

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

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

#### **3.1 PK04/3028/F**

Erection of first floor side extension over existing garage to form additional living accommodation.

Approved: 15.10.2004

### **4. CONSULTATION RESPONSES**

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

Objection - This is tight on parking, will have 2 off street spaces for a 4 bed house and corner plot so visitors can't park outside.

#### **4.2 Other Consultees**

##### Sustainable Transport

The proposed development will remove a vehicular parking space from the site to facilitate the provision of additional living accommodation. The plans submitted show that two vehicular parking spaces are available to the frontage of the site. This level of parking is adequate for a dwelling with up to four bedrooms. No detail on the layout of the first floor has been submitted. Subject to a revised plan of the layout of the first floor to confirm that no more than four bedrooms are currently available, there is no transportation objection to the proposed development.

##### Archaeology

No comment

#### **Other Representations**

#### **4.3 Local Residents**

No comments received

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

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

The application seeks permission for the conversion of a garage. Policy H4 of the Local Plan permits extensions and alterations to existing dwellings within established residential curtilages subject to an assessment of design, amenity

and transport. The development is acceptable in principle but will be determined against the analysis set out below.

5.2 Design and Visual Amenity

Policy CS1 of the Core Strategy and policy H4 of the Local Plan seek to ensure that development proposals are of the highest possible standards and design. This means that developments should have appropriate: siting, form, scale, height, massing, detailing, colour and materials which are informed by, respect, and enhance the character, distinctiveness and amenity of both the site and its context.

5.3 The only external alteration proposed is the replacement of an existing garage door with a window. It is not considered that this alteration would significantly affect the appearance of the dwelling, or have any impact on the immediate streetscene or the character and distinctiveness of the locality. On this basis, the proposal is considered to satisfy design criteria set out in policy CS1 of the Core Strategy and H4 of the Local Plan.

5.4 Residential Amenity

Policy H4 of the Local Plan explains that development will be permitted provided that it would not detrimentally impact the residential amenities of nearby occupiers and would not prejudice the retention of adequate private amenity space.

5.5 As the proposed window would face on to the public highway, it is not considered that its insertion and use would result in a loss of privacy at any neighbouring properties through an increased sense of overlooking. It is also not considered that the proposed garage conversion would have any further impacts on the residential amenity of neighbours, or the retention of adequate private amenity space. In this respect, the proposal is considered to comply with policy H4 of the Local Plan.

5.6 Transport

The existing garage is of a substandard size, and can therefore not count towards overall parking provision. As such, the proposal would not result in the loss of any on-site parking spaces. Notwithstanding this, two parking spaces are to be retained to the front of the site. This provision meets the standard for a 4 bedroom property (confirmed by applicant), as set out in the South Gloucestershire Residential Parking Standards SPD. Whilst the concerns of the town council have been taken in to account, the minimum required standard has been met, and the proposed parking arrangements are therefore considered acceptable. There are no additional concerns in relation to highway safety.

5.7 Equalities

The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society; it sets out the different ways in which it is unlawful to treat someone. As a result of this Act the public sector equality duty came into force. Among other things those subject to the equality duty must have due regard to: eliminate unlawful discrimination, harassment and victimisation; advance equality of opportunity and foster good relations between

people who share a protected characteristic and those who do not. The general equality duty therefore requires organisations to consider how they could positively contribute to the advancement of equality and good relations. It requires equality considerations to be reflected into the design of policies and the delivery of services.

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

## **6. CONCLUSION**

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

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

## **CONDITIONS**

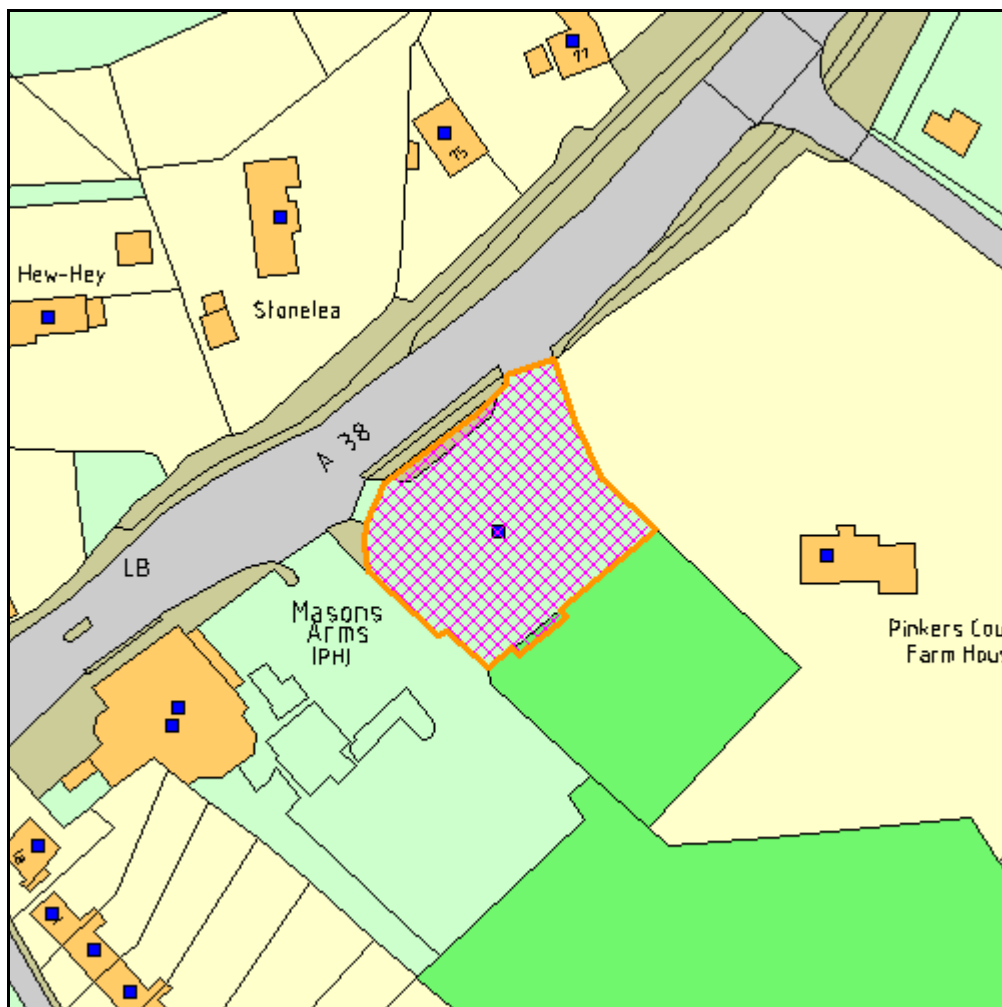
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason

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

## CIRCULATED SCHEDULE NO. 4317 – 27 OCTOBER 2017

|                                  |   |                         |                                 |
|----------------------------------|---|-------------------------|---------------------------------|
| <b>App No.:</b>                  | PT17/0548/F   | <b>Applicant:</b>       | Mr R Zoku                       |
| <b>Site:</b>                     | Former Esso Service Station<br>Gloucester Road RudgeWAY Bristol<br>South Gloucestershire<br>BS35 3QJ  | <b>Date Reg:</b>        | 10th February<br>2017           |
| <b>Proposal:</b>                 | Change of use of former Service<br>Station (Sui-Generis) to hand car wash<br>facility (Sui-Generis) as defined in<br>Town and Country (Use Classes) Order<br>1987 (as amended). | <b>Parish:</b>          | Alveston Parish<br>Council      |
| <b>Map Ref:</b>                  | 362902 186963   | <b>Ward:</b>            | Thornbury South<br>And Alveston |
| <b>Application<br/>Category:</b> | Minor   | <b>Target<br/>Date:</b> | 4th April 2017                  |



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PT17/0548/F

The application has been referred to the Circulated Schedule as the recommended decision represents a departure from the Councils adopted Development Plan.

## **THE PROPOSAL**

- 1.1 This application seeks permission for a permanent change of use of a former petrol station to a hand car wash. The car wash has been subject to a previous consent, whereby a temporary permission was granted on 25<sup>th</sup> May 2013 for a period of 3 years.
- 1.2 The site is a parcel of land located adjacent to the A38 in Rudgeway, South Gloucestershire. The land is approximately 44 metres in width and 30 metres in length. It is 130 square metres in total. It benefits from two access points both onto and off the A38. Adjacent the site lies the Mason's Arms public house car park. To the south- east lies a farmhouse and office park. This is screened via mature conifer trees along the eastern boundary.
- 1.3 The site is currently being used for a hand car wash and therefore the associated structures that facilitate this use are currently located on the land. This includes a canopy located centrally, and a porta-cabin situated on the rear boundary of the land. In addition, there is fencing and associated advertisements along the front and side boundaries of 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

CS5 Location of Development

South Gloucestershire Local Plan Adopted January 2006 (Saved Policies)

L1 Landscape Protection and Enhancement

T12 Transportation

E6 Employment development in the countryside

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

PSP1 Responding to Climate Change and High Quality Design

PSP2 Landscape

PSP 7 – Development in the Green Belt

PSP 8 – Residential Amenity

PSP 11 – Tackling Congestion and Improving Accessibility

Supplementary Planning Guidance

Development in the Green Belt SPD (adopted) June 2007

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

- 3.1 P84/1338 - *Use of part of existing service station forecourt for the sale and display of motor cars. Approved 16.06.1986*
- 3.2 PT05/2702/O - *Erection of offices on 0.37 hectares of land (outline). All matters to be reserved. Refused 25.11.2005*
- 3.3 PT13/1129/F – *Change of use of former Service Station (Sui-Generis) to temporary hand car wash facility (Sui-Generis) as defined in Town and Country (Use Classes) Order 1987 (as amended). Approved 24.05.2013*

### **4. CONSULTATION RESPONSES**

#### **4.1 Alveston Parish Council**

*'The Planning Committee note that during the previous temporary consent to the car wash business that several cars were placed on the premises for sale. Councillors note that this is not a business for the sale of cars and if this were to continue would object to the granting of a further temporary consent. However The Parish Council has no objections to PT17/0548/F if it is to be used only as a car wash business.'*

#### **4.2 Other Consultees**

##### **Transportation Development Control**

*'Subject to conditions, no transportation objection was raised to the previous temporary consent'*

*One of the previous requested by the Transportation Officer was for appropriate ingress and egress signage to be provided. I cannot find any evidence of this signage being in situ and would request that this is provided. Subject to this signage, no transportation objection would be raised to the continued use of this land as a hand car wash.*

#### **Other Representations**

#### **4.3 Local Residents**

No local residents have commented on this application.

## 5. ANALYSIS OF PROPOSAL

### 5.1 Introduction

- 5.2 The site benefited from a previous planning permission (planning ref. PT13/1129/F) granting a change of use of this former petrol station to a hand car wash facility for a temporary period of 3 years. This temporary consent has now expired. As stated above, this application seeks a permanent planning permission for the hand car wash currently in situ.
- 5.3 This report will focus on whether this application for a permanent use of the site is acceptable, having regard to the Councils adopted development plan policies and all other material considerations that come into effect.

### Principle of Development

- 5.4 In terms of the local development plan, Green Belt policy is found within policies CS5 and CS34 of the Core Strategy. These policies state development proposals within the Green Belt must comply with the provisions of the NPPF. The National Planning Policy Framework (NPPF) states at paragraph 79 that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and permanence. Paragraph 89 and 90 provide the limited categories which can be considered appropriate development in the Green Belt.
- 5.5 The partial or complete redevelopment of a previously developed site (brownfield land), whether redundant or in continuing use, falls into the limited categories of appropriate development, subject to the redevelopment not having a greater impact on the openness of the Green Belt and the purpose for including land within it than the existing development.
- 5.6 Prior to the car wash, a petrol station previously operated from the land. Following this use ceasing, the land was cleared of all structures, including the buildings and canopy, and other facilities and infrastructure used to operate the petrol station. Regardless of whether the petrol station use had been abandoned or not, planning permission would be required to replace the petrol pumps, canopy and kiosk etc to recommence the petrol station use. Consequently the assessment of whether the car wash has a greater impact on openness must be made against how the site existed at the time the car wash use commenced. As this was open and without any structures on it, and the car wash introduced new additional development in the form of buildings, fencing and the canopy, the use does have a materially greater impact on the openness of the Green Belt than the existing development. Accordingly, the car wash development does not fall within the limited categories of appropriate development in the Green Belt, and must be considered inappropriate development. Inappropriate development is, by definition, harmful to the Green Belt, and should not be approved except in very special circumstances.



### Effect on openness of the Green Belt

- 5.7 One of the essential characteristics of the Green Belt is its openness. Openness can be defined as the absence of development. As stated above, the introduction of a hand car wash on the land is considered to have a greater impact on the openness of the Green Belt than what previously existed. The erection of a canopy and porta-cabin to facilitate the use of the car wash add a significant degree of development to the land, while the introduction of vehicles and associated washing facilities further impacts its openness. Taking all matters into account, it is clear the car wash has some degree of material impact on the openness of the Green Belt, and substantial weight must be attached to that harm.

### Design and Visual Amenity

- 5.8 The car wash is largely the same in form to that of the previous permission. A single canopy is proposed again in the centre of site and vehicles are washed in this location. The only proposed change from the previous consent is the inclusion of small porta-cabin to the rear of the site. The visual impact of the car wash, when considered in the context of this previously developed piece of land is not significant. All associated structures and advertisements used to facilitate the car wash do not cause any significant harm to the visual amenity of the area.

### Transportation

- 5.9 Planning permission PT13/1129/F granted permission subject to conditions. The site benefits from two access points coming onto and off the A38 road. There is adequate parking and sufficient space to manoeuvre for a number of vehicles. The Transport Officer during the determination of that application raised no objection subject to appropriate signage being implemented for vehicles entering and exiting the site. Subsequently, Condition 4 of that permission requested full details of ingress and egress signage be submitted to and approved by the local authority. This condition however, was never complied with and business operated without signage.
- 5.10 The Transportation Officers comments within this current application reiterate that of the previous application, stating the use of the site is acceptable in highway safety terms subject to appropriate signage being provided. Accordingly, should planning permission be granted, a condition will be implemented requiring appropriate signage be installed within one month from the date of the permission. The business will be in breach of the condition and liable for planning enforcement action should this condition fail to be complied with. Taking all matters into account, subject to an appropriate condition being attached to a consent, the proposal accords with transport policy T12 of the Local Plan.

### Residential Amenity

- 5.11 The previous application (PT13/1129/F) considered issues relating to the noise produced by the car wash. Officers determining the application deliberated

whether it was necessary for the applicant to produce a noise assessment. Considering the context of the site, in particular the proximity of the residential properties to the car wash, the background noise produced by passing traffic on the A38 and the close proximity of the public house, it was not considered proportionate to require a noise assessment. It was considered the car wash would not have a detrimental impact on the existing residential amenity of nearby occupiers, subject to a condition being implemented that restricts the hours of operation. The proposed operation was thought to accord with Policy E6 of the Local Plan.

- 5.12 This application seeks permission for a permanent permission that will continue the use of the operation. There are no material changes to the operation of the car wash and furthermore the Council have received no complaints concerning the noise the business produces. Accordingly, it is considered this application raises no issues relating to residential amenity.

#### Other Issues

- 5.13 As concluded within the previous permission, this use provides a positive economic use to a piece of land that was abandoned beforehand. A number of full-time jobs have been provided as a result of the business. Officers consider the car wash provides a small economic benefit through the creation of jobs that attracts moderate weight in favour of the proposal.
- 5.14 Through the consultation process for this application, concerns have been raised the car wash business has in the past sold vehicles. This application, however, seeks consent to continue using the land to facilitate a hand car wash. The continuous sale of vehicles on the land would constitute a change of use of the land, and therefore, it should be dealt with as a planning enforcement matter.

#### Previous planning application PT13/1129/F

- 5.15 The site benefited from a previous planning permission for the car wash use for a temporary three year period. At the time of determination, officers considered the proposal would have no detrimental harm to the Green Belt, and in addition to this it would bring a disused site back into economic use. At the time of the application, policy GB1 of the South Gloucestershire Local Plan had not been replaced, and this allowed for the change of use of land provided it did not have a greater impact on openness (see para 5.1 of the officer report). While the application was determined within the context of the NPPF, it was before the main body of case law in relation to Green Belt policy within the NPPF had been established. The assessment was therefore made against a materially different Development Plan policy context, and at a time when the interpretation of Green Belt policy in the NPPF was still being established.
- 5.16 As stated in the reason for the condition on the decision notice, the only reason that permission was granted on a temporary basis was in order to allow the local authority to assess whether there were “any unforeseen impacts” of the car wash prior to the submission of any further application. This could only reasonably be interpreted as meaning symptomatic impacts arising from the

actual car wash use, for example highway safety or residential amenity impacts. It stands to reason that if no such adverse impacts were subsequently identified then the general expectation would be that a permanent permission would then be granted if a further application was submitted.

### Planning Balance and Conclusion

- 5.17 Having re-assessed the development, within the context of the current development plan policy and up-to-date interpretation of Green Belt policy in the NPPF, officers have reached a different conclusion on the 'principle of development' to that of the earlier application. Officers have concluded that the car wash use amounts to inappropriate development, and that the use is harmful to the openness of the Green Belt. Significant weight is attached to this harm to the Green Belt. The assessment of the current application has concluded that there is no other materially significant harm.
- 5.18 The previous grant of planning permission by the Local Planning Authority for the car wash use on the site is a material consideration in this application. While that permission was only granted for a temporary period, this was only to afford the Local Planning Authority the opportunity to discover whether any unforeseen impacts arose from the use.
- 5.19 As set out earlier in this report, no adverse impacts of the car wash use have been identified during the permitted 3 year period. Significant weight is therefore attached to the fact that permission for the use has previously been granted, and no adverse impacts subsequently found that would have led to that earlier application being refused.
- 5.20 Consistency of decision-making is important to the integrity of the planning system, and given the earlier permission and the reasons behind the temporary nature of that, officers are mindful of the need to maintain a consistent approach to the assessment of, and decision-making on, this development. Officers are of course also conscious of the need for consistency of approach with decision-making on applications for other sites, but no two sites are the same, and each must be assessed on its own merits and its own unique circumstances.
- 5.21 Accordingly, while substantial weight has been attached to the harm to the Green Belt, the previous grant of planning permission for the use, and the absence of any resultant adverse impacts, together with the additional weight attached to the economic benefits, amount to a unique and very special circumstance which in this case outweighs that Green Belt harm and indicates that planning permission should be granted.

## **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 conditions.

**Contact Officer: Sam Garland**  
**Tel. No. 01454 863587**

### **Conditions**

1. Notwithstanding the submitted details, within 1 month from the date of this permission full details of an ingress and egress strategy, incorporating appropriate signage details, shall be submitted to and approved in writing by the Local Planning Authority. Prior to the use commencing, the ingress and egress strategy shall be allocated, marked out and signed as agreed and thereafter retained for the duration of the use.

Reason

To ensure that driver confusion is avoided in the interests of highway safety and to accord with policy T12 of the adopted South Gloucestershire Local Plan.

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

In the interests of protecting the openness of the Green Belt and the visual amenity of the locality in accordance with provisions of the National Planning Policy Framework (2012) and policy CS1 of the South Gloucestershire Local Plan Core Strategy (Adopted) 2013.

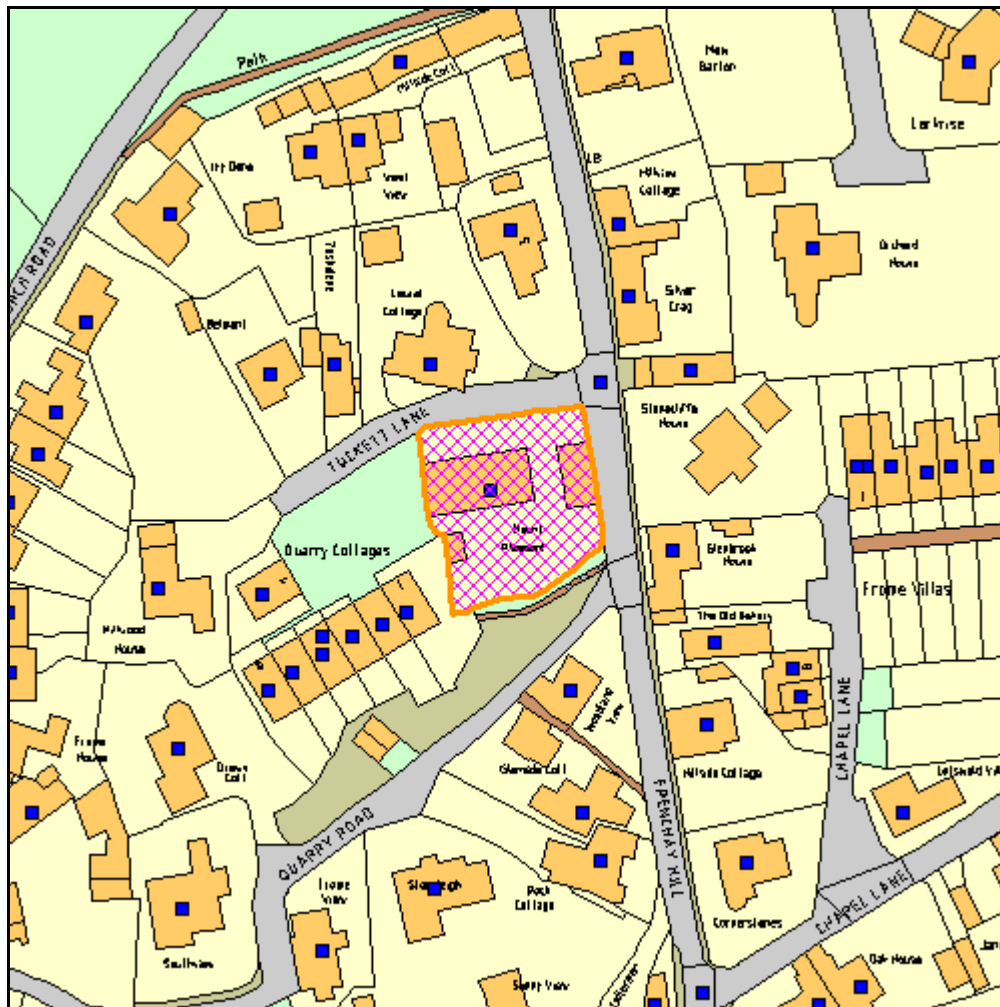
3. The use hereby permitted shall not be open to customers outside the following times 0900 to 1900 from Mondays to Saturdays and 1000 to 1700 on Sundays and Bank Holidays.

Reason

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policy E6 of the South Gloucestershire Local Plan (Adopted) January 2006.

**CIRCULATED SCHEDULE NO. 43/17 – 27 OCTOBER 2017**

|                              |  |                     |                             |
|------------------------------|--|---------------------|-----------------------------|
| <b>App No.:</b>              | PT17/2977/F  | <b>Applicant:</b>   | Mr M Sheppard               |
| <b>Site:</b>                 | Mount Pleasant Frenchay Hill Frenchay<br>Bristol South Gloucestershire<br>BS16 1LU | <b>Date Reg:</b>    | 18th July 2017              |
| <b>Proposal:</b>             | Erection of an extension to existing detached garage.                              | <b>Parish:</b>      | Winterbourne Parish Council |
| <b>Map Ref:</b>              | 364099 177424  | <b>Ward:</b>        | Frenchay And Stoke Park     |
| <b>Application Category:</b> | Householder  | <b>Target Date:</b> | 7th September 2017          |



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## **INTRODUCTION**

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

### **1. THE PROPOSAL**

- 1.1 The application is for the erection of an extension to existing detached garage.
- 1.2 The property is a detached dwelling and associated front side and rear curtilage, the garage being located to the side immediately adjacent to Frenchay Hill. The site is located within the designated Frenchay Conservation Area.

### **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  
H4 Development within Existing Residential Curtilages, Including Extensions and New Dwellings  
T12 Transportation  
L12 Conservation Areas  
  
South Gloucestershire Local Plan Core Strategy Adopted December 2013  
CS1 High Quality Design  
CS8 Access/Transport  
CS9 Managing the Environment and Heritage
- 2.3 Supplementary Planning Guidance  
South Gloucestershire Design Checklist (Adopted) 2007.  
South Gloucestershire Parking Standards SPD  
Frenchay Conservation Area SPD 2007

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

- 3.1 N2397/1 – New retaining wall. Approved 18/3/76
- 3.2 N264/LBC – Demolition of single storey extension. Approved 6/12/79
- 3.3 N2397/2 – Two storey side extension. Approved 6/12/79
- 3.4 P85/1595/L – Works of incidental demolition to facilitate erection of two storey extension. Approved 19/6/85
- 3.5 P85/1586 – Two storey side extension. Approved 19/6/85

- 3.6 PT01/1039/CA – Minor works of demolition to facilitate erection of extension to existing garage, erection of conservatory and raising the height of boundary wall. Refused 21/6/01
- 3.7 PT06/2226/F – Single storey extension to garage and works to raise boundary wall. Approved 11/12/06.
- 3.8 PT11/2216/F – Two storey front and side extension. Approved 7/9/11

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

- 4.1 Winterbourne Parish Council  
No objection.

##### Conservation Officer

There are no objections to the proposed scheme, as the extension of the garage wall would add to the sense of enclosure already experienced along Frenchay Hill which is a result of the existing boundary structures and buildings set hard against the carriageway. This can be considered to be a positive characteristic of this part of the conservation area. The planning history is also noted.

In regards to conditions, with details of eaves and verges provided, conditions requiring a sample of roof tile and a sample panel of the stonework should be attached to any consent to ensure the proposed extension successfully ties in with the existing structure and its context.

#### **Other Representations**

- 4.2 Local Residents

Two separate letters of objection from the same local property have been received, as follows:

*'1. Since 1981 we have been the owner-occupiers of Glenbrook House which is the property immediately opposite Mount Pleasant on Frenchay Hill. We only became aware of this application by a chance conversation earlier this week, as we did not receive any notification and there is no visible notice on Frenchay Hill.*

*We have grave concerns regarding the impact of this application on our home and the Village. We also feel there are inaccuracies and ambiguities in the submitted plans.*

*This application makes several references to the planning application of 2006. The permission granted in 2006 was a scaled down version of the original request because of the many objections to the scale and impact of the development. The 2017 application is a much larger Garage/Workshop development than ever suggested and is surely not appropriate to a domestic residence. Mount Pleasant already has a huge Garage/Workshop easily capable of housing 4 cars, with off street parking for another 4/5 cars.*

*In both the current and 2006 application, the applicant asks to reinstate the height of the wall to 1970s level. The 2006 application stated this to be 2 metres, whereas the current application states this to be 3 metres (please refer to Statement of Intent). If there is any relevance to the concept of reinstatement then, by the applicant's own specification in 2006, this should be 2 metres and not the 3 metres as now quoted.*

*This application shows the existing boundary wall to be approx. 2 metres high and horizontal. This is not accurate – the existing wall is stepped and garden terraced. The proposed plan is therefore a much greater change than the plans would lead you to believe.*

*In terms of ambiguity the plans show a boundary wall height that is “on average”. On a plan any specified height must be referred to a datum. If that datum is the road level then the further down Frenchay Hill the higher the actual height will increase.*

*Although the applicant refers to this as a Garage, it is also a Workshop. Considering National and Local Transport policies, surely as a domestic home, Mount Pleasant already has an abnormally large capacity for vehicles. The noise levels (unsuppressed) of the racing cars whilst being run and tuned which already disturbs residents, would likely become greater.*

*Our biggest concern is that of privacy – if this application is approved the applicant will create a massive retaining wall in order to backfill and level the Garden, which is currently pleasantly terraced. This means that at these elevated heights people in the Garden will be able to look down through into our bedroom and bathroom windows at close proximity (width of Frenchay Hill). If permission were to be granted we could never have curtains open and enjoy natural light.*

*Although the applicant states Frenchay Village is renowned for its high walls, the boundary wall opposite is only 2 metres high. The height of the Garage is already 5 metres above road level.*

*In summary, the Garage/Workshop is already massive and does not need to be increased, our loss of privacy would be intolerable. Aesthetically, rather than a fortress-like massively high stone wall the current terraced and sloping garden is pleasing. Walls that are in excess of 5 metres are not the norm here.*

*2. Previous applications for large scale alterations were made in both 2001 and 2002.*

*PT01/1036/F resulted in a refusal. A copy of this decision is attached. The delegated report states “It is proposed to make a substantial extension to the existing double garage .... loss of trees and greenery. There is concern about the scale of the garage and impact this will have on the garden area. It is considered that the mass proposed will have a detrimental impact on the Conservation Area. Recommendation – Refusal.”*

*PT02/1180/F was withdrawn because “the application was not acceptable to*



*the LPA in current form & to further consult with Parish Council & neighbours". A copy is attached.*

*These applications were more widely publicised and attracted a multitude of objections mostly from local residents and others concerned with the Conservation Area. The PC were aware of the detrimental impact and were against it.*

*In 2006, a member of the Parish Council stated that the reduced application had "gone unnoticed" and approval was granted.*

*The current application is a repeat of the initial requests with a 3metre high retaining wall, backfilled to eliminate garden terracing and with the garage extended by yet another 3metres in length.*

*The existing garage has a footprint in excess of 60 sq mtrs and is already the largest garage (by far) to be granted permission within this Conservation Area! The fascia board is approx. 5 metres above the road level and if extended by a further 3 mtrs would be much higher at its Southern end. A 3mtr extension would make this a much bigger garage than applications previously refused.*

*The proposed plans state that the trees and plantings would be retained but surely this is not possible if the garden ground level is increased in some areas by over 1.5 mtrs. Aesthetically it would be a disaster to replace the established plantings with a massive retaining wall.*

*There is no precedent or justification for these alterations and we agree with the reasons for previous refusal/withdrawal of what were in fact much smaller applications.*

## **5. ANALYSIS OF PROPOSAL**

### **5.1 Principle of Development**

Policy H4 of the South Gloucestershire Local Plan (Adopted) 2006 advises that proposals should respect the massing, scale, proportions, materials and overall design of the existing property and the character of the street scene and surrounding area, they shall not prejudice the amenities of nearby occupiers, and shall not prejudice highway safety nor the retention of an acceptable level of parking provision or prejudice the retention of adequate amenity space.

### **5.2 Residential Amenity**

The amenity concerns raised by the neighbouring property, above, are noted. Each application should be dealt with on its own individual merits. In reviewing the planning history there have clearly been applications in the past, relating to the garage, both successful and unsuccessful. This application seeks a further 3metre extension to the existing garage which immediately abuts the highway. Notwithstanding previous applications, it is necessary to assess what is being proposed under the terms of this application, as to its acceptability. It is considered that the plans are satisfactory for the purposes of assessment of the proposals. The side of the proposed single storey extension would be immediately adjacent to the highway and essentially represent a continuation of the wall. The nearest residential property is on the other side of the public

highway to the east. The highway is approximately 5m wide at this location. The extension itself would not be directly opposite the property to the east. The extent of the additional extension to the garage would be 3 metres by approximately 1.5 metres on this east elevation. The wall does not form part of this application as submitted to the LPA, and the applicants consider any work in this respect to be a continuation of development previously approved and commenced. Notwithstanding this, the increase in wall height would essentially be a continuation of the existing wall, again on the eastern elevation, immediately abutting the highway (Frenchay Hill). The increase in height of the stone garden retaining wall sought is just under 1 metre. Any impact must be judged in terms of whether the proposals would, in planning terms, be considered overbearing on adjacent properties. Given the above information, it is not considered in this instance that the extent of development proposed, taken into context with the distance, location and orientation of the proposals in relation to the nearest properties, that they would have a significant or material overbearing impact such as to warrant and sustain an objection and subsequent refusal of the application on this basis.

- 5.3 Planning permission under consideration of this application would be for domestic use associated with the existing residential dwelling. No change of use is proposed and commercial use of the premises would require separate planning consideration and consent
- 5.4 Conservation Area - Design / Visual Amenity  
The proposals represent a relatively modest addition to the side of Mount Pleasant and the Conservation Area in general. The garage wall would add to the sense of enclosure already experienced along Frenchay Hill which is a result of the existing boundary structures and buildings set hard against the carriageway. Materials would match the existing wall and building. There are no Conservation Officer objection to the proposals. The scale and design of the proposals is considered to adequately integrate with the existing dwelling and surrounding area, and is therefore not considered to give rise to material or significant impact upon the streetscene or the Conservation such as to warrant and sustain an objection and refusal of the application on this basis.
- 5.5 The applicant has stated that materials will match the existing building. Given the location of the site in a Conservation Area, the prominence of the roadside wall location within this area, and the nature of the materials involved, in accordance with the requirements of the Conservation Officer, a condition requiring sample materials, in terms of the stone, pointing and tiles, is recommended.
- 5.6 Transportation  
The existing off street parking requirements and arrangements will be unchanged and sufficient off-street parking provision remains available to serve the property.
- 5.7 Equalities  
The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society; it sets out the different ways in which it is unlawful to treat someone. As a result of this Act the public sector equality duty

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

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

## **6. CONCLUSION**

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 The proposals are of an appropriate standard in design and are not out of keeping with the context of the area and surrounding properties. Furthermore the proposal would not materially or significantly harm the amenities of the neighbouring properties by reason of loss of privacy or overbearing impact. As such the proposal accords with Policies H4 and L12 of the South Gloucestershire Local Plan (Adopted) 2006 and CS1 and CS9 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).

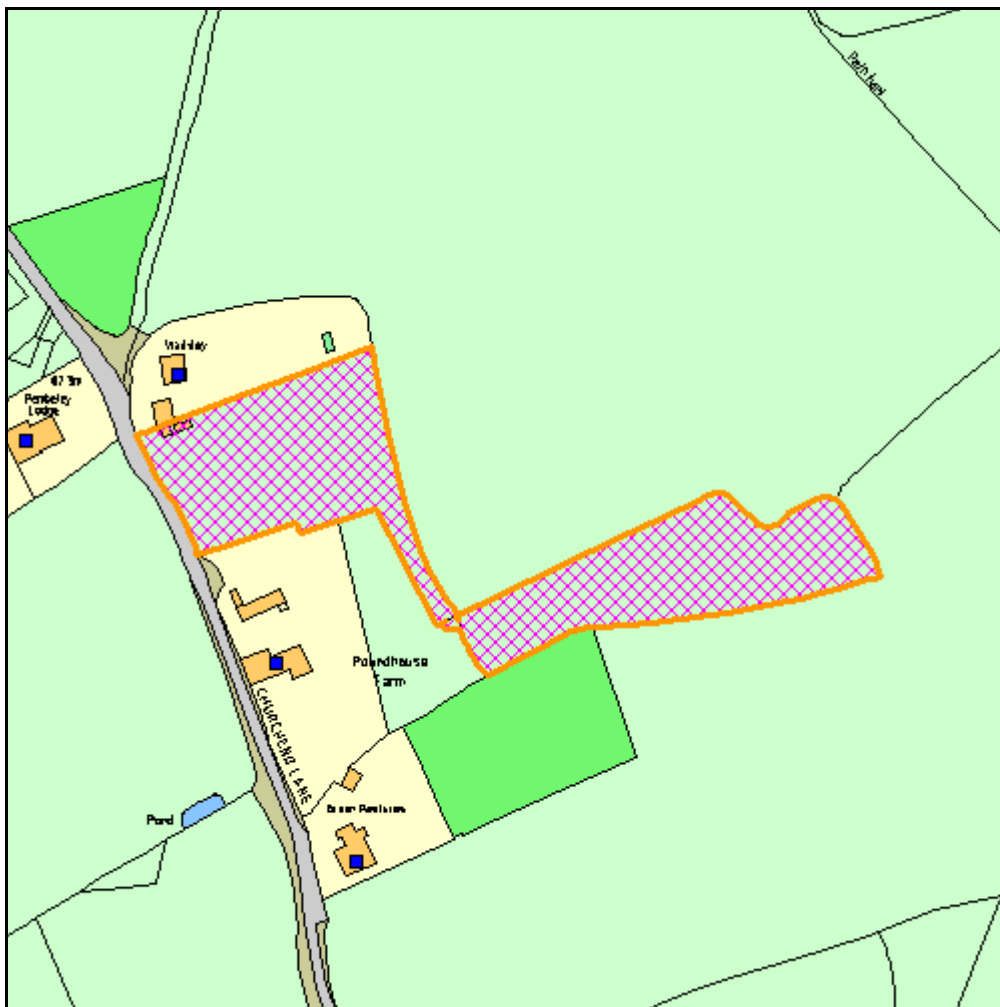
2. Sample panels of stonework, demonstrating the colour, texture and pointing and sample tiles, are to be erected on site and approved in writing by the Local Planning Authority before the relevant parts of the work are commenced. The approved sample panel shall be kept on site for reference until the stonework is complete. Development shall be carried out in accordance with the agreed sample.

Reason

To maintain and enhance the character and appearance of the Conservation Area, and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

## CIRCULATED SCHEDULE NO. 43/17 – 27 OCTOBER 2017

|                                  |   |                         |                             |
|----------------------------------|---|-------------------------|-----------------------------|
| <b>App No.:</b>                  | PT17/3449/F   | <b>Applicant:</b>       | Mr S Bridges                |
| <b>Site:</b>                     | Pound House Farm Churchend Lane<br>Charfield Wotton Under Edge South<br>Gloucestershire<br>GL12 8LJ | <b>Date Reg:</b>        | 27th July 2017              |
| <b>Proposal:</b>                 | Erection of 1no agricultural building for<br>the storage of vehicles and<br>maintenance equipment.  | <b>Parish:</b>          | Charfield Parish<br>Council |
| <b>Map Ref:</b>                  | 371716 191562   | <b>Ward:</b>            | Charfield                   |
| <b>Application<br/>Category:</b> | Minor   | <b>Target<br/>Date:</b> | 18th September<br>2017      |



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PT17/3449/F

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

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

### **1. THE PROPOSAL**

- 1.1 Planning permission is sought for the erection of 1no agricultural building for the storage of vehicles and maintenance equipment. The application relates to Pound House Farm, Churchend Lane, Charfield.
- 1.2 The application site consists of land to the north and west of the main dwelling at Pound House Farm. The land does not form part of the residential curtilage of the main property, and is listed by the Land Registry as being totally separate from Pound House itself. The proposed agricultural building would be used to store vehicles and equipment used to maintain the land.
- 1.3 An application for prior notification of agricultural or forestry development (PNA) was previously submitted to the Local Planning Authority. This application related to the agricultural building currently under assessment. However the proposal did not meet the relevant criteria set out in Schedule 2, Part 6 of the Town and Country Planning (General Permitted Development) Order 2015, and did therefore not constitute permitted development. The PNA application was subsequently withdrawn and a full application submitted.

### **2. POLICY CONTEXT**

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

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design  
CS4A Presumption in Favour of Sustainable Development  
CS5 Location of Development  
CS8 Improving Accessibility  
CS34 Rural Areas

South Gloucestershire Local Plan Adopted January 2006 (Saved Policies)

E9 Agricultural Development  
L1 Landscape Protection and Enhancement  
T12 Transportation

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

PSP2 Landscape  
PSP28 Rural Economy  
PSP29 Agricultural Development

The Proposed Submission Draft Policies Sites and Places Plan (PSP plan) is a further document that will form part of the South Gloucestershire Local Plan. The PSP plan will set out new planning policies for South Gloucestershire. Submission and Examination of this took place in February of 2017, and adoption is expected in November 2017. Accordingly, with regard to the assessment of this planning application limited weight is attached to the PSP plan as a whole at this time – although weight can be attributed to those policies which are not expected to be subject to modification.

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

### 3. RELEVANT PLANNING HISTORY

3.1 **PK17/2861/PNA**

Prior notification of the intention to erect an agricultural building for the storage of equipment.

Withdrawn: 12.07.2017

3.2 **P99/1575**

Erection of two storey side extension and single storey rear extension

Approved: 19.05.1999

3.3 **P84/2150**

Alterations to dwellinghouse and attached barn to provide additional living accommodation.

Approved: 12.09.1984

### 4. CONSULTATION RESPONSES

4.1 Charfield Parish Council

No objection – However Parish Council would ask that a condition be attached to any permission granted specifying that the building will be used solely for the storage of agricultural machinery.

4.2 Other Consultees

Sustainable Transport

No comment

Lead Local Flood Authority

No objection subject to informative.

Archaeology

No objection

Highway Structures

No comment

**Other Representations**

4.3 Local Residents

Two comments of objection have been submitted by local residents. The main concerns raised are outlined below:

- The proposed building should be restricted to agricultural use and excluded from commercial or industrial use.
- If planning permission is granted for the building it should only be used for storage and nothing else.
- Site boundary is incorrect.
- Applicant already has a workshop on-site.

**5. ANALYSIS OF PROPOSAL**

5.1 Principle of Development

As previously noted, the application site is separate from the main dwelling at Pound House Farm. As the land does not appear to be used for residential purposes, it is not considered to be residential. There is no clear, defining use of the land at present, with the site forming areas of open paddock bounded by substantial vegetation. In the absence of any planning history or other evidence indicating otherwise, the lawful use of the land is considered to be agricultural.

5.2 The proposed building would be used to store vehicles and equipment associated with the maintenance of the land. As there is a clear association between the proposed building and the agricultural land upon which is sited, the building can be considered to form an agricultural building.

5.3 As such, policy E9 of the Local Plan and policy PSP29 of the Policies, Sites and Places Plan are applicable. Whilst adoption of the PSP is not expected until November 2017, policy PSP29 is not expected to be subject to modification. As such it can be afforded significant weight in the assessment of this application.

5.4 Policy E9 supports the erection of agricultural buildings providing that they are sited on land which is in use for agricultural purposes and there are no existing suitable underused buildings available; adequate provision is made for access and manoeuvring of machinery and livestock; any development would not have unacceptable environmental impacts, and; the proposal would not prejudice the amenities of people residing in the area.



- 5.5 Policy PSP29 also outlines that new agricultural buildings will be supported providing there are no existing suitable underused buildings available, and that the proposal is reasonably necessary for the purposes of the use and is clearly designed for that purpose. PSP29 moves on to outline that particular attention should be paid to siting, size, massing, form, materials and detailed design to minimise any adverse impacts on the character and diversity of the landscape and the general openness of the countryside.
- 5.6 For the reasons outlined above, the proposal is considered to comprise the erection of an agricultural building on agricultural land. As such, the development is acceptable in principle, but will be determined against the analysis set out below.
- 5.7 Reasonably Necessary for Purposes of Use  
It is recognised that due to the size of the parcel of land (0.78 hectares) and the considerable amount of vegetation at the site, the type of vehicles and equipment required to maintain the land go beyond what would be required to maintain more domestic land. It is also noted that for security purposes, it is necessary for the vehicles and equipment used to tend the land to be securely stored.
- 5.8 The proposed building would incorporate a shallow, pitched roof, with aluminium roller shutter door and corrugated steel sheet finish to external walls. It is considered that the design and finish of the proposed building allow for it to appear agricultural in nature. In terms of scale, the building is considered to be of an appropriate scale as to store vehicles and equipment used to maintain a fairly small parcel of agricultural land. Overall, it is considered that the proposal is reasonably necessary for the purposes of the use and is clearly designed for that purpose.
- 5.9 The concerns raised regarding the use of the building have been taken in to account. However any permission granted would only allow the building to be used for agricultural purposes, and any alternative use would require further planning permission.
- 5.10 Existing Suitable Underused Buildings  
The concerns raised regarding an existing workshop at Pound House have been taken in to account. However this is sited outside of the application site, with no buildings currently sited on the application site. It is noted there is a stone-built single storey outbuilding on the Pound House site, however this is used entirely for domestic purposes associated with the house. As alluded to by a local resident, there is also a timber workshop building which is used by the applicant in pursuit of their hobby. It has been outlined by the applicant that these buildings are not underused, and are not large enough to store the larger equipment associated with the maintenance of the land. On this basis, there are not considered to be any existing suitable underused buildings available.
- 5.11 Design and Impacts on Landscape  
The application site consists of two open fields, with one to the north of Pound House and one to the east. The fields are connected by a fairly narrow stretch of land. The proposed building would be sited at this narrow stretch of land,

which is bounded on either side by rows of trees. The proposed building would incorporate a width of 9 metres, a depth of 7 metres, an eaves height of 2.4 metres and a ridge height of 3.2 metres. The building would incorporate an aluminium roller shutter door, with juniper green colour corrugated steel wall cladding.

- 5.12 Due to the siting of the building and the screening effects of boundary treatments, the building would not be visible from public areas, and would be largely screened when viewed from neighbouring land. Furthermore, the siting of the building at a fairly narrow stretch of land, and not within a large open space, is considered to reduce any impacts on the general openness of the countryside.
- 5.13 It is also considered that due to its scale, massing, design and external finish, the proposed agricultural building would appear as an appropriate feature within its immediate landscape. The scale of the building is considered to sufficiently reflect the size of the site. It is also considered that the building has clearly been designed for its primary purpose; the storage of vehicles and equipment. Overall, it not considered that the proposed building would have an adverse impact on the character and diversity of the landscape or the general openness of the countryside.
- 5.14 Amenities of Local Residents  
It is noted that the agricultural building would be sited in fairly close proximity to the boundary separating the site from neighbouring land. However given the fairly modest scale of the building, and the screening effects of boundary treatments, it is not considered that the building would significantly overbear or overshadow on to neighbouring land. Given the nature of the development, it is also not considered that the proposal would have any impact on the privacy enjoyed by neighbours through an increased sense of overlooking.
- 5.15 Access and Manoeuvring  
Given the scale of the development, it is not considered that the proposal would have any significant impacts in terms of site access or the manoeuvring of machinery and livestock.
- 5.16 Site Boundary  
The concerns raised regarding the site boundary have been taken in to account. However extracts from the Land Registry have been submitted indicating that the site boundary as indicated on the submitted site location plan is correct.
- 5.17 Equalities  
The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society; it sets out the different ways in which it is unlawful to treat someone. As a result of this Act the public sector equality duty came into force. Among other things those subject to the equality duty must have due regard to: eliminate unlawful discrimination, harassment and victimisation; advance equality of opportunity and foster good relations between people who share a protected characteristic and those who do not. The general equality duty therefore requires organisations to consider how they could

positively contribute to the advancement of equality and good relations. It requires equality considerations to be reflected into the design of policies and the delivery of services.

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

## 6. **CONCLUSION**

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

6.2 The recommendation to **grant** permission has been taken having regard to the policies and proposals in the South Gloucestershire 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 included on the decision notice.

**Contact Officer: Patrick Jackson**

**Tel. No. 01454 863034**

## **CONDITIONS**

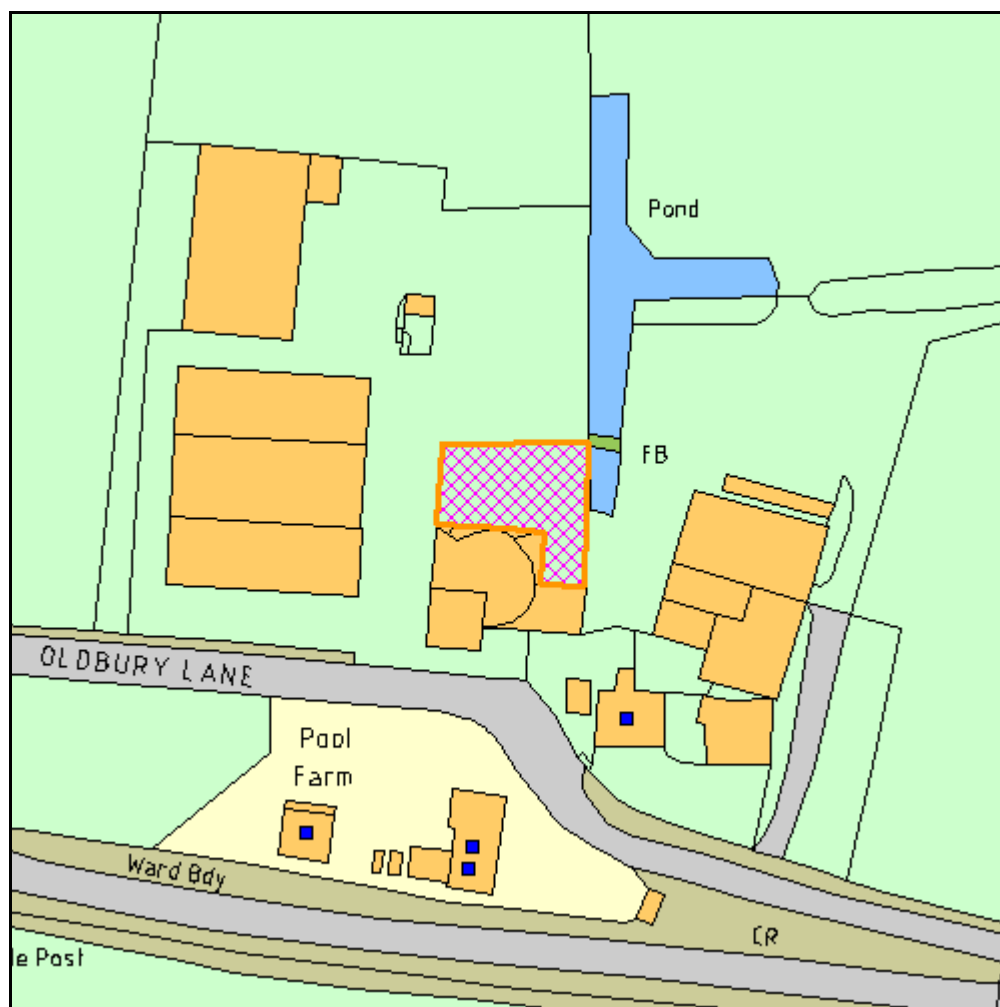
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason

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

## CIRCULATED SCHEDULE NO. 43/17 – 27 OCTOBER 2017

|                                  |   |                         |   |
|----------------------------------|---|-------------------------|---|
| <b>App No.:</b>                  | PT17/3789/F   | <b>Applicant:</b>       | Oldbury Storage<br>Ltd Oldbury<br>Storage Ltd |
| <b>Site:</b>                     | Pool Farm Oldbury Lane Thornbury<br>South Gloucestershire BS35 1RE  | <b>Date Reg:</b>        | 4th September<br>2017                         |
| <b>Proposal:</b>                 | Change of use of open storage area<br>(Class B8) to General Industrial (Class<br>B2) to provide ancillary storage to<br>adjoining Class B2 Unit, as defined in<br>Town and Country Planning (Use<br>Classes) Order 1987 (as amended)<br>(Retrospective) | <b>Parish:</b>          | Oldbury-on-Severn<br>Parish Council           |
| <b>Map Ref:</b>                  | 362613 192257   | <b>Ward:</b>            | Severn  |
| <b>Application<br/>Category:</b> | Minor   | <b>Target<br/>Date:</b> | 4th October 2017                              |



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100023410, 2008.

N.T.S.

PT17/3789/F

This report has been submitted onto the Circulated Schedule due to the application receiving an objection.

## **1. THE PROPOSAL**

- 1.1 Pool Farm is situated approximately two miles north of Thornbury and two miles to the east of Oldbury-on-Severn within the open countryside.
- 1.2 Historically, Pool Farm has benefitted from agricultural use, however in recent years the land use has undergone some changes to B8 storage (applications PT06/3043/F and PT08/0621/F).
- 1.3 Following application PT15/4159/CLE for the continuous use of the building to the south of the application site as a workshop for the purposes of agriculture, equestrian and fabrication services (B2), a Certificate of Lawful Use or Existing Development (CLUED) was issued by South Gloucestershire Council on the 4<sup>th</sup> March 2016.
- 1.4 The purpose of this retrospective application is to therefore change the lawful use of the open storage area (Class B8) to general industrial (Class B2) to provide ancillary storage to the adjoining B2 unit. In essence, it seeks to regularise the existing arrangement, as the application site has been utilised for the storage of materials and equipment associated with the neighbouring B2 business for a few years, by bringing the site within the planning unit of the adjoining B2 outbuilding.

## **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  
CS34 Rural Areas

South Gloucestershire Local Plan Adopted January 2006 (Saved Policies)

L1 Landscape Protection and Enhancement  
E6 Employment Development in the Countryside  
T8 Parking Standards  
T12 Transportation Development Control Policy for New Development

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

PSP8 – Residential Amenity  
PSP10 – Active Travel Routes  
PSP11 – Transport Impact Management  
PSP16 – Parking Standards

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

- 3.1 N2321 - Erection of milking parlour and covered collecting yard.  
Approved 12 Feb 1976
- 3.2 PT05/1598/F - Change of Use of redundant farm buildings to Class B1, B2 and B8 use (As defined in the Town and Country Planning (Use Classes) Order 2005). Refused 10 Jan 2006
- 3.3 PT06/1334/F - Change of Use of redundant farm buildings to storage (Class B8) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended) (Resubmission of PT05/1598/F). Refused 6 June 2006
- 3.4 PT06/3043/F - Change of Use of agricultural buildings to storage (Class B8) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended). Approved 21 Nov 2006
- 3.5 PT08/0621/F - Change of Use of agricultural buildings to storage (Class B8) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended). Approved 4 June 2008
- 3.6 PT15/0856/CLE - Certificate of Lawfulness for the existing use of the land and building outlined red on the untitled block plan received by the Council on 25<sup>th</sup> February 2015 for a repair, manufacturing and fabrication business, and storage of materials, equipment, machinery and vehicles (sui generis); and use of building outlined blue on the untitled block plan received by the Council on 25<sup>th</sup> February 2015 for non-agricultural storage (Use Class B8). Withdrawn 4 June 2015
- 3.7 PT15/4159/CLE - Application for Certificate of Lawfulness for the existing use of building for (Class B2) for business premises, workshop and storage of materials. Approved 4 March 2016

### **4. CONSULTATION RESPONSES**

4.1 Oldbury-on-Severn Parish Council  
No comment.

4.2 Other Consultees  
The Archaeology Officer Natural & Built Environment Team  
No comment.

Sustainable Transport – Transportation DC

No objection provided the area cannot be used for industrial activities.

Environmental Protection Team

No objection in principle but the officer suggested that the hours within which deliveries could be despatched and received should be limited as well as conditioning that the site shall only be used for ancillary storage associated with the use of the existing B2 premises and that no other activities be permitted.

## **Other Representations**

### 4.3 Local Residents

Comments made in favour of the application:

- Approving the proposal will enable a well-established and respected rural business to continue and hopefully increase local employment;
- The business at present provides vitally important support to the local farming community with repairs to agricultural machinery and the manufacture of specialist steel fabrications;
- The business has run for at least 12 years to my knowledge and has not affected the amenity of the nearby residential occupier.

Comments received in objection to the application:

- Allowing a B2 usage in this hard standing open space has the potential for noise, disturbance and fumes to become issues once again - which is not appropriate so close to a residential property, not in character with the local rural neighbourhood and is a nuisance;
- Increased use of the site (as outlined by North & Letherby in point 6.3 of their Justification) will see additional traffic and this is not appropriate, safe or in keeping with a small unclassified rural lane;
- Impact on residential amenity;
- Impact in highway safety;
- Strict conditions should be applied to an approval around hours of access and use;
- Usage should be specifically restricted to the ancillary storage and vehicular turning space requested by the applicant;
- Parking and loading by the tenants and their clients should be confined to within the open area specified within this and nowhere else in or around the site.

## **5. ANALYSIS OF PROPOSAL**

### 5.1 Principle of Development

The proposal is acceptable in principle under criterion B of policy E6 'Employment Development in the Countryside' of the South Gloucestershire Local Plan Adopted January 2006 (Saved Policies). This criteria suggest that development (including proposals for new employment, comprising those of a B2 nature) should be permitted when it relates to the extension or intensification of existing employment generating uses on the basis that they do not have an unacceptable impact on the environment, residential amenity or exacerbate traffic congestion.

Within the first chapter of the National Planning Policy Framework (March 2012) (NPPF), it states that the Government is committed to securing economic growth in order to create jobs and prosperity and that it's committed to ensuring that the planning system does all it can to support sustainable economic growth. It maintains that the planning system should act to encourage and not impede economic growth and that significant weight should be placed on the need to support economic growth through the planning system.

Similarly, Chapter 3 of the NPPF states that planning policies should support economic growth in rural areas by looking positively upon sustainable new development. It asserts that local and neighbourhood plans should support the sustainable growth and expansion of all types of business in rural areas, both through the conversion of existing buildings and the development of new.

The proposal is acceptable in principle when taking account of the above policies. However, further analysis of the proposal alongside the relevant policies is required.

## 5.2 Residential Amenity, Noise Impact and Disturbance

The building adjoining the current application site gained a CLUED on March 4<sup>th</sup> 2016 for the existing use of the building for (Class B2) for business premises, workshop and storage of materials. It must be noted that although the application site also seeks permission for a change of use from open storage area (Class B8) to general industrial (Class B2), the nature of how the site shall be used will not change. It's the intention of the applicant that the site shall continue to operate as an ancillary storage area for the adjoining B2 building; and the permission shall be conditioned as such to ensure that no other operations shall take place on the site. Additionally, the site cannot be viewed from the one neighbouring residential property or from the public highway.

It's therefore deemed that the change of use under discussion will have limited effect on the residential amenity of neighbouring residents. Furthermore, to ensure this, an additional condition shall be attached to the permission limiting the hours of use of the site: Monday - Friday 08.00 – 17.00, Saturday 08.00 – 13.00 with no use permitted on Sundays and Bank Holidays. It is thought that once these conditions are in place, the proposal will meet the requirements of policy E6.

## 5.3 Parking & Transportation

In order to fully assess the parking and transportation aspects of this proposal, it must be considered whether the proposal meets the criteria set out in policies T8 and T12 of the South Gloucestershire Local Plan Adopted January 2006 (Saved Policies) and PSP17 of the South Gloucestershire Local Plan: Proposed Submission: Policies, Sites and Places Plan June 2016. It must be considered whether the proposal provides safe access capable of accommodating the motorised traffic it would generate. Consideration must also be given to whether the proposal would create or unacceptably exacerbate traffic congestion, have an unacceptable effect on road, pedestrian and cyclist safety, and finally whether the proposal would generate traffic which would unacceptably effect residential amenity. As the proposal would possess a commercial element, it must also provide for safe, secure and convenient on-site loading, unloading and waiting facilities.

Having assessed the plans submitted as part of the application and having conducted a site visit, it's deemed that the site would adequately provide a safe access capable of accommodating the motorised traffic it would generate. This is further supported by our Sustainable Transport - Transportation DC officer who commented that they held no objection provided the area could not be



used for industrial activities. Furthermore, as detailed within the 'Planning Statement' provided with the application, it is not believed that traffic to the site shall change as a result of this proposal as the site is already established and developed. It's therefore believed that any increased use of the site will have a negligible impact.

As mentioned above, the site shall be conditioned so that: no other operations shall be permitted other than storage ancillary to the B2 use of the adjoining outbuilding; and the hours of use shall be limited. These two conditions together should therefore ensure that limited harm is caused to the residential amenity of neighbouring residents and that the proposal accords with policies T8 and T12.

#### 5.4 Character

It's necessary to consider, alongside policy L1 of the South Gloucestershire Local Plan Adopted January 2006 (Saved Policies), whether the proposal is in keeping with the character of the rural area. This policy requires that proposals should conserve, and where possible, enhance the amenity of the landscape.

It must be noted that no further operational development is required to facilitate the proposal. The site is typically agricultural in nature, being located within an old farm yard and surrounded by outbuildings previously used for agricultural purposes. This therefore satisfies the criteria of policy L1 'Landscape Protection and Enhancement' as no changes to the appearance of the external space are proposed.

#### 5.5 Rural Areas

To conclude, we must take account of policy CS34 and consider whether the proposal would protect, conserve and enhance the rural area's distinctive character, beauty and landscape. It must also be considered whether the proposal would serve to protect rural employment sites, services and facilities and support farm diversification in order to provide local employment.

Again, it must be noted that no operational development shall take place as a result of this proposal. Furthermore, as the character and external appearance of the site will not change, it's deemed unlikely that the proposal, if approved, will have a negative effect on the landscape. In addition, approving the proposal will allow business at the adjoining B2 site to remain viable by providing the required storage space to store materials and equipment associated with the business.

It's therefore deemed that the proposal accords with policy CS34.

#### 5.6 Economic Development

Through approving this application, a rural business may be retained in an area where little employment opportunities exist. As a result, the proposal also satisfies the requirements of policy E6 'Employment Development in the Countryside' and so this proposal is deemed acceptable.

#### 5.7 Other Matters

To address the points raised by local residents:

- The possibility of noise, disturbance and fumes – If approved, conditions shall be attached to the permission inhibiting the use of the area for anything other than storage ancillary to the B2 use of the adjoining site and limiting the hours of use of the site. It is therefore deemed that any harm to residential amenity shall be limited;
- The proposal is out of character for the rural area – no operational development shall take place as a result of the proposal and the external appearance of the site will not change. The proposal is in accordance with policy E6 of the South Gloucestershire Local Plan Adopted January 2006 (Saved Policies) as it details the extension of an existing employment generating use;
- Impact on highway safety – as commented on by our Sustainable Transport – Transportation DC officer, they have no objection provided the area cannot be used for industrial activities; a condition shall be attached ensuring this;
- Conditions should be applied to any permission granted – as addressed above, it is our intention to apply two conditions to the permission if granted: the first being to restrict the use of the site to storage ancillary to the B2 use of the adjoining outbuilding only; and the second to restrict the hours within which the storage area can be used.

#### 5.8 Consideration of likely impact on Equalities

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

No material considerations that are considered to engage the Public Sector Equality Duty have been identified through the assessment of this planning application.

## 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 detailed below.

Conditions:

1. The site shall only be used for ancillary storage associated with the use of the existing B2 premises, and for no other purpose. For the avoidance of doubt, no general industrial activity shall be permitted to be carried out in the yard.
2. Hours of use shall be limited to 08:00 to 17:00 Monday to Friday, 08:00-13:00 Saturday. No use on Sundays, Public and Bank Holidays.

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

### **CONDITIONS**

1. The site shall only be used for ancillary storage associated with the use of the existing B2 premises, and for no other purpose. For the avoidance of doubt, no general industrial activity shall be permitted to be carried out in the yard.

Reason

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policy E6 of the South Gloucestershire Local Plan (Adopted) January 2006; and the provisions of the National Planning Policy Framework.

2. Hours of use shall be limited to 08:00 to 17:00 Monday to Friday, 08:00-13:00 Saturday. No use on Sundays, Public and Bank Holidays.

Reason

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policy E6 of the South Gloucestershire Local Plan (Adopted) January 2006; and the provisions of the National Planning Policy Framework.