



**LIST OF PLANNING APPLICATIONS AND OTHER PROPOSALS
SUBMITTED UNDER THE PLANNING ACTS TO BE DETERMINED BY
THE DIRECTOR OF PLANNING, TRANSPORTATION AND STRATEGIC
ENVIRONMENT**

CIRCULATED SCHEDULE NO. 30/10

Date to Members: 06/08/10

Member's Deadline: 12/08/10 (5pm)

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 Planning, Transportation and Strategic Environment 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 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 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, where referrals can be picked up quickly by the Development Services Support Team. If in exceptional circumstances, you are unable to e-mail you request, please contact 01454 863518, well in advance of the deadline, to discuss alternative arrangements to ensure your response can be received.
- When you refer an application, make clear what the planning reasons are for doing so. This will help the case officer and other members give attention to the specific issues you have raised.
- It may also allow officers to seek to negotiate with the applicant to overcome the Member's concerns and therefore removing the need for a Committee determination.

Dates and deadlines for Circulated Schedule
During the August Bank Holiday Period 2010

Schedule Number	Date to Members 09.00 am	Members Deadline 5 pm
33/10	Thursday 26 August 2010	Thursday 02 September 2010

CIRCULATED SCHEDULE – 6 AUGUST 2010

ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
1	PK10/0821/CLE	Refusal	Spring Cottage, Beach Lane, Upton Cheyney	Bitton	Bitton
2	PK10/1128/F	Approve with conditions	18 Forest Road, Kingswood	Woodstock	none
3	PK10/1231/F	Approve with conditions	19 High Street, Staple Hill	Staple Hill	none
4	PK10/1321/F	Approve with conditions	11 Betjeman Court, Barrs Court	Parkwall	Oldland
5	PK10/1545/F	Approve with conditions	Land at rear 184 Bath Road, Longwell Green	Longwell Green	Hanham Abbots
6	PK10/1555/EXT	Approve with conditions	Shopping Arcade, Westons Way, Kingswood	Woodstock	none
7	PT10/1223/F	Approve with conditions	Old Down Country Park, Foxholes Lane, Tockington	Severn	Olveston
8	PT10/1390/CLP	Approve	2 Stanley Avenue, Filton	Filton	Filton
9	PT10/1403/ADV	Approve with conditions	Tesco Stores Ltd, High Street, Winterbourne	Winterbourne	Winterbourne
10	PT10/1563/CLP	Approve	17 Linden Close, Winterbourne	Winterbourne	Winterbourne

CIRCULATED SCHEDULE NO. 30/10 – 6 AUGUST 2010

App No.:	PK10/0821/CLE	Applicant:	Mrs N Bunce
Site:	Spring Cottage Beach Lane Upton Cheyney Bristol South Gloucestershire	Date Reg:	13th April 2010
Proposal:	Application for Certificate of Lawfulness for the existing use of outbuildings for ancillary residential use.	Parish:	Bitton Parish Council
Map Ref:	370581 170820	Ward:	Bitton
Application Category:	Minor	Target Date:	25th May 2010



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100023410, 2008. **N.T.S.** **PK10/0821/CLE**

INTRODUCTION

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

1. THE PROPOSAL

- 1.1 The application is for a Certificate of Lawfulness for the existing use of outbuildings for residential purposes ancillary to the occupation of Spring Cottage, Upton Cheyney.
- 1.2 The current authorised use of the land is as agricultural but information submitted in support of the application claims the land has been used for residential purposes ancillary to the occupation of Spring Cottage for a continuous 10 year period.

2. POLICY CONTEXT

- 2.1 National Guidance
Town and Country Planning (General Procedures) Order 1995 Article 24
Circular 10/97 Enforcing Planning Control

3. RELEVANT PLANNING HISTORY

- 3.1 PK03/1279/LB Internal and external alterations to existing house including erection of conservatory, covered walkway and front porch. Conversion or redundant calf pens to 4 no. holiday lets.
Withdrawn August 2003
- 3.2 PK03/1271/F Erection of conservatory and canopy. Erection of front porch, extension to roof and internal alterations and conversion of garage to form 1 no. additional bedroom and study. Installation of additional roof lights and windows. Conversion and alterations to calf pens to form 4 no. holiday lets.
Withdrawn August 2003
- 3.3 K5532/4 Erection of implement shed and calf pen.
Approved September 1989

4. CONSULTATION RESPONSES

- 4.1 Bitton Parish Council
The Parish Council is not in a position to comment on the application

Other Representations

- 4.2 Local Residents
None Received

5. SUMMARY OF EVIDENCE IN SUPPORT OF APPLICATION

- 5.1 One sworn statement has been submitted in support of the application. The statement is sworn by the applicant Mrs Bunce. A summary of the evidence within the sworn statement is as follows:
- Mrs Bunce has lived at Spring Cottage since 1992
 - In 1993 (planning reference K5532/4) permission was granted for the erection of a calf pen.
 - The building was constructed for agricultural purposes although it deviated from the approved planning drawings – specifically the hipped roof arrangement was changed, two louvered windows openings were inserted and a door was added on the south elevation. A toilet and hand basin were also plumbed in.
 - The building was completed in 1993 and was used for about three years to house calves. Lambs were also housed in the building for three months at the end of this three year period.
 - From 1994 – 1995 part of the outbuilding was used to house Vietnamese pot-bellied pigs.
 - Since late 1996 no agricultural livestock has been kept in the outbuilding.
 - Since 1995 the building has been used increasingly for ancillary domestic purposes. Within a year or so it was used solely as a residential outbuilding accommodating a fridge freezer and washing machine. It was also used to store bikes and other domestic paraphernalia and included a work bench.
- 5.2 A copy of an enquiry submitted to the Council in March 1998 has also been submitted. The enquiry addressed from Mrs Bunce, asked whether it would be possible to obtain planning permission to change the use of the redundant calf pens to 'use for horses'. A letter of reply was sent to Mrs. Bunce advising that such a change of use would require full planning permission.

6. SUMMARY OF CONTRARY EVIDENCE

- 6.1 Information submitted in 2003 by Mr and Mrs Bunce and their agent in respect of applications PK03/1279/LB and PK03/1271/F.
- 6.2 The Council officers involved in the determination of the 2003 applications have been questioned about their recollection of the site at that time. None of the officers have a clear enough memory of the site to offer any substantive evidence in support or against the application.

7. EVALUATION

- 7.1 The application for a Certificate of Lawfulness is purely an evidential test irrespective of planning merit. The only issues which are relevant to the determination of an application for a Certificate of Lawfulness are whether, in

this case, the use described has or has not been actively in use on site for a consistent period of not less than ten years and whether or not the use is in contravention of any Enforcement Notice which is in force.

7.2 The relevant test of the submitted evidence

The onus of proof is firmly on the applicant and the relevant test of the evidence on such matters is “on the balance of probabilities”. Advice contained in Circular 10/97 states that a certificate should not be refused because an applicant has failed to discharge the stricter criminal burden of proof, i.e. “beyond reasonable doubt.” Furthermore, the applicant’s own evidence need not be corroborated by independent evidence in order to be accepted. If the Council has no evidence of their own, or from others, to contradict or otherwise make the applicant’s version of events less than probable, there is no good reason to refuse the application, provided the applicant’s evidence alone is sufficiently precise and unambiguous. The planning merits of the use are not relevant to the consideration of the purely legal issues that are involved in determining an application. Any contradictory evidence which makes the applicant’s version of events less than probable should be taken into account. The application for a Certificate of Lawfulness is not a planning application and is purely an evidential test. The test of evidence to be applied is whether or not the case has been shown on the balance of probability. As such the applicant needs to prove precise and unambiguous evidence.

7.3 In this instance it must be proven that the land identified within the red line has been used for residential purposes ancillary to the occupation of Spring Cottage for a period in excess of 10 years prior to the date of this application – since 30th March 2000.

7.4 When considering the certificate, an assessment of the keeping of horses forms part of the assessment of the ten year claim.

7.5 Ten year Claim

Notwithstanding the keeping of horses on the land to be discussed below, insufficient evidence has been submitted to demonstrate that the land has been used for ancillary residential purposes for a continuous ten-year period.

7.6 In April 2003, full and listed building applications were submitted - as detailed in section 3 above. Both applications included the buildings subject of this certificate. The applications sought consent for the ‘conversion of redundant calf-pens into 4 holiday lets.’ On the application form submitted with application PK03/1271/F the existing use of the land is given as dwelling and redundant calf pens. The plans submitted with the 2003 application are clearly annotated with the existing uses. The building subject of this application is annotated with cow shed, calf pens and workshop. Whilst not stated on the application form or on the existing plans, it is acknowledged that the photographs submitted in 2003 do show a horse rug inside the building and a horse box parked outside. It is important to note that none of the photos show any domestic paraphernalia or domestic use of the barn.

7.7 Therefore, at the applicants own admission on the application forms submitted in 2003, the use of the building at that time was as a calf-shed. Whether this

- calf shed was redundant or not makes little difference to its authorised use unless the use had been abandoned. No reference is made at any point in either the full planning or listed building applications from 2003 to indicate any ancillary residential use of the building.
- 7.8 In the sworn statement, Mrs Bunce claims that the building was used from the end of 1993 for a three-year period for housing calves. On the basis of this evidence, it is accepted therefore the building was used until the end of 1996 for the housing of calves. However, in the same statement, Mrs Bunce claims that since 1995 the building has been used increasingly for ancillary residential purposes and that within a year (i.e. by the end of 1996) the building was used solely as a residential outbuilding. It appears therefore Mrs Bunce is claiming that in 1996 the outbuilding was used for housing calves, pigs and lambs but was used solely for ancillary purposes. This appears to be contradictory. This however is outside of the ten year period and therefore is not being given significant weight by your officer.
- 7.9 For the reasons outline above, on the basis of information given by the applicants themselves in support of the full planning and listed building applications submitted in 2003, insufficient evidence has been submitted to demonstrate that the land has been used for domestic purposed ancillary to the occupation of Spring Cottage for a continuous ten-year period. On the balance of probability, it is accepted that since 2003, the use of the building may have been incidental to the enjoyment of the dwelling house. Prior to this time however, contradictory evidence exists that makes the applicants claim less than probable.
- 7.10 Keeping of Horses
There is little doubt that a use involving horses to be created from residential land, say by severance of part of a garden, would involve a material change of use of that land. However, the keeping of a horse or horse within the garden of an on-going dwelling specifically tests the provision in the 1990 Act at sec 55 (2)(d) whereby a use incidental to the enjoyment of a dwellinghouse is not development. It can be difficult to show that the keeping of a house is 'incidental' where the activity is more intense than might reasonably be expected having regard to the size of the property, or where there is non family use.
- 7.11 In this instance, the applicant confirms in her sworn statement that *'occasionally, at the end of the nineties and for a couple of years into the new millennium my daughters horses have been stabled within part of the building when they could not be let out onto the fields.'* Additional information received from the agent confirms that only two horses have ever been kept in the application building at any one time and that only part of the building has been used for that purpose. A plan was submitted to show the part of the building that was used for stabling. The agent has also confirmed that such use for stabling has been extremely infrequent – apparently never for more than 3 weeks in any year.
- 7.12 Your officer fully accepts that keeping of horses can be incidental to the enjoyment of the dwelling house. However, in this instance, given that the

horses were only kept on part of the barn for up to 3 weeks in any calendar year and this only took place 'at the end of the nineties and for a couple of years into the new millennium' this is not considered to demonstrate a ten year continued use of the barn for ancillary domestic purposes. In fact, the keeping of horses appears to have been up to 2003 – the period of the ten year claim that is in question.

7.13 Other Issues

Your officer is well aware of the ability of the Council to modify a description, or issue a certificate for part of the site only. In this instance however, on the basis of the evidence submitted and because of the contradictory evidence available and submitted with the 2003 applications, no such amended certificate will be issued.

7.14 It is accepted that horses have been kept inside part of the building and it is accepted that this may have been incidental to the enjoyment of the dwelling house. However, given that horses were kept in part of the building for only a maximum of 21 days per calendar year and this activity ceased 'a couple of years into the new millennium', this is not sufficient to demonstrate a continued ten year use sufficient to issue a certificate for this part of the building from agricultural to either residential or equestrian.

7.15 Despite the statutory declaration of Mrs Bunce confirming that the outbuilding has been used as a domestic ancillary outbuilding continually for a period in excess of ten years, information submitted with applications PK03/1279/LB and PK03/1271/F clearly states that at the time of the application (February 2003) the buildings were redundant. The plans submitted in are annotated with 'calf pen' and no information given to suggest any ancillary residential use of the barn.

8. CONCLUSION

8.1 Under section 191(4) of the Town and Country Planning Act 1990, if the Local Planning Authority is provided with information satisfying them of the lawfulness of the use at the time of the application then the Local Planning Authority should issue a certificate - in any other case they shall refuse the application.

8.2 Having regard to all of the evidence as discussed above, because contradictory evidence (the 2003 applications) makes the applicant's version of events less than probable it is considered that on the balance of probability, the building subject of this application has not been used for domestic purposes ancillary to the occupation of Spring Cottage for a continued 10 year period.

9. RECOMMENDATION

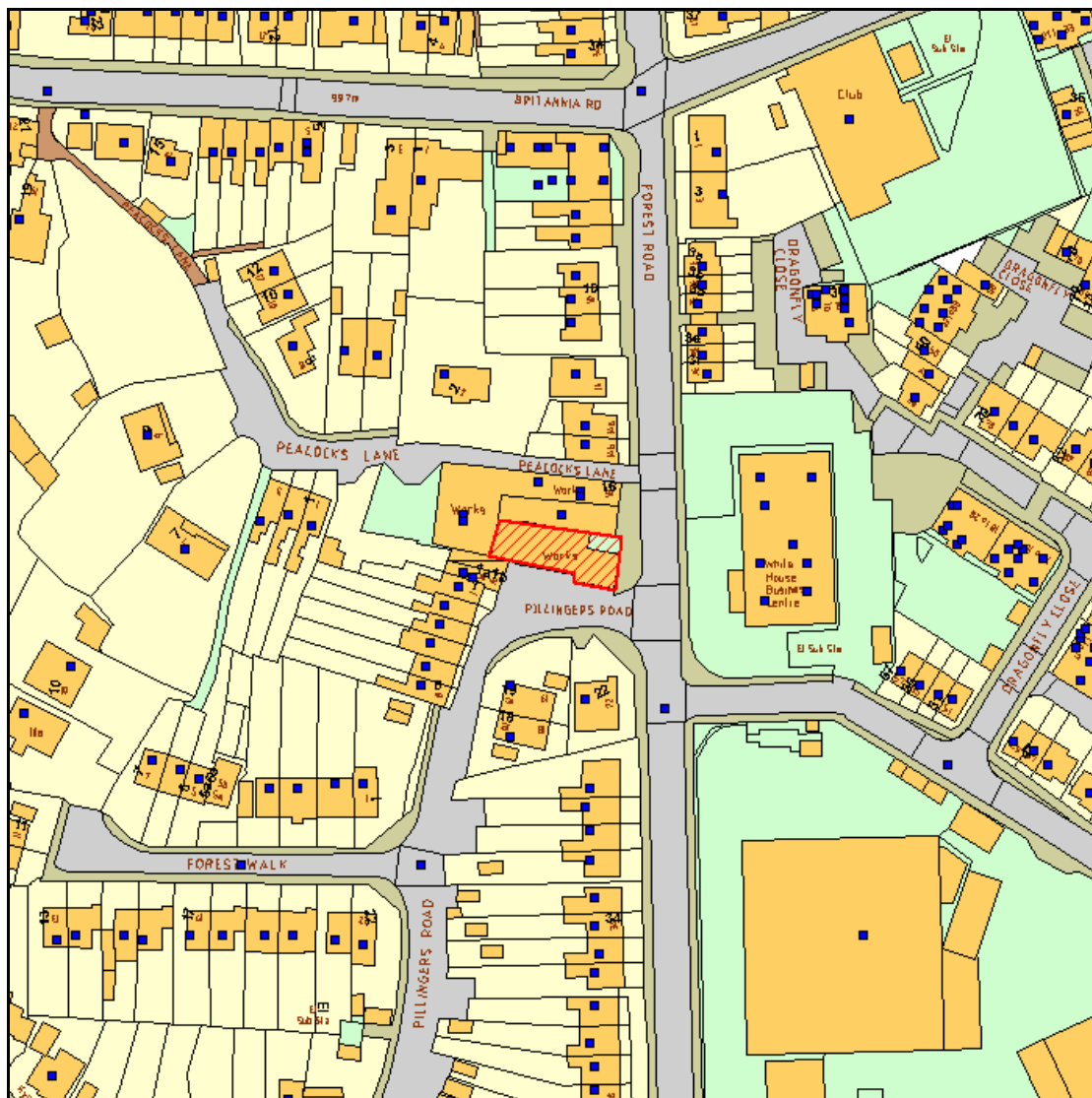
9.1 A Certificate of Existing Lawful Use be refused for the existing use of the building for domestic purposes ancillary to the occupation of Spring Cottage.

**Contact Officer:
Marie Bath**

CIRCULATED SCHEDULE NO. 30/10 – 6 AUGUST 2010

App No.: PK10/1128/F
Site: 18 Forest Road Kingswood Bristol South Gloucestershire BS15 8EG
Proposal: Change of Use from Class B1 (Business) to Dance Studio Class D2 (Assembly and Leisure). Opening hours from 15.00 - 20.30 Mondays to Fridays and 09.00 - 19.00 Saturdays.
Map Ref: 364510 173462
Application Category: Minor

Applicant: Mr Sean O'Mahony
Date Reg: 19th May 2010
Parish: None
Ward: Woodstock
Target Date: 5th July 2010



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 100023410, 2008. **N.T.S.** **PK10/1128/F**

INTRODUCTION

This application has been referred to the Circulated Schedule due to the receipt of local residents' objection.

1. THE PROPOSAL

- 1.1 The applicant seeks planning permission for the change of use from a business use (Class B1) to a dance studio (Class D1 – Assembly and Leisure) at No. 18 Forest Road, Kingswood. There is no change to an external appearance of the building.
- 1.2 The application site relates to a large single storey building within a mixed use area of Kingswood.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1 Delivering Sustainable Development

- 2.2 Development Plans

South Gloucestershire Core Strategy Pre-Submission March 2010
CS1 High Quality Design

South Gloucestershire Local Plan (Adopted) January 2006

D1 Design

T8 Parking Standards

T12 Transportation Development Control Policy

LC4 Proposals for Educational and Community Facilities within the Existing Urban Area and Defined Settlement Boundaries

- 2.3 Supplementary Planning Guidance
SPD Design Checklist

3. RELEVANT PLANNING HISTORY

- 3.1 None

4. CONSULTATION RESPONSES

- 4.1 Parish/Town Council
The site is not situated within a parished area.

Other Representations

- 4.2 Local Residents
Three letters of objection have been received and the local residents raised the following concerns:

- There are potential impacts to local car parking, which is already problematic
- Due to the proposed operating hours, there are potential impact regarding noise pollution
- There are too few parking spaces for the existing local residents, therefore the residents will need these spaces when arriving home from work, and the proposed revised hours will exaggerate the existing parking problem
- There are young families in the area, parents of students at John Cabot academy using the road to park and get to the school. The volume of traffic is already very high. It is concerned that the proposal would cause traffic problem and accidents could likely happen.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The site lies within the existing urban area. Policy LC4 of the South Gloucestershire Local Plan allows for the development of educational and community facilities, i.e. a dance studio, subject to a number of criteria being satisfied. The studio will be operated by two members of staff who will teach children various form of dance.

5.2 **A. Proposals are located on sites which are, or will be, highly accessible on foot and by bicycle, and**

The site is located within 450 metres walking distance of the Regent Street of Kingswood and about 600 metres from a public car park. There are also a number of bus stops along Hanham Road, which is approximately 400 metres from the application site. Officers therefore consider that the site is considered to be a sustainable location, which would be highly accessible on foot and by bicycle.

B. Development would not unacceptably prejudice residential amenities, and

During the course of the application, the applicant proposes to change the opening hours. The opening hours for the proposed use would be 15.00 to 20.30 Mondays to Fridays and 09.00 to 19.00 Saturdays.

Although officers concern that the existing building would not have soundproofing measure and the proximity of the residential properties, officers noted that there is no time restriction for the existing use.

In order to address the issues, officers therefore consider that it would be reasonable to impose a temporary condition, which allows the proposed use for a period of one year, to allow the Council monitoring the activities and collecting evidence to assess the proposed use whether it would cause significant adverse impact upon the neighbouring properties.

C. Development would not have unacceptable environmental or transportation effects, and

Environmental Effects:

The Council Drainage Engineer has raised no objection to the proposal.

Transportation Effects:

The main transportation issue relating to this application is parking. Historically, the site/building was part of the larger neighbouring business unit with access and parking off Forest Road. The applicant is seeking change of use of the building alone. There is no vehicular access or parking proposed with this building.

In order to draw a comparison between the requirements for parking for the existing use and the proposed use, reference should be made to SGC parking standards.

Parking requirements for B1 use is 1 space per 35m².

Parking requirements for D2 use is 1 space per

Based on the parking standard, parking requirements for a building that is operating as "D2" use is higher than the equivalent size of building when it is operated as "B1" use.

Highway Officer visited the site and noted that there are existing parking issues on Forest Road. As the proposed building is located on junction of Forest Road with Pillingers Road, additional parking at this area outside the building could lead to obstructions to drivers' sight line at the junction and it could further cause increased hazards at this location.

In order to address the Highway Officer's concerns, the applicant submitted additional information including an informal parking survey. Highway Officer studied the details of the information and the survey report, and considers that the proposal would be acceptable subject to a condition limiting the size of the class size to a maximum of 10 as per their submitted transportation statement.

D. Development would not give rise to unacceptable levels of on-street parking to the detriment of the amenities of the surrounding area and highway safety.

See above paragraph

5.3 Design and Access Statement

The Design and Access Statement submitted with the application is considered to demonstrate that the applicant has adopted a design approach consistent with the Council's Design Checklist Supplementary Planning Document.

5.4 Use of Energy and Sustainability

Given the nature of the use, this does not require above normal building regulations.

5.5 Improvements Achieved to the Scheme

The opening hours have been reduced to minimise adverse impact upon the residential amenity of the neighbouring properties.

5.6 Section 106 Requirements

In relation to the issues raised by this planning application, consideration has been given to the need for a Section 106 Agreement. Circulars 11/95 and 05/2005 relate to the use of planning conditions and planning obligations under Section 106 of the Town and Country Planning Act (as amended). Circular 05/2005 particularly advises that if there is a choice between imposing a condition and entering into a planning obligation, the imposition of a condition is preferable. In this instance, planning conditions are the most appropriate, and a Section 106 Agreement is unnecessary.

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.

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 Consent is Granted subject to the following conditions.

Contact Officer: Olivia Tresise
Tel. No. 01454 863761

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 use hereby permitted shall not be open to customers outside the following times from 15.00 to 20.30 from Mondays to Fridays, and 09.00 to 19.00 Saturdays. The use shall not be open to customers on Sundays and Bank Holidays.

Reason

To protect the residential amenity of the neighbouring occupiers and to accord with Policy E3 of the South Gloucestershire Local Plan (Adopted) January 2006.

3. The use hereby permitted shall be discontinued and the land restored to its former condition on or before 13th August 2011 in accordance with a scheme of work submitted to and approved in writing by the Local Planning Authority.

Reason

There is insufficient evidence available at this stage to assess the impact of the development and permission for a limited period will allow the Local Planning Authority to re-assess the development in the light of experience of the use, the provisions of the Local Plan, and any other material considerations.

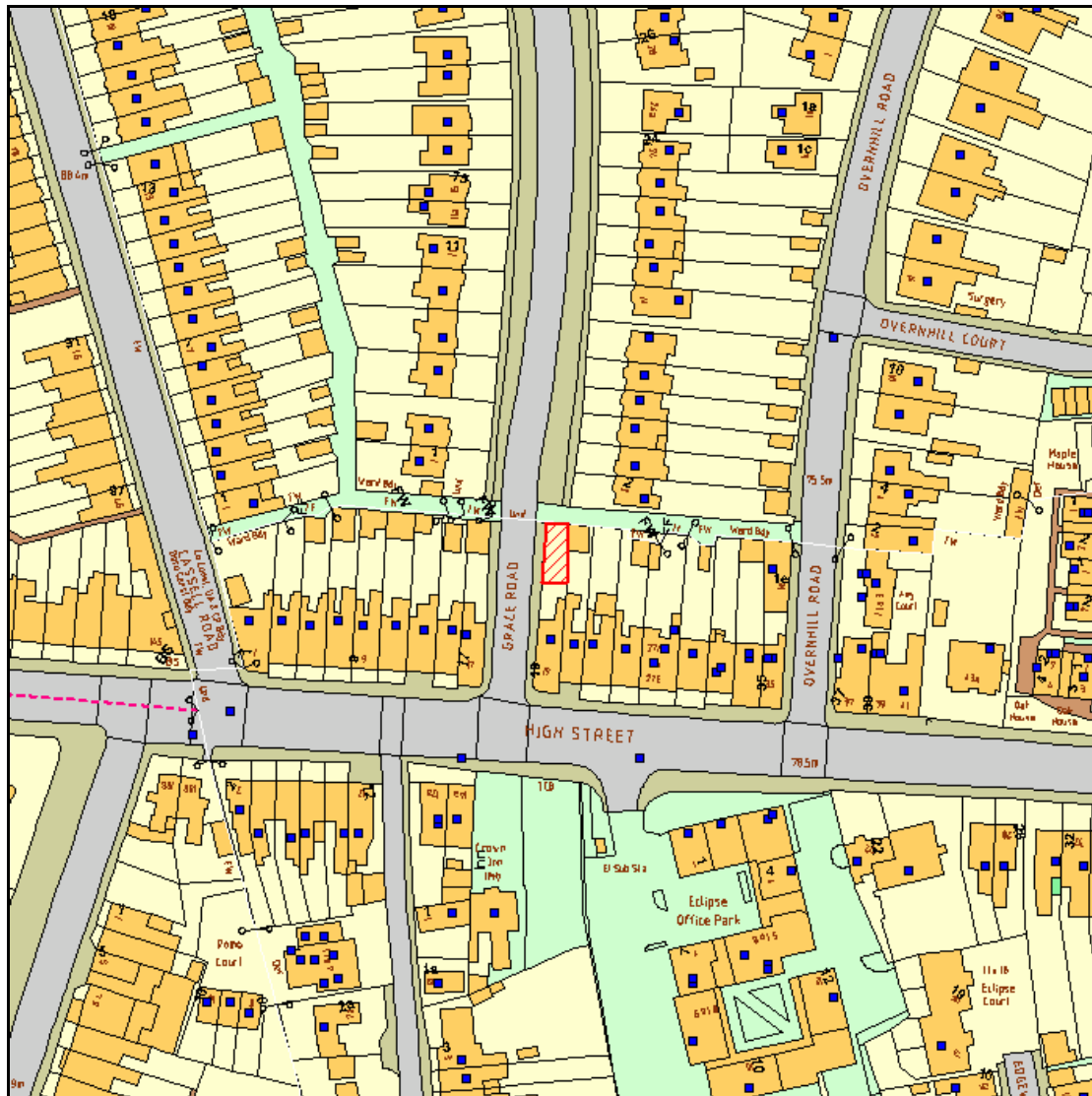
4. The number of children attending each class shall be limited to a maximum of 10 as per the submitted transportation statement dated 23 June 2010.

Reason

In the interests of highway safety, and to accord with Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

CIRCULATED SCHEDULE NO. 30/10 – 6 AUGUST 2010

App No.:	PK10/1231/F	Applicant:	Mr I Hardy
Site:	19 High Street Staple Hill Bristol South Gloucestershire BS16 5HB	Date Reg:	10th June 2010
Proposal:	Erection of 1 no. dwelling and formation of new vehicular access and associated works.	Parish:	None
Map Ref:	364396 175975	Ward:	Staple Hill
Application Category:	Minor	Target Date:	29th July 2010



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INTRODUCTION

This application has been referred to the Circulated Schedule following the receipt of an objection from a local resident, which is contrary to the officer recommendation.

1. THE PROPOSAL

- 1.1 The application site is currently a narrow garden area to the rear of 19 High Street, Staple Hill. No.19 is a two-storey, end of terrace property located at the junction of High Street and Grace Road. The property comprises a vacant (A2) Employment Agency on the ground floor with a residential flat above. Permission has been sought to convert the ground floor unit to residential, but this is still pending. The site level falls gently to the rear (north) where a rough private track provides access to the rear of the properties on High Street, many of which include garages and sheds.
- 1.2 It is proposed to erect a modest, one-bedroom, dwelling house similar in scale and design to a dwelling that has recently been constructed directly opposite, to the rear of 17 High Street (see PK09/0841/F). As such, the property would comprise a simple gable ended construction with living accommodation in the roof space. A small area of amenity space would be provided to the southern side of the property as well as a single car parking space accessed off Grace Road.

2. POLICY CONTEXT

2.1 National Guidance

PPS1 - Delivering Sustainable Development
PPS3 - Housing as revised June 9th 2010.
PPG13 - Transport
Ministerial Statement 9th June 2010

2.2 Development Plans

Joint Replacement Structure Plan Adopted Sept. 2002

Policy 1 - Principles
Policy 2 - Location of Development
Policy 17 - Landscape
Policy 33 - Housing Provision and Distribution
Policy 54 - Car Parking Provision

South Gloucestershire Core Strategy Pre-Submission Publication Draft March 2010

CS1 - High Quality Design
CS5 - Location of Development
CS15 - Distribution of Housing
CS16 - Housing Density
CS17 - Housing Diversity
CS18 - Affordable Housing

South Gloucestershire Local Plan (Adopted) 6th January 2006

D1 - Design
L1 - Landscape Protection and Enhancement
L5 - Open Areas within existing Urban Areas
L17 & L18 - The Water Environment
EP1 - Environmental Pollution
EP2 - Flood Risk and Development
EP7 - Unstable Land
H2 - Residential Development within the existing Urban Area
H4 - Development within Existing Residential Curtilages
H6 - Affordable Housing
LC2 - Provision of Education Facilities
T7 - Cycle Parking Provision
T8 - Parking Standards
T12 - Transportation Development Control Policy for New Development
LC4 - Proposals for Educational and Community Facilities Within the Existing Urban Area.

Supplementary Planning Guidance

South Gloucestershire Design Checklist (SPD) adopted 23rd August 2007.

3. RELEVANT PLANNING HISTORY

- 3.1 K2057 - Change of Use of ground floor premises from office to retail outlet.
Approved 21st Dec 1977
- 3.2 K2057/1 - Change of use of first floor of premises from residential to office.
Approved 6th Sept 1978
- 3.3 K2057/2 - Change of use from shop to office.
Withdrawn 29th Oct. 1987
- 3.4 P89/4076 - Externally illuminated shop sign.
Approved 10 March 1989
- 3.5 K2057/3 - Change of use of first floor from offices to residential.
Approved 6 July 1994
- 3.6 PK04/4000/F - Change of use of shop (A1) to financial and professional services (A2).
Approved 17 Jan 2005

4. CONSULTATION RESPONSES

Parish Council

Not a parished area.

Sustainable Transport

Vehicular access for development (i.e. for both the existing building and new dwelling) would be from Grace Road and that is considered acceptable in road safety terms. The applicant is proposing two parking spaces for the existing property and one space

for the new dwelling. The level of parking as proposed complies with the Council's parking standards.

In view of the above therefore, there are no highway objections to this development but the following planning conditions are recommended.

- 1) Prior to the first occupation of the dwelling, provide off-street parking for the existing building as well as parking for the new building in accordance with the submitted and approved plan. The said parking areas shall then be maintained satisfactorily thereafter.
- 2) Any alteration/extension to the existing vehicular access on Grace Road in order to provide additional parking area for the development shall be carried out in accordance and consultation with the Council's Street Care Manager's requirement.

Other Representations

Local Residents

1 e.mail was received from a local resident objecting to the proposal. The concerns raised are summarised as follows:

- Building will look like a converted garage.
- Proposed velux windows would be overlooked from neighbouring property from top floor.
- Overlooking of neighbouring garden from proposed velux windows.
- Velux windows not required.
- Scaffold erection would be on private land and would block access.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The site lies within the Urban Area, there is therefore no in-principle objection to the development of the site for residential use.

- 5.2 Having regard to the adopted Joint Replacement Structure Plan, Policy 33 states that priority will be given to the re-use of *previously developed sites within the urban area*. Furthermore, Policy 2 of the JRSP, the locational strategy, aims to concentrate development for jobs, housing and facilities within the main urban areas, in order to maintain and develop their vitality and quality as regional and sub-regional centres.

- 5.3 Government advice contained in PPS3 – 'Housing' supports a more efficient and sustainable use of land in the urban area, with a provision for more intensive housing development in and around existing centres and close to public transport nodes. However, recent changes to PPS3 mean that residential gardens are no longer considered to be previously developed, brown field sites. That is not to say however that garden areas cannot be developed at all; any development would need to satisfy local plan policies relating to design, loss of open space and impact on the character of the area in question. The South Gloucestershire Local Plan (Adopted) 6th January 2006 (para.8.26) does seek to *"..increase the proportion of smaller dwellings, reflecting the projected growth*

in one-person households and the existing disproportionate provision of smaller dwellings in South Gloucestershire.”

- 5.4 The proposal falls to be determined under Policy H2 of the South Gloucestershire Local Plan (Adopted) 6th January 2006, which permits the residential development proposed, subject to the following criteria:
- A. Development would not have unacceptable environmental or transportation effects, and would not significantly prejudice residential amenity; and
 - B. The maximum density compatible with the site, its location, its accessibility and its surroundings is achieved. The expectation is that all developments will achieve a minimum density of 30 dwellings per hectare and that higher densities will be achieved where local circumstances permit. Not least, in and around existing town centres and locations well served by public transport, where densities of upwards of 50 dwellings per hectare should be achieved.
 - C. The site is not subject to unacceptable levels of noise disturbance, air pollution, smell, dust or contamination; and
 - D. Provision for education, leisure, recreation and other community facilities, within the vicinity, is adequate to meet the needs arising from the proposals.
- 5.5 It should be noted however that in the recently revised version of PPS3 the reference to the national indicative minimum density target of 30dph has been deleted. The changes have been introduced to reflect concerns regarding overdevelopment of neighbourhoods, loss of green space and the impact upon local character.
- 5.6 Also of relevance is Policy H4 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006, which permits new dwellings within residential curtilages subject to criteria discussed below. Policy D1 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 and Policy CS1 of the South Gloucestershire Core Strategy Pre-Submission Publication Draft March 2010, both seek to secure good quality designs that are compatible with the character of the site and locality.
- 5.7 Also of relevance is the fact that a very similar development (PK09/0841/F) to the rear of no.17 High Street and directly opposite to the application site, was recently granted.
- 5.8 Density
Policy H2 seeks to ensure that sites are developed to a maximum density compatible with their location and like PPS3 seeks to avoid development, which makes an inefficient use of land. Whilst not prescribing any maximum or minimum figure, the PPS encourages the highest density that can be achieved within the various local considerations that need to be taken into account.
- 5.9 PPS3 (para.50) states that *“The density of existing development should not dictate that of new housing by stifling change or requiring replication of existing style or form. If done well, imaginative design and layout of new development*

can lead to a more efficient use of land without compromising the quality of the local environment.”

5.10 In comparison to the previously approved scheme to the rear of no.17, the plot size is now bigger, with parking provided. The proposal is considered to make efficient use of the land in what is a very sustainable location, close to the centre of Staple Hill, within easy distance of the shopping and community facilities and main bus routes. More than one dwelling could not realistically be accommodated on the site and in this respect the proposal therefore accords with government guidelines and in terms of its density alone, the development is not considered to be an overdevelopment of the site.

5.11 Scale and Design

The proposed dwelling would be modest in scale with a roof ridge set at approximately 6.0m and eaves at 3.7m, which is much the same as the dwelling to the rear of no.17 High Street. The building's foot-print would only measure 7m x 5m. Only one bedroom with bath/w.c. would be provided within the roof space, with a living room and kitchen on the ground floor. The bedroom would be served by two small pitched-roofed dormers to the front and two small velux roof-lights to the rear.

5.12 The materials to be used would be render and stone, similar to the dwelling opposite, with double roman tiles on the roof. Given that the scale, design and appearance would match that of the dwelling opposite, officers are satisfied that the scale and design are acceptable in this setting.

5.13 Since the approval of the scheme opposite this site, PPS3 has been revised and the Ministerial Statement on so-called 'Garden Grabbing' has been released. A much greater emphasis is now given to the impact of development proposals on the character and appearance of locations. The proposed dwelling would however be viewed in the context of the existing buildings on High Street and along Grace Road and in this respect would not be out of character with the location. In terms of its contribution to the street scene, the existing garden has limited amenity value. On balance therefore the proposed scale and design are acceptable.

5.14 Transportation Issues

Adequate access would be provided from Grace Road to the parking spaces to the side off the dwelling and this is a similar arrangement to that on the opposite side of the road. One parking space would be provided for the new dwelling and two retained for the existing dwelling and this level of parking provision complies with the Council's maximum parking standards listed under Policy T8 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006. Refuse bin storage and cycle parking would be available to the side of the property. Subject therefore to the conditions listed under para.4 above, there are no highway objections.

5.15 Impact on Residential Amenity

A small area of private amenity space would be provided to the side of the dwelling. Given the dwelling's small size and location close to the Town Centre,

- officers are satisfied that the amenity space provision is acceptable. The building would be located at the far end of the garden, adjacent to an existing garage; given its modest size the proposal would not be significantly overbearing. Any inter-visibility to the front would be across Grace Road to the new property and given that the front windows are adjacent to a public footpath, officers consider that the relationship is acceptable. There are no windows proposed for the end elevations and only two small velux windows in the roof slope to the rear.
- 5.16 Concerns have been raised about loss of privacy due to overlooking of neighbouring gardens, from the velux windows. The submitted Design and Access Statement confirms however that these windows would be restricted in their opening, similar to those in the recently approved dwelling to the rear of no.17. Some overlooking of gardens from neighbouring windows in an urban area is considered to be inevitable and would not therefore be justification alone for refusal of planning permission. In order to eliminate any concerns about neighbours being able to look down into the velux windows from the upper floors of neighbouring dwellings, a condition could be imposed to ensure that the velux windows be obscurely glazed. Officers are therefore satisfied that there would be no significant loss a amenity to result from the scheme.
- 5.17 Concerns about scaffolding being erected on neighbouring land is not a planning issue as this would be controlled under separate legislation such as the Access of Neighbouring Land Act and the Party Wall Act.
- 5.18 Landscape Issues
There are no trees within the application site which is currently derelict in appearance. Since there are no landscape features of note affected, the scheme would be in accordance with Policy L1 of the South Gloucestershire Local Plan (Adopted) 6th January 2006.
- 5.19 Given that the site is garden land, an assessment of the proposal in relation to Policy L5 has been made. The site is small and derelict in appearance and has very limited amenity value in terms of the visual amenity and character of the street scene and locality in general. An objection on the grounds of loss of open space or loss of garden land is not in this case justified.
- 5.20 Environmental and Drainage Issues
Whilst there would inevitably be some disturbance for neighbouring occupiers during the construction phase, this would be on a temporary basis only and could be adequately mitigated for by imposing a condition to limit the hours of construction. There are therefore no objections on environmental grounds. In terms of drainage the Council's Drainage Engineer raises no objection to the proposal. A condition would however be required to secure the submission of a full drainage scheme to include SUDS, for approval before development could commence.
- 5.21 Affordable Housing
The proposal is for 1no. dwelling only, which is below the Council's threshold (15) for affordable housing provision.

5.22 Education Service

The proposal is for 1no. dwelling only, which is below the Council's threshold (5) for contributions to the Education Service.

5.23 Community Services

The proposal is for 1no. dwelling only, which is below the Council's threshold (10) for contributions to Community Services.

5.24 Design and Access Statement

The Design and Access Statement submitted with the application is considered to demonstrate that the applicant has adopted a design approach consistent with the Council's Design Checklist Supplementary Planning Document.

5.25 Use of Energy and Sustainability

A SUDS Drainage Scheme would be secured via an appropriate condition.

5.26 Improvements Achieved to the Scheme

None

5.27 Section 106 Requirements

In relation to the issues raised by this planning application, consideration has been given to the need for a Section 106 Agreement. Circulars 11/95 and 05/2005 relate to the use of planning conditions and planning obligations under Section 106 of the Town and Country Planning Act (as amended). Circular 05/2005 particularly advises that if there is a choice between imposing a condition and entering into a planning obligation, the imposition of a condition is preferable. In this instance, planning conditions are the most appropriate, and a Section 106 Agreement is unnecessary.

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

7. RECOMMENDATION

7.1 That planning permission be GRANTED subject to the following conditions.

Contact Officer: Roger Hemming
Tel. No. 01454 863537

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 shown on the approved plans; prior to the commencement of development details/samples of the roofing and external facing materials proposed to be used shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason

To ensure a satisfactory standard of external appearance and to accord with Policies D1, H2 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006 and Policy CS1 of The South Gloucestershire Core Strategy Pre-Submission Draft (March 2010).

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

Reason

To ensure that a satisfactory means of drainage is provided, and to accord with policies L17/L18/EP1/EP2 of the South Gloucestershire Local Plan (Adopted) January 2006.

4. The drainage scheme approved, incorporating Sustainable Drainage Systems (SUDS), shall be implemented in accordance with the approved details before the development is occupied.

Reason

To ensure that a satisfactory means of drainage is provided, and to accord with policies L17/L18/EP1/EP2 of the South Gloucestershire Local Plan (Adopted) January 2006.

5. Prior to the first occupation of the dwelling hereby approved, the off street car parking spaces for the existing and approved dwellings shall be provided in full accordance with the approved plan no. 2576 (L) 051 and maintained as such thereafter unless otherwise approved in writing by the Local Planning Authority.

Reason

In the interests of highway safety, and to accord with Policies T8 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

6. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995 (as amended) (or any Order revoking or re-enacting that Order with or without modification), no windows/dormer windows or rooflights [other than those expressly authorised by this permission] shall be constructed.

Reason

To protect the privacy and amenity of neighbouring occupiers, and to accord with Policies H2/H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

7. Prior to the use or occupation of the dwelling hereby permitted, and at all times thereafter, the velux windows on the rear (eastern) elevation shall be glazed with obscure glass to level 3 standard or above and restricted to a maximum 100mm opening.

Reason

To protect the privacy and amenity of future occupiers of the dwelling hereby approved and neighbouring occupiers, and to accord with Policies H2/H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

CIRCULATED SCHEDULE NO. 30/10 – 6 AUGUST 2010

App No.:	PK10/1321/F	Applicant:	Mr And Mrs D Hunt
Site:	11 Betjeman Court Barrs Court Bristol South Gloucestershire BS30 7BD	Date Reg:	7th June 2010
Proposal:	Erection of two storey and single storey side extension to form garage and additional living accommodation.	Parish:	Oldland Parish Council
Map Ref:	366120 172074	Ward:	Parkwall
Application Category:	Householder	Target Date:	28th July 2010



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 100023410, 2008. **N.T.S.** **PK10/1321/F**

INTRODUCTION

This application appears on the circulated schedule due to the receipt of five letters of objection from neighbouring residents

1. THE PROPOSAL

- 1.1 The applicant is seeking full planning permission for the erection of a two-storey and single storey extension to the side of the existing dwelling 11 Betjeman Court, Longwell Green. There is an existing garage to the side of the property (attached to the neighbours garage) that would be demolished to make way for the proposed extension.
- 1.2 The property is a two storey detached dwelling that has been extended previously and is located within a residential area of Longwell Green.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1 Delivering Sustainable Development
- 2.2 Development Plans
South Gloucestershire Core Strategy – Pre Submission Publication Draft
CS1 High Quality Design

South Gloucestershire Local Plan (Adopted) January 2006
D1 Achieving Good Quality Design in New Development
H4 Development within Existing Residential Curtilages, Including Extensions and New Dwellings
T8 Parking Standards
T12 Transportation Development Control
- 2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist (Adopted) 2007.

3. RELEVANT PLANNING HISTORY

- 3.1 K7421 Erection of two-storey rear extension.
Approved May 1993

4. CONSULTATION RESPONSES

- 4.1 Oldland Parish Council
No Objection but would like to see a condition added to any permission requiring the provision of adequate off-street car parking.

Other Representations

- 4.2 Local Residents
A total of five letters of objection have been received from two neighbouring households. The letters have been received at various stages throughout the

course of the application upon receipt of amended plans. A summary of the points of concerns raised are as follows:

- The plans show off street parking but do not show how vehicular access is to be achieved as details of the adjoining pavement have not been submitted.
- Similar developments have required the addition of dropped kerbs
- The parking as shown partially obstructs access to the front door
- The parking is close to the boundary line so car doors opening will open into the driveway of the adjacent property
- Little consideration has been given on the plan to push chair or wheelchair access
- Existing side elevations are incorrect
- Loss of parking spaces
- No mention of what will happen to the remaining garage of No. 12
- Loss of daylight for the neighbours conservatory
- The front elevation is poorly proportioned and out of character
- An average length vehicle would possibly overhang the pavement
- Betjeman Court is a small cul-de-sac with existing parking problem

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policy H4 of the South Gloucestershire Local Plan (Adopted) 2006 advises that extensions 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. Policy T8 advises of maximum parking standards for each land use – the maximum number of parking spaces permissible for a five bedrooomed dwelling is three spaces.

5.2 Design / Visual Amenity

The proposed extension is of an appropriate design that reflects the character of the main dwelling house and surrounding properties. When viewed from the front elevation, the two-storey extension is flush with the existing ridge height but the main front wall is stepped back very slightly. Extensions of very similar design incorporating the same ridge and eaves heights and of a very similar width are already in existence on the street. Most notably, No. 2 Betjeman Court immediately on the opposite side of the road to the application site already has a very similar extension already in place. No 8 Betjeman Court at the end of the cul-de-sac also has a similar extension in place. The extension is of suitable size in comparison to the bulk of the main dwelling and is suitably subservient to it. Furthermore, the proposed addition would incorporate materials to match those of the main dwelling, assisting the successful integration of the extension with the host dwelling.

The single storey element of the extension will have a simple lean too type roof in keeping with the character of the dwelling and will not impact upon the visual amenity of the street.

In light of the suitable design of the extension and the existence of almost identical extensions on two other properties in the cul-de-sac, it is considered that the proposal would not be harmful to the character and appearance of the principal dwelling and street scene.

5.3 Residential Amenity

The extension will be erected on the side of the existing dwelling towards No. 12 Betjeman Court. . There are no primary habitable room windows in the side elevation of No. 12 that could be adversely affected by the proposal although it is noted that there is one small top hung landing or bathroom window.

The two-storey element of the extension is to run along the side of the existing dwelling to run as far back as the original main rear wall. The two-storey element of the extension will project only very slightly (approximately 1 metre) beyond the main rear wall of No. 12. It is not therefore considered that the two-storey element will result in any issues of overbearing or overshadowing for the neighbouring property.

The single storey element of the proposal will be in place of the existing garage and will project beyond the existing rear garage wall by only 10cm. Whilst the roof of the extension will be clearly visible above the neighbours existing garage, the bulk of the walls of the single storey element will be hidden from view.

It is considered that there are no issues of inter-visibility or loss of privacy. Further, there are no concerns relating to loss of daylight/sunlight and sufficient garden space would remain to serve the property. Therefore the impact on residential amenity is subsequently deemed acceptable.

5.4 Parking and Highway Safety implications

Despite the loss of the existing garage, the plans show the provision of two off street parking spaces to be retained to serve the dwelling. The two spaces are shown on the existing garden and driveway to the front of the site. The existing garden is to be paved with brick pavers to allow for vehicle parking. Whilst neighbours have raised several concerns regarding this arrangement, the provision of two spaces is in accordance with the Councils maximum parking standards and the level of parking provision is appropriate for a five bedrooomed family dwelling. Access to both spaces will be via the existing dropped kerb and therefore there is no requirements to drop and more kerb. A condition will be attached to ensure that the paved area is permeable to prevent surface water run off onto the public highway. Therefore no highway objection is raised to the proposal.

Other issues raised relating access to the front door, doors opening over neighbours driveways and access for push chairs and wheelchairs are not of concern and this will largely depend on precisely how the cars are parked. It is not considered by your officer that there are any reasons why it would not be possible to park tow vehicles on the front area whilst still having easy access to the property and not encroaching onto the neighbours driveway.

- 5.5 Other Issues
Possible repair works to the neighbours garage would need to be resolved between the parties independent of this application.
- 5.6 Use of Energy and Sustainability
None above building regulations statutory minima.
- 5.7 Improvements Achieved to the Scheme
During the course of the application amended plans were received to accurately show the existing elevations as those initially submitted were incorrect.
- 5.8 Section 106 Requirements
In relation to the issues raised by this planning application, consideration has been given to the need for a Section 106 Agreement. Circulars 11/95 and 05/2005 relate to the use of planning conditions and planning obligations under Section 106 of the Town and Country Planning Act (as amended). Circular 05/2005 particularly advises that if there is a choice between imposing a condition and entering into a planning obligation, the imposition of a condition is preferable. In this instance, planning conditions are the most appropriate, and a Section 106 Agreement is unnecessary.

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 proposed extension is of an appropriate standard in design and reflects the character of the main dwelling house and surrounding properties. Furthermore the extension would not harm the amenities of the neighbouring properties by reason of loss of privacy, overshadowing or overbearing impact. Two off street parking spaces would remain to serve the dwelling and therefore adequate off street parking is being retained.
- 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 the application be approved subject to the following conditions:

Contact Officer: Marie Bath
Tel. No. 01454 864769

CONDITIONS

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

Reason

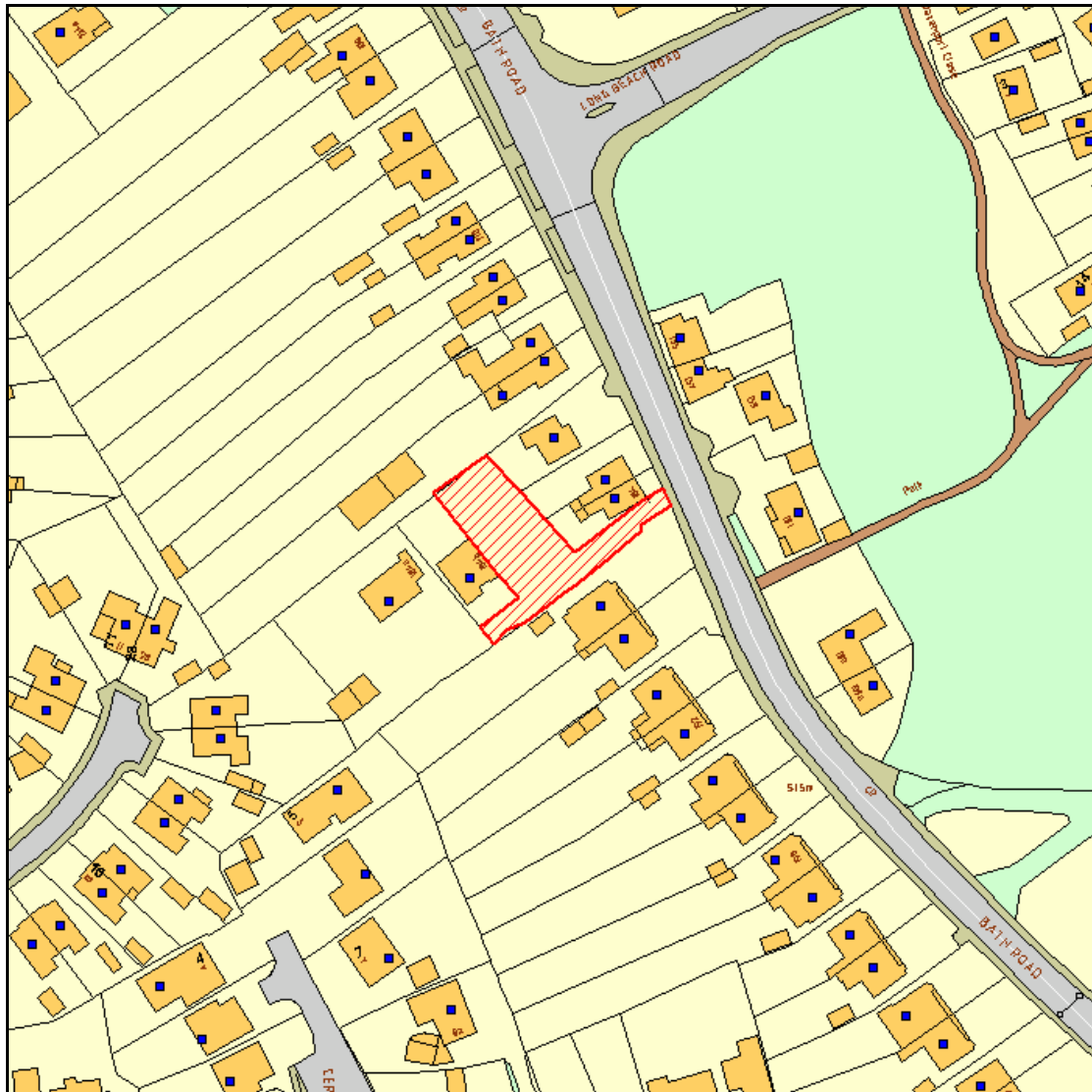
To comply with the requirements of Section 91 of the Town & Country Planning Act 1990 (as amended).

2. Prior to the first occupation of the extension hereby permitted, adequate off street parking for two vehicles must be provided within the site. Each parking space must have minimum dimensions of 2.5 metres wide by 4.8 metres long. Any hard standing laid to facilitate the creation of the parking spaces must be permeable and not allow water to run off onto the public highway.

In order to ensure adequate off street parking is provided to serve the dwelling and to ensure that surface water run-off does not discharge onto the public highway. In order to satisfy the requirements of Policy T8 and EP1 of the South Gloucestershire Local Plan (Adopted) January 2010.

CIRCULATED SCHEDULE NO. 30/10 – 6 AUGUST 2010

App No.:	PK10/1545/F	Applicant:	Mr Jeremy Davies
Site:	Land At Rear Of 184 Bath Road Longwell Green Bristol South Gloucestershire BS30 9DB	Date Reg:	24th June 2010
Proposal:	Erection of 1no. detached dwelling with access and associated works. (Amendment to previously amended scheme PK09/5799/F to include a front porch, 3no. rooflights to front and rear and alteration to window on west elevation).	Parish:	Hanham Abbots Parish Council
Map Ref:	365976 170819	Ward:	Longwell Green
Application Category:	Minor	Target Date:	17th August 2010



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 100023410, 2008. **N.T.S.** **PK10/1545/F**

INTRODUCTION

This application has been referred to the circulated Schedule due to the receipt of one letter of objection from a local resident.

1. THE PROPOSAL

- 1.1 The applicant is seeking full planning permission for the erection of a detached dwelling to the rear of 184 Bath Road, Longwell Green. The proposed dwelling would measure 9.3 metres wide by a maximum of 11.6 metres in depth and would have an overall height to ridge of 8.8 metres.
- 1.2 The proposed dwelling is situated on a vacant plot of land to the rear of 184 Bath Road and adjacent to 184b Bath Road. The property is accessed via the existing private road off Bath Road.
- 1.3 This application proposes an amendment to a previously approved scheme reference PK09/5799/F. The only difference between this application and the approved scheme is that the proposal includes a front porch, 3 roof lights to the front elevation and an alteration to the window on the west elevation.
- 1.4 On visiting the site construction of the property is mostly complete.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1 Delivering Sustainable Development
PPG3 Housing as revised June 9th 2010
PPG13 Transport
Ministerial Statement 9th June 2010
- 2.2 Development Plans
South Gloucestershire Local Plan (Adopted) January 2006
D1 Achieving Good Quality Design in New Development
H4 Development within Existing Residential Curtilages, Including Extensions and New Dwellings
H2 Proposals for Residential Development within the Existing Urban Area
L17 The Water Environment
T8 Parking Standards
T12 Transportation Development Control Policy for New Development
EP1 Environmental Protection

South Gloucestershire Core Strategy, Pre-submission Publication Draft March 2010
CS1 High Quality Design
- 2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist (Adopted) 2007.

3. RELEVANT PLANNING HISTORY

- 3.1 P88/4601 Erection of 1no two storey four bed house with

garage. (Outline)
Approved October 1988

- 3.2 P89/4308 Erection of 1 No. four bed detached house with integral garage. Alter existing vehicular/pedestrian access.
Approved August 1989
- 3.3 PK09/1282/F Erection of 1no. detached dwelling with access and associated works.
Approved August 2009
- 3.4 PK09/5799/F Erection of 1no. dwelling with access and associated works (Amendment to PK09/1282/F to include a first floor extension over proposed garage)
Approved January 2010

4. CONSULTATION RESPONSES

- 4.1 Hanham Abbots Parish Council
No objections provided the window on the west elevation includes frosted glass to avoid loss of privacy to neighbouring occupiers.
- 4.2 Sustainable Transport
No objections

Other Representations

- 4.3 Local Residents
One letter of objection has been received from a local resident raising the following concerns:
- The proposed roof lights are an invasion on privacy as look through conservatory roof
 - The roof lights also have a clear view into their kitchen
 - The rooflights have already been installed
 - Privacy is already compromised by the upstairs windows which overlook the back garden and back door.

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development
Policy H4 of the South Gloucestershire Local Plan is supportive in principle of proposed new dwellings within the existing residential curtilage, providing that the design is acceptable, highway safety would not be compromised, adequate parking and amenity space is provided and that there is no unacceptable impact on residential and visual amenity.

The principle of the development was assessed and considered acceptable in the previous applications PK09/1282/F and PK09/5799/F, the only differences that need to be assessed under this application is the addition of a front porch, 3 roof lights to the front elevation and an alteration to the window on the west elevation.

5.2 Residential Amenity

The applicant proposes the addition of 3no roof lights and alterations to the west elevation window. Additional plans have been submitted to show the usage of the second floor of the dwelling and whilst the rooms are shown as store rooms, it must be acknowledged that these rooms could be used as living space in the future. The neighbouring property benefits from one front roof light and rear roof lights, as such, given the location of the proposed dwelling, adjacent to No. 184b with the same outlook as this existing dwelling, it is not considered that the proposed rooflights would result in any significant increase in overlooking or loss of privacy over and above the levels of overlooking from the existing neighbouring dwelling. Whilst concern has been raised by a neighbouring resident regarding the loss of privacy resulting from the installation of the roof lights, given the presence of roof lights in 184b it is not considered that a refusal reason based on overlooking and loss of privacy could be substantiated or justified at appeal.

The west elevation window would be obscurely glazed, as such alterations to this window would not result in any additional overlooking or loss of privacy.

The proposed porch would be set away from the neighbouring residential dwellings, therefore this aspect of the proposal is not considered to result in any detrimental impacts on the existing levels of residential amenity. Overall the impact on residential amenity is subsequently deemed acceptable.

5.3 Design / Visual Amenity

There is a mix of housing types and ages in the vicinity. The proposed dwelling has been designed to reflect the appearance of the neighbouring property No. 184b Bath Road. The dwelling is well proportioned and is in keeping with the scale and appearance of the surrounding dwellings. The proposed porch and roof lights are considered to be of an appropriate standard in design and it is considered that the resultant building would still be in keeping with No. 184b Bath Road. The proposed dwelling is located to the rear of 184 Bath Road and is not be readily visible from Bath Road. It is therefore considered that the proposal would not be harmful to the character and appearance of the street scene.

5.4 Use of Energy and Sustainability

No measures proposed.

5.5 Improvements achieved to the scheme

None required.

5.6 Section 106 Requirements

In relation to the issues raised by this planning application, consideration has been given to the need for a Section 106 Agreement. Circulars 11/95 and 05/2005 relate to the use of planning conditions and planning obligations under Section 106 of the Town and Country Planning Act (as amended). Circular 05/2005 particularly advises that if there is a choice between imposing a condition and entering into a planning obligation, the imposition of a condition is preferable. In this instance, planning conditions are the most appropriate, and a Section 106 Agreement is unnecessary.

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 proposal is of an appropriate standard in design and reflects the character of the area. Furthermore the proposal would not harm the amenities of the neighbouring properties by reason of overlooking and loss of privacy. As such the proposal accords with Policies D1, H2 and H4 of the South Gloucestershire Local Plan (Adopted) 2006.
- 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 the application be approved subject to the following conditions

Contact Officer: Kirstie Banks
Tel. No. 01454 865207

CONDITIONS

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

Reason
To comply with the requirements of Section 91 of the Town & Country Planning Act 1990 (as amended).
2. The hours of working on site during the period of construction shall be restricted to 07.30 - 18.00 Monday - Friday and 08.00 - 13.00 Saturday 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 Policy H2 of the South Gloucestershire Local Plan (Adopted) January 2006.

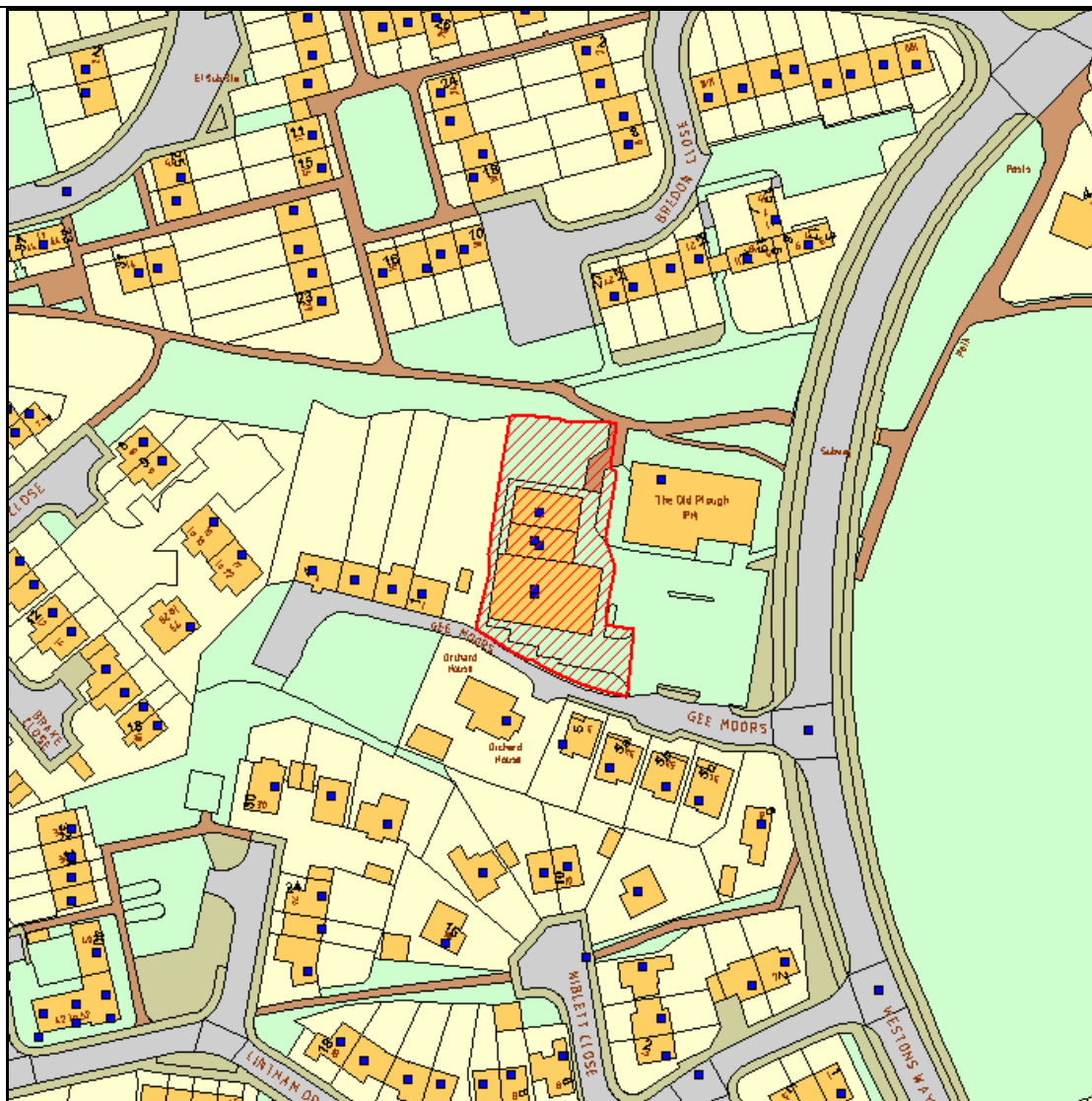
3. The off-street parking facilities (for all vehicles, including cycles) shown on the plan hereby approved shall be provided before the building is first occupied, and thereafter retained for that purpose.

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, T8 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

CIRCULATED SCHEDULE NO. 30/10 – 6 AUGUST 2010

App No.:	PK10/1555/EXT	Applicant:	Kingswood One Ltd
Site:	Shopping Arcade Westons Way Kingswood Bristol South Gloucestershire	Date Reg:	25th June 2010
Proposal:	Alterations to roofline to facilitate the erection of two storey side extension to form 1 no. retail unit (Class Use A1) and 1 no. unit (Class Use A5) hot food takeaway, with 4 no. additional self contained flats above with balcony and associated works. (Consent to extend time limit implementation for PK07/2607/F).	Parish:	None
Map Ref:	365837 172905	Ward:	Woodstock
Application Category:	Minor	Target Date:	17th August 2010



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 100023410, 2008. **N.T.S.** **PK10/1555/EXT**

INTRODUCTION

This application has been referred to the Circulated Schedule following the receipt of objections from local residents, which are contrary to the officer recommendation.

1. THE PROPOSAL

- 1.1 This application merely seeks an extension in time for a previously approved application PK07/2607/F for which consent was granted on the 16th Oct 2008. The scheme has not been changed from that previously approved and none of the conditions discharged to date.
- 1.2 The application relates to a local shopping arcade located to the west of Westons Way and to the north of Gee Moors, Kingswood. The arcade is part of a larger complex comprising a car park, a supermarket, a retail unit, a hot food takeaway, residential accommodation and a public house. The car park is accessed off Gee Moors via Westons Way, and is bounded to the west by a two-storey building i.e. the arcade. 'The Old Plough' public house bounds the car park to the north. The ground floor units within the arcade are currently occupied by a Tesco Express (A1), a Chinese Takeaway (A5) and a Video Shop (A1). The single 2 bedroom residential unit (C3) lies above the Chinese Takeaway.
- 1.3 Access to the car park is from the original lane i.e. Gee Moors, which continues beyond the site to serve a terrace of cottages. To the south of the site, also served by the lane, are some more recently constructed houses. This lane is bounded by a mature hedge that separates the housing from the shops. The ground level of the nearest houses (to the west) is also between 1 and 2 metres higher than the ground level of the application site. The location is generally residential in character but a large area of open amenity space lies directly opposite the site on the eastern side of Westons Way; footpaths to the north of 'The Old Plough' are connected to this open space via an underpass beneath Westons Way.
- 1.4 It is proposed to re-model and extend the two-storey arcade building to the north, to form two further commercial units i.e. 1no. retail unit (A1) and 1no. hot-food takeaway (A5), with 4no additional flats (C3) and a balcony above.
- 1.5 Members should note that an earlier planning permission P85/4453/F for the erection of 3 shops with flats above, 1 supermarket & 1 public house with living accommodation over, although implemented, has only been partially completed and is therefore still extant. The existing Shopping Arcade could still be extended under this planning permission, albeit to a lesser extent than is proposed in the current and previously approved application PK07/2607/F (see para. 5.1 below).

2. POLICY CONTEXT

2.1 National Guidance

- PPS1 - Delivering Sustainable Development
- PPS3 - Housing as revised June 2010
- PPS4 - Planning for Sustainable Economic Growth
- PPG13 - Transport
- PPG24 - Planning and Noise

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

- D1 - Design
- L1 - Landscape Protection and Enhancement
- L5 - Open Areas within the Existing Urban Areas and Defined Settlements
- EP1 - Environmental Pollution
- EP4 - Noise Sensitive Development
- T7 - Cycle Parking
- T8 - Parking Standards
- T12 - Transportation Development Control Policy for New Development
- H2 - Residential Development within the Existing Urban Area
- RT8 - Small Scale Retail Uses within the Urban Areas
- RT12 - Use of Upper Floors in Town, Local and Village Centres.

2.3 South Gloucestershire Core Strategy Pre-Submission Publication Draft

- CS1 - High Quality Design
- CS5 - Location of Development
- CS14 - Town Centres and Retail
- CS15 - Distribution of Housing
- CS16 - Housing Density
- CS17 - Housing Diversity

2.4 Supplementary Planning Guidance

The South Gloucestershire Design Checklist (SPD) Adopted 23rd August 2007

3. RELEVANT PLANNING HISTORY

There have been numerous planning applications and applications for advertisement consent, relating to the site. Only the applications considered most relevant to the current proposal are listed below:

- 3.1 P85/4453 - Erection of 3 shops with flats above, 1 supermarket & 1 public house with living accommodation over.
Approved 23rd Jan. 1986.
- 3.2 P87/4539 - Hot food takeaway.
Refused 14th Sept 1987
- 3.3 P92/4480 - Change of use from Class A1 retail to Class A3 hot food takeaway.
Refused 7th Sept 1992

- 3.4 P94/4594 - Change of use from retail A1 to hot food takeaway A3.
Approved 30th Jan 1995
- 3.5 P99/4047 - Installation of ATM cash dispenser.
Approved 15th June 1999.
- 3.6 PK02/1189/F - Installation of refrigeration condenser unit.
Refused 20th May 2002
- 3.7 PK03/3184/F - Installation of new shop front and refrigeration plant
(retrospective).
Approved 26th Jan 2004.
- 3.7 PK07/2607/F - Alterations to roofline to facilitate the erection of two-storey
side extension to form 1no. retail unit (Class A1) and 1no. unit (Class A5) hot
food takeaway, with 4no. additional self-contained flats above with balcony and
associated works.
Approved S106 16 Oct 2008.

4. CONSULTATION RESPONSES

- 4.1 Parish/Town Council
Not a parished area.
- 4.2 Other Consultees
- 4.3 Avon and Somerset Police – Crime Reduction Officer
No response

Other Representations

- 4.4 Local Residents
2no. letters of objection have been received from local residents. The concerns
raised are summarised as follows:
- Inadequate parking for existing shops, flats and Public House.
 - Will increase the number of cars and lorries visiting the site.
 - There are existing high levels of noise from deliveries to Tesco.
 - Limited access for delivery lorries.
 - Already a hot-food take-away and a pub serving food.
 - Attraction at night for groups of youngsters.
 - Will increase the amount of litter in the area between the Public House and
the retail units.

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development
Since the approval of PK07/2607/F PPG6 –Town Centres and Retail
Development has been replaced by PPS4 – Planning for Economic Growth.
Furthermore the new version of PPS3 – Housing has been issued June 2010.

PPS4 continues to support sustainable economic growth and uses that support local need. The PPS also continues to protect the vitality and viability of Town Centres. The residential use of first floors above shops in local parades is also supported. The revisions to PPS3 relate more to loss of garden space and density levels in residential development. The South Gloucestershire Core Strategy Pre-Submission Publication Draft was issued in March 2010. The latter is an emerging plan that is only its very early stages and can therefore only be given very limited weight at present. Policy CS14 states that :

'Development in local centres/parades will be to meet local needs only, of a scale appropriate to the role and function of the centre/parade, and where it would not harm the vitality and viability of other centres.'

The South Gloucestershire Local Plan (Adopted) 6th Jan 2006 remains the primary policy document for determining applications and officers do not consider that there have been any significant changes to the policy framework that would justify refusal of the current application.

Commercial Development

The acceptance in principal of local shops with residential accommodation above, was previously established in this particular locality, with the granting of planning permission P85/4453/F (K.1334/6) for the erection of 3 shops with flats above (3x2 bed), 1 supermarket & 1 public house with living accommodation over. Although implemented, the scheme has to date not been completed, so the planning permission is still extant. Under the original planning permission, had it been fully implemented, within the two-storey arcade there would have been 613 sq.m. of gross commercial floor space with 3 no. x 2 bed flats above and this could in theory still be completed at any time, without the need to seek further planning consent. There is in fact only 480 sq.m. of the originally approved 613 sq.m. commercial floor space within the existing building.

- 5.2 The previously approved PK07/2607/F and current proposal seek to extend the Arcade along similar lines as previously approved but with a total net increase (above that which was previously approved), in commercial floor area of 77 sq.m. thus providing an extra commercial unit at ground floor level i.e. making a total of 4 units as opposed to the originally approved 3, plus the supermarket. The roof space above would be re-modelled to allow the creation of 1no x 3 bed, 1no. x 2 bed and 3no. 1 x bed flats, giving a total of 5 flats above the shops, which would be an increase of 2no. flats more than were originally approved under P85/4453/F. It is also proposed to introduce a balcony to the front and side of the proposed flats, which was not part of the originally approved scheme P85/4453/F.
- 5.3 Given that the Arcade could be extended under the extant planning permission, officers consider that this is a material consideration that should be given considerable weight in the determination of the current proposal.
- 5.4 The commercial/shop element of the scheme falls to be determined under Policy RT8 of the South Gloucestershire Local Plan (Adopted) 6th January

2006, which permits small scale proposals for A1 - A5 uses within the urban areas but outside town centres, provided that:

- A. The development would not give rise to unacceptable levels of vehicular traffic or on-street parking to the detriment of the amenities of the surrounding area and highway safety; and
 - B. The development would not prejudice existing residential amenity; and
 - C. The character of the area would not be affected; and
 - D. (In the case of proposals within a local centre) that the development would be consistent with that centre's scale and function; or
 - E. (In the case of proposals outside of a local centre) development would improve the range of services to a local community and not harm the vitality and viability of an existing local centre.
- 5.5 Although having many of the characteristics of a local centre i.e. supermarket, pub, hot-food takeaway, the Westons Way development is not listed within paragraph 9.8 of the South Gloucestershire Local Plan, as being a local centre; it is however listed in table 3 attached to Policy CS14 of the Core Strategy as a Local Centre/Parade. Officers consider that the proposal relates more to a parade of individual local shops within the urban area rather than a Town Centre, which themselves are considered to provide valuable local facilities; especially where a local centre is not within easy walking distance.
- 5.6 The proposal is relatively small but would improve the range of services to the local community. Furthermore the level of development proposed is unlikely to adversely affect the viability or vitality of the nearest shopping areas at Kingswood Town Centre, Warmley or Longwell Green. Criterion E of Policy RT8 is therefore satisfied.
- 5.7 Officers consider that having regard to all of the above and subject to the satisfaction of the other criteria contained in Policy RT8, which will be discussed below, the proposed commercial development is acceptable in principle.
- Residential Development
- 5.8 Moving to the proposed residential element of the scheme, Policy RT12 of the South Gloucestershire Local Plan (Adopted) 6th January 2006 positively supports the residential use of upper floors of new and existing premises within local centres; and since the policy resists the change of use of existing residential accommodation above individual shops, the policy can be interpreted as equally supporting the residential use of upper floors above local shops as well.
- 5.9 Having regard to the adopted Joint Replacement Structure Plan, Policy 33 states that priority will be given to the re-use of previously developed sites *within the urban area*. Furthermore, Policy 2 of the JRSP, the locational strategy, aims to concentrate development for jobs, housing and facilities within

the main urban areas, in order to maintain and develop their vitality and quality as regional and sub regional centres.

5.10 Since the site lies within the urban area, the proposed new residential accommodation falls to be determined under Policy H2 of the South Gloucestershire Local Plan (Adopted) 6th January 2006, which permits the residential development proposed, subject to the following criteria:

- A. Development would not have unacceptable environmental or transportation effects, and would not significantly prejudice residential amenity; and
- B. The maximum density compatible with the site, its location, its accessibility and its surroundings is achieved. The expectation is that all developments will achieve a minimum density of 30 dwellings per hectare and that higher densities will be achieved where local circumstances permit. Not least, in and around existing town centres and locations well served by public transport, where densities of upwards of 50 dwellings per hectare should be achieved.
- C. The site is not subject to unacceptable levels of noise disturbance, air pollution, smell, dust or contamination; and
- D. Provision for education, leisure, recreation and other community facilities within the vicinity is adequate to meet the needs arising from the proposals.

5.11 The site lies within the Urban Area and there is no in-principle objection to the residential development proposed. PPS3 supports the generation of mixed communities in sustainable locations and at para.20 states:

Key characteristics of a mixed community are a variety of housing, particularly in terms of tenure and price and a mix of different households such as families with children, single person households and older people.

The proposed flats are therefore considered to be in accordance with the latest government advice contained in PPS3 and as such, there is no in-principle objection to flats being erected in the location proposed. The flats would be sold on the open market and would provide a valuable contribution to the low cost open market housing stock, which is increasingly in demand by single people, professional couples or first time buyers. In this case it is conceivable that the flats may even be occupied by people operating or working in the shops below, which would accord with the principles of sustainability.

5.12 Whilst the criteria contained in policies RT8 and H2 will be discussed below, officers consider that the key issues in the determination of this proposal are the implications for highway safety, impact on residential amenity and any material considerations in terms of security or environmental enhancements that may be secured through the scheme.

5.13 Density

The density of residential units that is now proposed is considered to be commensurate with that which was previously approved. One flat per commercial unit is not considered to be an over-intensification of residential accommodation for this mixed use development and is a common enough scenario where shops are found in residential suburban areas such as this. The proposed density is therefore acceptable.

5.14 Scale and Design

Policy D1 of the South Gloucestershire Local Plan (Adopted) 6th January 2006 and Policy CS1 of the Core Strategy, requires a good standard of design, in particular the siting, layout, form, scale, height, detailing, colour and materials should be informed by, respect and enhance the character, distinctiveness and amenity of both the site and the locality.

- 5.15 Having regard to the amount of development that could still be carried out under the extant planning permission PK85/4453/F, the scale of additional built development is relatively small. The extension to the existing building would be at the northern end only and for most part would merely represent a continuance of the existing built form. Whilst the roof space would be utilised to provide the flats, the overall height of the building would not increase. The materials to be used in construction would match those of the existing building.

The scheme design has been informed by the character and appearance of the existing building. The only significant departure from the existing appearance would be the proposed balcony, but even this is considered to adequately integrate within the established architectural vernacular. The proposed scale and design is therefore acceptable.

5.16 Impact Upon Residential Amenity

A number of concerns have been raised by local residents concerning existing problems relating to noise and disturbance, most of which is related to anti-social behaviour from users of 'The Old Plough' public house and from cars and delivery lorries already visiting the site. Officers must consider whether or not the development, as now proposed, is likely to unacceptably exacerbate these problems or conversely even alleviate some of the problems through good design.

- 5.17 The proposed extension would be on the northern end of the building where, physically it will have least impact on the nearest residential dwelling houses. High hedgerows to the south and west significantly restrict views of the shops/flats from these directions. The proposed balcony would overlook the area to the front and northern side of the shops only. Officers are therefore satisfied that the proposal would not have an overbearing impact for neighbouring occupiers or result in loss of privacy from overlooking or inter-visibility from facing windows.

- 5.18 It is acknowledged that the existing facilities are well used and the introduction of an additional retail unit and hot-food takeaway would widen the amount of customer choice available, thus enhancing the centres viability and vitality. Whilst the increased choice is likely to result in increased movements of people and traffic to the site, the actual amount is difficult to quantify. Since however the proposed units are small and the site is already well used, it is unlikely that

the proposal would attract significant levels of new clientele to what are only local facilities. The ongoing problems with anti-social behaviour appear to be mainly associated with the adjacent public house. Officers consider that it is for the appropriate authorities to control this problem rather than the planning system.

5.19 At present the existing flat, takeaway and retail unit are accessed to the rear from a narrow alleyway. This alleyway is currently accessible to the general public and is often the subject of vandalism and other anti-social behaviour. Furthermore an area of open amenity space to the side of the existing building is used for impromptu games of football. If the proposed scheme were allowed, the rear alleyway would be fenced off with access from a security gate only. Access to the flats would be via a new side door only. The new build would take up the existing area of amenity space to the north, thus eliminating the opportunity to play football there. In addition the proposed new balcony would provide the opportunity for better surveillance of the areas to the front and side of the Arcade. All of these matters would make a positive contribution to reducing the current levels of anti-social behaviour. This could be further enhanced by improved landscaping and the highway improvements proposed (see the relevant sections below).

5.20 The proposed hours of operation for the new units are retail - 09.00 hrs. to 23.00 hrs. Mon to Sunday incl. and take-away - 11.00 hrs. to 23.00 hrs. Mon to Sun incl. These hours are considered to be commensurate with the existing Chinese takeaway use at the centre and can be controlled by condition. Having regard to all of the above, officers are satisfied that the likely overall impact on residential amenity would be acceptable.

5.21 Transportation Issues

The proposal does not include the provision of additional off-street car parking facilities on the site. It is acknowledged that this could result in additional traffic using the adjoining highway network. To mitigate for the vehicular traffic impact of the proposed development, the applicant has agreed to make a contribution of £12,000 towards improving pedestrian facilities and road safety in the area. This contribution, which would be used towards traffic management and road safety measures, including provision of pedestrian crossing facilities on Westons Way, has already been secured by the signing of the S106 Agreement attached to the previous application. It is noted that the amount is index-linked and is not payable until the commencement of development. In the event of this current application being approved the previously signed S106 will be carried forward.

5.22 Due to local resident concerns about vandalism and anti-social behaviour, both the Council and Avon and Somerset Police have a desire to close the existing under-pass on Westons Way. If this under-pass is to be closed off, then an alternative and safe pedestrian route across Westons Way must be provided. With the development as proposed, it is essential that good and safe access is maintained to the local shops. The Council is also committed to manage and improve choice in order to provide people with the option to travel by means other than the car, especially to destinations that are used regularly (such as

local shops). It is considered that pedestrian highway improvements would meet the Council's aspirations to achieve sustainable development. Furthermore, the scheme would include the introduction of public cycle parking facilities to the front of the shops as well as secure cycle parking to the rear for future shop employees/owners.

5.23 On balance therefore and having regard to the relatively small net increase in development over and above that already approved in PK07/2607/F, there are no highway objections to the proposal.

5.24 Landscaping Issues

The development site comprises a small area of public open space to the north of the existing Arcade, which links into a larger linear area of open space and footways to the north of 'The Old Plough'. These footpaths lead to the underpass on Westons Way. There is a large Ash tree on the northern boundary of the application site along with some smaller hedgerow shrubs. There is an established hedgerow on the western boundary, which extends to the rear of the existing building and forms a substantial boundary treatment with the neighbouring residential garden. The application site is in the applicant's ownership.

5.25 It is proposed to remove the Ash Tree but having inspected it, the Council's Tree Officer is satisfied that the tree, having been severely pollarded, does not meet the criteria for Tree Preservation Order. Furthermore, although the tree makes some contribution to the area in terms of Policy L1, a younger tree that lies adjacent to it will be retained and will mature to a similar size. The existing hedgerow should however be retained and protected during the development phase.

5.26 The Council's Landscape Architect raises no objection to the loss of the amenity space but does consider that there is scope for further landscaping; this can be secured by condition requiring the submission of a landscape scheme to include the protection of the existing hedgerow. Subject to the submission and prior written agreement of a satisfactory scheme of landscaping, there are no landscape objections.

5.27 Environmental Issues

At present it is unknown what type of business would occupy the take-away unit. Whilst an extraction and odour abatement system will be required, no further details, other than the position and height of the flue, have been submitted. In order to protect residential amenity, conditions would be imposed to secure the prior submission and approval of all details of the system. A further condition to limit noise levels to 45dB by day (7.00am to 11.00 pm) would also be imposed. Details of grease traps will also be required. The sound insulation for the new flats would be covered under Building Regulation control.

5.28 Concerns have also been raised about increased litter. In response, a condition would secure the provision of an additional litter-bin to serve the take-away. Vermin infestation would be the subject of normal pest control measures and environmental legislation.

5.29 Use of Energy and Sustainability

None

5.30 Improvements Achieved to the Scheme

None

5.31 Design and Access Statement

The Design and Access Statement submitted with the application is considered to demonstrate that the applicant has adopted a design approach consistent with the Council's Design Checklist Supplementary Planning Document (Consultation Draft).

5.32 Section 106 Requirements

In relation to the issues raised by this planning application, consideration has been given to the need for a Section 106 Agreement. Circulars 11/95 and 05/2005 relate to the use of planning conditions and planning obligations under Section 106 of the Town and Country Planning Act (as amended). Circular 05/2005 particularly advises that if there is a choice between imposing a condition and entering into a planning obligation, the imposition of a condition is preferable. In this instance, having regard to the above advice, the transportation improvements are appropriately the subject of a Section 106 Agreement and would satisfy the tests set out in Circular 05/2005.

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 planning 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 (1) That authority be delegated to the Director of Planning, Transportation and Strategic Environment to grant planning permission, subject to the conditions set out below and the applicant first confirming in writing that the section 106 agreement signed in association with the previous consent PK07/2607/F (hereby extended) and in accordance with the Town and Country Planning act 1990 (as amended) to secure the following, be carried forward:

(i) A contribution of £12,000 towards the provision and enhancement of traffic management and road safety measures including the provision of pedestrian crossing facilities on Westons Way.

The reasons for the agreement are:

- (i) To improve highway infrastructure having regard to Policy T12 (A) of the South Gloucestershire Local Plan (Adopted) 6th January 2006.

Contact Officer: Roger Hemming
Tel. No. 01454 863537

CONDITIONS

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

Reason

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

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

Reason

To ensure a satisfactory standard of external appearance and to accord with Policy D1 of the South Gloucestershire Local Plan (Adopted) January 2006 and Policy CS1 of The South Gloucestershire Core Strategy Pre-Submission Publication Draft March 2010.

3. The use of the A1 retail unit hereby permitted shall not be open to customers outside the following times 09.00 hrs to 23.00 hrs Monday to Sunday inclusive.

Reason

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policy RT8 of the South Gloucestershire Local Plan (Adopted) January 2006.

4. The use of the A5 hot food take-away hereby permitted shall not be open to customers outside the following times 11.00 hrs to 23.00 hrs Monday to Sunday inclusive.

Reason

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policy RT8 of the South Gloucestershire Local Plan (Adopted) January 2006.

5. Prior to the first use of the A5 hot food take-away hereby approved, a refuse bin shall be provided for the customers on the forecourt of the premises and thereafter permanently retained when the premises are trading.

Reason

To safeguard the amenity of the locality, and to accord with Policy EP1 of the South Gloucestershire Local Plan (Adopted) January 2006.

6. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority 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. 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 D1/L1 of the South Gloucestershire Local Plan (Adopted) January 2006.

7. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the Local Planning Authority.

Reason

To protect the character and appearance of the area to accord with Policies D1/L1 of the South Gloucestershire Local Plan (Adopted) January 2006.

8. No raw materials, finished or unfinished products or parts, crates, materials, waste, refuse or any other item shall be stacked or stored outside any building on the site without the prior approval in writing of the Local Planning Authority.

Reason

To safeguard the amenity of the locality, and to accord with Policy EP1 of the South Gloucestershire Local Plan (Adopted) January 2006.

9. The cycle parking facilities (private and public) as shown on the Ground Floor General Arrangement Plan Drg no 1415/2010 Rev B hereby approved, shall be provided before the building is first occupied, and thereafter retained for that purpose.

Reason

To ensure the satisfactory provision of cycle parking facilities and to accord with Policy T7 of the South Gloucestershire Local Plan (Adopted) January 2006.

10. No development shall take place until full details of the odour abatement and extraction system to be used in the development have been submitted to and agreed in writing with the Local Planning Authority. These shall include details of:

- (i) the type of emissions;

- (ii) noise levels associated with operation of flue;
- (iii) specification and location of all fans, plant and flues;
- (iv) maintenance/cleaning schedule.

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

Reason

To minimise disturbance to occupiers of adjacent dwellings and to accord with Policy EP1 of the South Gloucestershire Local Plan (Adopted) January 2006.

11. Prior to the first use of the unit as a takeaway, the extraction system must be fully installed and fully operational exactly in accordance with the submitted details. The extraction system must be fully maintained to manufacturer's standards and available for operation at all times. For the avoidance of doubt, the extraction system shall include both ESP filters and carbon filters.

Reason

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policy EP1 of the South Gloucestershire Local Plan (Adopted) January 2006.

12. The rating level of noise emitted from the extraction units shall not exceed 45dB by day (7.00am to 11.00pm). The flues shall not be operational outside of these hours unless the Local Planning Authority gives written consent to any variation. The noise level shall be determined at the nearest noise-sensitive premises. The measurements and assessments shall be made in accordance with the provisions of BS4142:1997

Reason

To minimise disturbance to occupiers of adjacent dwellings and to accord with Policy EP1 of the South Gloucestershire Local Plan (Adopted) January 2006.

13. Prior to the commencement of the development hereby approved, details of the proposed grease traps to be installed for the A5 hot food takeaway shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the grease traps shall be installed in full accordance with the details so approved.

Reason

To minimise the risk of blockages to the foul drainage system in accordance with Policy EP1 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

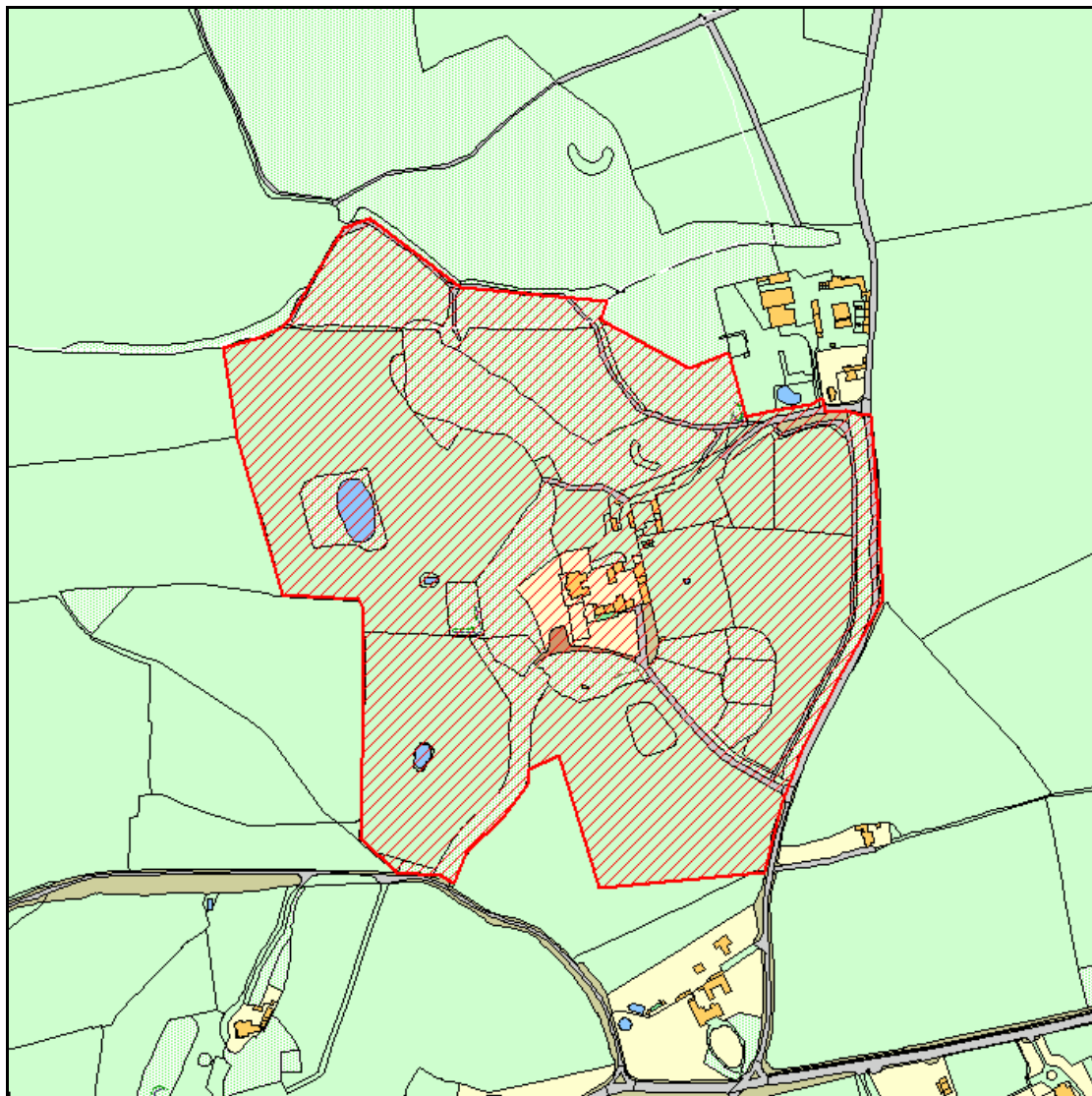
14. The hours of working on the site for the period of construction of the development hereby approved, shall be restricted to 08.00 to 18.00 Monday to Friday and 08.00 to 13.00 Saturday and no working shall take place on Sundays or Public Holidays. The term 'working' shall, for the purpose of clarification 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. Any use of the site outside these hours shall have the prior written consent of the Local Planning Authority.

Reason

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policy RT8 of the South Gloucestershire Local Plan (Adopted) January 2006.

CIRCULATED SCHEDULE NO. 30/10 – 6 AUGUST 2010

App No.:	PT10/1223/F	Applicant:	Mr A Banks
Site:	Old Down Country Park Foxholes Lane Tockington Bristol South Gloucestershire	Date Reg:	26th May 2010
Proposal:	Change of use of land for Agricultural and Country Park (Sui Generis). Occasional use of Old Down House for Weddings. Conversion of outbuildings to accommodate ticket office and staff room. Erection of extension to Cafe to accommodate WCs and covered Education Centre.	Parish:	Olveston Parish Council
Map Ref:	361012 187719	Ward:	Severn
Application Category:	Major	Target Date:	18th August 2010



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PT10/1223/F

INTRODUCTION

This report appears on the Circulated Schedule as there are objections received to the proposed development.

1. THE PROPOSAL

- 1.1 The site is made up of approximately 22 hectares of land accessed from Foxholes Lane. The site comprises of Old Down House and the associated complex of out/farm buildings, a walled garden (formerly the Kitchen Garden associated with Old Down House) and domestic landscaped gardens, woodlands to the Northern part of the site with open land to the South, West and East.
- 1.2 The majority of the site is currently in use as a 'Country Park'. Old Down House is currently undergoing substantial restoration for domestic habitation and includes domestic living accommodation. The land immediately surrounding Old Down House is landscaped and set out as domestic residential curtilage.
- 1.3 The application is submitted partly on a retrospective basis in that the use proposed has been implemented. The proposed development consists of the use of the site as a 'country park' (which is now active as such) and for the conversion of existing outbuildings to accommodate a ticket office and staff room. It is also proposed to erect an extension to the café to accommodate toilet facilities and a covered education area. In addition, it is proposed to include the Old Down House for occasional use for weddings (on a commercial basis). The proposed access is from Foxholes Lane and would utilise the Northern access currently being used to access the Country Park. It is also proposed to use the South Access (from Foxholes Lane) in respect of the proposed wedding use.
- 1.4 Requirement for an Environmental Impact Assessment
Comment is received which raises the need for an Environmental Impact Assessment. In this instance, the proposed development is not one which would fall within the provisions of Schedule 1 or Schedule 2 development projects as defined in the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999. On this basis an Environmental Impact Assessment is not required.

2. POLICY CONTEXT

2.1 National Guidance

PPS1	Delivering Sustainable Development
PPS4	Planning for Sustainable Economic Growth
PPS7	Sustainable Development in Rural Areas
PPG2	Green Belt
PPG13	Transport

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006
D1 Achieving Good Quality Design in New Development

- E6 Employment Development in the Countryside
- E7 Conversion and Re-Use of Rural Buildings
- E8 Farm Diversification
- E11 Tourism
- L1 Landscape Protection and Enhancement
- L13 Listed Buildings
- L16 Protecting the Best Agricultural Land
- LC5 Proposals for Outdoor Sports and Recreation Outside the Existing Urban Areas and Defined Settlement Boundaries
- T8 Parking Standards
- T12 Transportation Development Control Policy for New Development

Emerging Policies: South Gloucestershire Core Strategy Pre-Submission Publication Draft (March 2010)

- CS1 High Quality Design
- CS34 Rural Areas

Supplementary Planning Guidance

- South Gloucestershire Design Checklist (Adopted)
- Development in the Green Belt (Adopted)

3. RELEVANT PLANNING HISTORY

- 3.1 **P86/2348** Change of use of building from grain store to farm shop and cafe in association with existing 'pick your own' operation including the manufacture of ice cream and yoghurt. alteration to existing vehicular access.
Approved 4th June 1987
- 3.2 **P88/1678** Change of use of existing building from general storage to use for the preparation of ice cream and yoghurt with associated storage facilities ancillary to the existing farm shop and cafe.
Approved 1st June 1989
- 3.3 **P91/1678** Use of woodland and farm as forest challenge and children's farm (in accordance with the applicants letter dated 13th April 1991 and received by the council on 16th April 1991)
Approved 29th May 1991
- 3.4 **P93/1556** Use of woodland and farm as forest challenge and children's farm. (renewal of temporary consent)
Approved 14th July 1993
- 3.5 **P97/2708** Use of woodland and farm as forest challenge and children's farm.
Approved 16th April 1998

4. CONSULTATION RESPONSES

- 4.1 Olveston Parish Council

Raise No Objection

4.2 Sustainable Transport
No Objection

Other Representations

4.3 Community Representations

Support

There are 180 sets of comments in support of this development proposal. Supporting comments originate from the local community who use the site on a regular basis, as well as from members of communities from further a field. In general, the comments praise the operations at the site and are supportive of the community and tourist facility which it provides.

Objections

In this instance, 4 letters have been received which set out general support for the development proposal yet raise concerns over certain aspects of the development. There is a further 3 letters (including 1 representation made by a Planning Consultant on behalf of a local resident) which raise objection to the proposal. The relevant comments are set out below;

- The development has a material impact upon the openness of the Green Belt; and has a significant impact upon the character of the landscape. In particular the children's play equipment is not appropriate development within the Green Belt.
- The use of the main access to the Country Park compromises the privacy of the occupants of adjoining dwellings.
- The over-flow car park affects the openness of the Green Belt and constitutes a change of use.
- Traffic on Foxholes Lane has increased significantly since the opening of the Country Park and no traffic calming measures have been made. Residential properties open out directly onto Foxholes Lane and as such increased traffic will have an impact upon the quiet enjoyment of garden areas and may impact upon the safety of children.
- Despite the submitted information, there is concern that the original route to the site has changed.
- The increased levels of traffic would have a detrimental impact upon the safety of users of Foxholes Lane, such as horse riders, ramblers, cyclists and local vehicles.
- Concern is raised as to the increase in the level of noise as a result of activities on the site during the day.

- Concern is raised as to the impact of the use of Old Down House as a wedding venue. It is argued that the proposed level of use is not 'occasional'. Particular concern is raised as to the levels of noise being generated by the use and disturbance at times when guests are leaving the venue.
- The proposed development includes animals which would normally be seen at a zoo and cannot be considered to fall within 'animal husbandry'.
- Concern is raised over the use of the site for other uses such as clay pigeon shooting.
- At this time the users of the Public Right of Way passing to the South of the site are encouraged away from its route to view animals from the adjacent land and as such are trespassing on private property.

5. **ANALYSIS OF PROPOSAL**

- 5.1 The site and land which it encompasses is an agricultural holding and is principally in agricultural use. However, in allowing members of the public paid access to this site there is a material change of use which requires planning permission. There are historical planning consents as identified in section 3 of this report. The last consent (P97/2708) included the use of the land as a visitor attraction. However the site relating to that approval differs in respect of the area of land covered by the current use. Indeed the parts of the Northern area of the land subject to the previous planning consent have been sold and are no longer in the control of the applicant. As such it is necessary to make a further planning application.
- 5.2 In this instance the proposed use is considered to be a mixed use for agriculture and as a leisure facility that is situated within the open countryside.
- 5.3 **Principle of Development**
Policy LC5 of the South Gloucestershire Local Plan is particularly relevant to this application. The policy indicates that proposals for the development, expansion or improvement of outdoor recreation facilities is acceptable in principle. Policy E8 of the South Gloucestershire Local Plan (Adopted) January 2006 relates to farm diversification. Essentially, the policy is supportive of development which would allow existing agricultural holdings to diversify into areas related to agriculture and which would act positively in respect of the rural economy. It is considered that the proposed development is broadly consistent with that policy.
- 5.4 Policy GB1 of the South Gloucestershire Local Plan is also relevant as the site is located within the open Green Belt. In this instance, it is considered that the scope of the development requiring planning permission (the opening of the site to the paying public) would constitute 'Outdoor Recreation' as defined within PPG2, and as such is classified as development which is appropriate within the Green Belt.

- 5.5 Although currently carrying limited weight in respect of this planning application, Policy CS34 of the emerging South Gloucestershire Core Strategy is supportive of new businesses in the rural areas where they would be compatible with the character of the rural locality and economy. It is considered that this proposal is broadly consistent with the emerging Core Strategy.
- 5.6 On this basis, it is considered that the proposed development is acceptable in principle. Nonetheless it is necessary to consider the detailed elements of the proposed development which includes the provision an Adventure play area, animal shelters, the re-use of an existing building and the construction of a new building; as well as utilising the existing accesses onto Foxholes Lane. These elements of the proposed development are considered below.
- 5.7 *Animal Husbandry and Agricultural uses*
The principle use of the site is for the raising of animals on an agricultural basis. The animals include the cattle and pigs and these are raised for their meat. Similarly, chickens are raised for their eggs and alpacas are raised for their wool. Clearly there are animals on the site which would be classed as 'exotics' such as wallabies and reindeer. These would not themselves be raised for agricultural purposes and are generally considered to be part of the visitor attraction element of the development. Nonetheless, it is considered that the 'exotic' animals are compatible with the agricultural and country park principles of the development. The presence of those animals, the quantities and nature of accommodating them is such that in this instance the proposed development cannot be classed as a Zoo.
- 5.8 Many of the animals kept on the land are accommodated within moveable shelters and structures. There is also fences and enclosures on the land intended for the segregation of certain species of animals. These structures are mostly apparent in the area to the South and East of the main house and kitchen garden, however the developer has indicated that there may be occasions when the current arrangement of shelters and enclosures are altered in the interests of the careful management of the site. The shelters themselves are not fixed to the ground and as such do not themselves constitute development. It is considered unduly restrictive to control the locations of the field shelters and/or fenced enclosures within the application site. Nonetheless, given the nature of the proposed use of the site, it is appropriate to control the numbers and size of individual shelters on the site at any one time in order to prevent an unacceptable number of shelters being placed on the land in the interests of the character of the landscape and the openness of the Green Belt. On this basis, officers are of the opinion that an appropriately worded condition is acceptable to achieve that level of control. The developer has indicated that this is acceptable to them and have suggested that the number of animal shelters shall exceed 30 in number and 2.5 metres in height. Officers are of the opinion that the area of each individual shelter should also be restricted to a maximum of 20 square metres (i.e 4 x 5 metres or combination of lengths). This would be a reasonable size without being unduly restrictive and is consistent with the shelters currently on site. In respect of fenced enclosures, provided that they do not exceed 2 metres in height (1 metre where it would be adjacent to a highway), these are permitted development under the provisions of the Town and Country Planning (General Permitted Development) Order 1995. It is

considered that, given the use of the land, it would be unreasonable to remove this by way of planning condition.

5.9 Notwithstanding the above, agricultural uses carry their own Permitted Development rights as identified within the Town and Country Planning (General Permitted Development) Order 1995. In this instance, the agricultural holding is sufficient in size to benefit from the full range of permitted development afforded to agricultural uses. Although the grant of planning permission in this instance would technically involve a mixed use, officers consider that the Permitted Development rights should be removed for the avoidance of doubt. Given that there is a wide variety of animals on the site in a relatively enclosed area making up the Country Park it is considered appropriate to control the provision of new permanent buildings, hard standing and access roads (over and above those which exist on the site at the time of assessing this application) in the interests of the character of the landscape and the openness of the Green Belt.

5.10 Subject to the introduction of the above suggested conditions, it is considered that the scope of the proposed use is acceptable in respect of the impact of it upon the character of the surrounding landscape and the Green Belt.

5.11 *The Proposed Ticket Office*

It is proposed to utilise an existing out building located to the West of the existing Café as a ticket office and staff room. This is a modest single storey building which is attached to the Southeast wing of the main dwelling on the site. Externally, the conversion involves the introduction of 4 roof lights and replacement joinery in existing openings. In this instance it is considered that the scope of these works is acceptable and would comply with the provisions of Policy E6 and E7 of the South Gloucestershire Local Plan (Adopted) January 2006. In Green Belt terms the reuse of existing buildings is appropriate. In this instance, the changes to the building are minor in nature and would not themselves have any material impact in respect of the openness of the Green Belt.

5.12 *The Proposed Extension to the Café and the Covered Education Area*

It is proposed to extend the café building to provide purpose built toilet and 'covered education area'. The existing cafe building is located to the Western side of the walled garden and forms the Western Wall. The development would involve the construction of a modest building that reflects the scale and form of the existing building accommodating the café area. This building would be constructed off the existing garden wall to replicated the existing building. The proposed building is single storey in height with a hipped roof arrangement. The West elevation would contain three windows relating to the toilet facilities. These are design to appear as full height openings to replicate the form and appearance of the existing building. The majority of the Western elevation of the building will be open sided and would appear as an open sided barn. This element would accommodate the 'covered education area'. The building would be connected to the existing café via a glazed link corridor which would be set back against the garden wall. In visual terms it is considered that the proposed building is acceptable. The building would be obscured from general long views

as it would be located well within the existing complex of buildings associated with the site.

- 5.13 Notwithstanding the above, the site is located within the Green Belt. Officers consider that the proposed use is one which is compatible with the definition of uses which are appropriate within the Green Belt. However, all new buildings associated with this use need to be assessed against the impact of them in respect of the openness of the Green Belt. PPG2 makes allowances for buildings that can be considered as an essential part of the use provided that the use itself is one which is appropriate within the Green Belt and provided that those buildings preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. Policy GB1 of the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire 'Development in the Green Belt' Supplementary Planning Document.
- 5.14 In this instance, the new building would provide an appropriate level of toilet facilities which is considered to be in scale with the use of the land in respect of its public access. Indeed the facilities would provide considerable improvements over the existing facilities and would enable the visitor attraction to cater for its obligations under the Disabilities and Discrimination Act 2008. The 'covered education area' would provide the facility for covered display and presentation facilities for the purposes of complementing the use of the land and the educational benefits of the animal rearing operations on the site. It is considered that the scale of the building and the facilities it is intended to provide are appropriate and an essential facility in respect of the general use of the site for outdoor recreation. Furthermore, given the physical scale of the building and its relatively discrete location amongst existing buildings it is considered that the building would have a very minimal impact in respect of the openness of the Green Belt.
- 5.15 The Adventure Play Area
The development on the site includes an area of land set aside for children's play. This is situated to the South of Old Down House and is enclosed by timber post and rail fencing. The area measures approximately 130 x 50 metres. The Adventure Play area currently accommodates 25 timber and earth banded structures such as slides, climbing frames, chain bridges and stepping blocks. The structures vary in height but do not exceed 4 metres in height. The developer is proposing that this area accommodates a maximum of 30 structures and that these would not exceed 4 metres in height and that a suitably worded condition is used such that the structures may be altered, removed or replaced without the need for a further planning application.
- 5.16 Officers have established that the use of the land is one which is appropriate within the Green Belt. Clearly these structures would constitute development within the Green Belt. It is therefore necessary to consider whether or not they would be 'essential' to the use of the site such that they would comply with the provisions of PPG2, Policy GB1 of the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire 'Development in the Green Belt' Supplementary Planning Document' (Green Belt SPD).

- 5.17 Submissions made on behalf of a local resident questions the validity and appropriateness of the introduction of the adventure play structure within the Green Belt. Comparison is made to horse related development such as stables, horse jumps and obstacles which the Green Belt SPD implies constitute appropriate development in the Green Belt; and the subject adventure play structures are much greater in scale such that they cannot be regarded as appropriate. As is pointed out in the submission, the reference to horse related development is by way of example. It is not intended to set a bench mark for appropriate development. In the first instance, the assessment should consider whether such structures are 'essential' and if they are, whether or not the scale and visual merit of the structures would preserve the openness of the Green Belt and the purpose of including land within it. It is also acknowledged that this particular element of the proposal has generated concerns in respect of residential amenity for nearby residents. These issues are specifically addressed later in this report.
- 5.18 The nature of the use of the Country Park is such that the site will be of particular interest to families with young children and would offer wide benefits in respect of education and well being of those families. As part of the 'outdoor' experience offered to the spectrum of paying visitors to the site, it is reasonable to expect structures associated with 'play' and in particular for the benefit of children and young people visiting the site. On this basis, it is considered that a reasonable level of adventure play equipment is essential in respect of this outdoor use. However, it is necessary to consider the impact of the structures in respect of the openness of the Green Belt. In this instance, there is currently approximately 25 structures located within the 'Adventure Play Area'. The area is clearly defined and enclosed by timber a post and rail fence. The structures themselves are predominantly timber and (with the exception of modest earth bunding associated with slides and 'viewing deck') are simple open frames or stumps of timber placed within the ground. Although clearly visible from within the site and land immediately adjacent, officers are of the opinion that the open nature and limited height of the structures is such that there is very limited impact in respect of the openness of the Green Belt. Indeed, officers consider that the nature of the structures is not dissimilar to horse jumps and related equipment. The applicant has suggested that a maximum of 30 structures is allowed within the 'Adventure Play Area'. Provided that the additional structures are consistent with the existing structures it is considered that this increase would not materially change the character of the area to the extent where there would be any further material impact in respect of the Green Belt. In this instance it is possible to restrict the numbers, heights and general scale of the structures by way of appropriately worded condition.
- 5.19 Having regards to the above and subject to the condition suggested above, it is considered that the provision of up to 30 structures for 'adventure play' would represent essential facilities for outdoor recreation and would not have a material impact upon the openness of the Green Belt. On this basis, the development is consistent with the requirements of PPG2, Policy GB1 of the South Gloucestershire Local Plan (Adopted) January 2006; and the South Gloucestershire 'Development in the Green Belt' Supplementary Planning Document.

5.20 The Proposed Use of the Main Dwelling for Occasional Weddings

The proposed development includes the provision for the holding of Weddings on a commercial basis. The applicant has indicated that such weddings and associated activities would be held within Old Down House itself and within the area of residential curtilage associated with it. The developer is proposing that such activities are restricted to 28 days in any one year. This is consistent with the provisions of the General Permitted Development Order in respect of temporary uses of land. However, as the land proposed to be used is made up of residential curtilage, and the building is residential, such temporary permitted development does not apply in this instance; and as such express planning permission is required.

5.21 Clearly the use of the house and residential grounds for weddings will not involve the construction of new buildings and as such is not classed as operational development in its own right. However, wedding events may involve the erection of marquees. Indeed, officers are aware that South Gloucestershire Council has issued an 'entertainments license' which includes the provision of marquees on the land. It should be noted that temporary structures such as marquees do not constitute development for the purposes of the Town and Country Planning Act. It is considered that the principle of providing commercial wedding facilities for 28 days in any one year is acceptable in principle; and such a use would constitute appropriate development within the Green Belt. It is acknowledged that this particular element of the proposal has generated concerns in respect of noise and traffic generation. These issues are specifically addressed later in this report.

5.22 Residential Amenity

Local residents have raised concerns over the impact of the proposed development in respect of their residential amenity and enjoyment of the residential properties in which they live. These concerns point to the potential for noise generated by children using the 'Adventure Play Area' and in particular from Wedding Parties taking advantage of the proposed wedding facilities within the main house and associated curtilage.

5.23 Noise

In respect of the potential for noise generated by children making use of the 'Adventure Play Area', the use of this facility will generally coincide with the opening hours of the Country Park. Clearly the levels of noise would depend upon the numbers of visitors at the Park and this is likely to be more intense during the weekends and during school holidays. However, in general terms it is not considered that the sound of children playing would constitute an anti-social noise source. The closest residential property to this site is located some 100 metres from the furthest extent of the play facilities. Furthermore, this distance is made up of none residential land outside this site (and not within the ownership of the applicant). It is considered that this distance is considerable and is such that officers consider that there is no material impact upon the residential amenity of the occupants of the nearest dwelling to the site. Similarly, it is considered that the relationship with other nearby dwellings is such that no material impact in respect of residential amenity would occur as a result of the play facilities.

- 5.24 Concern has also been raised in relation to the impact of the positioning of animal shelters close to the Southern boundary of the site (and particular reference is made to the keeping of pigs in this location). In relation to this, local residents have suggested that a buffer zone of 25 metres is introduced within the site from this boundary where the keeping of animals would be precluded. It is also suggested that the boundary is planted with a hedgerow in order to act as a screen. It is argued that this is reasonable in order to protect the residential and visual amenities of residents who live in the dwellings to the South of the site both from the animals themselves; and from overlooking by visitors to the site. During the site visit, officers observed that the dwellings referred to are themselves a considerable distance from the Southern boundary of the site. They are well screened from views from the Park by substantial planting and boundary treatment directly associated with those residential curtilages. Indeed, it is not possible to get any significant view of the residential accommodation or private amenity space from the area of the Park of concern. Furthermore, the site is separated from the dwellings and their curtilages by an area of open land immediately (not within the ownership of the applicant) to the South of the site. This is made up of grass land and it is also evident that substantial tree planting has taken place within this area. Officers are of the view that sufficient distance and screening already exists between the site and the residential properties referred to such that there would not be a material loss of privacy and amenity for the occupants of those dwellings. Given that there is already planting in place on the land between the site and the dwellings, officers are of the view that the screening and separation of this site with them will improve further over time. On this basis, it is considered that the provision of a 'buffer zone' is not necessary and would be an unreasonable restriction in respect of the activities on the application site. Furthermore, given the presence of planting as referred to above, it is also unnecessary to require further hedgerow planting along the Southern boundary of the site.
- 5.25 Particular concern has been raised as to the impact of noise generated by Wedding parties. It is acknowledged that wedding parties can be associated with amplified music, alcohol and celebrations lasting into the early hours of the morning. In this instance, the Environmental Health Officer has considered the implications of the use of the main house and gardens for commercial wedding facilities. In this instance, a separate application for an entertainments licence has been previously considered by the Environmental Health Officer. The licence has been issued on the basis of hours restricted to no later than 01:00 hours on any day (with opening times starting at 10 am). Such licences are issued under the Licensing Act 2003 and this is separate legislation to the Town and Country Planning Act. In this instance, the entertainment license application is assessed upon its merits and as such specific regard has been taken in respect of the potential for anti-social levels of noise originating from the site during wedding events. Officers have carefully considered the use of planning conditions for the purpose of restricting the times and locations where amplified music can be played. This matter is specifically covered by the Entertainments Licence currently in force. This licence allows the playing of amplified music in the open air subject to the time restrictions identified above. Given that this matter has been specifically addressed under the Licensing Act 2003 it is not necessary to consider this matter further as part of this planning application. Furthermore, to introduce further and more stringent restrictions in

respect of wedding parties (such that the terms of the Entertainment License cannot be fully exploited) would be unreasonable and as such would not comply with the tests as set out in Circular 11/97 (Planning Conditions). Notwithstanding the above, it is acknowledged that local residents have raised this issue as a particular concern. However, in this instance, it should be noted that the Local Authority has the ability to enforce Noise Nuisance legislation in the event that unacceptable levels of noise are experienced. Under the terms of the Licensing Act, it is also possible for the Local Authority to review the terms of an individual Entertainment License if it becomes necessary to do so. On this basis, it is considered that sufficient legislation outside the planning legislation is available to the Local Authority to enforce against unacceptable noise and as such, it is considered that the use of the house and residential curtilage for commercial weddings is acceptable in respect of the residential amenity of the occupants of nearby dwellings.

5.26 In addition to the above, it is acknowledged that wedding parties may also involve the use of fireworks during celebrations. The use of fireworks is covered by legislation under the Firework Regulations 2004. This precludes the use of fireworks between the hours of 11pm and 7am and this is enforceable by the Police. On this basis, it is considered unnecessary to restrict the use of fireworks through planning legislation.

5.27 Access

There is an a residential dwelling located adjacent to the Northern most access to the site. This access is used as the main access in respect of visitors to the Country Park. Concern has been raised as to the impact of the development upon the amenity of the occupants of this particular dwelling as a result of traffic entering and leaving the site. The dwelling has a window in its Southern elevation which appears to relate to a habitable room. Specific concern is raised as to the potential for members of the public to look into the dwelling via this window whilst accessing the site. Officers acknowledge that the window is clearly visible from the main entrance to the site and that it is possible to look towards it whilst on foot or accessing the Park in a motorised vehicle. Nonetheless, the building and the window is set away from the boundary of the residential property such that it is not reasonably possible to obtain a direct view into the living accommodation of the dwelling. Any views afforded to the visiting public would be incidental and very short in duration. On this basis it is not considered that the use of the access would have an unacceptable impact upon the privacy and amenity of the occupants of that dwelling.

5.28 It is acknowledged that vehicles will pass close to the residential dwelling during the opening hours associated with the Country Park. However, given the very low speeds of the vehicles it is not considered that this would generate such levels of noise to be unacceptable in respect of the residential amenity of the dwelling. Furthermore, the level of traffic is not considered to be materially greater than that which has been allowed historically in connection with the previous County Park operations on this site. However, it is noted that this development proposal includes the use of the main house and grounds for wedding parties which would involve the movement of vehicles to and from the site beyond the opening hours associated with the Country Park. In this instance, the applicant has indicated that wedding parties would utilise only the

alternative vehicular access located to the south of the main park access. This is the main private driveway leading to Old Down House itself. This access is located well away from nearby dwellings such that there would be no material impact upon them as a result of using it. A suitably worded condition can secure this measure.

5.29 In relation to the over-flow car park which is located immediately to the South of the main entrance, concern has been raised as to the impact of the outlook from the adjacent residential dwelling. It is acknowledged that from time to time this car park may become full during particularly busy periods at the Country Park and this will result the view of the field becoming dominated by parked vehicles. It is acknowledged that such a view may not be desirable. However, the area is maintained as open grass land and it is not anticipated that the area would be resurfaced with hard standing. The frequency at which the temporary car park is expected to be used and ultimately become full is relatively low. Given that the Country Park operates within reasonable opening times it is clear that the periods which the area is utilised for car parking would be relatively infrequent and for the majority of the year would not necessarily be used. On this basis, officers consider that the impact of the over-flow car park in visual amenity terms is minimal. Nonetheless, in the interest of visual amenity generally, it is appropriate to condition any approval such that the temporary car park is maintained as such and is not resurfaced at any time.

5.30 Subject to the use of the condition suggested above, it is considered that the proposed access arrangements to the Country Park and Wedding Facilities would have no material impact upon the residential amenity and privacy of the occupants of nearby dwellings.

5.31 Transportation Issues

The use of this site access for the purpose of a Country Park is established and has been as such since the late 1980's (albeit with a period of approximately 5 years of limited use whilst the Country Park was closed from 2004 until reopening by the current owner). In this instance, the Country Park now in operation utilises the same access and very similar parking arrangements to the previous use of the land as a Country Park. It is considered that the level of trips generated by the current use and subsequently by the use proposed in this application is not materially different to the levels of trips generated historically. For this reason, it is considered that it is not necessary to require a Traffic Impact Assessment as part of this application, as the assessment in traffic generation terms can take account of the previous Country Park uses. Nonetheless, in this instance the proposed development includes the proposed use of Old Down House and its residential curtilage for the provision of commercial wedding facilities and this would introduce additional traffic during wedding events. As referred to above, the applicant has indicated that wedding parties will not use the main Country Park access to the North of the site and will, instead, use the main driveway to Old Down House itself. (This arrangement can be secured by way of planning condition). This is located 300 metres to the South of the main park access. Officers are of the opinion that the limited numbers of wedding events (a maximum of 28 days in any one year) and the fact that vehicular movements associated with the weddings would be separate to the main Country Park traffic is sufficient to overcome any potential

for material traffic conflicts on Fox Hole Lane and generally in the locality. On this basis, it is considered that the proposed development would not be materially greater in respect of its impact upon highway safety, than the previous operations on this site. As such, it is considered that the proposed development is acceptable in respect of highway safety and amenity.

5.32 Local residents have suggested that traffic calming is introduced in order to mitigate against the impact of traffic resulting from this development. Officers have considered the use of traffic calming measures carefully and conclude that, in this instance, the nature of the highway is such that ambient speeds are relatively low and as such traffic calming measures are not necessary. Furthermore, it is considered that the introduction of traffic calming measures would by their urban appearance conflict with the character of the countryside and the country lanes giving access to the site. Similarly, the introduction of street lights in this location would have an unacceptable impact on the character of the locality.

5.33 It has also be suggested by local residents that the route to the site is specifically regulated such that access does not pass through Old Down; and that signage should be installed (and removed from Alveston Road) in order to facilitate this. In this instance such measures are not practicably enforceable. Indeed Planning Legislation cannot be used to introduce control over the choice of routes available to the public making use of the site. To control the access through the provision traffic regulation orders would have an unreasonable impact upon the use of the lane by local residents.

5.34 Other Issues

The land immediately to the South of the site is currently made up of open agricultural land, albeit planted with young trees at this time. This land is cross by a public right of way which runs approximately immediately to the South of the boundary of the site. There is a small width of land between the public right of way and the application site. The owner of the land has indicated that users of the footway are deviating over the private land to get a closer view of the Country Park from outside the site and has suggested that a buffer and landscaping is provided within the applications site such that this activity is discouraged.

5.35 Essentially, this matter is a civil matter and as such cannot be considered as part of the assessment of this case. Similarly Planning Legislation cannot be used to prevent the trespass and deviation from the public right of way and as such it is not possible to force the applicant to implement the proposed measures for this reason.

5.36 Design and Access Statement

The Design and Access Statement submitted with the application is considered to demonstrate that the applicant has adopted a design approach consistent with the Council's Design Checklist Supplementary Planning Document

5.37 Section 106 Requirements

In relation to the issues raised by this planning application, consideration has been given to the need for a Section 106 Agreement. Circulars 11/95 and

05/2005 relate to the use of planning conditions and planning obligations under Section 106 of the Town and Country Planning Act (as amended). Circular 05/2005 particularly advises that if there is a choice between imposing a condition and entering into a planning obligation, the imposition of a condition is preferable. In this instance, planning conditions are the most appropriate, and a Section 106 Agreement is unnecessary.

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 It is concluded that the principle of the use of the application site as a Country Park is acceptable and that the development represents Outdoor Recreation; and as such is appropriate development within the Green Belt. It is concluded that the provision of the proposed new buildings and Adventure Play Facilities are directly related to and incidental to the use of the site for Outdoor Recreation and as such represents essential facilities for outdoor recreation; and would preserve the openness of the Green Belt and would not conflict with the purposes of including the land within it. The proposed development is therefore consistent with the provisions of PPG2, PPS4 and PPS7, Policy GB1, LC5 and E11 of the South Gloucestershire Local Plan (Adopted) January 2006; and the South Gloucestershire 'Development in the Green Belt' Supplementary Planning Document.
- 6.4 It is considered that, subject to appropriate planning conditions the proposed development would not unduly impact upon the privacy and residential amenity of the occupants of nearby dwellings; and would not have a material impact in respect of the highway safety and amenity of the surrounding highway network. The proposed development is therefore consistent with the provisions of Policy LC5 and E11 of the South Gloucestershire Local Plan (Adopted) January 2006.
- 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 following conditions

Contact Officer: Simon Penketh
Tel. No. 01454 863433

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. For the purposes of the Commercial Wedding Facilities hereby approved, all associated guests and staff (wedding staff) servicing the weddings and all deliveries to the wedding venue shall use the Entrance B off Fox Holes Lane (as identified on drawing number 07 1182 140 as received by the Council on 21st July 2010); and no other entrance to the site shall be used. For the avoidance of doubt wedding staff shall include Wedding Registrars and assistants, waiting on and catering personnel, Disc Jockies and Musicians.

In the interests of highway safety and amenity and to accord with Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006

3. For the purposes of the Country Park Facilities hereby approved, all paying members of the public and Country Park staff visiting or employed at the Country Park hereby approved shall use the Entrance A off Fox Holes Lane (as identified on drawing number 07 1182 140 as received by the Council on 21st July 2010); and no other entrance to the site shall be used. For the avoidance of doubt wedding staff shall include Wedding Registrars and assistants, waiting on and catering personnel, Disc Jockies and Musicians.

In the interests of highway safety and amenity and to accord with Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006

4. The Over-flow Carpark area as identified on plan number 07 1182 140 (as received by the Council on 21st July 2010) shall be maintained as grass land and shall not be resurfaced at any time.

In the interests of the character and visual amenity of the site and surrounding locality and to accord with Policy L1, D1 and LC5 of the South Gloucestershire Local Plan (Adopted) January 2006

5. 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 6 (Classes A, B, and C 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.

Given the nature of the development hereby approved and the introduction of new buildings associated with the agricultural and recreational use of the site, it is necessary to control the introduction of further buildings and/or engineering works in the interest of the character and visual amenity of the site and the surrounding locality; and in the interests of the openness of the Green Belt and the purpose of including

land within it; and in accordance with Policy D1, L1 and GB1 of the South Gloucestershire Local Plan, PPG2 and The South Gloucestershire 'Development within the Green Belt' Supplementary Planning Document.

6. Notwithstanding the provisions of Schedule 2, Part 4 of the Town & Country Planning (General Permitted Development) Order 1995 (as amended) no car boot sales (or market events/operations) shall take place or be carried out at any time on any part of the site without the prior written consent of the Local Planning Authority.

In order to prevent the uncontrolled accumulation of temporary activities that would generate additional levels of traffic over and above those generated by the use hereby approved and in the interests of highway safety and to accord with Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

7. The provision of Adventure Play Structures shall at all times be strictly restricted to the area marked as the Adventure Play Area as detailed upon drawing number 07 1182 140 (as received by the Council on 21st July 2010) and no Adventure Play Structures (or otherwise similar play equipment) shall be provided on any other location within this site. The Adventure Play Equipment shall not exceed 30 in number within the area of the site identified above and no individual piece of Adventure Play Equipment shall exceed 4 metres in height and shall not exceed 20 metres in floor area at any time.

In the interests of the visual amenity and character of the site and surrounding locality and in the interests of the openness of the Green Belt and the purpose of including land within it and to accord with Policy L1, D1 and GB1 of the South Gloucestershire Plan; PPG2 and the South Gloucestershire 'Development in the Green Belt' Supplementary Planning Document.

8. The provision of Moveable Animal Shelters or similar structures shall at all times be strictly restricted to the area marked for Livestock and Horticulture as detailed upon drawing number 07 1182 140 (as received by the Council on 21st July 2010) and no Moveable Animal Shelters or similar structures shall be provided on any other location within this site. The Moveable Animal Shelters shall not individually exceed 2.5 metres in height and shall not exceed 20 metres in floor area at any time.

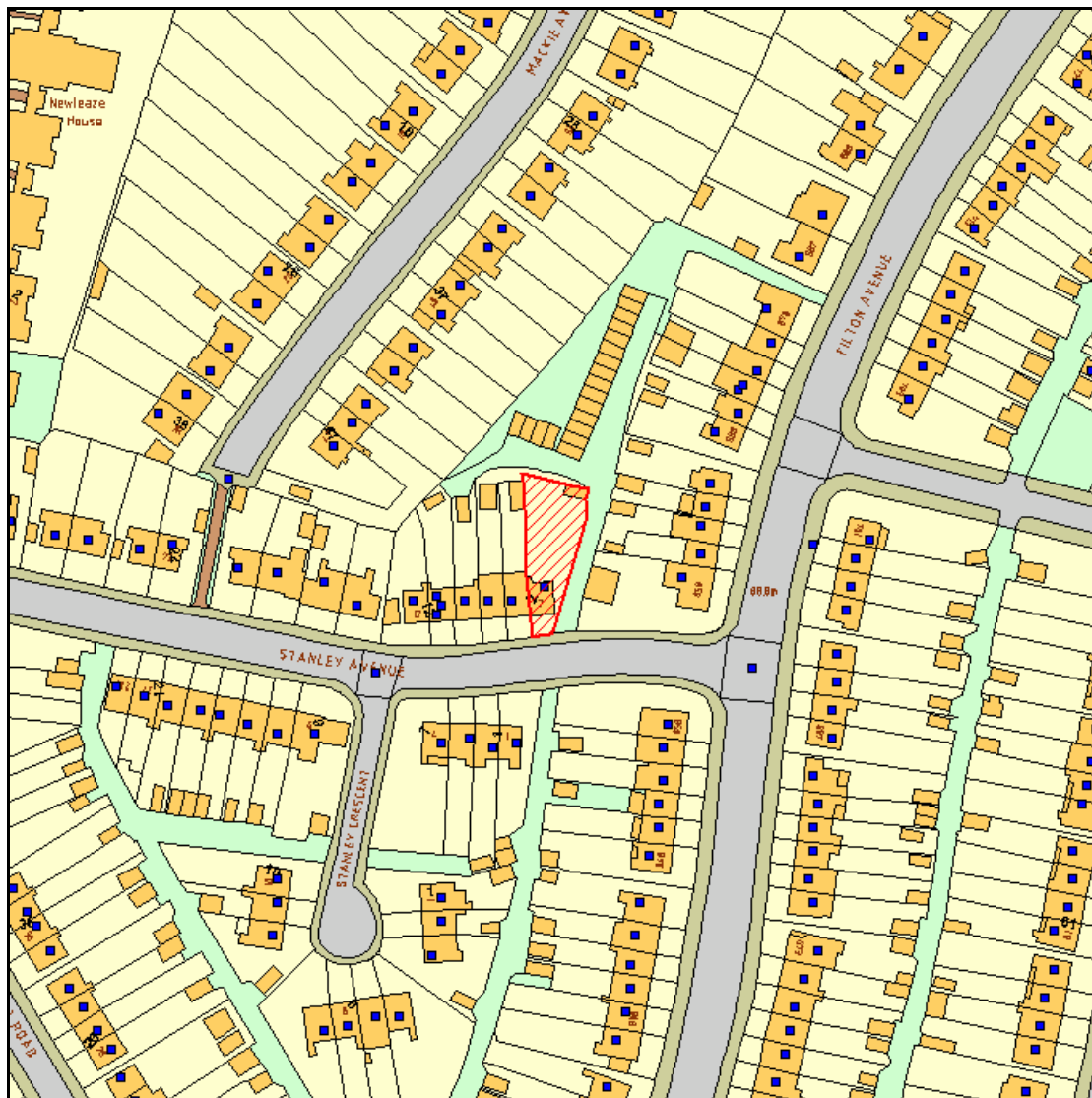
In the interests of the visual amenity and character of the site and surrounding locality and in the interests of the openness of the Green Belt and the purpose of including land within it and to accord with Policy L1, D1 and GB1 of the South Gloucestershire Plan; PPG2 and the South Gloucestershire 'Development in the Green Belt' Supplementary Planning Document.

9. Wedding ceremonies (including the provision of marquees, gazebos, stages or any other temporary structure used in connection with wedding ceremonies) shall take place only within the area of residential curtilage associated with Old Down House (as identified on Drawing number 07 1182 140 as received by the Council on 21st July 2010) and no wedding ceremonies shall take place on any other area of the site at any time.

In the interest of the privacy and residential amenity of the occupants of nearby dwellings and to accord with Policy LC5 of the South Gloucestershire Local Plan (Adopted) January 2010.

CIRCULATED SCHEDULE NO. 30/10 – 6 AUGUST 2010

App No.:	PT10/1390/CLP	Applicant:	Mr And Mrs Mark White
Site:	2 Stanley Avenue Filton South Gloucestershire BS34 7NQ	Date Reg:	24th June 2010
Proposal:	Application for Certificate of Lawfulness for the proposed erection of a single storey rear extension and first floor rear extension.	Parish:	Filton Town Council
Map Ref:	360757 178670	Ward:	Filton
Application Category:	Minor	Target Date:	17th August 2010



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 100023410, 2008. **N.T.S.** **PT10/1390/CLP**

INTRODUCTION

This application appears on the Circulated Schedule as it is for a Certificate of Lawfulness for a Proposed Development.

1. THE PROPOSAL

- 1.1 The applicant is seeking a formal decision as to whether a proposal to construct a single storey rear extension and first floor rear extension within the residential curtilage of 2 Stanley Avenue, Filton is lawful. This is based on the assertion that the proposal falls within the permitted development rights normally afforded to householders under the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008.
- 1.2 The proposed single storey extension would be approximately 2.7 m deep, 3.65 m wide and 3.9 m in height. The two storey element of the proposal would be 1.4 deep, 2.5 m wide and 7.0 m in height. Materials would be to match existing. The site lies within the existing urban area of Filton.

2. POLICY CONTEXT

2.1 National Guidance

Town and Country Planning (General Procedures) Order 1995 Article 24
Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008, Schedule 2, Part 1, Class A. (referred to in this report as GPDO 2008)

3. RELEVANT PLANNING HISTORY

No relevant history.

4. CONSULTATION RESPONSES

4.1 Filton Town Council

No objection.

Other Representations

4.2 Local Residents

No response.

5. SUMMARY OF EVIDENCE IN SUPPORT OF APPLICATION

- 5.1 Site plan, existing and proposed plans and elevations drawing.

6. EVALUATION

The application for a Certificate of Lawfulness is purely an evidential test. The test of evidence to be applied is whether the case has been shown on the balance of probability. As such the applicant needs to provide precise and unambiguous evidence. As has been set out already the case made here is that the proposed two storey extension falls within the permitted development rights enjoyed by householders under the GPDO 2008. Accordingly, if this case is made successfully there is no consideration of planning merit nor an opportunity for planning conditions. The development is simply lawful or not lawful according to the evidence. The key issue here is the operation of the permitted development rights, namely Part 1, Class A which allows householders "The enlargement, improvement or other alteration of a dwellinghouse". There is no evidence that permitted development rights have been removed in this instance and there is no dispute as to the extent of the residential curtilage put forward. Accordingly, it is accepted that the permitted development rights apply to this site which is in use as a single dwellinghouse. The remaining issues are whether the proposed development falls within the remit. The limitations on the operation of Class A in respect of a single storey rear extension and of a first floor rear extension are as follows:

- Extensions (including previous extensions) and other buildings must not exceed 50% of the total area of land around the original house. The submitted plans demonstrate this.
- Materials used in exterior work to be similar in appearance to those of the exterior of the existing house. The submitted plans demonstrate this.
- If extension is within two metres of a boundary maximum eaves height should be no higher than 3 metres. The proposed extension does not fall within two metres of a boundary.
- Extension must not extend beyond the rear of the original house by more than 3 metres or be within 7 metres of any boundary of the dwellinghouse opposite the rear wall of the dwellinghouse. The submitted plans demonstrate this.
- Maximum eaves and ridge height of extension no higher than existing house. The submitted plans demonstrate this.
- The proposed development is not on "article 1(5)" land eg within a conservation area or within the curtilage of a listed building. This is not the case.

Accordingly, on the balance of probability the evidence points to the proposed development falling within Schedule 2, Part 1, Class A, of the GPDO 2008.

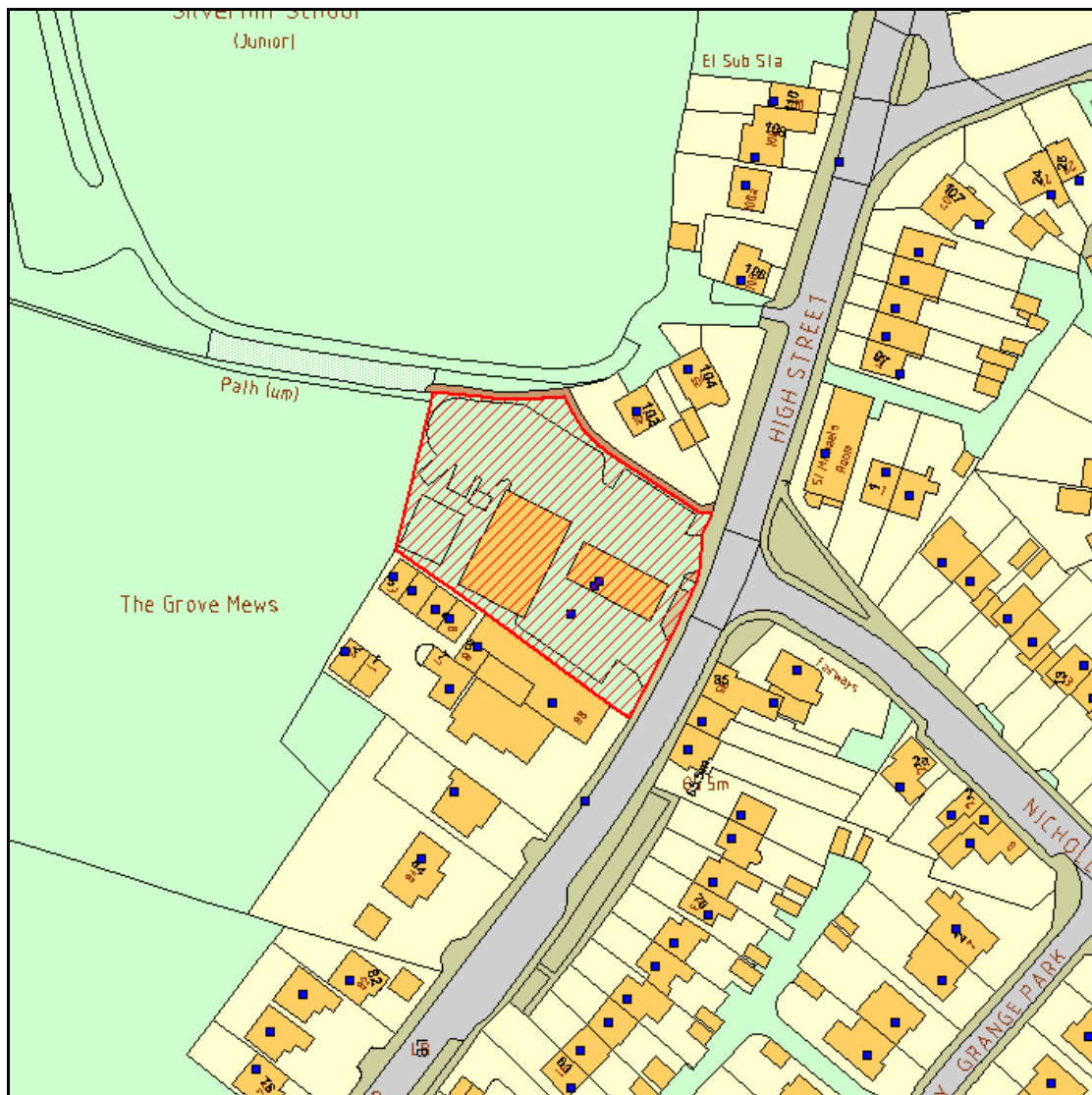
7. RECOMMENDATION

- 7.1 That a Certificate of Lawfulness of Proposed Use be granted as it has been shown on the balance of probability that the proposal would fall within Class A, Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008. Therefore the proposal does not require planning permission.

Contact Officer: William Collins
Tel. No. 01454 863425

CIRCULATED SCHEDULE NO. 30/10 – 6 AUGUST 2010

App No.:	PT10/1403/ADV	Applicant:	Tesco Stores Ltd
Site:	Tesco Stores Ltd High Street Winterbourne South Gloucestershire	Date Reg:	22nd June 2010
Proposal:	Display of 1no. internally illuminated fascia sign, 1no. externally illuminated fascia sign, 1no. internally illuminated projecting sign and vinyl signs.	Parish:	Winterbourne Parish Council
Map Ref:	365104 181131	Ward:	Winterbourne
Application Category:	Minor	Target Date:	13th August 2010



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 100023410, 2008. **N.T.S.** **PT10/1403/ADV**

INTRODUCTION

This application appears on the Circulated Schedule as a representation was made contrary to the Officer's recommendation.

1. THE PROPOSAL

- 1.1 The applicant seeks Advertisement Consent for the display of 1no. internally illuminated fascia sign, 1no. externally illuminated fascia sign, 1no. internally illuminated projecting sign and vinyl signs.
- 1.2 The application site relates to a Tesco Express convenience store and associated petrol garage located off Winterbourne High Street. The stores' livery is being changed to an alternative colour scheme. A replacement main fascia sign is proposed along with a fascia sign displaying the stores' opening hours and also a projecting sign advertising the existing cash machine. The opening hours fascia sign is to be externally illuminated and the other two internally illuminated.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1 Delivering Sustainable Development
PPG19 Outdoor Advertisement Consent
- 2.2 Development Plans
South Gloucestershire Local Plan (Adopted) January 2006
D1 Achieving Good Quality Design
- 2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist (Adopted) 2007

3. RELEVANT PLANNING HISTORY

PT06/0059/ADV - Display of 1no. internally illuminated gantry sign, 3no. internally illuminated canopy signs, 4no. internally illuminated forecourt signs, 1 no. internally illuminated fascia sign and various fascia signage. Approved 24/02/2006.

PT07/0429/ADV - Display of 2no. internally illuminated free standing display units. Refused and then dismissed on appeal 06/06/2007.

PT07/1252/ADV - Display of 1no. internally illuminated free standing display units (Resubmission of PT07/0429/ADV). Refused and then dismissed on appeal 07/09/2007.

PT08/2206/ADV - Display of 2no. internally illuminated fascia signs and 2 no. non illuminated fascia signs and one internally illuminated gantry sign. Approved 12/09/2008.

4. CONSULTATION RESPONSES

4.1 Winterbourne Parish Council

The Parish Council wishes to show its concern, especially since previous signage on this site had caused problems with vehicle users and asks for a site visit to look at this proposed new signage from a safety point of view for both the road users and pedestrians.

4.2 Other Consultees

Highways

No objection.

Other Representations

4.3 Local Residents

One letter of objection received, raising the following concerns:

- The visual impact and light pollution would be obtrusive and detrimental to this residential area.
- Other Tesco stores do not have illuminated signage.
- It is unnecessary.
- Proposal would cause light pollution.
- Approval may set a precedent for further signage and extension of site.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

PPG19 advises that advertisements should only be assessed on visual merit and impact upon public safety. It is not necessary to consider the actual need for new advertisements.

Accordingly, consent for the display of advertisements will be granted provided that the advertisements would not be detrimental to the immediate location in which it is to be displayed, by virtue of its size, siting, materials, colour or illumination, or that the cumulative effect of the proposal would be detrimental to character and visual amenity of locality. The proposal should not prejudice public safety.

The proposal is therefore considered acceptable in principle subject to the following detailed assessment.

5.2 Visual Amenity

The 3no. illuminated signs that are proposed as a part of this application are all located on the Tesco Express retail store itself. The front wall on which the signage is to be attached is approximately 26 metres from the highway (High Street) and 38 metres from the properties on the opposite side of the road.

There is a care home to the south of the site (which has blinded windows) and to the north there are two properties (no's 102 and 104 High Street) which are largely obscured by vegetation. Given the distance between the proposed signage and residential properties on the opposite side of Winterbourne High Street it is not considered that the illuminated signs would have an adverse impact on the visual amenity. A condition will be imposed restricting illumination between the store's opening hours of 0700 – 2200 Sunday-Saturday. The changes to the insignia of the signs in terms of colour and appearance is also considered acceptable. In addition, the proposed signage is largely replacing or adding to existing signage on the site which is well established as a fuelling station and retail store. Therefore the proposal is of a scale and appearance that is considered appropriate within the site. This application has been assessed on its own individual merits and any further applications on the site for signage or extension would need to be given further consideration.

5.3 Public Safety

The proposed signage is predominantly to replace existing signs. The signs are at a suitable height and a suitable distance from the edge of the carriageway. As such, it is not considered that the signs will have any impact on existing levels of public safety. The Highways Officer raises no objection to the scheme.

6. CONCLUSION

The decision to grant consent 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 Advertisement Consent is **GRANTED**.

Contact Officer: William Collins
Tel. No. 01454 863425

CONDITIONS

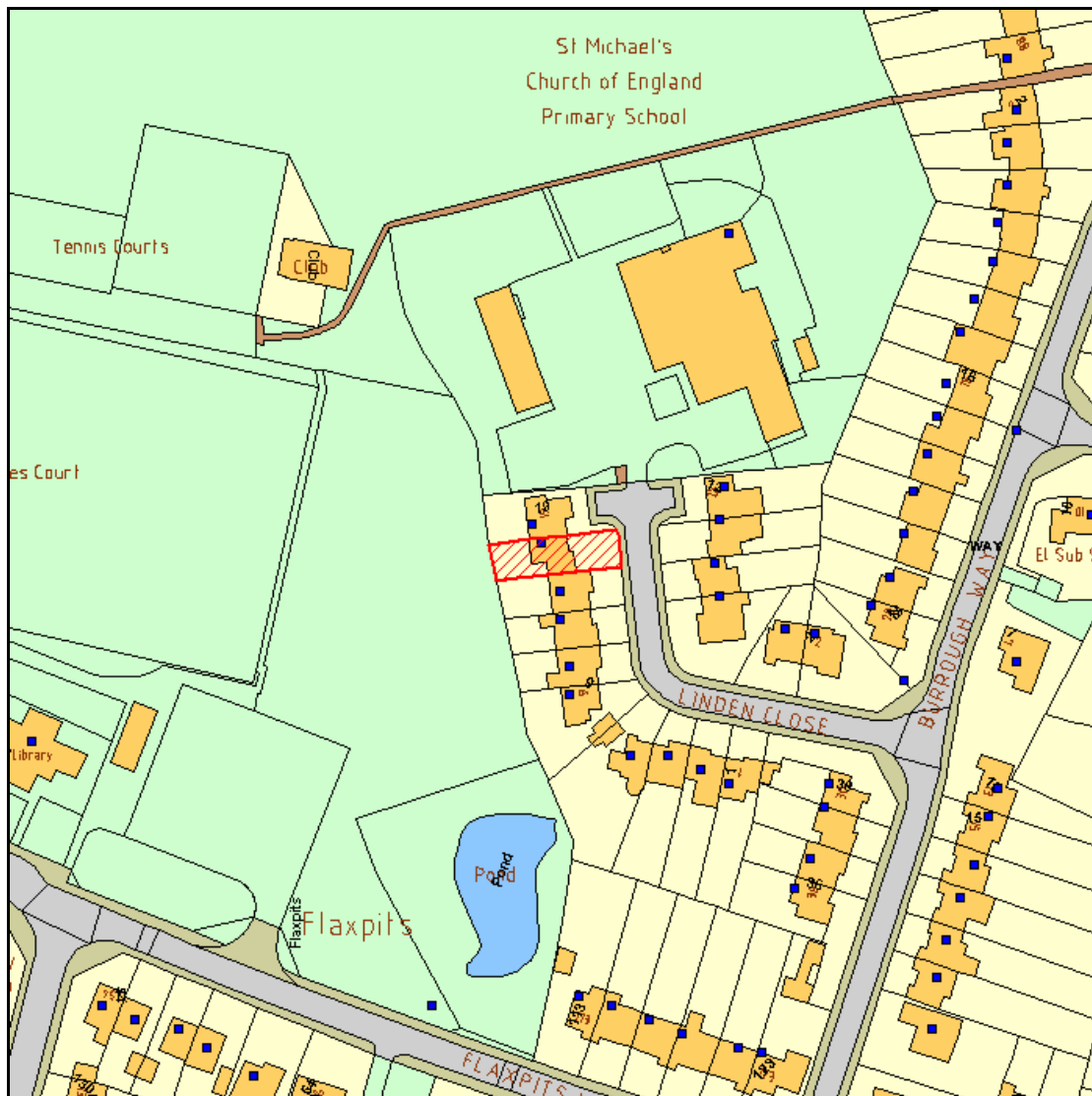
1. The approved signage shall not be illuminated outside the hours of 07.00 - 22.00 on Sundays to Saturdays, unless otherwise agreed in writing with the Local Planning Authority.

Reason

To ensure the satisfactory external appearance of the signage in the interests of visual amenity and to accord with Policy D1 of the South Gloucestershire Local Plan (Adopted) January 2006 and PPG19.

CIRCULATED SCHEDULE NO. 30/10 – 6 AUGUST 2010

App No.:	PT10/1563/CLP	Applicant:	Mr And Mrs J Cunningham- Smith
Site:	17 Linden Close Winterbourne Bristol South Gloucestershire BS36 1LG	Date Reg:	2nd July 2010
Proposal:	Application for Certificate of Lawfulness for the proposed erection of a rear conservatory.	Parish:	Winterbourne Parish Council
Map Ref:	365192 180555	Ward:	Winterbourne
Application Category:	Minor	Target Date:	23rd August 2010



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 100023410, 2008. **N.T.S.** **PT10/1563/CLP**

INTRODUCTION

This application appears before members, as it is an application for a Certificate of Lawfulness for a Proposed Development.

1. DESCRIPTION OF DEVELOPMENT

- 1.1 The applicant is seeking a formal decision as to whether a proposal to construct a single storey rear extension (conservatory) within the residential curtilage of 17 Linden Close, Winterbourne is lawful. This is based on the assertion that the proposal falls within the permitted development rights normally afforded to householders under the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008.
- 1.2 The proposed rear extension would be 2.9 m deep, 2.5 m wide and 2.8 m in height. Materials would consist of white UPVC.

The site lies within the defined settlement boundary of Winterbourne.

2. POLICY CONTEXT

2.1 National Guidance

Town and Country Planning (General Procedures) Order 1995 Article 24
Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008, Schedule 2, Part 1, Class A. (referred to in this report as GPDO 2008)

3. RELEVANT PLANNING HISTORY

- 3.1 No relevant history.

4. CONSULTATION RESPONSES

4.1 Winterbourne Parish Council

No objection.

Other Representations

4.2 Local Residents

No response.

5. SUMMARY OF EVIDENCE IN SUPPORT OF APPLICATION

- 5.1 Site plan, existing and proposed plans and elevations drawing.

6. EVALUATION

The application for a Certificate of Lawfulness is purely an evidential test. The test of evidence to be applied is whether the case has been shown on the balance of probability. As such the applicant needs to provide precise and unambiguous evidence. As has been set out already the case made here is that the proposed rear extension falls within the permitted development rights enjoyed by householders under the GPDO 2008. Accordingly, if this case is made successfully there is no consideration of planning merit nor an opportunity for planning conditions. The development is simply lawful or not lawful according to the evidence.

The key issue here is the operation of the permitted development rights, namely Part 1, Class A which allows householders “The enlargement, improvement or other alteration of a dwellinghouse”. There is no evidence that permitted development rights have been removed in this instance and there is no dispute as to the extent of the residential curtilage put forward. Accordingly, it is accepted that the permitted development rights apply to this site which is in use as a single dwelling house. The remaining issues are whether the proposed development falls within the remit. The limitations on the operation of Class A in respect of single storey side extensions are as follows:

- Extensions (including previous extensions) and other buildings must not exceed 50% of the total area of land around the original house. The submitted plans demonstrate this.
- The extension would not extend beyond a wall that fronts a highway and forms either a principal or a side elevation of the original dwellinghouse. The submitted plans demonstrate this.
- Materials used in exterior work to be similar in appearance to those of the exterior of the existing house (other than materials used in the construction of a conservatory). The submitted plans demonstrate this.
- The height of the eaves of the part of the dwellinghouse enlarged would not exceed the height of the eaves of the existing dwellinghouse. The submitted plans demonstrate this.
- The height of the extension would not exceed the highest part of the roof of the existing dwellinghouse. The submitted plans demonstrate this.
- The extension, which would extend beyond a wall forming a side elevation of the original dwellinghouse would not; exceed 4 metres in height, have more than one storey, or have a width greater than half the width of the original dwellinghouse. The submitted plans demonstrate this.
- The proposed development is not on “article 1(5)” land eg within a conservation area or within the curtilage of a listed building. This is not the case.

Accordingly, on the balance of probability the evidence points to the proposed development falling within Schedule 2, Part 1, Class A, of the GPDO 2008.

7. RECOMMENDATION

- 7.1 That a Certificate of Lawfulness of Proposed Use be granted as it has been shown on the balance of probability that the proposal would fall within Class A, Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008. Therefore the proposal does not require planning permission.

Contact Officer: William Collins
Tel. No. 01454 863425